

# 103RD GENERAL ASSEMBLY State of Illinois 2023 and 2024 HB3150

Introduced 2/17/2023, by

### SYNOPSIS AS INTRODUCED:

See Index

Amends various Acts to change "prostitution" to "commercial sexual activity", "juvenile prostitution" to "commercial sexual exploitation of a child", "prostitute" to "provider of commercial sexual activity", and "juvenile prostitute" to "sexually exploited child". Amends the Statute on Statutes. Provides that the changes of names of the offenses and persons convicted of those offenses do not affect the validity of dispositions entered under the previous names.

LRB103 28611 RLC 54992 b

1 AN ACT concerning criminal law.

## Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- Section 3. The Statute on Statutes is amended by adding Section 1.45 as follows:
- 6 (5 ILCS 70/1.45 new)
- 7 Sec. 1.45. Prostitution, juvenile prostitution, prostitute, juvenile prostitute; prior prosecutions. If any 8 9 person before the effective date of this amendatory Act of the 103rd General Assembly has been arrested, charged, prosecuted, 10 convicted, or sentenced for prostitution, juvenile 11 12 prostitution, or patronizing a minor engaged in prostitution or has been referred to in any law enforcement record, court 13 14 record, or penal institution record as a prostitute or juvenile prostitute, the changes of the names of the offenses 15 16 and the defendants to commercial sexual activity, commercial sexual exploitation of a child, provider of commercial sexual 17 activity, or sexually exploited child do not affect any 18 19 arrest, prosecution, conviction, sentence, or penal institution record for persons and offenses known as 20 21 prostitution, juvenile prostitution, patronizing a prostitute, 22 patronizing a juvenile prostitute, or patronizing a minor engaged in prostitution or who has been referred to in any law 2.3

| 1 | enforcement record, court record, or penal institution record |
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| 2 | as a prostitute or juvenile prostitute before the effective   |
| 3 | date of this amendatory Act of the 103rd General Assembly and |
| 4 | any arrest, conviction, sentence, and action taken for or     |
| 5 | against a person incarcerated, on supervision, probation,     |
| 6 | conditional discharge, or mandatory supervised release under  |
| 7 | the former named offenses and persons shall remain valid.     |
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- 8 Section 5. The Criminal Identification Act is amended by changing Section 5.2 as follows:
- 10 (20 ILCS 2630/5.2)
- 11 Sec. 5.2. Expungement, sealing, and immediate sealing.
- 12 (a) General Provisions.
- 13 (1) Definitions. In this Act, words and phrases have
  14 the meanings set forth in this subsection, except when a
  15 particular context clearly requires a different meaning.
- 16 (A) The following terms shall have the meanings
  17 ascribed to them in the following Sections of the
  18 Unified Code of Corrections:
- Business Offense, Section 5-1-2.
- 20 Charge, Section 5-1-3.
- Court, Section 5-1-6.
- Defendant, Section 5-1-7.
- Felony, Section 5-1-9.
- 24 Imprisonment, Section 5-1-10.

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1 Judgment, Section 5-1-12. 2 Misdemeanor, Section 5-1-14. Offense, Section 5-1-15. 3 Parole, Section 5-1-16. Petty Offense, Section 5-1-17. Probation, Section 5-1-18. 6 Sentence, Section 5-1-19. 7 8 Supervision, Section 5-1-21. 9 Victim, Section 5-1-22.

- (B) As used in this Section, "charge not initiated by arrest" means a charge (as defined by Section 5-1-3 of the Unified Code of Corrections) brought against a defendant where the defendant is not arrested prior to or as a direct result of the charge.
- (C) "Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. An order of supervision successfully completed by the petitioner is not a conviction. An order of qualified probation (as defined in subsection (a) (1) (J)) successfully completed by the petitioner is not a conviction. An order of supervision or an order qualified probation that is terminated unsatisfactorily is a conviction, unless the

unsatisfactory termination is reversed, vacated, or modified and the judgment of conviction, if any, is reversed or vacated.

- (D) "Criminal offense" means a petty offense, business offense, misdemeanor, felony, or municipal ordinance violation (as defined in subsection (a)(1)(H)). As used in this Section, a minor traffic offense (as defined in subsection (a)(1)(G)) shall not be considered a criminal offense.
- (E) "Expunge" means to physically destroy the records or return them to the petitioner and to obliterate the petitioner's name from any official index or public record, or both. Nothing in this Act shall require the physical destruction of the circuit court file, but such records relating to arrests or charges, or both, ordered expunged shall be impounded as required by subsections (d)(9)(A)(ii) and (d)(9)(B)(ii).
- (F) As used in this Section, "last sentence" means the sentence, order of supervision, or order of qualified probation (as defined by subsection (a)(1)(J)), for a criminal offense (as defined by subsection (a)(1)(D)) that terminates last in time in any jurisdiction, regardless of whether the petitioner has included the criminal offense for which the sentence or order of supervision or qualified

probation was imposed in his or her petition. If multiple sentences, orders of supervision, or orders of qualified probation terminate on the same day and are last in time, they shall be collectively considered the "last sentence" regardless of whether they were ordered to run concurrently.

- (G) "Minor traffic offense" means a petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or a similar provision of a municipal or local ordinance.
- (G-5) "Minor Cannabis Offense" means a violation of Section 4 or 5 of the Cannabis Control Act concerning not more than 30 grams of any substance containing cannabis, provided the violation did not include a penalty enhancement under Section 7 of the Cannabis Control Act and is not associated with an arrest, conviction or other disposition for a violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act.
- (H) "Municipal ordinance violation" means an offense defined by a municipal or local ordinance that is criminal in nature and with which the petitioner was charged or for which the petitioner was arrested and released without charging.
- (I) "Petitioner" means an adult or a minor prosecuted as an adult who has applied for relief

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under this Section.

(J) "Qualified probation" means an order of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as those provisions existed before their deletion by Public Act 89-313), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Substance Use Disorder Act, or Section 10 of the Steroid Control Act. For the purpose of this Section, "successful completion" of an order of qualified probation under Section 10-102 of Illinois Alcoholism and Other Drug Dependency Act and Section 40-10 of the Substance Use Disorder Act means that the probation was terminated satisfactorily and the judgment of conviction was vacated.

(K) "Seal" means to physically and electronically maintain the records, unless the records would otherwise be destroyed due to age, but to make the records unavailable without a court order, subject to the exceptions in Sections 12 and 13 of this Act. The petitioner's name shall also be obliterated from the official index required to be kept by the circuit

court clerk under Section 16 of the Clerks of Courts Act, but any index issued by the circuit court clerk before the entry of the order to seal shall not be affected.

- (L) "Sexual offense committed against a minor" includes, but is not limited to, the offenses of indecent solicitation of a child or criminal sexual abuse when the victim of such offense is under 18 years of age.
- (M) "Terminate" as it relates to a sentence or order of supervision or qualified probation includes either satisfactory or unsatisfactory termination of the sentence, unless otherwise specified in this Section. A sentence is terminated notwithstanding any outstanding financial legal obligation.
- (2) Minor Traffic Offenses. Orders of supervision or convictions for minor traffic offenses shall not affect a petitioner's eligibility to expunge or seal records pursuant to this Section.
- (2.5) Commencing 180 days after July 29, 2016 (the effective date of Public Act 99-697), the law enforcement agency issuing the citation shall automatically expunge, on or before January 1 and July 1 of each year, the law enforcement records of a person found to have committed a civil law violation of subsection (a) of Section 4 of the Cannabis Control Act or subsection (c) of Section 3.5 of

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the Drug Paraphernalia Control Act in the law enforcement agency's possession or control and which contains the final satisfactory disposition which pertain to the person issued a citation for that offense. The law enforcement agency shall provide by rule the process for access, review, and to confirm the automatic expungement by the law enforcement agency issuing the citation. Commencing 180 days after July 29, 2016 (the effective date of Public Act 99-697), the clerk of the circuit court shall expunge, upon order of the court, or in the absence of a court order on or before January 1 and July 1 of each year, the court records of a person found in the circuit court to have committed a civil law violation of subsection (a) of Section 4 of the Cannabis Control Act or subsection (c) of Section 3.5 of the Drug Paraphernalia Control Act in the clerk's possession or control and which contains the final satisfactory disposition which pertain to the person issued a citation for any of those offenses.

- (3) Exclusions. Except as otherwise provided in subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6) of this Section, the court shall not order:
  - (A) the sealing or expungement of the records of arrests or charges not initiated by arrest that result in an order of supervision for or conviction of: (i) any sexual offense committed against a minor; (ii) Section 11-501 of the Illinois Vehicle Code or a

| similar provision of a local ordinance; or (iii)       |
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| Section 11-503 of the Illinois Vehicle Code or a       |
| similar provision of a local ordinance, unless the     |
| arrest or charge is for a misdemeanor violation of     |
| subsection (a) of Section 11-503 or a similar          |
| provision of a local ordinance, that occurred prior to |
| the offender reaching the age of 25 years and the      |
| offender has no other conviction for violating Section |
| 11-501 or 11-503 of the Illinois Vehicle Code or a     |
| similar provision of a local ordinance.                |

- (B) the sealing or expungement of records of minor traffic offenses (as defined in subsection (a)(1)(G)), unless the petitioner was arrested and released without charging.
- (C) the sealing of the records of arrests or charges not initiated by arrest which result in an order of supervision or a conviction for the following offenses:
  - (i) offenses included in Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar provision of a local ordinance, except Section 11-14 and a misdemeanor violation of Section 11-30 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a local ordinance;
    - (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,

| 26-5,  | or  | 48-1   | of  | the  | Crim | inal | Code   | of  | 1961  | or   | the  |
|--------|-----|--------|-----|------|------|------|--------|-----|-------|------|------|
| Crimin | nal | Code   | of  | 2012 | , or | a si | milar. | pro | ovisi | on ( | of a |
| local  | ord | Ninano | ٠۵٠ |      |      |      |        |     |       |      |      |

- (iii) <u>Section</u> <u>Sections</u> 12-3.1 or 12-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 125 of the Stalking No Contact Order Act, or Section 219 of the Civil No Contact Order Act, or a similar provision of a local ordinance:
- (iv) Class A misdemeanors or felony offenses under the Humane Care for Animals Act; or
- (v) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration  $\operatorname{Act}$ .
- (D) (blank).

#### (b) Expungement.

(1) A petitioner may petition the circuit court to expunge the records of his or her arrests and charges not initiated by arrest when each arrest or charge not initiated by arrest sought to be expunged resulted in: (i) acquittal, dismissal, or the petitioner's release without charging, unless excluded by subsection (a) (3) (B); (ii) a conviction which was vacated or reversed, unless excluded by subsection (a) (3) (B); (iii) an order of supervision and such supervision was successfully completed by the petitioner, unless excluded by subsection (a) (3) (A) or

| 1 | (a)(3)(B);  | or    | (iv) an | order   | of   | quali | fied | probation | (as |
|---|-------------|-------|---------|---------|------|-------|------|-----------|-----|
| 2 | defined in  | subs  | section | (a) (1) | (J)) | and   | such | probation | was |
| 3 | successfull | v con | npleted | bv the  | peti | tione | er.  |           |     |

- (1.5) When a petitioner seeks to have a record of arrest expunged under this Section, and the offender has been convicted of a criminal offense, the State's Attorney may object to the expungement on the grounds that the records contain specific relevant information aside from the mere fact of the arrest.
  - (2) Time frame for filing a petition to expunge.
  - (A) When the arrest or charge not initiated by arrest sought to be expunged resulted in an acquittal, dismissal, the petitioner's release without charging, or the reversal or vacation of a conviction, there is no waiting period to petition for the expungement of such records.
  - (B) When the arrest or charge not initiated by arrest sought to be expunded resulted in an order of supervision, successfully completed by the petitioner, the following time frames will apply:
    - (i) Those arrests or charges that resulted in orders of supervision under Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance, or under Section 11-1.50, 12-3.2, or 12-15 of the Criminal Code of 1961 or the Criminal Code of 2012, or a

similar provision of a local ordinance, shall not be eligible for expungement until 5 years have passed following the satisfactory termination of the supervision.

- (i-5) Those arrests or charges that resulted in orders of supervision for a misdemeanor violation of subsection (a) of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, that occurred prior to the offender reaching the age of 25 years and the offender has no other conviction for violating Section 11-501 or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not be eligible for expungement until the petitioner has reached the age of 25 years.
- (ii) Those arrests or charges that resulted in orders of supervision for any other offenses shall not be eligible for expungement until 2 years have passed following the satisfactory termination of the supervision.
- (C) When the arrest or charge not initiated by arrest sought to be expunged resulted in an order of qualified probation, successfully completed by the petitioner, such records shall not be eligible for expungement until 5 years have passed following the satisfactory termination of the probation.

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- (3) Those records maintained by the Illinois State Police for persons arrested prior to their 17th birthday shall be expunged as provided in Section 5-915 of the Juvenile Court Act of 1987.
- Whenever a person has been arrested for or convicted of any offense, in the name of a person whose identity he or she has stolen or otherwise come into possession of, the aggrieved person from whom the identity was stolen or otherwise obtained without authorization, upon learning of the person having been arrested using his or her identity, may, upon verified petition to the chief judge of the circuit wherein the arrest was made, have a court order entered nunc pro tunc by the Chief Judge to correct the arrest record, conviction record, if any, and all official records of the arresting authority, the Illinois State Police, other criminal justice agencies, prosecutor, and the trial court concerning such arrest, if any, by removing his or her name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender, if known or ascertainable, in lieu of aggrieved's name. The records of the circuit court clerk shall be sealed until further order of the court upon good shown and the name of the aggrieved person obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of

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Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Nothing in this Section shall limit the Illinois State Police or other criminal justice agencies or prosecutors from listing under an offender's name the false names he or she has used.

- (5) Whenever a person has been convicted of criminal assault, aggravated criminal sexual sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, the victim of that offense may request that the State's Attorney of the county in which the conviction occurred file a verified petition with the presiding trial judge at the petitioner's trial to have a court order entered to seal the records of the circuit court clerk in connection with the proceedings of the trial court concerning that offense. However, the records of the arresting authority and the Illinois State Police concerning the offense shall not be sealed. The court, upon good cause shown, shall make the records of the circuit court clerk in connection with the proceedings of the trial court concerning the offense available for public inspection.
- (6) If a conviction has been set aside on direct review or on collateral attack and the court determines by clear and convincing evidence that the petitioner was factually innocent of the charge, the court that finds the

petitioner factually innocent of the charge shall enter an expungement order for the conviction for which the petitioner has been determined to be innocent as provided in subsection (b) of Section 5-5-4 of the Unified Code of Corrections.

- (7) Nothing in this Section shall prevent the Illinois State Police from maintaining all records of any person who is admitted to probation upon terms and conditions and who fulfills those terms and conditions pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Substance Use Disorder Act, or Section 10 of the Steroid Control Act.
- (8) If the petitioner has been granted a certificate of innocence under Section 2-702 of the Code of Civil Procedure, the court that grants the certificate of innocence shall also enter an order expunging the conviction for which the petitioner has been determined to be innocent as provided in subsection (h) of Section 2-702 of the Code of Civil Procedure.

| _ | (C) | Sealing |   |
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| _ | (C) | Sealing | ſ |

- (1) Applicability. Notwithstanding any other provision of this Act to the contrary, and cumulative with any rights to expungement of criminal records, this subsection authorizes the sealing of criminal records of adults and of minors prosecuted as adults. Subsection (g) of this Section provides for immediate sealing of certain records.
- (2) Eligible Records. The following records may be sealed:
  - (A) All arrests resulting in release without charging;
  - (B) Arrests or charges not initiated by arrest resulting in acquittal, dismissal, or conviction when the conviction was reversed or vacated, except as excluded by subsection (a) (3) (B);
  - (C) Arrests or charges not initiated by arrest resulting in orders of supervision, including orders of supervision for municipal ordinance violations, successfully completed by the petitioner, unless excluded by subsection (a) (3);
  - (D) Arrests or charges not initiated by arrest resulting in convictions, including convictions on municipal ordinance violations, unless excluded by subsection (a)(3);
  - (E) Arrests or charges not initiated by arrest resulting in orders of first offender probation under

Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, or Section 5-6-3.3 of the Unified Code of Corrections; and

- (F) Arrests or charges not initiated by arrest resulting in felony convictions unless otherwise excluded by subsection (a) paragraph (3) of this Section.
- (3) When Records Are Eligible to Be Sealed. Records identified as eligible under subsection (c)(2) may be sealed as follows:
  - (A) Records identified as eligible under <u>subsections</u> subsection (c)(2)(A) and (c)(2)(B) may be sealed at any time.
  - (B) Except as otherwise provided in subparagraph (E) of this paragraph (3), records identified as eligible under subsection (c)(2)(C) may be sealed 2 years after the termination of petitioner's last sentence (as defined in subsection (a)(1)(F)).
  - (C) Except as otherwise provided in subparagraph (E) of this paragraph (3), records identified as eligible under subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be sealed 3 years after the termination of the petitioner's last sentence (as defined in subsection (a)(1)(F)). Convictions requiring public

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registration under the Arsonist Registration Act, the Sex Offender Registration Act, or the Murderer and Violent Offender Against Youth Registration Act may not be sealed until the petitioner is no longer required to register under that relevant Act.

- (D) Records identified in subsection (a)(3)(A)(iii) may be sealed after the petitioner has reached the age of 25 years.
- (E) Records identified eligible as under subsection (c)(2)(C)(c)(2)(D), <del>subsections</del> (c) (2) (E), or (c) (2) (F) may be sealed upon termination of the petitioner's last sentence if the petitioner earned a high school diploma, associate's degree, certificate, vocational certification, or bachelor's degree, or passed the high school level Test of General Educational Development, during the period of his or her sentence or mandatory supervised release. This subparagraph shall apply only to a petitioner who has not completed the same educational goal prior to the period of his or her sentence or mandatory supervised release. If a petition for sealing eligible records filed under this subparagraph is denied by the court, the time periods under subparagraph (B) or (C) shall apply to any subsequent petition for sealing filed by the petitioner.

- (4) Subsequent felony convictions. A person may not have subsequent felony conviction records sealed as provided in this subsection (c) if he or she is convicted of any felony offense after the date of the sealing of prior felony convictions as provided in this subsection (c). The court may, upon conviction for a subsequent felony offense, order the unsealing of prior felony conviction records previously ordered sealed by the court.
- (5) Notice of eligibility for sealing. Upon entry of a disposition for an eligible record under this subsection (c), the petitioner shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records.
- (d) Procedure. The following procedures apply to expungement under subsections (b), (e), and (e-6) and sealing under subsections (c) and (e-5):
  - (1) Filing the petition. Upon becoming eligible to petition for the expungement or sealing of records under this Section, the petitioner shall file a petition requesting the expungement or sealing of records with the clerk of the court where the arrests occurred or the charges were brought, or both. If arrests occurred or charges were brought in multiple jurisdictions, a petition must be filed in each such jurisdiction. The petitioner shall pay the applicable fee, except no fee shall be required if the petitioner has obtained a court order

waiving fees under Supreme Court Rule 298 or it is otherwise waived.

- (1.5) County fee waiver pilot program. From August 9, 2019 (the effective date of Public Act 101-306) through December 31, 2020, in a county of 3,000,000 or more inhabitants, no fee shall be required to be paid by a petitioner if the records sought to be expunged or sealed were arrests resulting in release without charging or arrests or charges not initiated by arrest resulting in acquittal, dismissal, or conviction when the conviction was reversed or vacated, unless excluded by subsection (a)(3)(B). The provisions of this paragraph (1.5), other than this sentence, are inoperative on and after January 1, 2022.
- verified and shall contain the petitioner's name, date of birth, current address and, for each arrest or charge not initiated by arrest sought to be sealed or expunged, the case number, the date of arrest (if any), the identity of the arresting authority, and such other information as the court may require. During the pendency of the proceeding, the petitioner shall promptly notify the circuit court clerk of any change of his or her address. If the petitioner has received a certificate of eligibility for sealing from the Prisoner Review Board under paragraph (10) of subsection (a) of Section 3-3-2 of the Unified

Code of Corrections, the certificate shall be attached to the petition.

- (3) Drug test. The petitioner must attach to the petition proof that the petitioner has taken within 30 days before the filing of the petition a test showing the absence within his or her body of all illegal substances as defined by the Illinois Controlled Substances Act and the Methamphetamine Control and Community Protection Act if he or she is petitioning to:
  - (A) seal felony records under clause (c)(2)(E);
  - (B) seal felony records for a violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act under clause (c)(2)(F);
    - (C) seal felony records under subsection (e-5); or
  - (D) expunge felony records of a qualified probation under clause (b)(1)(iv).
- (4) Service of petition. The circuit court clerk shall promptly serve a copy of the petition and documentation to support the petition under subsection (e-5) or (e-6) on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Illinois State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest.
  - (5) Objections.
    - (A) Any party entitled to notice of the petition

may file an objection to the petition. All objections shall be in writing, shall be filed with the circuit court clerk, and shall state with specificity the basis of the objection. Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, an objection to the petition may not be filed.

- (B) Objections to a petition to expunge or seal must be filed within 60 days of the date of service of the petition.
- (6) Entry of order.
- (A) The Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial, if any, shall rule on the petition to expunge or seal as set forth in this subsection (d) (6).
- (B) Unless the State's Attorney or prosecutor, the Illinois State Police, the arresting agency, or the chief legal officer files an objection to the petition to expunge or seal within 60 days from the date of service of the petition, the court shall enter an order granting or denying the petition.
- (C) Notwithstanding any other provision of law, the court shall not deny a petition for sealing under

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this Section because the petitioner has not satisfied an outstanding legal financial obligation established, imposed, or originated by a court, law enforcement agency, or a municipal, State, county, or other unit of local government, including, but not limited to, any cost, assessment, fine, or fee. An outstanding legal financial obligation does not include any court ordered restitution to a victim under Section 5-5-6 of Unified Code of Corrections, unless the restitution has been converted to a civil judgment. Nothing in this subparagraph (C) waives, rescinds, or abrogates a legal financial obligation or otherwise eliminates or affects the right of the holder of any financial obligation to pursue collection under applicable federal, State, or local law.

- (D) Notwithstanding any other provision of law, the court shall not deny a petition to expunge or seal under this Section because the petitioner has submitted a drug test taken within 30 days before the filing of the petition to expunge or seal that indicates a positive test for the presence of cannabis within the petitioner's body. In this subparagraph (D), "cannabis" has the meaning ascribed to it in Section 3 of the Cannabis Control Act.
- (7) Hearings. If an objection is filed, the court shall set a date for a hearing and notify the petitioner

and all parties entitled to notice of the petition of the hearing date at least 30 days prior to the hearing. Prior to the hearing, the State's Attorney shall consult with the Illinois State Police as to the appropriateness of the relief sought in the petition to expunge or seal. At the hearing, the court shall hear evidence on whether the petition should or should not be granted, and shall grant or deny the petition to expunge or seal the records based on the evidence presented at the hearing. The court may consider the following:

- (A) the strength of the evidence supporting the defendant's conviction;
- (B) the reasons for retention of the conviction records by the State;
- (C) the petitioner's age, criminal record history, and employment history;
- (D) the period of time between the petitioner's arrest on the charge resulting in the conviction and the filing of the petition under this Section; and
- (E) the specific adverse consequences the petitioner may be subject to if the petition is denied.
- (8) Service of order. After entering an order to expunge or seal records, the court must provide copies of the order to the Illinois State Police, in a form and manner prescribed by the Illinois State Police, to the

petitioner, to the State's Attorney or prosecutor charged with the duty of prosecuting the offense, to the arresting agency, to the chief legal officer of the unit of local government effecting the arrest, and to such other criminal justice agencies as may be ordered by the court.

### (9) Implementation of order.

- (A) Upon entry of an order to expunge records pursuant to subsection (b)(2)(A) or (b)(2)(B)(ii), or both:
  - (i) the records shall be expunged (as defined in subsection (a)(1)(E)) by the arresting agency, the Illinois State Police, and any other agency as ordered by the court, within 60 days of the date of service of the order, unless a motion to vacate, modify, or reconsider the order is filed pursuant to paragraph (12) of subsection (d) of this Section;
  - (ii) the records of the circuit court clerk shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order; and

| 1  | (iii) in response to an inquiry for expunged         |
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| 2  | records, the court, the Illinois State Police, or    |
| 3  | the agency receiving such inquiry, shall reply as    |
| 4  | it does in response to inquiries when no records     |
| 5  | ever existed.  |
| 6  | (B) Upon entry of an order to expunge records        |
| 7  | pursuant to subsection (b)(2)(B)(i) or (b)(2)(C), or |
| 8  | both:  |
| 9  | (i) the records shall be expunged (as defined        |
| 10 | in subsection (a)(1)(E)) by the arresting agency     |
| 11 | and any other agency as ordered by the court,        |
| 12 | within 60 days of the date of service of the order,  |
| 13 | unless a motion to vacate, modify, or reconsider     |
| 14 | the order is filed pursuant to paragraph (12) of     |
| 15 | subsection (d) of this Section;                      |
| 16 | (ii) the records of the circuit court clerk          |
| 17 | shall be impounded until further order of the        |
| 18 | court upon good cause shown and the name of the      |
| 19 | petitioner obliterated on the official index         |
| 20 | required to be kept by the circuit court clerk       |
| 21 | under Section 16 of the Clerks of Courts Act, but    |
| 22 | the order shall not affect any index issued by the   |
| 23 | circuit court clerk before the entry of the order;   |
| 24 | (iii) the records shall be impounded by the          |
| 25 | Illinois State Police within 60 days of the date     |

of service of the order as ordered by the court,

unless a motion to vacate, modify, or reconsider the order is filed pursuant to paragraph (12) of subsection (d) of this Section;

- (iv) records impounded by the Illinois State Police may be disseminated by the Illinois State Police only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony, and to the Department of Corrections upon conviction for any offense; and
- (v) in response to an inquiry for such records from anyone not authorized by law to access such records, the court, the Illinois State Police, or the agency receiving such inquiry shall reply as it does in response to inquiries when no records ever existed.
- (B-5) Upon entry of an order to expunge records under subsection (e-6):
  - (i) the records shall be expunged (as defined in subsection (a)(1)(E)) by the arresting agency and any other agency as ordered by the court, within 60 days of the date of service of the order, unless a motion to vacate, modify, or reconsider the order is filed under paragraph (12) of subsection (d) of this Section;

- (ii) the records of the circuit court clerk shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order;
- (iii) the records shall be impounded by the Illinois State Police within 60 days of the date of service of the order as ordered by the court, unless a motion to vacate, modify, or reconsider the order is filed under paragraph (12) of subsection (d) of this Section;
- (iv) records impounded by the Illinois State Police may be disseminated by the Illinois State Police only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony, and to the Department of Corrections upon conviction for any offense; and
- (v) in response to an inquiry for these records from anyone not authorized by law to access the records, the court, the Illinois State Police, or the agency receiving the inquiry shall

reply as it does in response to inquiries when no records ever existed.

- (C) Upon entry of an order to seal records under subsection (c), the arresting agency, any other agency as ordered by the court, the Illinois State Police, and the court shall seal the records (as defined in subsection (a)(1)(K)). In response to an inquiry for such records, from anyone not authorized by law to access such records, the court, the Illinois State Police, or the agency receiving such inquiry shall reply as it does in response to inquiries when no records ever existed.
- (D) The Illinois State Police shall send written notice to the petitioner of its compliance with each order to expunge or seal records within 60 days of the date of service of that order or, if a motion to vacate, modify, or reconsider is filed, within 60 days of service of the order resolving the motion, if that order requires the Illinois State Police to expunge or seal records. In the event of an appeal from the circuit court order, the Illinois State Police shall send written notice to the petitioner of its compliance with an Appellate Court or Supreme Court judgment to expunge or seal records within 60 days of the issuance of the court's mandate. The notice is not required while any motion to vacate, modify, or

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reconsider, or any appeal or petition for discretionary appellate review, is pending.

- (E) Upon motion, the court may order that a sealed other court record or necessarv demonstrate the amount of any legal financial obligation due and owing be made available for the limited purpose of collecting any legal financial obligations owed by the petitioner that established, imposed, or originated in the criminal proceeding for which those records have been sealed. The records made available under this subparagraph (E) shall not be entered into the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act and shall be immediately re-impounded upon the collection of the outstanding financial obligations.
- (F) Notwithstanding any other provision of this Section, a circuit court clerk may access a sealed record for the limited purpose of collecting payment for any legal financial obligations that were established, imposed, or originated in the criminal proceedings for which those records have been sealed.
- (10) Fees. The Illinois State Police may charge the petitioner a fee equivalent to the cost of processing any order to expunge or seal records. Notwithstanding any provision of the Clerks of Courts Act to the contrary, the

circuit court clerk may charge a fee equivalent to the cost associated with the sealing or expungement of records by the circuit court clerk. From the total filing fee collected for the petition to seal or expunge, the circuit court clerk shall deposit \$10 into the Circuit Court Clerk Operation and Administrative Fund, to be used to offset the costs incurred by the circuit court clerk in performing the additional duties required to serve the petition to seal or expunge on all parties. The circuit court clerk shall collect and remit the Illinois State Police portion of the fee to the State Treasurer and it shall be deposited in the State Police Services Fund. If the record brought under an expungement petition was previously sealed under this Section, the fee for the expungement petition for that same record shall be waived.

- (11) Final Order. No court order issued under the expungement or sealing provisions of this Section shall become final for purposes of appeal until 30 days after service of the order on the petitioner and all parties entitled to notice of the petition.
- (12) Motion to Vacate, Modify, or Reconsider. Under Section 2-1203 of the Code of Civil Procedure, the petitioner or any party entitled to notice may file a motion to vacate, modify, or reconsider the order granting or denying the petition to expunge or seal within 60 days of service of the order. If filed more than 60 days after

service of the order, a petition to vacate, modify, or reconsider shall comply with subsection (c) of Section 2-1401 of the Code of Civil Procedure. Upon filing of a motion to vacate, modify, or reconsider, notice of the motion shall be served upon the petitioner and all parties entitled to notice of the petition.

- (13) Effect of Order. An order granting a petition under the expungement or sealing provisions of this Section shall not be considered void because it fails to comply with the provisions of this Section or because of any error asserted in a motion to vacate, modify, or reconsider. The circuit court retains jurisdiction to determine whether the order is voidable and to vacate, modify, or reconsider its terms based on a motion filed under paragraph (12) of this subsection (d).
- (14) Compliance with Order Granting Petition to Seal Records. Unless a court has entered a stay of an order granting a petition to seal, all parties entitled to notice of the petition must fully comply with the terms of the order within 60 days of service of the order even if a party is seeking relief from the order through a motion filed under paragraph (12) of this subsection (d) or is appealing the order.
- (15) Compliance with Order Granting Petition to Expunge Records. While a party is seeking relief from the order granting the petition to expunge through a motion

filed under paragraph (12) of this subsection (d) or is appealing the order, and unless a court has entered a stay of that order, the parties entitled to notice of the petition must seal, but need not expunge, the records until there is a final order on the motion for relief or, in the case of an appeal, the issuance of that court's mandate.

- (16) The changes to this subsection (d) made by Public Act 98-163 apply to all petitions pending on August 5, 2013 (the effective date of Public Act 98-163) and to all orders ruling on a petition to expunge or seal on or after August 5, 2013 (the effective date of Public Act 98-163).
- (e) Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, he or she may, upon verified petition to the Chief Judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the circuit court clerk and the Illinois State Police be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of

Courts Act in connection with the arrest and conviction for the offense for which he or she had been pardoned but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Illinois State Police may be disseminated by the Illinois State Police only to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all sealed records of the Illinois State Police pertaining to that individual. Upon entry of the order of expungement, the circuit court clerk shall promptly mail a copy of the order to the person who was pardoned.

(e-5) Whenever a person who has been convicted of an offense is granted a certificate of eligibility for sealing by the Prisoner Review Board which specifically authorizes sealing, he or she may, upon verified petition to the Chief Judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial, have a court order entered sealing the record of arrest from the official records of the arresting authority and order that the records of the circuit court clerk and the Illinois State Police be sealed until further order of the court upon good cause shown or as

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otherwise provided herein, and the name of the petitioner obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he or she had been granted the certificate but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All sealed by the Illinois State Police records may disseminated by the Illinois State Police only as required by this Act or to the arresting authority, a law enforcement agency, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all sealed records of the Illinois State Police pertaining to that individual. Upon entry of the order of sealing, the circuit court clerk shall promptly mail a copy of the order to the person who was granted the certificate of eligibility for sealing.

(e-6) Whenever a person who has been convicted of an offense is granted a certificate of eligibility for expungement by the Prisoner Review Board which specifically authorizes expungement, he or she may, upon verified petition to the Chief Judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the

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presiding trial judge at the petitioner's trial, have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the circuit court clerk and the Illinois State Police be sealed until further order of the court upon good cause shown otherwise provided herein, and the name of petitioner obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he or she had been granted the certificate but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All sealed by the Illinois State Police disseminated by the Illinois State Police only as required by this Act or to the arresting authority, a law enforcement agency, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all expunged records of the Illinois State Police pertaining to that individual. Upon entry of the order of expungement, the circuit court clerk shall promptly mail a copy of the order to the person who was granted the certificate of eligibility for expungement.

(f) Subject to available funding, the Illinois Department of Corrections shall conduct a study of the impact of sealing,

especially on employment and recidivism rates, utilizing a random sample of those who apply for the sealing of their criminal records under Public Act 93-211. At the request of the Illinois Department of Corrections, records of the Illinois Department of Employment Security shall be utilized as appropriate to assist in the study. The study shall not disclose any data in a manner that would allow the identification of any particular individual or employing unit. The study shall be made available to the General Assembly no later than September 1, 2010.

- (g) Immediate Sealing.
- (1) Applicability. Notwithstanding any other provision of this Act to the contrary, and cumulative with any rights to expungement or sealing of criminal records, this subsection authorizes the immediate sealing of criminal records of adults and of minors prosecuted as adults.
- (2) Eligible Records. Arrests or charges not initiated by arrest resulting in acquittal or dismissal with prejudice, except as excluded by subsection (a)(3)(B), that occur on or after January 1, 2018 (the effective date of Public Act 100-282), may be sealed immediately if the petition is filed with the circuit court clerk on the same day and during the same hearing in which the case is disposed.
- (3) When Records are Eligible to be Immediately Sealed. Eligible records under paragraph (2) of this

subsection (g) may be sealed immediately after entry of the final disposition of a case, notwithstanding the disposition of other charges in the same case.

- (4) Notice of Eligibility for Immediate Sealing. Upon entry of a disposition for an eligible record under this subsection (g), the defendant shall be informed by the court of his or her right to have eligible records immediately sealed and the procedure for the immediate sealing of these records.
- (5) Procedure. The following procedures apply to immediate sealing under this subsection (g).
  - (A) Filing the Petition. Upon entry of the final disposition of the case, the defendant's attorney may immediately petition the court, on behalf of the defendant, for immediate sealing of eligible records under paragraph (2) of this subsection (g) that are entered on or after January 1, 2018 (the effective date of Public Act 100-282). The immediate sealing petition may be filed with the circuit court clerk during the hearing in which the final disposition of the case is entered. If the defendant's attorney does not file the petition for immediate sealing during the hearing, the defendant may file a petition for sealing at any time as authorized under subsection (c) (3) (A).
  - (B) Contents of Petition. The immediate sealing petition shall be verified and shall contain the

petitioner's name, date of birth, current address, and for each eligible record, the case number, the date of arrest if applicable, the identity of the arresting authority if applicable, and other information as the court may require.

- (C) Drug Test. The petitioner shall not be required to attach proof that he or she has passed a drug test.
- (D) Service of Petition. A copy of the petition shall be served on the State's Attorney in open court. The petitioner shall not be required to serve a copy of the petition on any other agency.
- (E) Entry of Order. The presiding trial judge shall enter an order granting or denying the petition for immediate sealing during the hearing in which it is filed. Petitions for immediate sealing shall be ruled on in the same hearing in which the final disposition of the case is entered.
- (F) Hearings. The court shall hear the petition for immediate sealing on the same day and during the same hearing in which the disposition is rendered.
- (G) Service of Order. An order to immediately seal eligible records shall be served in conformance with subsection (d)(8).
- (H) Implementation of Order. An order to immediately seal records shall be implemented in

conformance with subsections (d)(9)(C) and (d)(9)(D).

- (I) Fees. The fee imposed by the circuit court clerk and the Illinois State Police shall comply with paragraph (1) of subsection (d) of this Section.
- (J) Final Order. No court order issued under this subsection (g) shall become final for purposes of appeal until 30 days after service of the order on the petitioner and all parties entitled to service of the order in conformance with subsection (d)(8).
- (K) Motion to Vacate, Modify, or Reconsider. Under Section 2-1203 of the Code of Civil Procedure, the petitioner, State's Attorney, or the Illinois State Police may file a motion to vacate, modify, or reconsider the order denying the petition to immediately seal within 60 days of service of the order. If filed more than 60 days after service of the order, a petition to vacate, modify, or reconsider shall comply with subsection (c) of Section 2-1401 of the Code of Civil Procedure.
- (L) Effect of Order. An order granting an immediate sealing petition shall not be considered void because it fails to comply with the provisions of this Section or because of an error asserted in a motion to vacate, modify, or reconsider. The circuit court retains jurisdiction to determine whether the order is voidable, and to vacate, modify, or

reconsider its terms based on a motion filed under subparagraph (L) of this subsection (g).

- (M) Compliance with Order Granting Petition to Seal Records. Unless a court has entered a stay of an order granting a petition to immediately seal, all parties entitled to service of the order must fully comply with the terms of the order within 60 days of service of the order.
- (h) Sealing; trafficking victims.
- (1) A trafficking victim as defined by paragraph (10) of subsection (a) of Section 10-9 of the Criminal Code of 2012 shall be eligible to petition for immediate sealing of his or her criminal record upon the completion of his or her last sentence if his or her participation in the underlying offense was a direct result of human trafficking under Section 10-9 of the Criminal Code of 2012 or a severe form of trafficking under the federal Trafficking Victims Protection Act.
- (2) A petitioner under this subsection (h), in addition to the requirements provided under paragraph (4) of subsection (d) of this Section, shall include in his or her petition a clear and concise statement that: (A) he or she was a victim of human trafficking at the time of the offense; and (B) that his or her participation in the offense was a direct result of human trafficking under Section 10-9 of the Criminal Code of 2012 or a severe form

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of trafficking under the federal Trafficking Victims
Protection Act.

- If an objection is filed alleging that petitioner is not entitled to immediate sealing under this subsection (h), the court shall conduct a hearing under paragraph (7) of subsection (d) of this Section and the court shall determine whether the petitioner is entitled immediate sealing under this subsection (h). A to petitioner is eligible for immediate relief under this subsection (h) if he or she shows, by a preponderance of the evidence, that: (A) he or she was a victim of human trafficking at the time of the offense; and (B) that his or her participation in the offense was a direct result of human trafficking under Section 10-9 of the Criminal Code of 2012 or a severe form of trafficking under the federal Trafficking Victims Protection Act.
- 17 (i) Minor Cannabis Offenses under the Cannabis Control
  18 Act.
  - (1) Expungement of Arrest Records of Minor Cannabis
    Offenses.
    - (A) The Illinois State Police and all law enforcement agencies within the State shall automatically expunge all criminal history records of an arrest, charge not initiated by arrest, order of supervision, or order of qualified probation for a Minor Cannabis Offense committed prior to June 25,

| 1  | 2019 (the effective date of Public Act 101-27) if:   |
|----|--|
| 2  | (i) One year or more has elapsed since the           |
| 3  | date of the arrest or law enforcement interaction    |
| 4  | documented in the records; and                       |
| 5  | (ii) No criminal charges were filed relating         |
| 6  | to the arrest or law enforcement interaction or      |
| 7  | criminal charges were filed and subsequently         |
| 8  | dismissed or vacated or the arrestee was             |
| 9  | acquitted.   |
| 10 | (B) If the law enforcement agency is unable to       |
| 11 | verify satisfaction of condition (ii) in paragraph   |
| 12 | (A), records that satisfy condition (i) in paragraph |
| 13 | (A) shall be automatically expunded.                 |
| 14 | (C) Records shall be expunged by the law             |
| 15 | enforcement agency under the following timelines:    |
| 16 | (i) Records created prior to June 25, 2019           |
| 17 | (the effective date of Public Act 101-27), but on    |
| 18 | or after January 1, 2013, shall be automatically     |
| 19 | expunged prior to January 1, 2021;                   |
| 20 | (ii) Records created prior to January 1, 2013,       |
| 21 | but on or after January 1, 2000, shall be            |
| 22 | automatically expunded prior to January 1, 2023;     |
| 23 | (iii) Records created prior to January 1, 2000       |
| 24 | shall be automatically expunged prior to January     |
| 25 | 1, 2025.   |
| 26 | In response to an inquiry for expunded records,      |

the law enforcement agency receiving such inquiry shall reply as it does in response to inquiries when no records ever existed; however, it shall provide a certificate of disposition or confirmation that the record was expunged to the individual whose record was expunged if such a record exists.

- (D) Nothing in this Section shall be construed to restrict or modify an individual's right to have that individual's records expunged except as otherwise may be provided in this Act, or diminish or abrogate any rights or remedies otherwise available to the individual.
- (2) Pardons Authorizing Expungement of Minor Cannabis
  Offenses.
  - (A) Upon June 25, 2019 (the effective date of Public Act 101-27), the Department of State Police shall review all criminal history record information and identify all records that meet all of the following criteria:
    - (i) one or more convictions for a Minor
      Cannabis Offense;
    - (ii) the conviction identified in paragraph(2) (A) (i) did not include a penalty enhancementunder Section 7 of the Cannabis Control Act; and
    - (iii) the conviction identified in paragraph(2)(A)(i) is not associated with a conviction for

a violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act.

- (B) Within 180 days after June 25, 2019 (the effective date of Public Act 101-27), the Department of State Police shall notify the Prisoner Review Board of all such records that meet the criteria established in paragraph (2) (A).
  - (i) The Prisoner Review Board shall notify the State's Attorney of the county of conviction of each record identified by State Police in paragraph (2) (A) that is classified as a Class 4 felony. The State's Attorney may provide a written objection to the Prisoner Review Board on the sole basis that the record identified does not meet the criteria established in paragraph (2) (A). Such an objection must be filed within 60 days or by such later date set by the Prisoner Review Board in the notice after the State's Attorney received notice from the Prisoner Review Board.
  - (ii) In response to a written objection from a State's Attorney, the Prisoner Review Board is authorized to conduct a non-public hearing to evaluate the information provided in the objection.
    - (iii) The Prisoner Review Board shall make a

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confidential and privileged recommendation to the Governor as to whether to grant a pardon authorizing expungement for each of the records identified by the Department of State Police as described in paragraph (2) (A).

(C) If an individual has been granted a pardon authorizing expungement as described in this Section, Prisoner Review Board, through the the Attorney General, shall file a petition for expungement with the Chief Judge of the circuit or any judge of the circuit designated by the Chief Judge where the individual had been convicted. Such petition may include more than one individual. Whenever an individual who has been convicted of an offense is granted a pardon by the Governor that specifically authorizes expungement, an objection to the petition may not be filed. Petitions to expunge under this subsection (i) may include more than one individual. Within 90 days of the filing of such a petition, the court shall enter an order expunging the records of arrest from the official records of the arresting authority and order that the records of the circuit court clerk and the Illinois State Police be expunged and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts

Act in connection with the arrest and conviction for the offense for which the individual had received a pardon but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Upon entry of the order of expungement, the circuit court clerk shall promptly provide a copy of the order and a certificate of disposition to the individual who was pardoned to the individual's last known address or by electronic means (if available) or otherwise make it available to the individual upon request.

- (D) Nothing in this Section is intended to diminish or abrogate any rights or remedies otherwise available to the individual.
- (3) Any individual may file a motion to vacate and expunge a conviction for a misdemeanor or Class 4 felony violation of Section 4 or Section 5 of the Cannabis Control Act. Motions to vacate and expunge under this subsection (i) may be filed with the circuit court, Chief Judge of a judicial circuit or any judge of the circuit designated by the Chief Judge. The circuit court clerk shall promptly serve a copy of the motion to vacate and expunge, and any supporting documentation, on the State's Attorney or prosecutor charged with the duty of prosecuting the offense. When considering such a motion to vacate and expunge, a court shall consider the following:

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to retain the records provided by law the reasons enforcement, the petitioner's age, the petitioner's age at the time of offense, the time since the conviction, and the specific adverse consequences if denied. An individual may file such a petition after the completion of any non-financial sentence or non-financial condition imposed by the conviction. Within 60 days of the filing of such motion, a State's Attorney may file an objection to such a petition along with supporting evidence. If a motion to vacate and expunge is granted, the records shall be expunded in accordance with subparagraphs (d)(8) (d) (9) (A) of this Section. An agency providing civil legal aid, as defined by Section 15 of the Public Interest Attorney Assistance Act, assisting individuals seeking to file a motion to vacate and expunge under this subsection may file motions to vacate and expunge with the Chief Judge of a judicial circuit or any judge of the circuit designated by the Chief Judge, and the motion may include more than one individual. Motions filed by an agency providing civil legal aid concerning more than one individual may be prepared, presented, and signed electronically.

(4) Any State's Attorney may file a motion to vacate and expunge a conviction for a misdemeanor or Class 4 felony violation of Section 4 or Section 5 of the Cannabis Control Act. Motions to vacate and expunge under this

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subsection (i) may be filed with the circuit court, Chief Judge of a judicial circuit or any judge of the circuit designated by the Chief Judge, and may include more than individual. Motions filed by a State's Attorney concerning more than one individual may be prepared, presented, and signed electronically. When considering such a motion to vacate and expunge, a court shall consider the following: the reasons to retain the records provided by law enforcement, the individual's age, the individual's age at the time of offense, the time since the conviction, and the specific adverse consequences if denied. Upon entry of an order granting a motion to vacate and expunge records pursuant to this Section, the State's Attorney shall notify the Prisoner Review Board within 30 days. Upon entry of the order of expungement, the circuit court clerk shall promptly provide a copy of the order and a certificate of disposition to the individual whose records will be expunded to the individual's last known address or by electronic means (if available) or otherwise make available to the individual upon request. If a motion to vacate and expunge is granted, the records shall be expunged in accordance with subparagraphs (d)(8) and (d)(9)(A) of this Section.

(5) In the public interest, the State's Attorney of a county has standing to file motions to vacate and expunge pursuant to this Section in the circuit court with

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jurisdiction over the underlying conviction.

- (6) If a person is arrested for a Minor Cannabis Offense as defined in this Section before June 25, 2019 (the effective date of Public Act 101-27) and the person's case is still pending but a sentence has not been imposed, the person may petition the court in which the charges are pending for an order to summarily dismiss those charges against him or her, and expunge all official records of his or her arrest, plea, trial, conviction, incarceration, supervision, or expungement. If the court determines, upon review, that: (A) the person was arrested before June 25, 2019 (the effective date of Public Act 101-27) for an offense that has been made eligible for expungement; (B) the case is pending at the time; and (C) the person has not been sentenced of the minor cannabis violation eligible for expungement under this subsection, the court shall consider the following: the reasons to retain the records provided by law enforcement, the petitioner's age, the petitioner's age at the time of offense, the time since the conviction, and the specific adverse consequences if denied. If a motion to dismiss and expunge is granted, the records shall be expunded in accordance with subparagraph (d)(9)(A) of this Section.
- (7) A person imprisoned solely as a result of one or more convictions for Minor Cannabis Offenses under this subsection (i) shall be released from incarceration upon

the issuance of an order under this subsection.

- (8) The Illinois State Police shall allow a person to use the access and review process, established in the Illinois State Police, for verifying that his or her records relating to Minor Cannabis Offenses of the Cannabis Control Act eligible under this Section have been expunged.
- (9) No conviction vacated pursuant to this Section shall serve as the basis for damages for time unjustly served as provided in the Court of Claims Act.
- (10) Effect of Expungement. A person's right to expunge an expungeable offense shall not be limited under this Section. The effect of an order of expungement shall be to restore the person to the status he or she occupied before the arrest, charge, or conviction.
- (11) Information. The Illinois State Police shall post general information on its website about the expungement process described in this subsection (i).
- (j) Felony <u>Commercial Sexual Activity</u> <del>Prostitution</del>
  Convictions.
  - (1) Any individual may file a motion to vacate and expunge a conviction for a prior Class 4 felony violation of <u>commercial sexual activity prostitution</u>. Motions to vacate and expunge under this subsection (j) may be filed with the circuit court, Chief Judge of a judicial circuit, or any judge of the circuit designated by the Chief Judge.

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When considering the motion to vacate and expunge, a court shall consider the following:

- (A) the reasons to retain the records provided by law enforcement;
  - (B) the petitioner's age;
- (C) the petitioner's age at the time of offense; and
- (D) time since the conviction, the and the specific adverse consequences if denied. An individual may file the petition after the completion of any sentence or condition imposed by the conviction. Within 60 days of the filing of the motion, a State's Attorney may file an objection to the petition along with supporting evidence. If a motion to vacate and expunge is granted, the records shall be expunged in accordance with subparagraph (d)(9)(A) of Section. An agency providing civil legal aid, as defined in Section 15 of the Public Interest Attorney Assistance Act, assisting individuals seeking to file a motion to vacate and expunge under this subsection may file motions to vacate and expunge with the Chief Judge of a judicial circuit or any judge of the circuit designated by the Chief Judge, and the motion may include more than one individual.
- (2) Any State's Attorney may file a motion to vacate and expunge a conviction for a Class 4 felony violation of

commercial sexual activity prostitution. Motions to vacate and expunge under this subsection (j) may be filed with the circuit court, Chief Judge of a judicial circuit, or any judge of the circuit court designated by the Chief Judge, and may include more than one individual. When considering the motion to vacate and expunge, a court shall consider the following reasons:

- (A) the reasons to retain the records provided by law enforcement;
  - (B) the petitioner's age;
  - (C) the petitioner's age at the time of offense;
  - (D) the time since the conviction; and
  - (E) the specific adverse consequences if denied.

If the State's Attorney files a motion to vacate and expunge records for felony <u>commercial sexual activity</u> prostitution convictions pursuant to this Section, the State's Attorney shall notify the Prisoner Review Board within 30 days of the filing. If a motion to vacate and expunge is granted, the records shall be expunged in accordance with subparagraph (d) (9) (A) of this Section.

- (3) In the public interest, the State's Attorney of a county has standing to file motions to vacate and expunge pursuant to this Section in the circuit court with jurisdiction over the underlying conviction.
- (4) The Illinois State Police shall allow a person to a use the access and review process, established in the

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- Illinois State Police, for verifying that his or her records relating to felony commercial sexual activity prostitution eligible under this Section have been expunged.
  - (5) No conviction vacated pursuant to this Section shall serve as the basis for damages for time unjustly served as provided in the Court of Claims Act.
    - (6) Effect of Expungement. A person's right to expunge an expungeable offense shall not be limited under this Section. The effect of an order of expungement shall be to restore the person to the status he or she occupied before the arrest, charge, or conviction.
- 13 (7) Information. The Illinois State Police shall post
  14 general information on its website about the expungement
  15 process described in this subsection (j).
- 16 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
- 17 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
- 18 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
- 19 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.
- 20 5-13-22; 102-933, eff. 1-1-23; revised 12-8-22.)
- Section 10. The Sex Offender Management Board Act is amended by changing Section 10 as follows:
- 23 (20 ILCS 4026/10)
- 24 Sec. 10. Definitions. In this Act, unless the context

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- 1 otherwise requires:
- 2 (a) "Board" means the Sex Offender Management Board created in Section 15.
  - (b) "Sex offender" means any person who is convicted or found delinquent in the State of Illinois, or under any substantially similar federal law or law of another state, of any sex offense or attempt of a sex offense as defined in subsection (c) of this Section, or any former statute of this State that defined a felony sex offense, or who has been declared as a sexually dangerous person under the Sexually Dangerous Persons Act or declared a sexually violent person under the Sexually Violent Persons Commitment Act, or any substantially similar federal law or law of another state.
- 14 (c) "Sex offense" means any felony or misdemeanor offense 15 described in this subsection (c) as follows:
  - (1) indecent solicitation of a child, in violation of Section 11-6 of the Criminal Code of 1961 or the Criminal Code of 2012;
  - (2) indecent solicitation of an adult, in violation of Section 11-6.5 of the Criminal Code of 1961 or the Criminal Code of 2012;
  - (3) public indecency, in violation of Section 11-9 or 11-30 of the Criminal Code of 1961 or the Criminal Code of 2012;
- 25 (4) sexual exploitation of a child, in violation of 26 Section 11-9.1 of the Criminal Code of 1961 or the

Criminal Code of 2012;

- (5) sexual relations within families, in violation of Section 11-11 of the Criminal Code of 1961 or the Criminal Code of 2012;
- (6) promoting <u>commercial sexual exploitation of a child juvenile prostitution</u> or soliciting for a <u>sexually exploited child juvenile prostitute</u>, in violation of Section 11-14.4 or 11-15.1 of the Criminal Code of 1961 or the Criminal Code of 2012;
- (7) promoting <u>commercial sexual exploitation of a child juvenile prostitution</u> or keeping a place of <u>commercial sexual exploitation of a child juvenile prostitution</u>, in violation of Section 11-14.4 or 11-17.1 of the Criminal Code of 1961 or the Criminal Code of 2012;
- (8) patronizing a <u>sexually exploited child juvenile</u> prostitute, in violation of Section 11-18.1 of the Criminal Code of 1961 or the Criminal Code of 2012;
- (9) promoting <u>commercial sexual exploitation of a child juvenile prostitution</u> or juvenile pimping, in violation of Section 11-14.4 or 11-19.1 of the Criminal Code of 1961 or the Criminal Code of 2012;
- (10) promoting <u>commercial sexual exploitation of a</u>
  <a href="mailto:child">child</a> juvenile prostitution or exploitation of a child, in
  violation of Section 11-14.4 or 11-19.2 of the Criminal
  Code of 1961 or the Criminal Code of 2012;
  - (11) child pornography, in violation of Section

| 1  | 11-20.1 of the Criminal Code of 1961 or the Criminal Code   |
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| 2  | of 2012;  |
| 3  | (11.5) aggravated child pornography, in violation of        |
| 4  | Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;   |
| 5  | (12) harmful material, in violation of Section 11-21        |
| 6  | of the Criminal Code of 1961 or the Criminal Code of 2012;  |
| 7  | (13) criminal sexual assault, in violation of Section       |
| 8  | 11-1.20 or 12-13 of the Criminal Code of 1961 or the        |
| 9  | Criminal Code of 2012;                                      |
| 10 | (13.5) grooming, in violation of Section 11-25 of the       |
| 11 | Criminal Code of 1961 or the Criminal Code of 2012;         |
| 12 | (14) aggravated criminal sexual assault, in violation       |
| 13 | of Section 11-1.30 or 12-14 of the Criminal Code of 1961 or |
| 14 | the Criminal Code of 2012;                                  |
| 15 | (14.5) traveling to meet a minor or traveling to meet       |
| 16 | a child, in violation of Section 11-26 of the Criminal      |
| 17 | Code of 1961 or the Criminal Code of 2012;                  |
| 18 | (15) predatory criminal sexual assault of a child, in       |
| 19 | violation of Section 11-1.40 or 12-14.1 of the Criminal     |
| 20 | Code of 1961 or the Criminal Code of 2012;                  |
| 21 | (16) criminal sexual abuse, in violation of Section         |
| 22 | 11-1.50 or 12-15 of the Criminal Code of 1961 or the        |
| 23 | Criminal Code of 2012;                                      |
| 24 | (17) aggravated criminal sexual abuse, in violation of      |

Section 11-1.60 or 12-16 of the Criminal Code of 1961 or

the Criminal Code of 2012;

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- 1 (18) ritualized abuse of a child, in violation of 2 Section 12-33 of the Criminal Code of 1961 or the Criminal 3 Code of 2012;
- 4 (19) an attempt to commit any of the offenses 5 enumerated in this subsection (c); or
- 6 (20) any felony offense under Illinois law that is sexually motivated.
  - (d) "Management" means treatment, and supervision of any sex offender that conforms to the standards created by the Board under Section 15.
- 11 (e) "Sexually motivated" means one or more of the facts of 12 the underlying offense indicates conduct that is of a sexual 13 nature or that shows an intent to engage in behavior of a 14 sexual nature.
- 15 (f) "Sex offender evaluator" means a person licensed under
  16 the Sex Offender Evaluation and Treatment Provider Act to
  17 conduct sex offender evaluations.
- 18 (g) "Sex offender treatment provider" means a person
  19 licensed under the Sex Offender Evaluation and Treatment
  20 Provider Act to provide sex offender treatment services.
- (h) "Associate sex offender provider" means a person licensed under the Sex Offender Evaluation and Treatment Provider Act to provide sex offender evaluations and to provide sex offender treatment under the supervision of a licensed sex offender evaluator or a licensed sex offender treatment provider.

HB3150

- 1 (Source: P.A. 100-428, eff. 1-1-18.)
- 2 Section 15. The Counties Code is amended by changing
- 3 Section 5-10008 as follows:
- 4 (55 ILCS 5/5-10008) (from Ch. 34, par. 5-10008)
- 5 Sec. 5-10008. Prohibited persons. It shall be unlawful for
- 6 any known provider of commercial sexual activity prostitute,
- 7 male or female procurer, vagrant, or intoxicated person to be
- 8 present at any dance hall or road house licensed under this
- 9 Division.
- 10 (Source: P.A. 86-962.)
- 11 Section 20. The Illinois Municipal Code is amended by
- 12 changing Section 11-5-4 as follows:
- 13 (65 ILCS 5/11-5-4) (from Ch. 24, par. 11-5-4)
- 14 Sec. 11-5-4. The corporate authorities of each
- 15 municipality may prevent vagrancy, begging, and commercial
- 16 sexual activity prostitution.
- 17 (Source: Laws 1961, p. 576.)
- 18 Section 25. The Massage Licensing Act is amended by
- 19 changing Sections 15 and 45 as follows:
- 20 (225 ILCS 57/15)

- 1 (Section scheduled to be repealed on January 1, 2027)
- 2 Sec. 15. Licensure requirements.
  - (a) Persons engaged in massage for compensation must be licensed by the Department. The Department shall issue a license to an individual who meets all of the following requirements:
    - (1) The applicant has applied in writing on the prescribed forms and has paid the required fees.
    - (2) The applicant is at least 18 years of age and of good moral character. In determining good moral character, the Department may take into consideration conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor or any crime that is directly related to the practice of the profession. Such a conviction shall not operate automatically as a complete bar to a license, except in the case of any conviction for commercial sexual activity prostitution, rape, or sexual misconduct, or where the applicant is a registered sex offender.
    - (3) The applicant has successfully completed a massage therapy program approved by the Department that requires a minimum of 500 hours, except applicants applying on or after January 1, 2014 shall meet a minimum requirement of 600 hours, and has passed a competency examination approved by the Department.
    - (b) Each applicant for licensure as a massage therapist

- shall have his or her fingerprints submitted to the Illinois 1 2 State Police in an electronic format that complies with the 3 form and manner for requesting and furnishing criminal history record information as prescribed by the Illinois State Police. 5 These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history 6 7 record databases now and hereafter filed. The Illinois State 8 Police shall charge applicants a fee for conducting the 9 criminal history records check, which shall be deposited into 10 the State Police Services Fund and shall not exceed the actual 11 cost of the records check. The Illinois State Police shall 12 furnish, pursuant to positive identification, records of 13 Illinois convictions to the Department. The Department may 14 require applicants to pay a separate fingerprinting fee, 15 either to the Department or to a vendor. The Department, in its 16 discretion, may allow an applicant who does not have 17 reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department may 18 19 adopt any rules necessary to implement this Section. 20 (Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21;
- 22 (225 ILCS 57/45)

- 23 (Section scheduled to be repealed on January 1, 2027)
- Sec. 45. Grounds for discipline.

102-813, eff. 5-13-22.)

25 (a) The Department may refuse to issue or renew, or may

- revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action, as the Department considers appropriate, including the imposition of fines not to exceed \$10,000 for each violation, with regard to any license or licensee for any one or more of the following:
  - (1) violations of this Act or of the rules adopted under this Act;
    - (2) conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States: (i) that is a felony; or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession;
      - (3) professional incompetence;
    - (4) advertising in a false, deceptive, or misleading manner, including failing to use the massage therapist's own license number in an advertisement;
    - (5) aiding, abetting, assisting, procuring, advising, employing, or contracting with any unlicensed person to practice massage contrary to any rules or provisions of this Act;
  - (6) engaging in immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or

1 sexual exploitation, related to the licensee's practice;

- (7) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
- (8) practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform;
- (9) knowingly delegating professional responsibilities to a person unqualified by training, experience, or licensure to perform;
- (10) failing to provide information in response to a written request made by the Department within 60 days;
- (11) having a habitual or excessive use of or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill, or safety;
- (12) having a pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act;
- (13) discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

| _ | (14) a finding by the Department that the licensee,    |
|---|--|
| 2 | after having his or her license placed on probationary |
| 3 | status, has violated the terms of probation;           |

- (15) willfully making or filing false records or reports in his or her practice, including, but not limited to, false records filed with State agencies or departments;
- (16) making a material misstatement in furnishing information to the Department or otherwise making misleading, deceptive, untrue, or fraudulent representations in violation of this Act or otherwise in the practice of the profession;
- (17) fraud or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act;
- (18) inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, or a mental illness or disability;
- (19) charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered;
- (20) practicing under a false or, except as provided by law, an assumed name; or
  - (21) cheating on or attempting to subvert the

1 licensing examination administered under this Act.

2 All fines shall be paid within 60 days of the effective 3 date of the order imposing the fine.

- (b) A person not licensed under this Act and engaged in the business of offering massage therapy services through others, shall not aid, abet, assist, procure, advise, employ, or contract with any unlicensed person to practice massage therapy contrary to any rules or provisions of this Act. A person violating this subsection (b) shall be treated as a licensee for the purposes of disciplinary action under this Section and shall be subject to cease and desist orders as provided in Section 90 of this Act.
- (c) The Department shall revoke any license issued under this Act of any person who is convicted of <u>commercial sexual activity prostitution</u>, rape, sexual misconduct, or any crime that subjects the licensee to compliance with the requirements of the Sex Offender Registration Act and any such conviction shall operate as a permanent bar in the State of Illinois to practice as a massage therapist.
- (d) The Department may refuse to issue or may suspend the license of any person who fails to file a tax return, to pay the tax, penalty, or interest shown in a filed tax return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of

- 1 Section 2105-15 of the Civil Administrative Code of Illinois.
- 2 (e) (Blank).
  - (f) In cases where the Department of Healthcare and Family Services has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Civil Administrative Code of Illinois.
    - (g) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of a court order so finding and discharging the patient.
    - (h) In enforcing this Act, the Department or Board, upon a showing of a possible violation, may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the

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Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the applicant and the examining physician. examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing.

A person holding a license under this Act or who has applied for a license under this Act who, because of a physical or mental illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill, is unable to practice the profession with reasonable judgment, skill, or safety, may be required by the Department to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. Submission to care, counseling, or treatment as required by the Department shall not be considered discipline

of a license. If the licensee refuses to enter into a care, counseling, or treatment agreement or fails to abide by the terms of the agreement, the Department may file a complaint to revoke, suspend, or otherwise discipline the license of the individual. The Secretary may order the license suspended immediately, pending a hearing by the Department. Fines shall not be assessed in disciplinary actions involving physical or mental illness or impairment.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

23 (Source: P.A. 102-20, eff. 1-1-22.)

Section 30. The Private Employment Agency Act is amended by changing Section 10 as follows:

1.3

1 (225 ILCS 515/10) (from Ch. 111, par. 910)

Sec. 10. Licensee prohibitions. No licensee shall send or cause to be sent any female help or servants, inmate, or performer to enter any questionable place, or place of bad repute, house of ill-fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of <a href="commercial sexual activity">commercial sexual activity</a> prostitution or gambling house, the character of which licensee knows either actually or by reputation.

No licensee shall permit questionable characters, providers of commercial sexual activity prostitutes, gamblers, intoxicated persons, or procurers to frequent the agency.

No licensee shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever, in violation of the Child Labor Law. A violation of any provision of this Section shall be a Class A misdemeanor.

No licensee shall publish or cause to be published any fraudulent or misleading notice or advertisement of its employment agencies by means of cards, circulars, or signs, or in newspapers or other publications; and all letterheads, receipts, and blanks shall contain the full name and address of the employment agency and licensee shall state in all notices and advertisements the fact that licensee is, or conducts, a private employment agency.

- 1 No licensee shall print, publish, or paint on any sign or
- window, or insert in any newspaper or publication, a name
- 3 similar to that of the Illinois Public Employment Office.
- 4 No licensee shall print or stamp on any receipt or on any
- 5 contract used by that agency any part of this Act, unless the
- 6 entire Section from which that part is taken is printed or
- 7 stamped thereon.
- 8 All written communications sent out by any licensee,
- 9 directly or indirectly, to any person or firm with regard to
- 10 employees or employment shall contain therein definite
- information that such person is a private employment agency.
- No licensee or his or her employees shall knowingly give
- any false or misleading information, or make any false or
- 14 misleading promise to any applicant who shall apply for
- employment or employees.
- 16 (Source: P.A. 90-372, eff. 7-1-98.)
- 17 Section 35. The Liquor Control Act of 1934 is amended by
- 18 changing Section 6-2 as follows:
- 19 (235 ILCS 5/6-2) (from Ch. 43, par. 120)
- 20 Sec. 6-2. Issuance of licenses to certain persons
- 21 prohibited.
- 22 (a) Except as otherwise provided in subsection (b) of this
- 23 Section and in paragraph (1) of subsection (a) of Section
- 3-12, no license of any kind issued by the State Commission or

- 1 any local commission shall be issued to:
  - (1) A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses.
    - (2) A person who is not of good character and reputation in the community in which he resides.
      - (3) (Blank).
  - (4) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person will not be impaired by the conviction in engaging in the licensed practice after considering matters set forth in such person's application in accordance with Section 6-2.5 of this Act and the Commission's investigation.
  - of commercial sexual activity prostitution or keeping a place of commercial sexual exploitation of a child juvenile prostitution, promoting commercial sexual activity prostitution that involves keeping a place of commercial sexual activity prostitution that involves keeping a place of commercial sexual activity prostitution, or promoting commercial sexual exploitation of a child juvenile prostitution that involves keeping a place of commercial sexual exploitation of a child juvenile prostitution.
    - (6) A person who has been convicted of pandering.
  - (7) A person whose license issued under this Act has been revoked for cause.

- (8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- (9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.
- (10) A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision.
- unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business

Corporation Act of 1983 or the Limited Liability Company
Act to transact business in Illinois.

- (11) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.
- (12) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation, unless the Commission determines, in accordance with Section 6-2.5 of this Act, that the person will not be impaired by the conviction in engaging in the licensed practice.
- (13) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- (14) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderperson, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located

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within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city or village with a population of 55,000 or less, to any alderperson, member of a city council, or member of a village board of trustees relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected. Notwithstanding any provision of this paragraph (14) to the contrary, an alderperson or member of a city council or commission, a member of a village board of trustees other than the president of the village board of trustees, or a member of a county board other than the president of a county board may have a direct interest in manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official, a mayor, a village board president, or president of a county board. To prevent any conflict of interest, the elected

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official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Furthermore, the mayor of a city with a population of 55,000 or less or the president of a village with a population of 55,000 or less may have an interest in the manufacture, sale, or distribution of alcoholic liquor as long as the council or board over which he or she presides has made a local liquor control commissioner appointment that complies with the requirements of Section 4-2 of this Act.

- (15) A person who is not a beneficial owner of the business to be operated by the licensee.
- (16) A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961 or the Criminal Code of 2012, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
- (17) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act.
  - (18) A person who intends to sell alcoholic liquors

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for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21.

- (19) A person who is licensed by any licensing authority as a manufacturer of beer, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer, having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed in this State as a distributor or importing distributor. For purposes of this paragraph (19), a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a non-resident dealer who is also a of beer, including a manufacturer partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.
- (20) A person who is licensed in this State as a distributor or importing distributor, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed in this State as a distributor or importing distributor having any legal,

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equitable, or beneficial interest, directly or indirectly, in a person licensed as a manufacturer of beer by any licensing authority, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise, except for a person who owns, on or after the effective date of this amendatory Act of the 98th General Assembly, no more than 5% of the outstanding shares of a manufacturer of beer whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934. For the purposes of this paragraph (20), a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.

(b) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer,

- 1 employee, or controlling shareholder whose actions directly
- 2 contributed to the conviction of the corporation. The
- 3 Commission shall determine if all provisions of this
- 4 subsection (b) have been met before any action on the
- 5 corporation's license is initiated.
- 6 (Source: P.A. 101-541, eff. 8-23-19; 102-15, eff. 6-17-21.)
- 7 Section 40. The Intergovernmental Missing Child Recovery
- 8 Act of 1984 is amended by changing Section 2 as follows:
- 9 (325 ILCS 40/2) (from Ch. 23, par. 2252)
- 10 Sec. 2. As used in this Act:
- 11 (a) (Blank).
- 12 (b) "Director" means the Director of the Illinois State
- 13 Police.
- 14 (c) "Unit of local government" is defined as in Article
- 15 VII, Section 1 of the Illinois Constitution and includes both
- 16 home rule units and units which are not home rule units. The
- term is also defined to include all public school districts
- 18 subject to the provisions of the School Code.
- 19 (d) "Child" means a person under 21 years of age.
- 20 (e) A "LEADS terminal" is an interactive computerized
- 21 communication and processing unit which permits a direct
- 22 on-line communication with the Illinois State Police's central
- 23 data repository, the Law Enforcement Agencies Data System
- 24 (LEADS).

- 1 (f) A "primary contact agency" means a law enforcement
- 2 agency which maintains a LEADS terminal, or has immediate
- 3 access to one on a 24-hour-per-day, 7-day-per-week basis by
- 4 written agreement with another law enforcement agency.
- 5 (q) (Blank).
- 6 (h) "Missing child" means any person under 21 years of age
- 7 whose whereabouts are unknown to his or her parents or legal
- 8 guardian.
- 9 (i) "Exploitation" means activities and actions which
- include, but are not limited to, child pornography, aggravated
- 11 child pornography, commercial sexual exploitation of a child
- 12 child prostitution, child sexual abuse, drug and substance
- abuse by children, and child suicide.
- 14 (j) (Blank).
- 15 (Source: P.A. 102-538, eff. 8-20-21.)
- Section 45. The Illinois Vehicle Code is amended by
- 17 changing Section 6-206 as follows:
- 18 (625 ILCS 5/6-206)
- 19 (Text of Section before amendment by P.A. 102-982)
- Sec. 6-206. Discretionary authority to suspend or revoke
- 21 license or permit; right to a hearing.
- 22 (a) The Secretary of State is authorized to suspend or
- 23 revoke the driving privileges of any person without
- 24 preliminary hearing upon a showing of the person's records or

1 other sufficient evidence that the person:

- 1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;
- 2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12-month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
- 3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;
- 4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not

- 1 more than one year after the date of the accident,
  2 whichever date occurs later;
  - 5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;
  - 6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;
  - 7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;
  - 8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;
  - 9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;
  - 10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;
  - 11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to January 1, 2009, probationary

license to drive, or restricted driving permit issued under this Code;

- 12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;
- 13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;
- 14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or 14B of the Illinois Identification Card Act or a similar offense in another state if, at the time of the offense, the person held an Illinois driver's license or identification card;
- 15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to criminal trespass to vehicles if the person exercised actual physical control over the vehicle during the commission of the offense, in which case the suspension shall be for one year;
- 16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;
  - 17. Has refused to submit to a test, or tests, as

| 1 | require | ed i | ınder | Secti  | on | 11-501  | .1 | of  | this  | Cod | .e | and  | the  |
|---|---------|------|-------|--------|----|---------|----|-----|-------|-----|----|------|------|
| 2 | person  | has  | not   | sought | a  | hearing | as | pro | vided | for | in | Sect | cion |
| 3 | 11-501. | 1:   |       |        |    |         |    |     |       |     |    |      |      |

- 18. (Blank);
- 19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;
  - 20. Has been convicted of violating Section 6-104 relating to classification of driver's license;
  - 21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1,000, in which case the suspension shall be for one year;
  - 22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to unlawful use of weapons, in which case the suspension shall be for one year;
  - 23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;
  - 24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois or in another state of or for a traffic-related offense that is

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the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

- 25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;
- 26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;
  - 27. (Blank);
- 28. Has been convicted for a first time of the illegal possession, while operating or in actual physical control, a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year. Any defendant found guilty of this offense while operating a motor vehicle shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;
- 29. Has been convicted of the following offenses that were committed while the person was operating or in actual

physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a sexually exploited child juvenile prostitute, promoting commercial sexual exploitation of a child juvenile prostitution as described in subdivision (a)(1), (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012, and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

- 30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;
- 31. Has refused to submit to a test as required by Section 11-501.6 of this Code or Section 5-16c of the Boat Registration and Safety Act or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating

| Compor | ınds           | Act,  | or me   | thamp | heta | mine  | as    | list   | ed  | in   | the  |
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| Metham | nphet <i>a</i> | amine | Control | and   | Comm | nunit | ty Pr | otecti | .on | Act, | in   |
| which  | case           | the   | penalty | shall | be   | as ]  | presc | ribed  | in  | Sect | cion |
| 6-208. | .1;            |       |         |       |      |       |       |        |     |      |      |

- 32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;
- 33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;
- 34. Has committed a violation of Section 11-1301.5 of this Code or a similar provision of a local ordinance;
- 35. Has committed a violation of Section 11-1301.6 of this Code or a similar provision of a local ordinance;
- 36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24-month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
- 37. Has committed a violation of subsection (c) of Section 11-907 of this Code that resulted in damage to the

- 1 property of another or the death or injury of another;
- 38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation:
  - 39. Has committed a second or subsequent violation of Section 11-1201 of this Code;
  - 40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;
  - 41. Has committed a second or subsequent violation of Section 11-605.1 of this Code, a similar provision of a local ordinance, or a similar violation in any other state within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days;
  - 42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code or a similar provision of a local ordinance;
  - 43. Has received a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation, in which case the suspension shall be for a period of 3 months;
  - 44. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic

| - | regulations  | governing  | the    | mover | ment | of   | vehi | cle | s i | after |
|---|--------------|------------|--------|-------|------|------|------|-----|-----|-------|
| 2 | having prev  | iously had | his    | or    | her  | driv | /ing | pr  | ivi | leges |
| 3 | suspended or | revoked pu | ırsuar | nt to | subp | arag | raph | 36  | of  | this  |
| 1 | Section;     |            |        |       |      |      |      |     |     |       |

- 45. Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code:

  (i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv) submitted, as his or her own, documents that were in fact prepared or composed for another person;
- 46. Has committed a violation of subsection (j) of Section 3-413 of this Code;
- 47. Has committed a violation of subsection (a) of Section 11-502.1 of this Code;
- 48. Has submitted a falsified or altered medical examiner's certificate to the Secretary of State or provided false information to obtain a medical examiner's certificate:
- 49. Has been convicted of a violation of Section 11-1002 or 11-1002.5 that resulted in a Type A injury to another, in which case the driving privileges of the person shall be suspended for 12 months;
- 50. Has committed a violation of subsection (b-5) of Section 12-610.2 that resulted in great bodily harm, permanent disability, or disfigurement, in which case the

| 1 | driving | privileges | of | the | person | shall | be | suspended | for | 12 |
|---|---------|------------|----|-----|--------|-------|----|-----------|-----|----|
| 2 | months; |            |    |     |        |       |    |           |     |    |

- 51. Has committed a violation of Section 10-15 Of the Cannabis Regulation and Tax Act or a similar provision of a local ordinance while in a motor vehicle; or
- 52. Has committed a violation of subsection (b) of Section 10-20 of the Cannabis Regulation and Tax Act or a similar provision of a local ordinance.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license, or a temporary driver's license.

- (b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6-month limitation prescribed shall not apply.
- (c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the

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- Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.
  - 2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set

forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship (as defined by the rules of the Secretary of State), issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment-related duties, or to allow the petitioner to transport himself or herself, or a family member of the petitioner's household to a medical facility, to receive necessary medical care, to allow the petitioner to transport

himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children, elderly persons, or persons with disabilities who do not hold driving privileges and are living in the petitioner's household to and from daycare. The petitioner must demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare.

- (A) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.
- (B) If a person's license or permit is revoked or suspended 2 or more times due to any combination of:

| (i) a single conviction of violating Section           |
|--|
| 11-501 of this Code or a similar provision of a local  |
| ordinance or a similar out-of-state offense or Section |
| 9-3 of the Criminal Code of 1961 or the Criminal Code  |
| of 2012, where the use of alcohol or other drugs is    |
| recited as an element of the offense, or a similar     |
| out-of-state offense; or                               |

- (ii) a statutory summary suspension or revocation under Section 11-501.1; or
- (iii) a suspension under Section 6-203.1; arising out of separate occurrences; that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.
- (B-5) If a person's license or permit is revoked or suspended due to a conviction for a violation of subparagraph (C) or (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.
- (C) The person issued a permit conditioned upon the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 per month. The Secretary shall establish by

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rule the amount and the procedures, terms, and conditions relating to these fees.

- (D) If the restricted driving permit is issued for purposes, then the prohibition employment against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until either a one-year period has elapsed during which that person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person.
- (E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire no later than 2 years from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license

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issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating movement of traffic shall be deemed sufficient cause for revocation, suspension, or cancellation restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

- (F) A person subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code may make application for a restricted driving permit at a hearing conducted under Section 2-118 of this Code after the expiration of 5 years from the effective date of the most recent revocation or after 5 years from the date of release from a period of imprisonment resulting from a conviction of the most recent offense, whichever is later, provided the person, in addition to all other requirements of the Secretary, shows by clear and convincing evidence:
  - (i) a minimum of 3 years of uninterrupted abstinence from alcohol and the unlawful use or consumption of cannabis under the Cannabis Control Act, a controlled substance under the Illinois

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Controlled Substances Act, an intoxicating compound under the Use of Intoxicating Compounds Act, or methamphetamine under the Methamphetamine Control and Community Protection Act; and

(ii) the successful completion of any rehabilitative treatment and involvement in any rehabilitative activity that ongoing may be recommended by a properly licensed service provider according to an assessment of the person's alcohol or drug use under Section 11-501.01 of this Code.

In determining whether an applicant is eligible for a restricted driving permit under this subparagraph (F), the Secretary may consider any relevant evidence, including, but not limited to, testimony, affidavits, records, and the results of regular alcohol or drug tests. Persons subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code and who have been convicted of more than one violation of paragraph (3), paragraph (4), or paragraph (5) of subsection (a) of Section 11-501 of this Code shall not be eligible to apply for a restricted driving permit under this subparagraph (F).

A restricted driving permit issued under this subparagraph (F) shall provide that the holder may only operate motor vehicles equipped with an ignition interlock device as required under paragraph (2) of subsection (c) of Section 6-205 of this Code and subparagraph (A) of

paragraph 3 of subsection (c) of this Section. The Secretary may revoke a restricted driving permit or amend the conditions of a restricted driving permit issued under this subparagraph (F) if the holder operates a vehicle that is not equipped with an ignition interlock device, or for any other reason authorized under this Code.

A restricted driving permit issued under this subparagraph (F) shall be revoked, and the holder barred from applying for or being issued a restricted driving permit in the future, if the holder is convicted of a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar offense in another state.

(c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the driver licensing administrator of any other state, the Secretary of State, or the parent or legal guardian of a driver under the age of 18. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

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- 1 (c-4) In the case of a suspension under paragraph 43 of 2 subsection (a), the Secretary of State shall notify the person 3 by mail that his or her driving privileges and driver's 4 license will be suspended one month after the date of the 5 mailing of the notice.
  - (c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 21 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.
- 13 (d) This Section is subject to the provisions of the
  14 Driver License Compact.
  - (e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.
- 19 (f) In accordance with 49 CFR 384, the Secretary of State
  20 may not issue a restricted driving permit for the operation of
  21 a commercial motor vehicle to a person holding a CDL whose
  22 driving privileges have been suspended, revoked, cancelled, or
  23 disqualified under any provisions of this Code.
- 24 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
- 25 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
- 26 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813,

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- 1 eff. 5-13-22; revised 12-14-22.)
- 2 (Text of Section after amendment by P.A. 102-982)
- Sec. 6-206. Discretionary authority to suspend or revoke license or permit; right to a hearing.
- 5 (a) The Secretary of State is authorized to suspend or 6 revoke the driving privileges of any person without 7 preliminary hearing upon a showing of the person's records or 8 other sufficient evidence that the person:
  - 1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;
    - 2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12-month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
  - 3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;
    - 4. Has by the unlawful operation of a motor vehicle

caused or contributed to a crash resulting in injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the crash, or shall start not more than one year after the date of the crash, whichever date occurs later:

- 5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;
- 6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;
- 7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;
- 8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;
- 9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;
  - 10. Has possessed, displayed, or attempted to

fraudulently use any license, identification card, or permit not issued to the person;

- 11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to January 1, 2009, probationary license to drive, or restricted driving permit issued under this Code:
- 12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;
- 13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;
- 14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or 14B of the Illinois Identification Card Act or a similar offense in another state if, at the time of the offense, the person held an Illinois driver's license or identification card;
  - 15. Has been convicted of violating Section 21-2 of

| 1 | the Criminal Code of 1961 or the Criminal Code of 2012    |
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| 2 | relating to criminal trespass to vehicles if the person   |
| 3 | exercised actual physical control over the vehicle during |
| 4 | the commission of the offense, in which case the          |
| 5 | suspension shall be for one year;                         |

- 16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;
- 17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;
- 12 18. (Blank);
- 19. Has committed a violation of paragraph (a) or (b)

  of Section 6-101 relating to driving without a driver's

  license;
  - 20. Has been convicted of violating Section 6-104 relating to classification of driver's license;
  - 21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of a crash resulting in damage to a vehicle in excess of \$1,000, in which case the suspension shall be for one year;
  - 22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to unlawful use of weapons, in which case the suspension shall be for one year;

| _ | 23. Has, as a driver, been convicted of committing a      |
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| 2 | violation of paragraph (a) of Section 11-502 of this Code |
| 3 | for a second or subsequent time within one year of a      |
| l | similar violation;  |

- 24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois or in another state of or for a traffic-related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code:
- 25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;
- 26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;
- 27. (Blank);
- 28. Has been convicted for a first time of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be

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suspended for one year. Any defendant found guilty of this offense while operating a motor vehicle shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

- 29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a sexually exploited child <del>juvenile prostitute</del>, promoting commercial sexual exploitation of a child <del>juvenile prostitution</del> as described in subdivision (a) (1), (a) (2), or (a) (3) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code 2012, and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;
- 30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;
  - 31. Has refused to submit to a test as required by

Section 11-501.6 of this Code or Section 5-16c of the Boat Registration and Safety Act or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in which case the penalty shall be as prescribed in Section 6-208.1;

- 32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;
- 33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;
- 34. Has committed a violation of Section 11-1301.5 of this Code or a similar provision of a local ordinance;
- 35. Has committed a violation of Section 11-1301.6 of this Code or a similar provision of a local ordinance;

| 36. Is under the age of 21 years at the time of arrest     |
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| and has been convicted of not less than 2 offenses against |
| traffic regulations governing the movement of vehicles     |
| committed within any 24-month period. No revocation or     |
| suspension shall be entered more than 6 months after the   |
| date of last conviction:                                   |

- 37. Has committed a violation of subsection (c) of Section 11-907 of this Code that resulted in damage to the property of another or the death or injury of another;
- 38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation;
- 39. Has committed a second or subsequent violation of Section 11-1201 of this Code;
- 40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;
- 41. Has committed a second or subsequent violation of Section 11-605.1 of this Code, a similar provision of a local ordinance, or a similar violation in any other state within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days;
- 42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code or a similar provision of a local ordinance;
  - 43. Has received a disposition of court supervision

for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation, in which case the suspension shall be for a period of 3 months:

- 44. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously had his or her driving privileges suspended or revoked pursuant to subparagraph 36 of this Section;
- 45. Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code:

  (i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv) submitted, as his or her own, documents that were in fact prepared or composed for another person;
- 46. Has committed a violation of subsection (j) of Section 3-413 of this Code;
- 47. Has committed a violation of subsection (a) of Section 11-502.1 of this Code;
- 48. Has submitted a falsified or altered medical examiner's certificate to the Secretary of State or provided false information to obtain a medical examiner's

| 1 | certificate; |
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- 49. Has been convicted of a violation of Section 11-1002 or 11-1002.5 that resulted in a Type A injury to another, in which case the driving privileges of the person shall be suspended for 12 months;
  - 50. Has committed a violation of subsection (b-5) of Section 12-610.2 that resulted in great bodily harm, permanent disability, or disfigurement, in which case the driving privileges of the person shall be suspended for 12 months;
  - 51. Has committed a violation of Section 10-15 Of the Cannabis Regulation and Tax Act or a similar provision of a local ordinance while in a motor vehicle; or
  - 52. Has committed a violation of subsection (b) of Section 10-20 of the Cannabis Regulation and Tax Act or a similar provision of a local ordinance.
  - For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license, or a temporary driver's license.
- (b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the

- order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6-month limitation prescribed shall not apply.
  - (c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.
  - 2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed

while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship (as defined by

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the rules of the Secretary of State), issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment-related duties, or to allow the petitioner to transport himself or herself, or a family member of the petitioner's household to a medical facility, to receive necessary medical care, to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to student, at an accredited educational classes, as а institution, or to allow the petitioner to transport children, elderly persons, or persons with disabilities who do not hold driving privileges and are living in the petitioner's household to and from daycare. The petitioner must demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare.

(A) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is

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- (B) If a person's license or permit is revoked or suspended 2 or more times due to any combination of:
  - (i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or
  - (ii) a statutory summary suspension or revocation under Section 11-501.1; or
- (iii) a suspension under Section 6-203.1; arising out of separate occurrences; that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.
- (B-5) If a person's license or permit is revoked or suspended due to a conviction for a violation of subparagraph (C) or (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, or a similar provision of a

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local ordinance or similar out-of-state offense, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

- (C) The person issued a permit conditioned upon the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.
- (D) If the restricted driving permit is issued for purposes, then the prohibition employment against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until either a one-year period has elapsed during which that person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that

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- (E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire no later than 2 years from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving require the applicant to participate in designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.
- (F) A person subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code may make application for a restricted driving permit at a hearing conducted under Section 2-118 of this Code after the expiration of 5 years from the effective date of the most recent revocation or after 5 years from the date of

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release from a period of imprisonment resulting from a conviction of the most recent offense, whichever is later, provided the person, in addition to all other requirements of the Secretary, shows by clear and convincing evidence:

- (i) a minimum of 3 years of uninterrupted abstinence from alcohol and the unlawful use or consumption of cannabis under the Cannabis Control Act, a controlled substance under the Illinois Controlled Substances Act, an intoxicating compound under the Use of Intoxicating Compounds Act, or methamphetamine under the Methamphetamine Control and Community Protection Act; and
- successful (ii) the completion of any rehabilitative treatment and involvement in any ongoing rehabilitative activity that may recommended by a properly licensed service provider according to an assessment of the person's alcohol or drug use under Section 11-501.01 of this Code.

In determining whether an applicant is eligible for a restricted driving permit under this subparagraph (F), the Secretary may consider any relevant evidence, including, but not limited to, testimony, affidavits, records, and the results of regular alcohol or drug tests. Persons subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code and who have been convicted of more than one violation of paragraph (3), paragraph

(4), or paragraph (5) of subsection (a) of Section 11-501 of this Code shall not be eligible to apply for a restricted driving permit under this subparagraph (F).

A restricted driving permit issued under this subparagraph (F) shall provide that the holder may only operate motor vehicles equipped with an ignition interlock device as required under paragraph (2) of subsection (c) of Section 6-205 of this Code and subparagraph (A) of paragraph 3 of subsection (c) of this Section. The Secretary may revoke a restricted driving permit or amend the conditions of a restricted driving permit issued under this subparagraph (F) if the holder operates a vehicle that is not equipped with an ignition interlock device, or for any other reason authorized under this Code.

A restricted driving permit issued under this subparagraph (F) shall be revoked, and the holder barred from applying for or being issued a restricted driving permit in the future, if the holder is convicted of a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar offense in another state.

(c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities,

- the driver licensing administrator of any other state, the Secretary of State, or the parent or legal guardian of a driver under the age of 18. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.
  - (c-4) In the case of a suspension under paragraph 43 of subsection (a), the Secretary of State shall notify the person by mail that his or her driving privileges and driver's license will be suspended one month after the date of the mailing of the notice.
    - (c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 21 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.
- 21 (d) This Section is subject to the provisions of the 22 Driver License Compact.
  - (e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

- 1 (f) In accordance with 49 CFR 384, the Secretary of State
- 2 may not issue a restricted driving permit for the operation of
- 3 a commercial motor vehicle to a person holding a CDL whose
- 4 driving privileges have been suspended, revoked, cancelled, or
- 5 disqualified under any provisions of this Code.
- 6 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
- 7 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
- 8 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813,
- 9 eff. 5-13-22; 102-982, eff. 7-1-23; revised 12-14-22.)
- 10 Section 50. The Juvenile Court Act of 1987 is amended by
- 11 changing Section 2-3 as follows:
- 12 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)
- 13 Sec. 2-3. Neglected or abused minor.
- 14 (1) Those who are neglected include:
- 15 (a) any minor under 18 years of age or a minor 18 years
- of age or older for whom the court has made a finding of
- 17 probable cause to believe that the minor is abused,
- 18 neglected, or dependent under subsection (1) of Section
- 19 2-10 prior to the minor's 18th birthday who is not
- 20 receiving the proper or necessary support, education as
- 21 required by law, or medical or other remedial care
- 22 recognized under State law as necessary for a minor's
- 23 well-being, or other care necessary for his or her
- 24 well-being, including adequate food, clothing and shelter,

or who is abandoned by his or her parent or parents or other person or persons responsible for the minor's welfare, except that a minor shall not be considered neglected for the sole reason that the minor's parent or parents or other person or persons responsible for the minor's welfare have left the minor in the care of an adult relative for any period of time, who the parent or parents or other person responsible for the minor's welfare know is both a mentally capable adult relative and physically capable adult relative, as defined by this Act; or

- (b) any minor under 18 years of age or a minor 18 years of age or older for whom the court has made a finding of probable cause to believe that the minor is abused, neglected, or dependent under subsection (1) of Section 2-10 prior to the minor's 18th birthday whose environment is injurious to his or her welfare; or
- (c) any newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, as now or hereafter amended, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant is the result of medical treatment administered to the mother or the newborn infant; or
  - (d) any minor under the age of 14 years whose parent or

other person responsible for the minor's welfare leaves
the minor without supervision for an unreasonable period
of time without regard for the mental or physical health,
safety, or welfare of that minor; or

(e) any minor who has been provided with interim crisis intervention services under Section 3-5 of this Act and whose parent, guardian, or custodian refuses to permit the minor to return home unless the minor is an immediate physical danger to himself, herself, or others living in the home.

Whether the minor was left without regard for the mental or physical health, safety, or welfare of that minor or the period of time was unreasonable shall be determined by considering the following factors, including but not limited to:

- (1) the age of the minor;
- (2) the number of minors left at the location;
- (3) special needs of the minor, including whether the minor is a person with a physical or mental disability, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications;
- (4) the duration of time in which the minor was left without supervision;
- (5) the condition and location of the place where the minor was left without supervision;
  - (6) the time of day or night when the minor was left

1 without supervision;

- (7) the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light;
- (8) the location of the parent or guardian at the time the minor was left without supervision, the physical distance the minor was from the parent or guardian at the time the minor was without supervision;
- (9) whether the minor's movement was restricted, or the minor was otherwise locked within a room or other structure;
- (10) whether the minor was given a phone number of a person or location to call in the event of an emergency and whether the minor was capable of making an emergency call;
- (11) whether there was food and other provision left for the minor;
- (12) whether any of the conduct is attributable to economic hardship or illness and the parent, guardian or other person having physical custody or control of the child made a good faith effort to provide for the health and safety of the minor;
- (13) the age and physical and mental capabilities of the person or persons who provided supervision for the minor;
- (14) whether the minor was left under the supervision of another person;

1 (15) any other factor that would endanger the health 2 and safety of that particular minor.

A minor shall not be considered neglected for the sole reason that the minor has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

- (2) Those who are abused include any minor under 18 years of age or a minor 18 years of age or older for whom the court has made a finding of probable cause to believe that the minor is abused, neglected, or dependent under subsection (1) of Section 2-10 prior to the minor's 18th birthday whose parent or immediate family member, or any person responsible for the minor's welfare, or any person who is in the same family or household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor's parent:
  - (i) inflicts, causes to be inflicted, or allows to be inflicted upon such minor physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
  - (ii) creates a substantial risk of physical injury to such minor by other than accidental means which would be likely to cause death, disfigurement, impairment of emotional health, or loss or impairment of any bodily function;
  - (iii) commits or allows to be committed any sex offense against such minor, as such sex offenses are

| 1 | defined in the Criminal Code of 1961 or the Criminal Code |
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| 2 | of 2012, or in the Wrongs to Children Act, and extending  |
| 3 | those definitions of sex offenses to include minors under |
| 1 | 18 years of age;  |

- (iv) commits or allows to be committed an act or acts
  of torture upon such minor;
  - (v) inflicts excessive corporal punishment;
- (vi) commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons as defined in Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012, upon such minor; or
- (vii) allows, encourages or requires a minor to commit any act of <u>commercial sexual activity</u> <del>prostitution</del>, as defined in the Criminal Code of 1961 or the Criminal Code of 2012, and extending those definitions to include minors under 18 years of age.

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

- (3) This Section does not apply to a minor who would be included herein solely for the purpose of qualifying for financial assistance for himself, his parents, guardian or custodian.
- (4) The changes made by this amendatory Act of the 101st General Assembly apply to a case that is pending on or after

- 1 the effective date of this amendatory Act of the 101st General
- 2 Assembly.
- 3 (Source: P.A. 101-79, eff. 7-12-19.)
- 4 Section 55. The Criminal Code of 2012 is amended by
- 5 changing Sections 1-6, 3-6, 8-2, 10-9, 11-0.1, 11-9.1A,
- 6 11-9.3, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-18, 11-18.1,
- 7 14-3, 33G-3, and 36-1 and the heading of subdivision 15 of
- 8 Article 11 as follows:
- 9 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)
- 10 Sec. 1-6. Place of trial.
- 11 (a) Generally.
- 12 Criminal actions shall be tried in the county where the
- offense was committed, except as otherwise provided by law.
- 14 The State is not required to prove during trial that the
- 15 alleged offense occurred in any particular county in this
- 16 State. When a defendant contests the place of trial under this
- 17 Section, all proceedings regarding this issue shall be
- 18 conducted under Section 114-1 of the Code of Criminal
- 19 Procedure of 1963. All objections of improper place of trial
- are waived by a defendant unless made before trial.
- 21 (b) Assailant and Victim in Different Counties.
- If a person committing an offense upon the person of
- another is located in one county and his victim is located in
- another county at the time of the commission of the offense,

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- 1 trial may be had in either of said counties.
- 2 (c) Death and Cause of Death in Different Places or Undetermined.
  - If cause of death is inflicted in one county and death ensues in another county, the offender may be tried in either county. If neither the county in which the cause of death was inflicted nor the county in which death ensued are known before trial, the offender may be tried in the county where the body was found.
- 10 (d) Offense Commenced Outside the State.
- If the commission of an offense commenced outside the State is consummated within this State, the offender shall be tried in the county where the offense is consummated.
  - (e) Offenses Committed in Bordering Navigable Waters.
- If an offense is committed on any of the navigable waters bordering on this State, the offender may be tried in any county adjacent to such navigable water.
- 18 (f) Offenses Committed while in Transit.
- If an offense is committed upon any railroad car, vehicle,
  watercraft or aircraft passing within this State, and it
  cannot readily be determined in which county the offense was
  committed, the offender may be tried in any county through
  which such railroad car, vehicle, watercraft or aircraft has
  passed.
- 25 (g) Theft.
- A person who commits theft of property may be tried in any

- 1 county in which he exerted control over such property.
- 2 (h) Bigamy.
- A person who commits the offense of bigamy may be tried in any county where the bigamous marriage or bigamous cohabitation has occurred.
- 6 (i) Kidnaping.

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- A person who commits the offense of kidnaping may be tried in any county in which his victim has traveled or has been confined during the course of the offense.
- 10 (j) Pandering.
- 11 A person who commits the offense of pandering as set forth
  12 in subdivision (a)(2)(A) or (a)(2)(B) of Section 11-14.3 may
  13 be tried in any county in which the commercial sexual activity
  14 prostitution was practiced or in any county in which any act in
  15 furtherance of the offense shall have been committed.
- 16 (k) Treason.
  - A person who commits the offense of treason may be tried in any county.
- 19 (1) Criminal Defamation.
  - If criminal defamation is spoken, printed or written in one county and is received or circulated in another or other counties, the offender shall be tried in the county where the defamation is spoken, printed or written. If the defamation is spoken, printed or written outside this state, or the offender resides outside this state, the offender may be tried in any county in this state in which the defamation was circulated or

1 received.

- 2 (m) Inchoate Offenses.
- A person who commits an inchoate offense may be tried in any county in which any act which is an element of the offense, including the agreement in conspiracy, is committed.
- 6 (n) Accountability for Conduct of Another.
  - Where a person in one county solicits, aids, abets, agrees, or attempts to aid another in the planning or commission of an offense in another county, he may be tried for the offense in either county.
- 11 (o) Child Abduction.
  - A person who commits the offense of child abduction may be tried in any county in which his victim has traveled, been detained, concealed or removed to during the course of the offense. Notwithstanding the foregoing, unless for good cause shown, the preferred place of trial shall be the county of the residence of the lawful custodian.
  - (p) A person who commits the offense of narcotics racketeering may be tried in any county where cannabis or a controlled substance which is the basis for the charge of narcotics racketeering was used; acquired; transferred or distributed to, from or through; or any county where any act was performed to further the use; acquisition, transfer or distribution of said cannabis or controlled substance; any money, property, property interest, or any other asset generated by narcotics activities was acquired, used, sold,

- transferred or distributed to, from or through; or, any
  enterprise interest obtained as a result of narcotics
  racketeering was acquired, used, transferred or distributed
  to, from or through, or where any activity was conducted by the
  enterprise or any conduct to further the interests of such an
  enterprise.
  - (q) A person who commits the offense of money laundering may be tried in any county where any part of a financial transaction in criminally derived property took place or in any county where any money or monetary instrument which is the basis for the offense was acquired, used, sold, transferred or distributed to, from or through.
  - (r) A person who commits the offense of cannabis trafficking or controlled substance trafficking may be tried in any county.
  - (s) A person who commits the offense of online sale of stolen property, online theft by deception, or electronic fencing may be tried in any county where any one or more elements of the offense took place, regardless of whether the element of the offense was the result of acts by the accused, the victim or by another person, and regardless of whether the defendant was ever physically present within the boundaries of the county.
  - (t) A person who commits the offense of identity theft or aggravated identity theft may be tried in any one of the following counties in which: (1) the offense occurred; (2) the

- 1 information used to commit the offense was illegally used; or
- 2 (3) the victim resides.
- 3 (u) A person who commits the offense of financial
- 4 exploitation of an elderly person or a person with a
- 5 disability may be tried in any one of the following counties in
- 6 which: (1) any part of the offense occurred; or (2) the victim
- 7 or one of the victims reside.
- 8 If a person is charged with more than one violation of
- 9 identity theft or aggravated identity theft and those
- 10 violations may be tried in more than one county, any of those
- 11 counties is a proper venue for all of the violations.
- 12 (Source: P.A. 101-394, eff. 1-1-20.)
- 13 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)
- 14 Sec. 3-6. Extended limitations. The period within which a
- prosecution must be commenced under the provisions of Section
- 16 3-5 or other applicable statute is extended under the
- 17 following conditions:
- 18 (a) A prosecution for theft involving a breach of a
- 19 fiduciary obligation to the aggrieved person may be commenced
- 20 as follows:
- 21 (1) If the aggrieved person is a minor or a person
- 22 under legal disability, then during the minority or legal
- 23 disability or within one year after the termination
- thereof.
- 25 (2) In any other instance, within one year after the

discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

- (b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.
- (b-5) When the victim is under 18 years of age at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code may be commenced within 25 years of the victim attaining the age of 18 years.
- (b-6) When the victim is 18 years of age or over at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in

- 1 persons and related offenses under Section 10-9 of this Code
- 2 may be commenced within 25 years after the commission of the
- 3 offense.
- 4 (b-7) When the victim is under 18 years of age at the time
- of the offense, a prosecution for female genital mutilation
- 6 may be commenced at any time.
- 7 (c) (Blank).
- 8 (d) A prosecution for child pornography, aggravated child
- 9 pornography, indecent solicitation of a child, soliciting for
- 10 a <u>sexually exploited child</u> <del>juvenile prostitute</del>, juvenile
- 11 pimping, exploitation of a child, or promoting <u>commercial</u>
- 12 <u>sexual exploitation of a child</u> <del>juvenile prostitution</del> except
- 13 for keeping a place of <u>commercial sexual exploitation of a</u>
- 14 <u>child</u> <del>juvenile prostitution</del> may be commenced within one year
- of the victim attaining the age of 18 years. However, in no
- such case shall the time period for prosecution expire sooner
- than 3 years after the commission of the offense.
- 18 (e) Except as otherwise provided in subdivision (j), a
- 19 prosecution for any offense involving sexual conduct or sexual
- 20 penetration, as defined in Section 11-0.1 of this Code, where
- 21 the defendant was within a professional or fiduciary
- 22 relationship or a purported professional or fiduciary
- 23 relationship with the victim at the time of the commission of
- 24 the offense may be commenced within one year after the
- 25 discovery of the offense by the victim.
- 26 (f) A prosecution for any offense set forth in Section 44

- of the Environmental Protection Act may be commenced within 5
- 2 years after the discovery of such an offense by a person or
- 3 agency having the legal duty to report the offense or in the
- 4 absence of such discovery, within 5 years after the proper
- 5 prosecuting officer becomes aware of the offense.
- 6 (f-5) A prosecution for any offense set forth in Section
- 7 16-30 of this Code may be commenced within 5 years after the
- 8 discovery of the offense by the victim of that offense.
- 9 (g) (Blank).
- 10 (h) (Blank).
- 11 (i) Except as otherwise provided in subdivision (j), a
- 12 prosecution for criminal sexual assault, aggravated criminal
- 13 sexual assault, or aggravated criminal sexual abuse may be
- 14 commenced at any time. If the victim consented to the
- 15 collection of evidence using an Illinois State Police Sexual
- 16 Assault Evidence Collection Kit under the Sexual Assault
- 17 Survivors Emergency Treatment Act, it shall constitute
- 18 reporting for purposes of this Section.
- 19 Nothing in this subdivision (i) shall be construed to
- 20 shorten a period within which a prosecution must be commenced
- 21 under any other provision of this Section.
- 22 (i-5) A prosecution for armed robbery, home invasion,
- kidnapping, or aggravated kidnaping may be commenced within 10
- 24 years of the commission of the offense if it arises out of the
- 25 same course of conduct and meets the criteria under one of the
- offenses in subsection (i) of this Section.

- (j) (1) When the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, felony criminal sexual abuse, or female genital mutilation may be commenced at any time.
  - (2) When in circumstances other than as described in paragraph (1) of this subsection (j), when the victim is under 18 years of age at the time of the offense, a prosecution for failure of a person who is required to report an alleged or suspected commission of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse under the Abused and Neglected Child Reporting Act may be commenced within 20 years after the child victim attains 18 years of age.
  - (3) When the victim is under 18 years of age at the time of the offense, a prosecution for misdemeanor criminal sexual abuse may be commenced within 10 years after the child victim attains 18 years of age.
  - (4) Nothing in this subdivision (j) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.
- (j-5) A prosecution for armed robbery, home invasion, kidnapping, or aggravated kidnaping may be commenced at any time if it arises out of the same course of conduct and meets

- the criteria under one of the offenses in subsection (j) of this Section.
- (k) (Blank).

- 4 (1) A prosecution for any offense set forth in Section 5 26-4 of this Code may be commenced within one year after the 6 discovery of the offense by the victim of that offense.
  - (1-5) A prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 11-0.1 of this Code, in which the victim was 18 years of age or older at the time of the offense, may be commenced within one year after the discovery of the offense by the victim when corroborating physical evidence is available. The charging document shall state that the statute of limitations is extended under this subsection (1-5) and shall state the circumstances justifying the extension. Nothing in this subsection (1-5) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section or Section 3-5 of this Code.
    - (m) The prosecution shall not be required to prove at trial facts which extend the general limitations in Section 3-5 of this Code when the facts supporting extension of the period of general limitations are properly pled in the charging document. Any challenge relating to the extension of the general limitations period as defined in this Section shall be exclusively conducted under Section 114-1 of the Code of Criminal Procedure of 1963.

- 1 (n) A prosecution for any offense set forth in subsection
- 2 (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the
- 3 Illinois Public Aid Code, in which the total amount of money
- 4 involved is \$5,000 or more, including the monetary value of
- 5 food stamps and the value of commodities under Section 16-1 of
- 6 this Code may be commenced within 5 years of the last act
- 7 committed in furtherance of the offense.
- 8 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
- 9 101-130, eff. 1-1-20; 101-285, eff. 1-1-20; 102-558, eff.
- 10 8-20-21.)
- 11 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)
- 12 Sec. 8-2. Conspiracy.
- 13 (a) Elements of the offense. A person commits the offense
- of conspiracy when, with intent that an offense be committed,
- 15 he or she agrees with another to the commission of that
- offense. No person may be convicted of conspiracy to commit an
- 17 offense unless an act in furtherance of that agreement is
- alleged and proved to have been committed by him or her or by a
- 19 co-conspirator.
- 20 (b) Co-conspirators. It is not a defense to conspiracy
- 21 that the person or persons with whom the accused is alleged to
- 22 have conspired:
- 23 (1) have not been prosecuted or convicted,
- 24 (2) have been convicted of a different offense,
- 25 (3) are not amenable to justice,

| Т  | (4) Have been acquirted, or                             |
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| 2  | (5) lacked the capacity to commit an offense.           |
| 3  | (c) Sentence.   |
| 4  | (1) Except as otherwise provided in this subsection or  |
| 5  | Code, a person convicted of conspiracy to commit:       |
| 6  | (A) a Class X felony shall be sentenced for a Class     |
| 7  | 1 felony;   |
| 8  | (B) a Class 1 felony shall be sentenced for a Class     |
| 9  | 2 felony;   |
| 10 | (C) a Class 2 felony shall be sentenced for a Class     |
| 11 | 3 felony;   |
| 12 | (D) a Class 3 felony shall be sentenced for a Class     |
| 13 | 4 felony;   |
| 14 | (E) a Class 4 felony shall be sentenced for a Class     |
| 15 | 4 felony; and   |
| 16 | (F) a misdemeanor may be fined or imprisoned or         |
| 17 | both not to exceed the maximum provided for the         |
| 18 | offense that is the object of the conspiracy.           |
| 19 | (2) A person convicted of conspiracy to commit any of   |
| 20 | the following offenses shall be sentenced for a Class X |
| 21 | felony:   |
| 22 | (A) aggravated insurance fraud conspiracy when the      |
| 23 | person is an organizer of the conspiracy (720 ILCS      |
| 24 | 5/46-4); or   |
| 25 | (B) aggravated governmental entity insurance fraud      |
| 26 | conspiracy when the person is an organizer of the       |

| 1  | conspiracy (720 ILCS 5/46-4).                              |
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| 2  | (3) A person convicted of conspiracy to commit any of      |
| 3  | the following offenses shall be sentenced for a Class 1    |
| 4  | felony:  |
| 5  | (A) first degree murder (720 ILCS 5/9-1); or               |
| 6  | (B) aggravated insurance fraud (720 ILCS 5/46-3)           |
| 7  | or aggravated governmental insurance fraud (720 ILCS       |
| 8  | 5/46-3).   |
| 9  | (4) A person convicted of conspiracy to commit             |
| 10 | insurance fraud (720 ILCS 5/46-3) or governmental entity   |
| 11 | insurance fraud (720 ILCS 5/46-3) shall be sentenced for a |
| 12 | Class 2 felony.  |
| 13 | (5) A person convicted of conspiracy to commit any of      |
| 14 | the following offenses shall be sentenced for a Class 3    |
| 15 | felony:  |
| 16 | (A) soliciting for a provider of commercial sexual         |
| 17 | <pre>activity prostitute (720 ILCS 5/11-14.3(a)(1));</pre> |
| 18 | (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or              |
| 19 | 5/11-14.3(a)(2)(B));                                       |
| 20 | (C) keeping a place of commercial sexual activity          |
| 21 | <pre>prostitution (720 ILCS 5/11-14.3(a)(1));</pre>        |
| 22 | (D) pimping (720 ILCS 5/11-14.3(a)(2)(C));                 |
| 23 | (E) unlawful use of weapons under Section                  |
| 24 | 24-1(a)(1) (720 ILCS 5/24-1(a)(1));                        |
| 25 | (F) unlawful use of weapons under Section                  |
| 26 | 24-1(a)(7) (720 ILCS 5/24-1(a)(7));                        |

- 1 (G) gambling (720 ILCS 5/28-1);
- 2 (H) keeping a gambling place (720 ILCS 5/28-3);
- 3 (I) registration of federal gambling stamps 4 violation (720 ILCS 5/28-4);
- 5 (J) look-alike substances violation (720 ILCS 570/404);
- 7 (K) miscellaneous controlled substance violation 8 under Section 406(b) (720 ILCS 570/406(b)); or
- 9 (L) an inchoate offense related to any of the 10 principal offenses set forth in this item (5).
- 11 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11.)
- 12 (720 ILCS 5/10-9)
- Sec. 10-9. Trafficking in persons, involuntary servitude,
- 14 and related offenses.
- 15 (a) Definitions. In this Section:
- 16 (1) "Intimidation" has the meaning prescribed in Section 12-6.
- 18 (2) "Commercial sexual activity" means any sex act on 19 account of which anything of value is given, promised to, or 20 received by any person.
- 21 (2.5) "Company" means any sole proprietorship, 22 organization, association, corporation, partnership, joint 23 venture, limited partnership, limited liability partnership, 24 limited liability limited partnership, limited liability 25 company, or other entity or business association, including

- 1 all wholly owned subsidiaries, majority-owned subsidiaries,
- 2 parent companies, or affiliates of those entities or business
- 3 associations, that exist for the purpose of making profit.
- 4 (3) "Financial harm" includes intimidation that brings
- 5 about financial loss, criminal usury, or employment contracts
- 6 that violate the Frauds Act.
- 7 (4) (Blank).
- 8 (5) "Labor" means work of economic or financial value.
- 9 (6) "Maintain" means, in relation to labor or services, to
- 10 secure continued performance thereof, regardless of any
- initial agreement on the part of the victim to perform that
- 12 type of service.
- 13 (7) "Obtain" means, in relation to labor or services, to
- secure performance thereof.
- 15 (7.5) "Serious harm" means any harm, whether physical or
- 16 nonphysical, including psychological, financial, or
- 17 reputational harm, that is sufficiently serious, under all the
- 18 surrounding circumstances, to compel a reasonable person of
- 19 the same background and in the same circumstances to perform
- 20 or to continue performing labor or services in order to avoid
- 21 incurring that harm.
- 22 (8) "Services" means activities resulting from
- 23 relationship between a person and the actor in which the
- 24 person performs activities under the supervision of or for the
- 25 benefit of the actor. Commercial sexual activity and
- 26 sexually-explicit performances are forms of activities that

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- 1 are "services" under this Section. Nothing in this definition
- 2 may be construed to legitimize or legalize <a href="commercial sexual">commercial sexual</a>
- 3 <u>activity</u> <del>prostitution</del>.
- (9) "Sexually-explicit performance" means a live, recorded, broadcast (including over the Internet), or public act or show intended to arouse or satisfy the sexual desires or
- 8 (10) "Trafficking victim" means a person subjected to the 9 practices set forth in subsection (b), (c), or (d).

appeal to the prurient interests of patrons.

- (b) Involuntary servitude. A person commits involuntary servitude when he or she knowingly subjects, attempts to subject, or engages in a conspiracy to subject another person to labor or services obtained or maintained through any of the following means, or any combination of these means:
- 15 (1) causes or threatens to cause physical harm to any person;
  - (2) physically restrains or threatens to physically restrain another person;
  - (3) abuses or threatens to abuse the law or legal process;
    - (4) knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person;
      - (5) uses intimidation, or exerts financial control

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1 over any person; or

- 2 (6) uses any scheme, plan, or pattern intended to 3 cause the person to believe that, if the person did not 4 perform the labor or services, that person or another 5 person would suffer serious harm or physical restraint.
- Sentence. Except as otherwise provided in subsection (e) or (f), a violation of subsection (b) (1) is a Class X felony, (b) (2) is a Class 1 felony, (b) (3) is a Class 2 felony, (b) (4) is a Class 3 felony, (b) (5) and (b) (6) is a Class 4 felony.
  - (c) Involuntary sexual servitude of a minor. A person commits involuntary sexual servitude of a minor when he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, provide, or obtain by any means, another person under 18 years of age, knowing that the minor will engage in commercial sexual activity, a sexually-explicit performance, or the production of pornography, or causes or attempts to cause a minor to engage in one or more of those activities and:
    - (1) there is no overt force or threat and the minor is between the ages of 17 and 18 years;
- 21 (2) there is no overt force or threat and the minor is 22 under the age of 17 years; or
- 23 (3) there is overt force or threat.
- Sentence. Except as otherwise provided in subsection (e) or (f), a violation of subsection (c)(1) is a Class 1 felony, (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

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- (d) Trafficking in persons. A person commits trafficking 1 2 in persons when he or she knowingly: (1) recruits, entices, harbors, transports, provides, or obtains by any means, or 3 attempts to recruit, entice, harbor, transport, provide, or 4 5 obtain by any means, another person, intending or knowing that 6 the person will be subjected to involuntary servitude; or (2) 7 benefits, financially or by receiving anything of value, from 8 participation in a venture that has engaged in an act of 9 involuntary servitude or involuntary sexual servitude of a 10 minor. A company commits trafficking in persons when the 11 company knowingly benefits, financially or by receiving 12 anything of value, from participation in a venture that has 13 engaged in an act of involuntary servitude or involuntary sexual servitude of a minor. 14
  - Sentence. Except as otherwise provided in subsection (e) or (f), a violation of this subsection by a person is a Class 1 felony. A violation of this subsection by a company is a business offense for which a fine of up to \$100,000 may be imposed.
  - (e) Aggravating factors. A violation of this Section involving kidnapping or an attempt to kidnap, aggravated criminal sexual assault or an attempt to commit aggravated criminal sexual assault, or an attempt to commit first degree murder is a Class X felony.
    - (f) Sentencing considerations.
  - (1) Bodily injury. If, pursuant to a violation of this

Section, a victim suffered bodily injury, the defendant may be sentenced to an extended-term sentence under Section 5-8-2 of the Unified Code of Corrections. The sentencing court must take into account the time in which the victim was held in servitude, with increased penalties for cases in which the victim was held for between 180 days and one year, and increased penalties for cases in which the victim was held for more than one year.

- (2) Number of victims. In determining sentences within statutory maximums, the sentencing court should take into account the number of victims, and may provide for substantially increased sentences in cases involving more than 10 victims.
- (g) Restitution. Restitution is mandatory under this Section. In addition to any other amount of loss identified, the court shall order restitution including the greater of (1) the gross income or value to the defendant of the victim's labor or services or (2) the value of the victim's labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law, whichever is greater.
- (g-5) Fine distribution. If the court imposes a fine under subsection (b), (c), or (d) of this Section, it shall be collected and distributed to the Specialized Services for Survivors of Human Trafficking Fund in accordance with Section 5-9-1.21 of the Unified Code of Corrections.

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- Trafficking victim services. 1 (h) Subject to the 2 availability of funds, the Department of Human Services may 3 provide or fund emergency services and assistance individuals who are victims of one or more offenses defined in 4 5 this Section.
  - (i) Certification. The Attorney General, a Attorney, or any law enforcement official shall certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an investigation or prosecution under this Section has begun and the individual who is a likely victim of a crime described in this Section is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of victims of a crime described in this Section who are under 18 years of age. This certification shall be made available to the victim and his or her designated legal representative.
    - (j) A person who commits involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons under subsection (b), (c), or (d) of this Section is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.
- 26 (Source: P.A. 101-18, eff. 1-1-20.)

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

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

"Adult obscenity or child pornography Internet site". See Section 11-23.

## "Advance commercial sexual activity prostitution" means:

- activity prostitute by performing any of the following acts when acting other than as a provider of commercial sexual activity prostitute or a patron of a provider of commercial sexual activity prostitute:
  - (A) Soliciting another for the purpose of commercial sexual activity prostitution.
  - (B) Arranging or offering to arrange a meeting of persons for the purpose of <u>commercial sexual activity</u> <del>prostitution</del>.
  - (C) Directing another to a place knowing the direction is for the purpose of <u>commercial sexual</u> activity <del>prostitution</del>.
- (2) Keeping a place of commercial sexual activity

| prostitution by controlling or exercising control over the                |
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| use of any place that could offer seclusion or shelter for                |
| the practice of <u>commercial sexual activity</u> <del>prostitution</del> |
| and performing any of the following acts when acting other                |
| than as a provider of commercial sexual activity                          |
| prostitute or a patron of a provider of commercial sexual                 |
| activity <del>prostitute</del> :  |

- (A) Knowingly granting or permitting the use of the place for the purpose of <u>commercial sexual</u> activity <del>prostitution</del>.
- (B) Granting or permitting the use of the place under circumstances from which he or she could reasonably know that the place is used or is to be used for purposes of <a href="mailto:commercial sexual activity">commercial sexual activity</a> <a href="mailto:prostitution">prostitution</a>.
- (C) Permitting the continued use of the place after becoming aware of facts or circumstances from which he or she should reasonably know that the place is being used for purposes of <a href="commercial sexual activity">commercial sexual</a> activity <a href="prostitution">prostitution</a>.
- 21 "Agency". See Section 11-9.5.
- "Arranges". See Section 11-6.5.
- "Bodily harm" means physical harm, and includes, but is not limited to, sexually transmitted disease, pregnancy, and impotence.
- "Care and custody". See Section 11-9.5.

- 1 "Child care institution". See Section 11-9.3.
- 2 "Child pornography". See Section 11-20.1.
- 3 "Child sex offender". See Section 11-9.3.
- 4 "Community agency". See Section 11-9.5.
- 5 "Conditional release". See Section 11-9.2.
- "Consent" means a freely given agreement to the act of
  sexual penetration or sexual conduct in question. Lack of
  verbal or physical resistance or submission by the victim
  resulting from the use of force or threat of force by the
  accused shall not constitute consent. The manner of dress of
  the victim at the time of the offense shall not constitute
- 12 consent.
- "Custody". See Section 11-9.2.
- "Day care center". See Section 11-9.3.
- "Depict by computer". See Section 11-20.1.
- "Depiction by computer". See Section 11-20.1.
- "Disseminate". See Section 11-20.1.
- 18 "Distribute". See Section 11-21.
- "Family member" means a parent, grandparent, child, aunt,
- 20 uncle, great-aunt, or great-uncle, whether by whole blood,
- 21 half-blood, or adoption, and includes a step-grandparent,
- 22 step-parent, or step-child. "Family member" also means, if the
- victim is a child under 18 years of age, an accused who has
- 24 resided in the household with the child continuously for at
- least 6 months.
- 26 "Force or threat of force" means the use of force or

- 1 violence or the threat of force or violence, including, but
- 2 not limited to, the following situations:
- 3 (1) when the accused threatens to use force or 4 violence on the victim or on any other person, and the
- 5 victim under the circumstances reasonably believes that
- 6 the accused has the ability to execute that threat; or
- 7 (2) when the accused overcomes the victim by use of
- 8 superior strength or size, physical restraint, or physical
- 9 confinement.
- "Harmful to minors". See Section 11-21.
- "Loiter". See Section 9.3.
- "Material". See Section 11-21.
- "Minor". See Section 11-21.
- "Nudity". See Section 11-21.
- 15 "Obscene". See Section 11-20.
- 16 "Part day child care facility". See Section 11-9.3.
- "Penal system". See Section 11-9.2.
- 18 "Person responsible for the child's welfare". See Section
- 19 11-9.1A.
- "Person with a disability". See Section 11-9.5.
- "Playground". See Section 11-9.3.
- "Probation officer". See Section 11-9.2.
- "Produce". See Section 11-20.1.
- 24 "Profit from commercial sexual activity prostitution"
- 25 means, when acting other than as a provider of commercial
- 26 <u>sexual activity</u> <del>prostitute</del>, to receive anything of value for

- 1 personally rendered commercial sexual activity prostitution
- 2 services or to receive anything of value from a provider of
- 3 <u>commercial sexual activity</u> <del>prostitute</del>, if the thing received
- 4 is not for lawful consideration and the person knows it was
- 5 earned in whole or in part from the practice of commercial
- 6 sexual activity <del>prostitution</del>.
- 7 "Public park". See Section 11-9.3.
- 8 "Public place". See Section 11-30.
- 9 "Reproduce". See Section 11-20.1.
- 10 "Sado-masochistic abuse". See Section 11-21.
- "School". See Section 11-9.3.
- "School official". See Section 11-9.3.
- "Sexual abuse". See Section 11-9.1A.
- "Sexual act". See Section 11-9.1.
- "Sexual conduct" means any knowing touching or fondling by
- 16 the victim or the accused, either directly or through
- 17 clothing, of the sex organs, anus, or breast of the victim or
- the accused, or any part of the body of a child under 13 years
- of age, or any transfer or transmission of semen by the accused
- 20 upon any part of the clothed or unclothed body of the victim,
- 21 for the purpose of sexual gratification or arousal of the
- victim or the accused.
- "Sexual excitement". See Section 11-21.
- "Sexual penetration" means any contact, however slight,
- 25 between the sex organ or anus of one person and an object or
- the sex organ, mouth, or anus of another person, or any

- 1 intrusion, however slight, of any part of the body of one
- 2 person or of any animal or object into the sex organ or anus of
- 3 another person, including, but not limited to, cunnilingus,
- 4 fellatio, or anal penetration. Evidence of emission of semen
- is not required to prove sexual penetration.
- 6 "Solicit". See Section 11-6.
- 7 "State-operated facility". See Section 11-9.5.
- 8 "Supervising officer". See Section 11-9.2.
- 9 "Surveillance agent". See Section 11-9.2.
- "Treatment and detention facility". See Section 11-9.2.
- 11 "Unable to give knowing consent" includes when the accused 12 administers any intoxicating or anesthetic substance, or any 13 controlled substance causing the victim to become unconscious of the nature of the act and this condition was known, or 14 15 reasonably should have been known by the accused. "Unable to 16 give knowing consent" also includes when the victim has taken 17 an intoxicating substance or any controlled substance causing the victim to become unconscious of the nature of the act, and 18 19 this condition was known or reasonably should have been known 20 by the accused, but the accused did not provide or administer 21 the intoxicating substance. As used in this paragraph, 22 "unconscious of the nature of the act" means incapable of 23 resisting because the victim meets any one of the following conditions: 24
  - (1) was unconscious or asleep;

26 (2) was not aware, knowing, perceiving, or cognizant

1 that the act occurred;

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

A victim is presumed "unable to give knowing consent" when the victim:

- (1) is committed to the care and custody or supervision of the Illinois Department of Corrections (IDOC) and the accused is an employee or volunteer who is not married to the victim who knows or reasonably should know that the victim is committed to the care and custody or supervision of such department;
- (2) is committed to or placed with the Department of Children and Family Services (DCFS) and in residential care, and the accused employee is not married to the victim, and knows or reasonably should know that the victim is committed to or placed with DCFS and in residential care;
- (3) is a client or patient and the accused is a health care provider or mental health care provider and the sexual conduct or sexual penetration occurs during a

1 treatment session, consultation, interview, or
2 examination;

- (4) is a resident or inpatient of a residential facility and the accused is an employee of the facility who is not married to such resident or inpatient who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility; or
- (5) is detained or otherwise in the custody of a police officer, peace officer, or other law enforcement official who: (i) is detaining or maintaining custody of such person; or (ii) knows, or reasonably should know, that at the time of the offense, such person was detained or in custody and the police officer, peace officer, or other law enforcement official is not married to such detainee.
- "Victim" means a person alleging to have been subjected to an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,
- 23 11-1.50, or 11-1.60 of this Code.
- 24 (Source: P.A. 102-567, eff. 1-1-22; 102-1096, eff. 1-1-23.)

- 1 Sec. 11-9.1A. Permitting sexual abuse of a child.
- 2 (a) A person responsible for a child's welfare commits
- 3 permitting sexual abuse of a child if the person has actual
- 4 knowledge of and permits an act of sexual abuse upon the child,
- 5 or permits the child to engage in commercial sexual activity
- 6 prostitution as defined in Section 11-14 of this Code.
  - (b) In this Section:
- 8 "Actual knowledge" includes credible allegations made by
- 9 the child.

- "Child" means a minor under the age of 17 years.
- "Person responsible for the child's welfare" means the
- 12 child's parent, step-parent, legal guardian, or other person
- having custody of a child, who is responsible for the child's
- care at the time of the alleged sexual abuse.
- "Commercial sexual activity Prostitution" means commercial
- 16 sexual activity <del>prostitution</del> as defined in Section 11-14 of
- this Code.
- 18 "Sexual abuse" includes criminal sexual abuse or criminal
- 19 sexual assault as defined in Section 11-1.20, 11-1.30,
- 20 11-1.40, 11-1.50, or 11-1.60 of this Code.
- 21 (c) This Section does not apply to a person responsible
- for the child's welfare who, having reason to believe that
- 23 sexual abuse has occurred, makes timely and reasonable efforts
- 24 to stop the sexual abuse by reporting the sexual abuse in
- 25 conformance with the Abused and Neglected Child Reporting Act
- or by reporting the sexual abuse, or causing a report to be

- 1 made, to medical or law enforcement authorities or anyone who 2 is a mandated reporter under Section 4 of the Abused and
- 3 Neglected Child Reporting Act.
  - (d) Whenever a law enforcement officer has reason to believe that the child or the person responsible for the child's welfare has been abused by a family or household member as defined by the Illinois Domestic Violence Act of 1986, the officer shall immediately use all reasonable means to prevent further abuse under Section 112A-30 of the Code of Criminal Procedure of 1963.
    - (e) An order of protection under Section 111-8 of the Code of Criminal Procedure of 1963 shall be sought in all cases where there is reason to believe that a child has been sexually abused by a family or household member. In considering appropriate available remedies, it shall be presumed that awarding physical care or custody to the abuser is not in the child's best interest.
    - (f) A person may not be charged with the offense of permitting sexual abuse of a child under this Section until the person who committed the offense is charged with criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or commercial sexual activity prostitution.
  - (g) A person convicted of permitting the sexual abuse of a child is guilty of a Class 1 felony. As a condition of any

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- sentence of supervision, probation, conditional discharge, or mandatory supervised release, any person convicted under this Section shall be ordered to undergo child sexual abuse, domestic violence, or other appropriate counseling for a specified duration with a qualified social or mental health
- 7 (h) It is an affirmative defense to a charge of permitting sexual abuse of a child under this Section that the person 8 9 responsible for the child's welfare had a reasonable 10 apprehension that timely action to stop the abuse 11 commercial sexual activity <del>prostitution</del> would result in the 12 imminent infliction of death, great bodily harm, permanent disfigurement, or permanent disability to that person or 13 another in retaliation for reporting. 14
- 15 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)
- 16 (720 ILCS 5/11-9.3)
  - Sec. 11-9.3. Presence within school zone by child sex offenders prohibited; approaching, contacting, residing with, or communicating with a child within certain places by child sex offenders prohibited.
- 21 (a) It is unlawful for a child sex offender to knowingly be 22 present in any school building, on real property comprising 23 any school, or in any conveyance owned, leased, or contracted 24 by a school to transport students to or from school or a school 25 related activity when persons under the age of 18 are present

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

(a-5) It is unlawful for a child sex offender to knowingly be present within 100 feet of a site posted as a pick-up or

discharge stop for a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when one or more persons under the age of 18 are present at the site.

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

(b) It is unlawful for a child sex offender to knowingly loiter within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the

principal of the school of his or her presence at the school or has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official.

(b-2) It is unlawful for a child sex offender to knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park while persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a school building or the real property comprising any school that persons under the age of 18 attend. Nothing in this subsection (b-5) prohibits a child

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sex offender from residing within 500 feet of a school building or the real property comprising any school that persons under 18 attend if the property is owned by the child sex offender and was purchased before July 7, 2000 (the effective date of Public Act 91-911).

(b-10) It is unlawful for a child sex offender to knowingly reside within 500 feet of a playground, child care institution, day care center, part day child care facility, day care home, group day care home, or a facility providing programs or services exclusively directed toward persons under 18 years of age. Nothing in this subsection (b-10) prohibits a child sex offender from residing within 500 feet of a playground or a facility providing programs or exclusively directed toward persons under 18 years of age if the property is owned by the child sex offender and was purchased before July 7, 2000. Nothing in this subsection (b-10) prohibits a child sex offender from residing within 500 feet of a child care institution, day care center, or part day child care facility if the property is owned by the child sex offender and was purchased before June 26, 2006. Nothing in this subsection (b-10) prohibits a child sex offender from residing within 500 feet of a day care home or group day care home if the property is owned by the child sex offender and was purchased before August 14, 2008 (the effective date of Public Act 95-821).

(b-15) It is unlawful for a child sex offender to

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

7 This subsection (b-15) does not apply if the victim of the 8 sex offense is 21 years of age or older.

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

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

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

(c-2) It is unlawful for a child sex offender to participate in a holiday event involving children under 18 years of age, including but not limited to distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter. For the purposes of this subsection, child sex offender has the meaning as defined in this Section, but does not include as a sex offense under paragraph (2) of subsection (d) of this Section, the offense under subsection (c) of Section 11-1.50 of this Code. This subsection does not apply to a child sex offender who is a parent or guardian of children under 18 years of age that are present in the home and other non-familial minors are not present.

(c-5) It is unlawful for a child sex offender to knowingly operate, manage, be employed by, or be associated with any

- carnival, amusement enterprise, or county or State fair when persons under the age of 18 are present.
  - (c-6) It is unlawful for a child sex offender who owns and resides at residential real estate to knowingly rent any residential unit within the same building in which he or she resides to a person who is the parent or guardian of a child or children under 18 years of age. This subsection shall apply only to leases or other rental arrangements entered into after January 1, 2009 (the effective date of Public Act 95-820).
  - (c-7) It is unlawful for a child sex offender to knowingly offer or provide any programs or services to persons under 18 years of age in his or her residence or the residence of another or in any facility for the purpose of offering or providing such programs or services, whether such programs or services are offered or provided by contract, agreement, arrangement, or on a volunteer basis.
  - (c-8) It is unlawful for a child sex offender to knowingly operate, whether authorized to do so or not, any of the following vehicles: (1) a vehicle which is specifically designed, constructed or modified and equipped to be used for the retail sale of food or beverages, including but not limited to an ice cream truck; (2) an authorized emergency vehicle; or (3) a rescue vehicle.
    - (d) Definitions. In this Section:
  - (1) "Child sex offender" means any person who:
- 26 (i) has been charged under Illinois law, or any

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| 1  | substantially similar federal law or law of another     |
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| 2  | state, with a sex offense set forth in paragraph (2) of |
| 3  | this subsection (d) or the attempt to commit an         |
| 4  | included sex offense, and the victim is a person under  |
| 5  | 18 years of age at the time of the offense; and:        |
| 6  | (A) is convicted of such offense or an attempt          |
| 7  | to commit such offense; or                              |
| 8  | (B) is found not guilty by reason of insanity           |
| 9  | of such offense or an attempt to commit such            |
| 10 | offense; or   |
| 11 | (C) is found not guilty by reason of insanity           |
| 12 | pursuant to subsection (c) of Section 104-25 of         |
| 13 | the Code of Criminal Procedure of 1963 of such          |
| 14 | offense or an attempt to commit such offense; or        |
| 15 | (D) is the subject of a finding not resulting           |
| 16 | in an acquittal at a hearing conducted pursuant to      |
| 17 | subsection (a) of Section 104-25 of the Code of         |
| 18 | Criminal Procedure of 1963 for the alleged              |
| 19 | commission or attempted commission of such              |
| 20 | offense; or   |
| 21 | (E) is found not guilty by reason of insanity           |
| 22 | following a hearing conducted pursuant to a             |
| 23 | federal law or the law of another state                 |
| 24 | substantially similar to subsection (c) of Section      |

104-25 of the Code of Criminal Procedure of 1963

of such offense or of the attempted commission of

such offense; or

- (F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or
- (ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or
- (iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

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

- (2) Except as otherwise provided in paragraph (2.5), "sex offense" means:
  - (i) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of

2012: 10-4 (forcible detention), 10-7 (aiding or 1 abetting child abduction under Section 10-5(b)(10)), 2 10-5(b)(10) (child luring), 11-1.40 (predatory 3 criminal sexual assault of a child), 11-6 (indecent 4 5 solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9.1 (sexual exploitation 6 of a child), 11-9.2 (custodial sexual misconduct), 7 11-9.5 (sexual misconduct with a person with a 8 9 disability), 11-11 (sexual relations within families), 10 11-14.3(a)(1) (promoting commercial sexual activity 11 prostitution by advancing commercial sexual activity prostitution), 11-14.3(a)(2)(A) (promoting commercial 12 13 sexual activity prostitution by profiting from 14 commercial sexual activity prostitution by compelling 15 a person to be a provider of commercial sexual 16 activity prostitute), 11-14.3(a)(2)(C) (promoting commercial sexual activity prostitution by profiting 17 from commercial sexual activity prostitution by means 18 19 other than as described in subparagraphs (A) and (B) 20 of paragraph (2) of subsection (a) of Section 21 11-14.3), 11-14.4 (promoting commercial sexual 22 exploitation of a child <del>juvenile prostitution</del>), 23 11-18.1 (patronizing a sexually exploited child 24 juvenile prostitute), 11-20.1 (child pornography), 25 11-20.1B (aggravated child pornography), 11-21 26 (harmful material), 11-25 (grooming), 11-26 (traveling

to meet a minor or traveling to meet a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park), 11-30 (public indecency) (when committed in a school, on real property comprising a school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park). An attempt to commit any of these offenses.

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

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

10-1 (kidnapping),

| 1  | 10-2 (aggravated kidnapping),                          |
|----|--|
| 2  | 10-3 (unlawful restraint),                             |
| 3  | 10-3.1 (aggravated unlawful restraint),                |
| 4  | 11-9.1(A) (permitting sexual abuse of a child).        |
| 5  | An attempt to commit any of these offenses.            |
| 6  | (iv) A violation of any former law of this State       |
| 7  | substantially equivalent to any offense listed in      |
| 8  | clause (2)(i) or (2)(ii) of subsection (d) of this     |
| 9  | Section.   |
| 10 | (2.5) For the purposes of subsections (b-5) and (b-10) |
| 11 | only, a sex offense means:                             |
| 12 | (i) A violation of any of the following Sections       |
| 13 | of the Criminal Code of 1961 or the Criminal Code of   |
| 14 | 2012:  |
| 15 | 10-5(b)(10) (child luring), 10-7 (aiding or            |
| 16 | abetting child abduction under Section 10-5(b)(10)),   |
| 17 | 11-1.40 (predatory criminal sexual assault of a        |
| 18 | child), 11-6 (indecent solicitation of a child),       |
| 19 | 11-6.5 (indecent solicitation of an adult), 11-9.2     |
| 20 | (custodial sexual misconduct), 11-9.5 (sexual          |
| 21 | misconduct with a person with a disability), 11-11     |
| 22 | (sexual relations within families), 11-14.3(a)(1)      |
| 23 | (promoting commercial sexual activity prostitution by  |
| 24 | advancing commercial sexual activity prostitution),    |
| 25 | 11-14.3(a)(2)(A) (promoting commercial sexual activity |
| 26 | prostitution by profiting from commercial sexual       |

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activity prostitution by compelling a person to be a provider of commercial sexual activity prostitute), 11-14.3(a)(2)(C) (promoting commercial sexual activity prostitution by profiting from commercial sexual activity prostitution by means other than as described in subparagraphs (A) and (B) of paragraph (2) of subsection (a) of Section 11-14.3), 11-14.4 (promoting commercial sexual exploitation of a child <del>juvenile</del> prostitution), 11-18.1 (patronizing a sexually exploited child juvenile prostitute), 11-20.1 (child pornography), 11-20.1B (aggravated child pornography), 11-25 (grooming), 11-26 (traveling to meet a minor or traveling to meet a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

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

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

| L | and the defendant is not a parent of the victim: |
|---|--|
| 2 | 10-1 (kidnapping),                               |
| 3 | 10-2 (aggravated kidnapping),                    |
| 1 | 10-3 (unlawful restraint),                       |
|   |  |

10-3.1 (aggravated unlawful restraint),

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

An attempt to commit any of these offenses.

- (iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.
- (3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of subsection (d) of this Section shall constitute a conviction for the purpose of this Section. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.
- (4) "Authorized emergency vehicle", "rescue vehicle", and "vehicle" have the meanings ascribed to them in Sections 1-105, 1-171.8 and 1-217, respectively, of the Illinois Vehicle Code.
- (5) "Child care institution" has the meaning ascribed to it in Section 2.06 of the Child Care Act of 1969.
  - (6) "Day care center" has the meaning ascribed to it

- in Section 2.09 of the Child Care Act of 1969.
- 2 (7) "Day care home" has the meaning ascribed to it in 3 Section 2.18 of the Child Care Act of 1969.
  - (8) "Facility providing programs or services directed towards persons under the age of 18" means any facility providing programs or services exclusively directed towards persons under the age of 18.
  - (9) "Group day care home" has the meaning ascribed to it in Section 2.20 of the Child Care Act of 1969.
  - (10) "Internet" has the meaning set forth in Section 16-0.1 of this Code.

## (11) "Loiter" means:

- (i) Standing, sitting idly, whether or not the person is in a vehicle, or remaining in or around school or public park property.
- (ii) Standing, sitting idly, whether or not the person is in a vehicle, or remaining in or around school or public park property, for the purpose of committing or attempting to commit a sex offense.
- (iii) Entering or remaining in a building in or around school property, other than the offender's residence.
- (12) "Part day child care facility" has the meaning ascribed to it in Section 2.10 of the Child Care Act of 1969.
  - (13) "Playground" means a piece of land owned or

- controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation.
  - (14) "Public park" includes a park, forest preserve, bikeway, trail, or conservation area under the jurisdiction of the State or a unit of local government.
  - (15) "School" means a public or private preschool or elementary or secondary school.
  - (16) "School official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board.
  - (e) For the purposes of this Section, the 500 feet distance shall be measured from: (1) the edge of the property of the school building or the real property comprising the school that is closest to the edge of the property of the child sex offender's residence or where he or she is loitering, and (2) the edge of the property comprising the public park building or the real property comprising the public park, playground, child care institution, day care center, part day child care facility, or facility providing programs or services exclusively directed toward persons under 18 years of age, or a victim of the sex offense who is under 21 years of age, to the edge of the child sex offender's place of residence or place where he or she is loitering.
  - (f) Sentence. A person who violates this Section is guilty of a Class 4 felony.

- 1 (Source: P.A. 102-997, eff. 1-1-23.)
- 2 (720 ILCS 5/Art. 11 Subdiv. 15 heading)
- 3 SUBDIVISION 15. COMMERCIAL SEXUAL ACTIVITY PROSTITUTION
- 4 OFFENSES
- 5 (Source: P.A. 96-1551, eff. 7-1-11.)
- 6 (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)
- 7 Sec. 11-14. <u>Commercial sexual activity</u> <del>Prostitution</del>.
- 8 (a) Any person who knowingly performs, offers or agrees to
- 9 perform any act of sexual penetration as defined in Section
- 10 11-0.1 of this Code for anything of value, or any touching or
- fondling of the sex organs of one person by another person, for
- 12 anything of value, for the purpose of sexual arousal or
- 13 gratification commits an act of commercial sexual activity
- 14 prostitution.
- 15 (b) Sentence. A violation of this Section is a Class A
- 16 misdemeanor.
- 17 (c) (Blank).
- 18 (c-5) It is an affirmative defense to a charge under this
- 19 Section that the accused engaged in or performed commercial
- 20 sexual activity prostitution as a result of being a victim of
- 21 involuntary servitude or trafficking in persons as defined in
- 22 Section 10-9 of this Code.
- 23 (d) Notwithstanding the foregoing, if it is determined,
- 24 after a reasonable detention for investigative purposes, that

a person suspected of or charged with a violation of this 1 2 Section is a person under the age of 18, that person shall be 3 immune from prosecution for a commercial sexual activity prostitution offense under this Section, and shall be subject 5 to the temporary protective custody provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of 1987. Pursuant to the 6 provisions of Section 2-6 of the Juvenile Court Act of 1987, a 7 8 law enforcement officer who takes a person under 18 years of 9 age into custody under this Section shall immediately report 10 an allegation of a violation of Section 10-9 of this Code to the Illinois Department of Children and Family Services State 11 12 Central Register, which shall commence initial an 13 investigation into child abuse or child neglect within 24 hours pursuant to Section 7.4 of the Abused and Neglected 14 15 Child Reporting Act.

- 16 (Source: P.A. 98-164, eff. 1-1-14; 98-538, eff. 8-23-13;
- 17 98-756, eff. 7-16-14; 99-109, eff. 7-22-15.)
- 18 (720 ILCS 5/11-14.1)
- 19 Sec. 11-14.1. Solicitation of a sexual act.
- 20 (a) Any person who offers a person not his or her spouse 21 any money, property, token, object, or article or anything of 22 value for that person or any other person not his or her spouse 23 to perform any act of sexual penetration as defined in Section 24 11-0.1 of this Code, or any touching or fondling of the sex 25 organs of one person by another person for the purpose of

- sexual arousal or gratification, commits solicitation of a sexual act.
- 3 (b) Sentence. Solicitation of a sexual act is a Class A
  4 misdemeanor. Solicitation of a sexual act from a person who is
  5 under the age of 18 or who is a person with a severe or
  6 profound intellectual disability is a Class 4 felony. If the
  7 court imposes a fine under this subsection (b), it shall be
  8 collected and distributed to the Specialized Services for
  9 Survivors of Human Trafficking Fund in accordance with Section
- 11 (b-5) (Blank).

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12 (c) This Section does not apply to a person engaged in
13 commercial sexual activity prostitution who is under 18 years
14 of age.

5-9-1.21 of the Unified Code of Corrections.

- (d) A person cannot be convicted under this Section if the practice of <u>commercial sexual activity</u> <del>prostitution</del> underlying the offense consists exclusively of the accused's own acts of <u>commercial sexual activity</u> <del>prostitution</del> under Section 11-14 of this Code.
- 20 (Source: P.A. 102-939, eff. 1-1-23.)
- 21 (720 ILCS 5/11-14.3)
- Sec. 11-14.3. Promoting <u>commercial sexual activity</u>

  23 <u>prostitution</u>.
- 24 (a) Any person who knowingly performs any of the following 25 acts commits promoting <u>commercial</u> <u>sexual</u> activity

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- 2 (1) advances <u>commercial sexual activity</u> <del>prostitution</del> 3 as defined in Section 11-0.1;
  - (2) profits from <u>commercial sexual activity</u>

    <del>prostitution</del> by:
    - (A) compelling a person to become a <u>provider of</u>
      commercial sexual activity <del>prostitute</del>;
    - (B) arranging or offering to arrange a situation in which a person may practice <u>commercial sexual</u> <u>activity prostitution</u>; or
    - (C) any means other than those described in subparagraph (A) or (B), including from a person who patronizes a provider of commercial sexual activity prostitute. This paragraph (C) does not apply to a person engaged in commercial sexual activity prostitution who is under 18 years of age. A person cannot be convicted of promoting commercial sexual activity prostitution under this paragraph (C) if the practice of commercial sexual activity prostitution under this paragraph of the accused's own acts of commercial sexual activity prostitution under Section 11-14 of this Code.

## (b) Sentence.

(1) A violation of subdivision (a)(1) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3

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felony. A second or subsequent violation of subdivision (a)(1), or any combination of convictions under subdivision (a)(1), (a)(2)(A), or (a)(2)(B) and Section 11-14 (commercial sexual activity prostitution), 11-14.1 (solicitation of a sexual act), 11-14.4 (promoting commercial sexual exploitation of a child <del>juvenile</del> prostitution), 11-15 (soliciting for a provider of commercial sexual activity <del>prostitute</del>), 11 - 15.1(soliciting for a <u>sexually exploited child</u> <del>juvenile</del> prostitute), 11-16 (pandering), 11-17 (keeping a place of commercial sexual activity prostitution), 11-17.1 (keeping a place of commercial sexual exploitation of a child juvenile prostitution), 11-18 (patronizing a provider of commercial sexual activity <del>prostitute</del>), 11-18.1 sexually exploited child (patronizing a <del>iuvenile</del> prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child), is a Class 3 felony.

- (2) A violation of subdivision (a)(2)(A) or (a)(2)(B) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony.
- (3) A violation of subdivision (a)(2)(C) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A second or subsequent violation of subdivision

(a)(2)(C), or any combination of convictions 1 2 subdivision (a) (2) (C) and subdivision (a) (1), (a) (2) (A), 3 or (a)(2)(B) of this Section (promoting commercial sexual activity prostitution), 11-14 (commercial sexual activity 4 5 prostitution), 11-14.1 (solicitation of a sexual act), 6 11-14.4 (promoting commercial sexual exploitation of a 7 child <del>juvenile prostitution</del>), 11-15 (soliciting for a 8 provider of commercial sexual activity prostitute), 9 (soliciting for a <u>sexually exploited child</u> 11 - 15.110 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a 11 place of commercial sexual activity prostitution), 11-17.1 12 (keeping a place of commercial sexual exploitation of a 13 <del>juvenile prostitution</del>), 11-18 (patronizing 14 provider of commercial sexual activity prostitute), 11-18.1 (patronizing a sexually exploited child <del>juvenile</del> 15 16 prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or 17 aggravated juvenile pimping), or 11-19.2 (exploitation of a child), is a Class 3 felony. 18 19 If the court imposes a fine under this subsection (b), it

shall be collected and distributed to the Specialized Services for Survivors of Human Trafficking Fund in accordance with Section 5-9-1.21 of the Unified Code of Corrections.

23 (Source: P.A. 98-1013, eff. 1-1-15.)

24 (720 ILCS 5/11-14.4)

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Sec. 11-14.4. Promoting commercial sexual exploitation of

- 1 <u>a child</u> <del>juvenile prostitution</del>.
  - (a) Any person who knowingly performs any of the following acts commits promoting <u>commercial sexual exploitation of a child juvenile prostitution</u>:
    - (1) advances <u>commercial sexual activity</u> prostitution as defined in Section 11-0.1, where the minor engaged in <u>commercial sexual activity</u> prostitution, or any person engaged in <u>commercial sexual activity</u> prostitution in the place, is under 18 years of age or is a person with a severe or profound intellectual disability at the time of the offense;
    - (2) profits from <u>commercial sexual activity</u> prostitution by any means where the <u>provider of commercial sexual activity prostituted person</u> is <u>a sexually exploited child</u> under 18 years of age or is a person with a severe or profound intellectual disability at the time of the offense;
    - (3) profits from <u>commercial sexual activity</u> prostitution by any means where the <u>sexually exploited</u> child prostituted person is under 13 years of age at the time of the offense;
    - (4) confines a child under the age of 18 or a person with a severe or profound intellectual disability against his or her will by the infliction or threat of imminent infliction of great bodily harm or permanent disability or disfigurement or by administering to the child or the

person with a severe or profound intellectual disability, without his or her consent or by threat or deception and for other than medical purposes, any alcoholic intoxicant or a drug as defined in the Illinois Controlled Substances Act or the Cannabis Control Act or methamphetamine as defined in the Methamphetamine Control and Community Protection Act and:

- (A) compels the child or the person with a severe or profound intellectual disability to engage in commercial sexual activity prostitution;
- (B) arranges a situation in which the child or the person with a severe or profound intellectual disability may practice commercial sexual activity prostitution; or
- (C) profits from <u>commercial sexual activity</u> prostitution by the child or the person with a severe or profound intellectual disability.
- (b) For purposes of this Section, administering drugs, as defined in subdivision (a)(4), or an alcoholic intoxicant to a child under the age of 13 or a person with a severe or profound intellectual disability shall be deemed to be without consent if the administering is done without the consent of the parents or legal guardian or if the administering is performed by the parents or legal guardian for other than medical purposes.
  - (c) If the accused did not have a reasonable opportunity

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observe the provider of commercial sexual activity 1 2 prostituted person, it is an affirmative defense to a charge 3 of promoting commercial sexual exploitation of a child juvenile prostitution, except for a charge under subdivision 4 5 (a) (4), that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe 6 7 or profound intellectual disability at the time of the act 8 giving rise to the charge.

(d) Sentence. A violation of subdivision (a) (1) is a Class 1 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class X felony. A violation of subdivision (a)(2) is a Class 1 felony. A violation of subdivision (a)(3) is a Class X felony. A violation of subdivision (a) (4) is a Class X felony, for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years. A second or subsequent violation of subdivision (a)(1), (a)(2), or (a)(3), or any combination of convictions under subdivision (a) (1), (a)(2), or (a)(3) and Sections 11-14 (commercial sexual activity prostitution), 11-14.1 (solicitation of a sexual (promoting commercial sexual activity act), 11-14.3 prostitution), 11-15 (soliciting for a provider of commercial sexual activity prostitute), 11-15.1 (soliciting for sexually exploited child juvenile prostitute), (pandering), 11-17 (keeping a place of commercial sexual activity prostitution), 11-17.1 (keeping a place of commercial

- sexual exploitation of a child juvenile prostitution), 11-18

  (patronizing a provider of commercial sexual activity

  prostitute), 11-18.1 (patronizing a sexually exploited child

  juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile

  pimping or aggravated juvenile pimping), or 11-19.2

  (exploitation of a child) of this Code, is a Class X felony.
  - (e) Forfeiture. Any person convicted of a violation of this Section that involves promoting <u>commercial sexual exploitation</u> of a child <u>juvenile prostitution</u> by keeping a place of <u>commercial sexual exploitation of a child juvenile prostitution</u> or convicted of a violation of subdivision (a) (4) is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.
  - (f) For the purposes of this Section, "provider of commercial sexual activity prostituted person" means any person who engages in, or agrees or offers to engage in, any act of sexual penetration as defined in Section 11-0.1 of this Code for any money, property, token, object, or article or anything of value, or any touching or fondling of the sex organs of one person by another person, for any money, property, token, object, or article or anything of value, for the purpose of sexual arousal or gratification.
- 23 (Source: P.A. 99-143, eff. 7-27-15.)
- 24 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)
- Sec. 11-18. Patronizing a provider of commercial sexual

## 1 <u>activity</u> <del>prostitute</del>.

- (a) Any person who knowingly performs any of the following acts with a person not his or her spouse commits patronizing a provider of commercial sexual activity prostitute:
  - (1) Engages in an act of sexual penetration as defined in Section 11-0.1 of this Code with a provider of commercial sexual activity prostitute; or
  - (2) Enters or remains in a place of <u>commercial sexual</u> <u>activity</u> <u>prostitution</u> with intent to engage in an act of sexual penetration as defined in Section 11-0.1 of this Code; or
  - (3) Engages in any touching or fondling with a provider of commercial sexual activity prostitute of the sex organs of one person by the other person, with the intent to achieve sexual arousal or gratification.
  - (b) Sentence.

Patronizing a provider of commercial sexual activity prostitute is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14 (commercial sexual activity prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting commercial sexual activity prostitution), 11-14.4 (promoting commercial sexual exploitation of a child juvenile prostitution), 11-15

- (soliciting for a provider of commercial sexual activity 1 2 prostitute), 11-15.1 (soliciting for a sexually exploited child <del>juvenile prostitute</del>), 11-16 (pandering), 11-17 (keeping 3 a place of commercial sexual activity prostitution), 11-17.1 4 5 (keeping a place of commercial sexual exploitation of a child <del>juvenile prostitution</del>), 11-18.1 (patronizing a 6 7 exploited child juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 8 9 (exploitation of a child) of this Code, is quilty of a Class 3 10 felony. If the court imposes a fine under this subsection (b), 11 it shall be collected and distributed to the Specialized 12 Services for Survivors of Human Trafficking Fund in accordance 13 with Section 5-9-1.21 of the Unified Code of Corrections.
- 14 (c) (Blank).

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- 15 (Source: P.A. 98-1013, eff. 1-1-15.)
- 16 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)
- Sec. 11-18.1. Patronizing a <u>sexually exploited child</u> minor engaged in prostitution.
  - (a) Any person who engages in an act of sexual penetration as defined in Section 11-0.1 of this Code with a person who is under 18 years of age engaged in commercial sexual activity prostitution who is under 18 years of age or is a person with a severe or profound intellectual disability commits patronizing a sexually exploited child minor engaged in prostitution.
- 25 (a-5) Any person who engages in any touching or fondling,

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- with a person engaged in commercial sexual activity prostitution who either is a sexually exploited child under 18 years of age or is a person with a severe or profound intellectual disability, of the sex organs of one person by the other person, with the intent to achieve sexual arousal or gratification, commits patronizing a sexually exploited child minor engaged in prostitution.
  - (b) It is an affirmative defense to the charge of patronizing a <u>sexually exploited child</u> minor engaged in prostitution that the accused reasonably believed that the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.
  - (c) Sentence. A person who commits patronizing a sexually exploited child juvenile prostitute is quilty of a Class 3 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 2 felony. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14 (commercial sexual activity prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3(promoting commercial sexual activity 11-14.4 (promoting commercial sexual prostitution), exploitation of a child <del>juvenile prostitution</del>), (soliciting for a provider of commercial sexual activity prostitute), 11-15.1 (soliciting for a sexually exploited

- 1 <u>child</u> <del>juvenile prostitute</del>), 11-16 (pandering), 11-17 (keeping
- 2 a place of commercial sexual activity prostitution), 11-17.1
- 3 (keeping a place of <u>commercial sexual exploitation of a child</u>
- 4 <del>juvenile prostitution</del>), 11-18 (patronizing a <u>provider of</u>
- 5 <u>commercial sexual activity prostitute</u>), 11-19 (pimping),
- 6 11-19.1 (juvenile pimping or aggravated juvenile pimping), or
- 7 11-19.2 (exploitation of a child) of this Code, is guilty of a
- 8 Class 2 felony. The fact of such conviction is not an element
- 9 of the offense and may not be disclosed to the jury during
- 10 trial unless otherwise permitted by issues properly raised
- 11 during such trial.
- 12 (Source: P.A. 99-143, eff. 7-27-15.)
- 13 (720 ILCS 5/14-3)
- 14 Sec. 14-3. Exemptions. The following activities shall be
- 15 exempt from the provisions of this Article:
- 16 (a) Listening to radio, wireless electronic
- 17 communications, and television communications of any sort
- where the same are publicly made;
- 19 (b) Hearing conversation when heard by employees of
- any common carrier by wire incidental to the normal course
- of their employment in the operation, maintenance or
- repair of the equipment of such common carrier by wire so
- long as no information obtained thereby is used or
- 24 divulged by the hearer;
- 25 (c) Any broadcast by radio, television or otherwise

whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

- (d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;
- (e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;
- (f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that

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individual or business by the operation of this Section;

(q) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons under Section 10-9 of this Code, an offense involving commercial sexual activity prostitution, solicitation of a sexual act, or pandering, a felony violation of the Illinois Controlled Substances Act, a felony violation of Cannabis Control Act, a felony violation of the Methamphetamine Control and Community Protection Act, any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act, or any felony offense involving any weapon listed in paragraphs (1) through (11) of subsection (a) of Section 24-1 of this Code. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or

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administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Illinois State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

## (g-5) (Blank);

(q-6) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of child pornography, aggravated child pornography, indecent solicitation of a child, luring of a minor, sexual exploitation of a child, aggravated criminal sexual abuse in which the victim of the offense was at the time of the commission of the offense under 18 years of age, or criminal sexual abuse by force or threat of force in which the victim of the offense was at the time of the commission of the offense under 18 years of age. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the

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commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of the Illinois State Police shall issue rules as are necessary concerning the use of devices, retention of recordings, and reports regarding their use. Any recording or evidence obtained or derived in the course of an investigation of child pornography, aggravated child pornography, indecent solicitation of a child, luring of a minor, sexual exploitation of a child, aggravated criminal sexual abuse in which the victim of the offense was at the time of the commission of the offense under 18 years of age, or criminal sexual abuse by force or threat of force in which the victim of the offense was at the time of the commission of the offense under 18 years of age shall, upon motion of the State's Attorney or Attorney General prosecuting any case involving child aggravated child pornography, indecent pornography, solicitation of a child, luring of a minor, exploitation of a child, aggravated criminal sexual abuse in which the victim of the offense was at the time of the commission of the offense under 18 years of age, or criminal sexual abuse by force or threat of force in which the victim of the offense was at the time of the commission of the offense under 18 years of age be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be

relevant and otherwise admissible, it shall be admissible at the trial of the criminal case. Absent such a ruling, any such recording or evidence shall not be admissible at the trial of the criminal case;

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

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

(h-5) Recordings of utterances made by a person while in the presence of a uniformed peace officer and while an occupant of a police vehicle including, but not limited to, (i) recordings made simultaneously with the use of an in-car video camera and (ii) recordings made in the

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presence of the peace officer utilizing video or audio systems, or both, authorized by the law enforcement agency;

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

(h-15) Recordings made under subsection (h), (h-5), or (h-10) shall be retained by the law enforcement agency that employs the peace officer who made the recordings for a storage period of 90 days, unless the recordings are made as a part of an arrest or the recordings are deemed in any criminal, civil, or administrative evidence proceeding and then the recordings must only be destroyed upon a final disposition and an order from the court. Under no circumstances shall any recording be altered or erased prior to the expiration of the designated storage period. Upon completion of the storage period, the recording medium may be erased and reissued for operational use;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the

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person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording;

- (j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:
  - (i) the monitoring is used for the purpose of quality control of marketing or opinion service research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related opinion research marketing or or telephone solicitation; and
  - (ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this

exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

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

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to

personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

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

- (i) soliciting the sale of goods or services;
- (ii) receiving orders for the sale of goods or services;
- (iii) assisting in the use of goods or services; or
- (iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

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

(k) Electronic recordings, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of a custodial interrogation of an individual at a police station or other place of detention by a law enforcement officer under Section

5-401.5 of the Juvenile Court Act of 1987 or Section 103-2.1 of the Code of Criminal Procedure of 1963;

- (1) Recording the interview or statement of any person when the person knows that the interview is being conducted by a law enforcement officer or prosecutor and the interview takes place at a police station that is currently participating in the Custodial Interview Pilot Program established under the Illinois Criminal Justice Information Act;
- (m) An electronic recording, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of the interior of a school bus while the school bus is being used in the transportation of students to and from school and school-sponsored activities, when the school board has adopted a policy authorizing such recording, notice of such recording policy is included in student handbooks and other documents including the policies of the school, notice of the policy regarding recording is provided to parents of students, and notice of such recording is clearly posted on the door of and inside the school bus.

Recordings made pursuant to this subsection (m) shall be confidential records and may only be used by school officials (or their designees) and law enforcement personnel for investigations, school disciplinary actions and hearings, proceedings under the Juvenile Court Act of

1987, and criminal prosecutions, related to incidents occurring in or around the school bus;

- (n) Recording or listening to an audio transmission from a microphone placed by a person under the authority of a law enforcement agency inside a bait car surveillance vehicle while simultaneously capturing a photographic or video image;
- (o) The use of an eavesdropping camera or audio device during an ongoing hostage or barricade situation by a law enforcement officer or individual acting on behalf of a law enforcement officer when the use of such device is necessary to protect the safety of the general public, hostages, or law enforcement officers or anyone acting on their behalf;
- (p) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as the "CPS Violence Prevention Hotline", but only where the notice of recording is given at the beginning of each call as required by Section 34-21.8 of the School Code. The recordings may be retained only by the Chicago Police Department or other law enforcement authorities, and shall not be otherwise retained or disseminated;
- (q)(1) With prior request to and written or verbal approval of the State's Attorney of the county in which the conversation is anticipated to occur, recording or

listening with the aid of an eavesdropping device to a conversation in which a law enforcement officer, or any person acting at the direction of a law enforcement officer, is a party to the conversation and has consented to the conversation being intercepted or recorded in the course of an investigation of a qualified offense. The State's Attorney may grant this approval only after determining that reasonable cause exists to believe that inculpatory conversations concerning a qualified offense will occur with a specified individual or individuals within a designated period of time.

- (2) Request for approval. To invoke the exception contained in this subsection (q), a law enforcement officer shall make a request for approval to the appropriate State's Attorney. The request may be written or verbal; however, a written memorialization of the request must be made by the State's Attorney. This request for approval shall include whatever information is deemed necessary by the State's Attorney but shall include, at a minimum, the following information about each specified individual whom the law enforcement officer believes will commit a qualified offense:
- (A) his or her full or partial name, nickname or alias:
  - (B) a physical description; or
  - (C) failing either (A) or (B) of this paragraph

| 1 | (2), any other supporting information known to the law |
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| 2 | enforcement officer at the time of the request that    |
| 3 | gives rise to reasonable cause to believe that the     |
| 4 | specified individual will participate in an            |
| 5 | inculpatory conversation concerning a qualified        |
| 6 | offense.   |

- (3) Limitations on approval. Each written approval by the State's Attorney under this subsection (q) shall be limited to:
  - (A) a recording or interception conducted by a specified law enforcement officer or person acting at the direction of a law enforcement officer;
  - (B) recording or intercepting conversations with the individuals specified in the request for approval, provided that the verbal approval shall be deemed to include the recording or intercepting of conversations with other individuals, unknown to the law enforcement officer at the time of the request for approval, who are acting in conjunction with or as co-conspirators with the individuals specified in the request for approval in the commission of a qualified offense;
  - (C) a reasonable period of time but in no event longer than 24 consecutive hours;
  - (D) the written request for approval, if applicable, or the written memorialization must be filed, along with the written approval, with the

circuit clerk of the jurisdiction on the next business day following the expiration of the authorized period of time, and shall be subject to review by the Chief Judge or his or her designee as deemed appropriate by the court.

- (3.5) The written memorialization of the request for approval and the written approval by the State's Attorney may be in any format, including via facsimile, email, or otherwise, so long as it is capable of being filed with the circuit clerk.
- (3.10) Beginning March 1, 2015, each State's Attorney shall annually submit a report to the General Assembly disclosing:
  - (A) the number of requests for each qualified offense for approval under this subsection; and
  - (B) the number of approvals for each qualified offense given by the State's Attorney.
- (4) Admissibility of evidence. No part of the contents of any wire, electronic, or oral communication that has been recorded or intercepted as a result of this exception may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or a political subdivision of the State, other than in a prosecution of:

- 1 (A) the qualified offense for which approval was 2 given to record or intercept a conversation under this 3 subsection (q);
  - (B) a forcible felony committed directly in the course of the investigation of the qualified offense for which approval was given to record or intercept a conversation under this subsection (q); or
  - (C) any other forcible felony committed while the recording or interception was approved in accordance with this subsection (q), but for this specific category of prosecutions, only if the law enforcement officer or person acting at the direction of a law enforcement officer who has consented to the conversation being intercepted or recorded suffers great bodily injury or is killed during the commission of the charged forcible felony.
  - (5) Compliance with the provisions of this subsection is a prerequisite to the admissibility in evidence of any part of the contents of any wire, electronic or oral communication that has been intercepted as a result of this exception, but nothing in this subsection shall be deemed to prevent a court from otherwise excluding the evidence on any other ground recognized by State or federal law, nor shall anything in this subsection be deemed to prevent a court from independently reviewing the admissibility of the evidence for compliance with the

Fourth Amendment to the U.S. Constitution or with Article I, Section 6 of the Illinois Constitution.

- (6) Use of recordings or intercepts unrelated to qualified offenses. Whenever any private conversation or private electronic communication has been recorded or intercepted as a result of this exception that is not related to an offense for which the recording or intercept is admissible under paragraph (4) of this subsection (q), no part of the contents of the communication and evidence derived from the communication may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or a political subdivision of the State, nor may it be publicly disclosed in any way.
- (6.5) The Illinois State Police shall adopt rules as are necessary concerning the use of devices, retention of recordings, and reports regarding their use under this subsection (q).
- (7) Definitions. For the purposes of this subsection(q) only:

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

| 1  | interpretation as of that date.                       |
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| 2  | "Qualified offense" means and is limited to:          |
| 3  | (A) a felony violation of the Cannabis Control        |
| 4  | Act, the Illinois Controlled Substances Act, or       |
| 5  | the Methamphetamine Control and Community             |
| 6  | Protection Act, except for violations of:             |
| 7  | (i) Section 4 of the Cannabis Control Act;            |
| 8  | (ii) Section 402 of the Illinois                      |
| 9  | Controlled Substances Act; and                        |
| 10 | (iii) Section 60 of the Methamphetamine               |
| 11 | Control and Community Protection Act; and             |
| 12 | (B) first degree murder, solicitation of              |
| 13 | murder for hire, predatory criminal sexual assault    |
| 14 | of a child, criminal sexual assault, aggravated       |
| 15 | criminal sexual assault, aggravated arson,            |
| 16 | kidnapping, aggravated kidnapping, child              |
| 17 | abduction, trafficking in persons, involuntary        |
| 18 | servitude, involuntary sexual servitude of a          |
| 19 | minor, or gunrunning.                                 |
| 20 | "State's Attorney" includes and is limited to the     |
| 21 | State's Attorney or an assistant State's Attorney     |
| 22 | designated by the State's Attorney to provide verbal  |
| 23 | approval to record or intercept conversations under   |
| 24 | this subsection (q).                                  |
| 25 | (8) Sunset. This subsection (q) is inoperative on and |
| 26 | after January 1, 2027. No conversations intercepted   |

- pursuant to this subsection (q), while operative, shall be inadmissible in a court of law by virtue of the inoperability of this subsection (q) on January 1, 2027.
- (9) Recordings, records, and custody. Any private 5 conversation or private electronic communication 6 intercepted by a law enforcement officer or a person acting at the direction of law enforcement shall, if 7 8 practicable, be recorded in such a way as will protect the 9 recording from editing or other alteration. Any and all 10 original recordings made under this subsection (q) shall 11 be inventoried without unnecessary delay pursuant to the 12 enforcement agency's policies for inventorying law evidence. The original recordings shall not be destroyed 13 14 except upon an order of a court of competent jurisdiction; 15 and
- (r) Electronic recordings, including but not limited to, motion picture, videotape, digital, or other visual or audio recording, made of a lineup under Section 107A-2 of the Code of Criminal Procedure of 1963.
- 20 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21; 102-918, eff. 5-27-22.)
- 22 (720 ILCS 5/33G-3)
- 23 (Section scheduled to be repealed on June 11, 2023)
- 24 Sec. 33G-3. Definitions. As used in this Article:
- 25 (a) "Another state" means any State of the United States

- 1 (other than the State of Illinois), or the District of
  2 Columbia, or the Commonwealth of Puerto Rico, or any territory
  3 or possession of the United States, or any political
  4 subdivision, or any department, agency, or instrumentality
  5 thereof.
  - (b) "Enterprise" includes:
  - (1) any partnership, corporation, association, business or charitable trust, or other legal entity; and
  - (2) any group of individuals or other legal entities, or any combination thereof, associated in fact although not itself a legal entity. An association in fact must be held together by a common purpose of engaging in a course of conduct, and it may be associated together for purposes that are both legal and illegal. An association in fact must:
    - (A) have an ongoing organization or structure, either formal or informal;
    - (B) the various members of the group must function as a continuing unit, even if the group changes membership by gaining or losing members over time; and
    - (C) have an ascertainable structure distinct from that inherent in the conduct of a pattern of predicate activity.
- As used in this Article, "enterprise" includes licit and illicit enterprises.
- 26 (c) "Labor organization" includes any organization, labor

- union, craft union, or any voluntary unincorporated association designed to further the cause of the rights of union labor that is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.
- (d) "Operation or management" means directing or carrying out the enterprise's affairs and is limited to any person who knowingly serves as a leader, organizer, operator, manager, director, supervisor, financier, advisor, recruiter, supplier, or enforcer of an enterprise in violation of this Article.
- (e) "Predicate activity" means any act that is a Class 2 felony or higher and constitutes a violation or violations of any of the following provisions of the laws of the State of Illinois (as amended or revised as of the date the activity occurred or, in the instance of a continuing offense, the date that charges under this Article are filed in a particular matter in the State of Illinois) or any act under the law of another jurisdiction for an offense that could be charged as a Class 2 felony or higher in this State:
  - (1) under the Criminal Code of 1961 or the Criminal Code of 2012: 8-1.2 (solicitation of murder for hire), 9-1 (first degree murder), 9-3.3 (drug-induced homicide), 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1

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unlawful restraint), 10-4 (forcible (aggravated 10-5(b)(10) (child abduction), 10-9detention), (trafficking in persons, involuntary servitude, and related offenses), 11-1.20 (criminal sexual assault), 11-1.30 (aggravated criminal sexual assault), 11-1.40 (predatory criminal sexual assault of a child), 11-1.60 (aggravated criminal sexual abuse), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting commercial sexual activity prostitution), 11-14.4 (promoting commercial sexual exploitation of a child <del>juvenile prostitution</del>), 11-18.1 (patronizing a sexually exploited child minor engaged in prostitution; patronizing a sexually exploited child <del>juvenile prostitute</del>), 12-3.05 (aggravated battery), 12-6.4 (criminal street gang recruitment), 12-6.5 (compelling organization membership persons), 12-7.3 (stalking), 12-7.4 (aggravated of stalking), 12-7.5 (cyberstalking), 12-11 or 19-6 (home invasion), 12-11.1 or 18-6 (vehicular invasion), 18-1 (robbery; aggravated robbery), 18-2 (armed robbery), 18-3 (vehicular hijacking), 18-4 (aggravated vehicular hijacking), 18-5 (aggravated robbery), 19-1 (burglary), 19-3 (residential burglary), 20-1 (arson; residential arson; place of worship arson), 20-1.1 (aggravated arson), 20-1.2 (residential arson), 20-1.3 (place of worship arson), 24-1.2 (aggravated discharge of a firearm),

- 24-1.2-5 (aggravated discharge of a machine gun or silencer equipped firearm), 24-1.8 (unlawful possession of a firearm by a street gang member), 24-3.2 (unlawful discharge of firearm projectiles), 24-3.9 (aggravated possession of a stolen firearm), 24-3A (gunrunning), 26-5 or 48-1 (dog-fighting), 29D-14.9 (terrorism), 29D-15 (soliciting support for terrorism), 29D-15.1 (causing a catastrophe), 29D-15.2 (possession of a deadly substance), 29D-20 (making a terrorist threat), 29D-25 (falsely making a terrorist threat), 29D-29.9 (material support for terrorism), 29D-35 (hindering prosecution of terrorism), 31A-1.2 (unauthorized contraband in a penal institution), or 33A-3 (armed violence);
  - (2) under the Cannabis Control Act: Sections 5 (manufacture or delivery of cannabis), 5.1 (cannabis trafficking), or 8 (production or possession of cannabis plants), provided the offense either involves more than 500 grams of any substance containing cannabis or involves more than 50 cannabis sativa plants;
  - (3) under the Illinois Controlled Substances Act: Sections 401 (manufacture or delivery of a controlled substance), 401.1 (controlled substance trafficking), 405 (calculated criminal drug conspiracy), or 405.2 (street gang criminal drug conspiracy); or
  - (4) under the Methamphetamine Control and Community

    Protection Act: Sections 15 (methamphetamine

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- 1 manufacturing), or 55 (methamphetamine delivery).
  - (f) "Pattern of predicate activity" means:
    - (1) at least 3 occurrences of predicate activity that are in some way related to each other and that have continuity between them, and that are separate acts. Acts are related to each other if they are not isolated events, including if they have similar purposes, or results, or participants, or victims, or are committed a similar way, or have other similar distinguishing characteristics, or are part of the affairs of the same enterprise. There is continuity between acts if they are ongoing over a substantial period, or if they are part of the regular way some entity does business or conducts its affairs; and
    - (2) which occurs after the effective date of this Article, and the last of which falls within 3 years (excluding any period of imprisonment) after the first occurrence of predicate activity.
    - (g) "Unlawful death" includes the following offenses: under the Code of 1961 or the Criminal Code of 2012: Sections 9-1 (first degree murder) or 9-2 (second degree murder).
- 21 (Source: P.A. 97-686, eff. 6-11-12; 97-1150, eff. 1-25-13.)
- 22 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)
- 23 (Text of Section before amendment by P.A. 102-982)
- Sec. 36-1. Property subject to forfeiture.
- 25 (a) Any vessel or watercraft, vehicle, or aircraft is

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subject to forfeiture under this Article if the vessel or watercraft, vehicle, or aircraft is used with the knowledge and consent of the owner in the commission of or in the attempt to commit as defined in Section 8-4 of this Code:

> (1) an offense prohibited by Section 9-1 (first degree Section 9-3 (involuntary manslaughter reckless homicide), Section 10-2 (aggravated kidnaping), Section 11-1.20 (criminal sexual assault), Section 11-1.30 (aggravated criminal sexual assault), Section 11-1.40 (predatory criminal sexual assault of a child), subsection (a) of Section 11-1.50 (criminal sexual abuse), subsection (a), (c), or (d) of Section 11-1.60 (aggravated criminal sexual abuse), Section 11-6 (indecent solicitation of a child), Section 11-14.4 (promoting commercial sexual exploitation of a child <del>juvenile prostitution</del> except for keeping a place of commercial sexual exploitation of a child <del>juvenile prostitution</del>), Section 11-20.1 (child pornography), paragraph (a) (1), (a) (2), (a) (4), (b) (1), (b) (2), (e) (1), (e) (2), (e) (3), (e) (4), (e) (5), (e) (6), or (e)(7) of Section 12-3.05 (aggravated battery), Section 12-7.3 (stalking), Section 12-7.4 (aggravated stalking), Section 16-1 (theft if the theft is of precious metal or of scrap metal), subdivision (f)(2) or (f)(3) of Section (retail theft), Section 18-2 (armed robbery), Section 19-1 (burglary), Section 19-2 (possession of burglary tools), Section 19-3 (residential burglary),

Section 20-1 (arson; residential arson; place of worship arson), Section 20-2 (possession of explosives or explosive or incendiary devices), subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful use of weapons), Section 24-1.2 (aggravated discharge of a firearm), Section 24-1.2-5 (aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm), Section 24-1.5 (reckless discharge of a firearm), Section 24-1.5 (gambling), or Section 29D-15.2 (possession of a deadly substance) of this Code;

- (2) an offense prohibited by Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel or watercraft, vehicle, or aircraft contains more than 10 cartons of such cigarettes;
- (3) an offense prohibited by Section 28, 29, or 30 of the Cigarette Use Tax Act if the vessel or watercraft, vehicle, or aircraft contains more than 10 cartons of such cigarettes;
- (4) an offense prohibited by Section 44 of the Environmental Protection Act;
- (5) an offense prohibited by Section 11-204.1 of the Illinois Vehicle Code (aggravated fleeing or attempting to elude a peace officer);
- (6) an offense prohibited by Section 11-501 of the Illinois Vehicle Code (driving while under the influence

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| Τ  | of alcohol or other drug or drugs, intoxicating compound |
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| 2  | or compounds or any combination thereof) or a similar    |
| 3  | provision of a local ordinance, and:                     |
| 4  | (A) during a period in which his or her driving          |
| 5  | privileges are revoked or suspended if the revocation    |
| 6  | or suspension was for:                                   |
| 7  | (i) Section 11-501 (driving under the                    |
| 8  | influence of alcohol or other drug or drugs,             |
| 9  | intoxicating compound or compounds or any                |
| 10 | combination thereof),                                    |
| 11 | (ii) Section 11-501.1 (statutory summary                 |
| 12 | suspension or revocation),                               |
| 13 | (iii) paragraph (b) of Section 11-401 (motor             |
| 14 | vehicle accidents involving death or personal            |
| 15 | injuries), or  |
| 16 | (iv) reckless homicide as defined in Section             |
| 17 | 9-3 of this Code;  |
| 18 | (B) has been previously convicted of reckless            |
| 19 | homicide or a similar provision of a law of another      |
| 20 | state relating to reckless homicide in which the         |
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person was determined to have been under the influence

of alcohol, other drug or drugs, or intoxicating

compound or compounds as an element of the offense or

the person has previously been convicted of committing

a violation of driving under the influence of alcohol

or other drug or drugs, intoxicating compound or

compounds or any combination thereof and was involved in a motor vehicle accident that resulted in death, great bodily harm, or permanent disability or disfigurement to another, when the violation was a proximate cause of the death or injuries;

- (C) the person committed a violation of driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision for the third or subsequent time;
- (D) he or she did not possess a valid driver's license or permit or a valid restricted driving permit or a valid judicial driving permit or a valid monitoring device driving permit; or
- (E) he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy;
- (7) an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code;
- (8) an offense described in subsection (e) of Section 6-101 of the Illinois Vehicle Code; or
- (9) (A) operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof under Section 5-16 of the Boat Registration and Safety Act during a period in

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which his or her privileges to operate a watercraft are revoked or suspended and the revocation or suspension was for operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof; (B) operating a watercraft under influence of alcohol, other drua intoxicating compound or compounds, or combination thereof and has been previously convicted of reckless homicide or a similar provision of a law in another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof as an element of the offense or the person has previously been convicted of committing a violation of operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof and was involved in an accident that resulted in death, great bodily harm, or permanent disability or disfigurement to another, when the violation was a proximate cause of the death or injuries; or (C) the person committed a violation of operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof under Section 5-16 of the Boat Registration and Safety Act or a similar provision for the third or subsequent time.

(b) In addition, any mobile or portable equipment used in

- the commission of an act which is in violation of Section 7g of the Metropolitan Water Reclamation District Act shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vessels or watercraft, vehicles, and aircraft, and any such equipment shall be deemed a vessel or watercraft, vehicle, or aircraft for purposes of this Article.
  - (c) In addition, when a person discharges a firearm at another individual from a vehicle with the knowledge and consent of the owner of the vehicle and with the intent to cause death or great bodily harm to that individual and as a result causes death or great bodily harm to that individual, the vehicle shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vehicles used in violations of clauses (1), (2), (3), or (4) of subsection (a) of this Section.
  - (d) If the spouse of the owner of a vehicle seized for an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code, a violation of subdivision (d)(1)(A), (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section 11-501 of the Illinois Vehicle Code, or Section 9-3 of this Code makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the State from the seizure, the vehicle may be forfeited to the spouse or family member and the title to the

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- vehicle shall be transferred to the spouse or family member 1 2 who is properly licensed and who requires the use of the 3 vehicle for employment or family transportation purposes. A written declaration of forfeiture of a vehicle under this 5 Section shall be sufficient cause for the title to be 6 transferred to the spouse or family member. The provisions of 7 this paragraph shall apply only to one forfeiture per vehicle. 8 If the vehicle is the subject of a subsequent forfeiture 9 proceeding by virtue of a subsequent conviction of either 10 spouse or the family member, the spouse or family member to 11 whom the vehicle was forfeited under the first forfeiture 12 proceeding may not utilize the provisions of this paragraph in another forfeiture proceeding. If the owner of the vehicle 13 14 seized owns more than one vehicle, the procedure set out in 15 this paragraph may be used for only one vehicle.
  - (e) In addition, property subject to forfeiture under Section 40 of the Illinois Streetgang Terrorism Omnibus Prevention Act may be seized and forfeited under this Article. (Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18.)
- 20 (Text of Section after amendment by P.A. 102-982)
- 21 Sec. 36-1. Property subject to forfeiture.
- 22 (a) Any vessel or watercraft, vehicle, or aircraft is 23 subject to forfeiture under this Article if the vessel or 24 watercraft, vehicle, or aircraft is used with the knowledge 25 and consent of the owner in the commission of or in the attempt

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to commit as defined in Section 8-4 of this Code:

(1) an offense prohibited by Section 9-1 (first degree murder), Section 9-3 (involuntary manslaughter reckless homicide), Section 10-2 (aggravated kidnaping), Section 11-1.20 (criminal sexual assault), Section 11-1.30 (aggravated criminal sexual assault), Section 11-1.40 (predatory criminal sexual assault of a child), subsection (a) of Section 11-1.50 (criminal sexual abuse), subsection (a), (c), or (d) of Section 11-1.60 (aggravated criminal sexual abuse), Section 11-6 (indecent solicitation of a child), Section 11-14.4 (promoting commercial sexual exploitation of a child <del>juvenile prostitution</del> except for keeping a place of commercial sexual exploitation of a child <del>juvenile prostitution</del>), Section 11-20.1 (child pornography), paragraph (a)(1), (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05 (aggravated battery), Section 12-7.3 (stalking), Section 12-7.4 (aggravated stalking), Section 16-1 (theft if the theft is of precious metal or of scrap metal), subdivision (f)(2) or (f)(3) of Section (retail theft), Section 18-2 (armed robbery), 16-25 Section 19-1 (burglary), Section 19-2 (possession of burglary tools), Section 19-3 (residential burglary), Section 20-1 (arson; residential arson; place of worship arson), Section 20-2 (possession of explosives explosive or incendiary devices), subdivision (a)(6) or

| 1 | (a)(7) of Section 24-1 (unlawful use of weapons), Section |
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| 2 | 24-1.2 (aggravated discharge of a firearm), Section       |
| 3 | 24-1.2-5 (aggravated discharge of a machine gun or a      |
| 4 | firearm equipped with a device designed or used for       |
| 5 | silencing the report of a firearm), Section 24-1.5        |
| 6 | (reckless discharge of a firearm), Section 28-1           |
| 7 | (gambling), or Section 29D-15.2 (possession of a deadly   |
| 8 | substance) of this Code;                                  |

- (2) an offense prohibited by Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel or watercraft, vehicle, or aircraft contains more than 10 cartons of such cigarettes;
- (3) an offense prohibited by Section 28, 29, or 30 of the Cigarette Use Tax Act if the vessel or watercraft, vehicle, or aircraft contains more than 10 cartons of such cigarettes;
- (4) an offense prohibited by Section 44 of the Environmental Protection Act;
- (5) an offense prohibited by Section 11-204.1 of the Illinois Vehicle Code (aggravated fleeing or attempting to elude a peace officer);
- (6) an offense prohibited by Section 11-501 of the Illinois Vehicle Code (driving while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof) or a similar provision of a local ordinance, and:

| 1  | (A) during a period in which his or her driving        |
|----|--|
| 2  | privileges are revoked or suspended if the revocation  |
| 3  | or suspension was for:                                 |
| 4  | (i) Section 11-501 (driving under the                  |
| 5  | influence of alcohol or other drug or drugs,           |
| 6  | intoxicating compound or compounds or any              |
| 7  | combination thereof),                                  |
| 8  | (ii) Section 11-501.1 (statutory summary               |
| 9  | suspension or revocation),                             |
| 10 | (iii) paragraph (b) of Section 11-401 (motor           |
| 11 | vehicle crashes involving death or personal            |
| 12 | injuries), or  |
| 13 | (iv) reckless homicide as defined in Section           |
| 14 | 9-3 of this Code;                                      |
| 15 | (B) has been previously convicted of reckless          |
| 16 | homicide or a similar provision of a law of another    |
| 17 | state relating to reckless homicide in which the       |
| 18 | person was determined to have been under the influence |
| 19 | of alcohol, other drug or drugs, or intoxicating       |
| 20 | compound or compounds as an element of the offense or  |
| 21 | the person has previously been convicted of committing |
| 22 | a violation of driving under the influence of alcohol  |
| 23 | or other drug or drugs, intoxicating compound or       |
| 24 | compounds or any combination thereof and was involved  |
| 25 | in a motor vehicle crash that resulted in death, great |

bodily harm, or permanent disability or disfigurement

to another, when the violation was a proximate cause of the death or injuries;

- (C) the person committed a violation of driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision for the third or subsequent time;
- (D) he or she did not possess a valid driver's license or permit or a valid restricted driving permit or a valid judicial driving permit or a valid monitoring device driving permit; or
- (E) he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy;
- (7) an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code;
- (8) an offense described in subsection (e) of Section 6-101 of the Illinois Vehicle Code; or
- (9) (A) operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof under Section 5-16 of the Boat Registration and Safety Act during a period in which his or her privileges to operate a watercraft are revoked or suspended and the revocation or suspension was for operating a watercraft under the influence of alcohol,

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other drug or drugs, intoxicating compound or compounds, or combination thereof; (B) operating a watercraft under the influence of alcohol, other drug or intoxicating compound or compounds, or combination thereof and has been previously convicted of reckless homicide or a similar provision of a law in another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof as an element of the offense or the person has previously been convicted of committing a violation of operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof and was involved in an accident that resulted in death, great bodily harm, or permanent disability or disfigurement to another, when the violation was a proximate cause of the death or injuries; or (C) the person committed a violation of operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof under Section 5-16 of the Boat Registration and Safety Act or a similar provision for the third or subsequent time.

(b) In addition, any mobile or portable equipment used in the commission of an act which is in violation of Section 7g of the Metropolitan Water Reclamation District Act shall be subject to seizure and forfeiture under the same procedures

- provided in this Article for the seizure and forfeiture of vessels or watercraft, vehicles, and aircraft, and any such equipment shall be deemed a vessel or watercraft, vehicle, or aircraft for purposes of this Article.
  - (c) In addition, when a person discharges a firearm at another individual from a vehicle with the knowledge and consent of the owner of the vehicle and with the intent to cause death or great bodily harm to that individual and as a result causes death or great bodily harm to that individual, the vehicle shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vehicles used in violations of clauses (1), (2), (3), or (4) of subsection (a) of this Section.
  - (d) If the spouse of the owner of a vehicle seized for an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code, a violation of subdivision (d) (1) (A), (d) (1) (D), (d) (1) (G), (d) (1) (H), or (d) (1) (I) of Section 11-501 of the Illinois Vehicle Code, or Section 9-3 of this Code makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the State from the seizure, the vehicle may be forfeited to the spouse or family member and the title to the vehicle shall be transferred to the spouse or family member who is properly licensed and who requires the use of the vehicle for employment or family transportation purposes. A

- 1 written declaration of forfeiture of a vehicle under this
- 2 Section shall be sufficient cause for the title to be
- 3 transferred to the spouse or family member. The provisions of
- 4 this paragraph shall apply only to one forfeiture per vehicle.
- 5 If the vehicle is the subject of a subsequent forfeiture
- 6 proceeding by virtue of a subsequent conviction of either
- 7 spouse or the family member, the spouse or family member to
- 8 whom the vehicle was forfeited under the first forfeiture
- 9 proceeding may not utilize the provisions of this paragraph in
- 10 another forfeiture proceeding. If the owner of the vehicle
- 11 seized owns more than one vehicle, the procedure set out in
- this paragraph may be used for only one vehicle.
- 13 (e) In addition, property subject to forfeiture under
- 14 Section 40 of the Illinois Streetgang Terrorism Omnibus
- 15 Prevention Act may be seized and forfeited under this Article.
- 16 (Source: P.A. 102-982, eff. 7-1-23.)
- 17 Section 60. The Improper Supervision of Children Act is
- 18 amended by changing Section 1 as follows:
- 19 (720 ILCS 640/1) (from Ch. 23, par. 2369)
- 20 Sec. 1. Any parent, legal guardian or other person commits
- 21 improper supervision of a child when he knowingly permits a
- 22 child in his custody or control under the age of 18 years to
- 23 associate with known thieves, burglars, felons, narcotic
- 24 addicts or other persons of ill repute, visit a place of

- 1 <u>commercial sexual activity</u> <del>prostitution</del>, commit a lewd act,
- 2 commit an act tending to break the peace or violate a municipal
- 3 curfew ordinance.
- 4 (Source: Laws 1961, p. 2454.)
- 5 Section 65. The Code of Criminal Procedure of 1963 is
- 6 amended by changing Sections 108B-3, 111-8, 115-6.1, 116-2.1,
- 7 124B-10, 124B-100, and 124B-300 as follows:
- 8 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)
- 9 Sec. 108B-3. Authorization for the interception of private communication.
- 11 (a) The State's Attorney, or a person designated in
- writing or by law to act for him and to perform his duties
- during his absence or disability, may authorize, in writing,
- 14 an ex parte application to the chief judge of a court of
- 15 competent jurisdiction for an order authorizing the
- 16 interception of a private communication when no party has
- 17 consented to the interception and (i) the interception may
- 18 provide evidence of, or may assist in the apprehension of a
- 19 person who has committed, is committing or is about to commit,
- 20 a violation of Section 8-1(b) (solicitation of murder), 8-1.2
- 21 (solicitation of murder for hire), 9-1 (first degree murder),
- 22 10-9 (involuntary servitude, involuntary sexual servitude of a
- 23 minor, or trafficking in persons), paragraph (1), (2), or (3)
- of subsection (a) of Section 11-14.4 (promoting commercial

sexual exploitation of a child juvenile prostitution), 1 2 subdivision (a)(2)(A) or (a) (2) (B) of Section 11-14.3 (promoting commercial sexual activity prostitution), 11-15.1 3 (soliciting for a sexually exploited child minor engaged in 4 5 prostitution), 11-16 (pandering), 11-17.1 (keeping a place of commercial sexual exploitation of a child 6 prostitution), 11-18.1 (patronizing a sexually exploited child 7 minor engaged in prostitution), 11-19.1 (juvenile pimping and 8 9 aggravated juvenile pimping), or 29B-1 (money laundering) of 10 the Criminal Code of 1961 or the Criminal Code of 2012, Section 11 401, 401.1 (controlled substance trafficking), 405, 405.1 12 (criminal drug conspiracy) or 407 of the Illinois Controlled 13 Substances Act or any Section of the Methamphetamine Control and Community Protection Act, a violation of Section 24-2.1, 14 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or 15 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 16 17 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or the Criminal Code of 2012 or conspiracy to commit money laundering 18 or conspiracy to commit first degree murder; (ii) in response 19 20 to a clear and present danger of imminent death or great bodily harm to persons resulting from: (1) a kidnapping or the 21 22 holding of a hostage by force or the threat of the imminent use 23 of force; or (2) the occupation by force or the threat of the imminent use of force of any premises, place, vehicle, vessel 24 25 or aircraft; (iii) to aid an investigation or prosecution of a 26 civil action brought under the Illinois Streetgang Terrorism

Omnibus Prevention Act when there is probable cause to believe
the interception of the private communication will provide
evidence that a streetgang is committing, has committed, or
will commit a second or subsequent gang-related offense or
that the interception of the private communication will aid in
the collection of a judgment entered under that Act; or (iv)
upon information and belief that a streetgang has committed,

is committing, or is about to commit a felony.

- 9 (b) The State's Attorney or a person designated in writing 10 or by law to act for the State's Attorney and to perform his or 11 her duties during his or her absence or disability, may 12 authorize, in writing, an ex parte application to the chief judge of a circuit court for an order authorizing the 13 14 interception of a private communication when no party has 15 consented to the interception and the interception may provide 16 evidence of, or may assist in the apprehension of a person who 17 has committed, is committing or is about to commit, a violation of an offense under Article 29D of the Criminal Code 18 of 1961 or the Criminal Code of 2012. 19
- 20 (b-1) Subsection (b) is inoperative on and after January 21 1, 2005.
- 22 (b-2) No conversations recorded or monitored pursuant to 23 subsection (b) shall be made inadmissible in a court of law by 24 virtue of subsection (b-1).
- 25 (c) As used in this Section, "streetgang" and
  26 "gang-related" have the meanings ascribed to them in Section

- 1 10 of the Illinois Streetgang Terrorism Omnibus Prevention
- 2 Act.
- 3 (Source: P.A. 96-710, eff. 1-1-10; 96-1464, eff. 8-20-10;
- 4 97-897, eff. 1-1-13; 97-1150, eff. 1-25-13.)
- 5 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)
- 6 Sec. 111-8. Orders of protection to prohibit domestic
- 7 violence.
- 8 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
- 9 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
- 10 11-1.60, 11-14.3 that involves soliciting for a provider of
- 11 commercial sexual activity <del>prostitute</del>, 11-14.4 that involves
- 12 soliciting for a sexually exploited child <del>juvenile prostitute</del>,
- 13 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,
- 14 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,
- 15 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,
- 16 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 19-6, 21-1,
- 17 21-2, 21-3, or 26.5-2 of the Criminal Code of 1961 or the
- 18 Criminal Code of 2012 or Section 1-1 of the Harassing and
- 19 Obscene Communications Act is alleged in an information,
- 20 complaint or indictment on file, and the alleged offender and
- victim are family or household members, as defined in the
- 22 Illinois Domestic Violence Act of 1986, as now or hereafter
- amended, the People through the respective State's Attorneys
- 24 may by separate petition and upon notice to the defendant,
- 25 except as provided in subsection (c) herein, request the court

- 1 to issue an order of protection.
- 2 (b) In addition to any other remedies specified in Section
- 3 208 of the Illinois Domestic Violence Act of 1986, as now or
- 4 hereafter amended, the order may direct the defendant to
- 5 initiate no contact with the alleged victim or victims who are
- 6 family or household members and to refrain from entering the
- 7 residence, school or place of business of the alleged victim
- 8 or victims.
- 9 (c) The court may grant emergency relief without notice
- 10 upon a showing of immediate and present danger of abuse to the
- 11 victim or minor children of the victim and may enter a
- temporary order pending notice and full hearing on the matter.
- 13 (Source: P.A. 99-642, eff. 7-28-16.)
- 14 (725 ILCS 5/115-6.1)
- 15 Sec. 115-6.1. Commercial sexual activity <del>Prostitution;</del>
- 16 affirmative defense.
- 17 (a) In prosecutions for commercial sexual activity
- 18 prostitution, when the accused intends to raise at trial the
- 19 affirmative defense provided in subsection (c-5) of Section
- 20 11-14 of the Criminal Code of 2012 and has reason to believe
- 21 that the evidence presented in asserting that defense may
- jeopardize the safety of the accused, courtroom personnel, or
- 23 others impacted by human trafficking, the accused may file
- 24 under seal a motion for an in camera hearing to review the
- 25 accused's safety concerns. Upon receipt of the motion and

- 1 notice to the parties, the court shall conduct an in camera
- 2 hearing, with counsel present, limited to review of potential
- 3 safety concerns. The court shall cause an official record of
- 4 the in camera hearing to be made, which shall be kept under
- 5 seal. The court shall not consider the merits of the
- 6 affirmative defense during the in camera review.
- 7 (b) If the court finds by a preponderance of the evidence
- 8 that the assertion of an affirmative defense under subsection
- 9 (c-5) of Section 11-14 of the Criminal Code of 2012 by the
- 10 accused in open court would likely jeopardize the safety of
- 11 the accused, court personnel, or other persons, the court may
- 12 clear the courtroom with the agreement of the accused, order
- 13 additional in camera hearings, seal the records, prohibit
- 14 court personnel from disclosing the proceedings without prior
- 15 court approval, or take any other appropriate measure that in
- 16 the court's discretion will enhance the safety of the
- 17 proceedings and ensure the accused a full and fair opportunity
- to assert his or her affirmative defense.
- 19 (c) Statements made by the accused during the in camera
- 20 hearing to review safety concerns shall not be admissible
- 21 against the accused for the crimes charged.
- 22 (Source: P.A. 99-109, eff. 7-22-15.)
- 23 (725 ILCS 5/116-2.1)
- Sec. 116-2.1. Motion to vacate commercial sexual activity
- 25 prostitution convictions for sex trafficking victims.

- (a) A motion under this Section may be filed at any time following the entry of a verdict or finding of guilty where the conviction was under Section 11-14 (commercial sexual activity prostitution) or Section 11-14.2 (first offender; felony commercial sexual activity prostitution) of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar local ordinance and the defendant's participation in the offense was a result of having been a trafficking victim under Section 10-9 (involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons) of the Criminal Code of 1961 or the Criminal Code of 2012; or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act (22 U.S.C. Section 7102(13)); provided that:
  - (1) a motion under this Section shall state why the facts giving rise to this motion were not presented to the trial court, and shall be made with due diligence, after the defendant has ceased to be a victim of such trafficking or has sought services for victims of such trafficking, subject to reasonable concerns for the safety of the defendant, family members of the defendant, or other victims of such trafficking that may be jeopardized by the bringing of such motion, or for other reasons consistent with the purpose of this Section; and
  - (2) reasonable notice of the motion shall be served upon the State.
  - (b) The court may grant the motion if, in the discretion of

the court, the violation was a result of the defendant having been a victim of human trafficking. Evidence of such may

include, but is not limited to:

- (1) certified records of federal or State court proceedings which demonstrate that the defendant was a victim of a trafficker charged with a trafficking offense under Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012, or under 22 U.S.C. Chapter 78;
- (2) certified records of "approval notices" or "law enforcement certifications" generated from federal immigration proceedings available to such victims; or
- (3) a sworn statement from a trained professional staff of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the defendant has sought assistance in addressing the trauma associated with being trafficked.
- Alternatively, the court may consider such other evidence as it deems of sufficient credibility and probative value in determining whether the defendant is a trafficking victim or victim of a severe form of trafficking.
- (c) If the court grants a motion under this Section, it must vacate the conviction and may take such additional action as is appropriate in the circumstances.
- 24 (Source: P.A. 97-267, eff. 1-1-12; 97-897, eff. 1-1-13;
- 25 97-1150, eff. 1-25-13.)

- 1 (725 ILCS 5/124B-10)
- Sec. 124B-10. Applicability; offenses. This Article applies to forfeiture of property in connection with the
- 4 following:

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- 5 (1) A violation of Section 10-9 or 10A-10 of the 6 Criminal Code of 1961 or the Criminal Code of 2012 7 (involuntary servitude; involuntary servitude of a minor; 8 or trafficking in persons).
  - (2) A violation of subdivision (a)(1) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012 (promoting commercial sexual exploitation of a child juvenile prostitution) or a violation of Section 11-17.1 of the Criminal Code of 1961 (keeping a place of commercial sexual exploitation of a child juvenile prostitution).
    - (3) A violation of subdivision (a)(4) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012 (promoting <u>commercial sexual exploitation of a child juvenile prostitution</u>) or a violation of Section 11-19.2 of the Criminal Code of 1961 (exploitation of a child).
    - (4) A second or subsequent violation of Section 11-20 of the Criminal Code of 1961 or the Criminal Code of 2012 (obscenity).
  - (5) A violation of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012 (child

- 1 pornography).
- 2 (6) A violation of Section 11-20.1B or 11-20.3 of the 3 Criminal Code of 1961 (aggravated child pornography).
- 4 (6.5) A violation of Section 11-23.5 of the Criminal Code of 2012.
- 6 (7) A violation of Section 12C-65 of the Criminal Code 7 of 2012 or Article 44 of the Criminal Code of 1961 8 (unlawful transfer of a telecommunications device to a 9 minor).
- 10 (8) A violation of Section 17-50 or Section 16D-5 of
  11 the Criminal Code of 2012 or the Criminal Code of 1961
  12 (computer fraud).
  - (9) A felony violation of Section 17-6.3 or Article 17B of the Criminal Code of 2012 or the Criminal Code of 1961 (WIC fraud).
  - (10) A felony violation of Section 48-1 of the Criminal Code of 2012 or Section 26-5 of the Criminal Code of 1961 (dog fighting).
- 19 (11) A violation of Article 29D of the Criminal Code 20 of 1961 or the Criminal Code of 2012 (terrorism).
- 21 (12) A felony violation of Section 4.01 of the Humane 22 Care for Animals Act (animals in entertainment).
- 23 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;
- 24 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.
- 25 6-1-15.)

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- 1 (725 ILCS 5/124B-100)
- Sec. 124B-100. Definition; "offense". For purposes of this

  Article, "offense" is defined as follows:
  - (1) In the case of forfeiture authorized under Section 10A-15 of the Criminal Code of 1961 or Section 10-9 of the Criminal Code of 2012, "offense" means the offense of involuntary servitude, involuntary servitude of a minor, or trafficking in persons in violation of Section 10-9 or 10A-10 of those Codes.
  - (2) In the case of forfeiture authorized under subdivision (a) (1) of Section 11-14.4, or Section 11-17.1, of the Criminal Code of 1961 or the Criminal Code of 2012, "offense" means the offense of promoting commercial sexual exploitation of a child juvenile prostitution or keeping a place of commercial sexual exploitation of a child juvenile prostitution in violation of subdivision (a) (1) of Section 11-14.4, or Section 11-17.1, of those Codes.
  - (3) In the case of forfeiture authorized under subdivision (a) (4) of Section 11-14.4, or Section 11-19.2, of the Criminal Code of 1961 or the Criminal Code of 2012, "offense" means the offense of promoting commercial sexual exploitation of a child juvenile prostitution or exploitation of a child in violation of subdivision (a) (4) of Section 11-14.4, or Section 11-19.2, of those Codes.
  - (4) In the case of forfeiture authorized under Section 11-20 of the Criminal Code of 1961 or the Criminal Code of

- 2012, "offense" means the offense of obscenity in violation of that Section.
  - (5) In the case of forfeiture authorized under Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, "offense" means the offense of child pornography in violation of Section 11-20.1 of that Code.
  - (6) In the case of forfeiture authorized under Section 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense" means the offense of aggravated child pornography in violation of Section 11-20.1B or 11-20.3 of that Code.
  - (7) In the case of forfeiture authorized under Section 12C-65 of the Criminal Code of 2012 or Article 44 of the Criminal Code of 1961, "offense" means the offense of unlawful transfer of a telecommunications device to a minor in violation of Section 12C-65 or Article 44 of those Codes.
  - (8) In the case of forfeiture authorized under Section 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal Code of 2012, "offense" means the offense of computer fraud in violation of Section 17-50 or 16D-5 of those Codes.
  - (9) In the case of forfeiture authorized under Section 17-6.3 or Article 17B of the Criminal Code of 1961 or the Criminal Code of 2012, "offense" means any felony violation of Section 17-6.3 or Article 17B of those Codes.

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- 1 (10) In the case of forfeiture authorized under
  2 Section 29D-65 of the Criminal Code of 1961 or the
  3 Criminal Code of 2012, "offense" means any offense under
  4 Article 29D of that Code.
  - (11) In the case of forfeiture authorized under Section 4.01 of the Humane Care for Animals Act, Section 26-5 of the Criminal Code of 1961, or Section 48-1 of the Criminal Code of 2012, "offense" means any felony offense under either of those Sections.
- 10 (12) In the case of forfeiture authorized under 11 Section 124B-1000(b) of the Code of Criminal Procedure of 12 1963, "offense" means an offense in violation of the Criminal Code of 1961, the Criminal Code of 2012, the 13 14 Illinois Controlled Substances Act, the Cannabis Control 15 Act, or the Methamphetamine Control and Community 16 Protection Act, or an offense involving telecommunications device possessed by a person on the 17 18 real property of any elementary or secondary school 19 without authority of the school principal.
- 20 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
- 21 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
- 22 1-1-13; 97-1150, eff. 1-25-13.)
- 23 (725 ILCS 5/124B-300)
- Sec. 124B-300. Persons and property subject to forfeiture.
- 25 A person who commits the offense of involuntary servitude,

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involuntary servitude of a minor, or trafficking of persons under Section 10A-10 or Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012, promoting commercial sexual exploitation of a child <del>juvenile prostitution</del>, keeping a place commercial sexual exploitation of a child <del>iuvenile</del> prostitution, promoting commercial sexual activity or prostitution that involves keeping a place of commercial sexual activity prostitution under subsection (a) (1) or (a) (4) of Section 11-14.4 or under Section 11-14.3, 11-17.1, or 11-19.2 of the Criminal Code of 1961 or of the Criminal Code of 2012 shall forfeit to the State of Illinois any profits or proceeds and any property he or she has acquired or maintained in violation of Section 10A-10 or Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012, promoting commercial sexual exploitation of a child <del>iuvenile</del> prostitution, keeping a place of commercial sexual exploitation of a child <del>juvenile prostitution</del>, or promoting commercial sexual activity prostitution that involves keeping a place of commercial sexual activity prostitution under subsection (a)(1) or (a)(4) of Section 11-14.4 or under Section 11-14.3, 11-17.1, or 11-19.2 of the Criminal Code of 1961 or of the Criminal Code of 2012 that the sentencing court determines, after a forfeiture hearing under this Article, to have been acquired or maintained as a result of maintaining a involuntary servitude or participating trafficking of persons.

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- 1 (Source: P.A. 97-1150, eff. 1-25-13; 98-1013, eff. 1-1-15.)
- 2 Section 67. The Sexually Violent Persons Commitment Act is 3 amended by changing Section 40 as follows:
- 4 (725 ILCS 207/40)
- 5 Sec. 40. Commitment.
  - (a) If a court or jury determines that the person who is the subject of a petition under Section 15 of this Act is a sexually violent person, the court shall order the person to be committed to the custody of the Department for control, care and treatment until such time as the person is no longer a sexually violent person.
  - (b) (1) The court shall enter an initial commitment order under this Section pursuant to a hearing held as soon as practicable after the judgment is entered that the person who is the subject of a petition under Section 15 is a sexually violent person. If the court lacks sufficient information to make the determination required by paragraph (b)(2) of this Section immediately after trial, it may adjourn the hearing and order the Department to conduct a predisposition investigation or a supplementary mental examination, or both, to assist the court in framing the commitment order. If the examining evaluator previously rendered Department's opinion that the person who is the subject of a petition under Section 15 does not meet the criteria to be found a sexually

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violent person, then another evaluator shall conduct the predisposition investigation and/or supplementary mental examination. A supplementary mental examination under this Section shall be conducted in accordance with Section 3-804 of the Mental Health and Developmental Disabilities Code. The State has the right to have the person evaluated by experts chosen by the State.

(2) An order for commitment under this Section shall specify either institutional care in a secure facility, as provided under Section 50 of this Act, or conditional release. In determining whether commitment shall be for institutional care in a secure facility or for conditional release, the court shall consider the nature and circumstances of the behavior that was the basis of the allegation in the petition under paragraph (b)(1) of Section 15, the person's mental history and present mental condition, and what arrangements are available to ensure that the person has access to and will participate in necessary treatment. All treatment, whether in institutional care, in a secure facility, or while on conditional release, shall be conducted in conformance with the standards developed under the Sex Offender Management Board Act and conducted by a treatment provider licensed under the Sex Offender Evaluation and Treatment Provider Act. The Department shall arrange for control, care and treatment of the person in the least restrictive manner consistent with the requirements of the person and in accordance with the court's

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commitment order.

- (3) If the court finds that the person is appropriate for conditional release, the court shall notify the Department. The Department shall prepare a plan that identifies the treatment and services, if any, that the person will receive in the community. The plan shall address the person's need, if any, for supervision, counseling, medication, support services, residential services, vocational services, and alcohol or other drug abuse treatment. The Department may contract with a county health department, with another public agency or with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan. The plan shall be presented to the court for its approval within 60 days after the court finding that the person is appropriate for conditional release, unless Department and the person to be released request additional time to develop the plan. The conditional release program operated under this Section is not subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act.
  - (4) An order for conditional release places the person in the custody and control of the Department. A person on conditional release is subject to the conditions set by the court and to the rules of the Department. Before a person is placed on conditional release by the court under this Section,

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the court shall so notify the municipal police department and county sheriff for the municipality and county in which the person will be residing. The notification requirement under this Section does not apply if a municipal police department or county sheriff submits to the court a written statement waiving the right to be notified. Notwithstanding any other provision in the Act, the person being supervised on conditional release shall not reside at the same street another sex offender being supervised address as conditional release under this Act, mandatory supervised release, parole, aftercare release, probation, or any other manner of supervision. If the Department alleges that a released person has violated any condition or rule, or that the safety of others requires that conditional release be revoked, he or she may be taken into custody under the rules of the Department.

At any time during which the person is on conditional release, if the Department determines that the person has violated any condition or rule, or that the safety of others requires that conditional release be revoked, the Department may request the Attorney General or State's Attorney to request the court to issue an emergency ex parte order directing any law enforcement officer to take the person into custody and transport the person to the county jail. The Department may request, or the Attorney General or State's Attorney may request independently of the Department, that a

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petition to revoke conditional release be filed. When a petition is filed, the court may order the Department to issue a notice to the person to be present at the Department or other agency designated by the court, order a summons to the person to be present, or order a body attachment for all enforcement officers to take the person into custody and transport him or her to the county jail, hospital, or treatment facility. The Department shall submit a statement showing probable cause of the detention and a petition to revoke the order for conditional release to the committing court within 48 hours after the detention. The court shall hear the petition within 30 days, unless the hearing or time deadline is waived by the detained person. Pending the revocation hearing, the Department may detain the person in a jail, in a hospital or treatment facility. The State has the burden of proving by clear and convincing evidence that any rule or condition of release has been violated, or that the safety of others requires that the conditional release be revoked. If the court determines after hearing that any rule or condition of release has been violated, or that the safety of others requires that conditional release be revoked, it may revoke the order for conditional release and order that the released person be placed in an appropriate institution until the person is discharged from the commitment under Section 65 of this Act or until again placed on conditional release under Section 60 of this Act.

- (5) An order for conditional release places the person in the custody, care, and control of the Department. The court shall order the person be subject to the following rules of conditional release, in addition to any other conditions ordered, and the person shall be given a certificate setting forth the conditions of conditional release. These conditions shall be that the person:
  - (A) not violate any criminal statute of any jurisdiction;
    - (B) report to or appear in person before such person or agency as directed by the court and the Department;
    - (C) refrain from possession of a firearm or other dangerous weapon;
    - (D) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature, that prior consent by the court is not possible without the prior notification and approval of the Department;
    - (E) at the direction of the Department, notify third parties of the risks that may be occasioned by his or her criminal record or sexual offending history or characteristics, and permit the supervising officer or agent to make the notification requirement;
    - (F) attend and fully participate in assessment, treatment, and behavior monitoring including, but not limited to, medical, psychological or psychiatric

| treatment specific to sexual offending, drug addiction, or |  |  |  |
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| alcoholism, to the extent appropriate to the person based  |  |  |  |
| upon the recommendation and findings made in the           |  |  |  |
| Department evaluation or based upon any subsequent         |  |  |  |
| recommendations by the Department;                         |  |  |  |

- (G) waive confidentiality allowing the court and Department access to assessment or treatment results or both:
- (H) work regularly at a Department approved occupation or pursue a course of study or vocational training and notify the Department within 72 hours of any change in employment, study, or training;
- (I) not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by the Department officer;
- (J) submit to the search of his or her person, residence, vehicle, or any personal or real property under his or her control at any time by the Department;
- (K) financially support his or her dependents and provide the Department access to any requested financial information;
- (L) serve a term of home confinement, the conditions of which shall be that the person:
  - (i) remain within the interior premises of the place designated for his or her confinement during the

hours designated by the Department;

- (ii) admit any person or agent designated by the Department into the offender's place of confinement at any time for purposes of verifying the person's compliance with the condition of his or her confinement;
- (iii) if deemed necessary by the Department, be placed on an electronic monitoring device;
- (M) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986. A copy of the order of protection shall be transmitted to the Department by the clerk of the court;
- (N) refrain from entering into a designated geographic area except upon terms the Department finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, others accompanying the person, and advance approval by the Department;
- (0) refrain from having any contact, including written or oral communications, directly or indirectly, with certain specified persons including, but not limited to, the victim or the victim's family, and report any incidental contact with the victim or the victim's family to the Department within 72 hours; refrain from entering onto the premises of, traveling past, or loitering near the victim's residence, place of employment, or other

places frequented by the victim;

- (P) refrain from having any contact, including written or oral communications, directly or indirectly, with particular types of persons, including but not limited to members of street gangs, drug users, drug dealers, or providers of commercial sexual activity prostitutes;
- (Q) refrain from all contact, direct or indirect, personally, by telephone, letter, or through another person, with minor children without prior identification and approval of the Department;
- (R) refrain from having in his or her body the presence of alcohol or any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her breath, saliva, blood, or urine for tests to determine the presence of alcohol or any illicit drug;
- (S) not establish a dating, intimate, or sexual relationship with a person without prior written notification to the Department;
- (T) neither possess or have under his or her control any material that is pornographic, sexually oriented, or sexually stimulating, or that depicts or alludes to sexual activity or depicts minors under the age of 18, including but not limited to visual, auditory, telephonic,

electronic media, or any matter obtained through access to any computer or material linked to computer access use;

- (U) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers or any other sex-related telephone numbers;
- (V) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of the Department and report any incidental contact with minor children to the Department within 72 hours;
- (W) not establish any living arrangement or residence without prior approval of the Department;
- (X) not publish any materials or print any advertisements without providing a copy of the proposed publications to the Department officer and obtaining permission prior to publication;
- (Y) not leave the county except with prior permission of the Department and provide the Department officer or agent with written travel routes to and from work and any other designated destinations;
- (Z) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending items including video or still camera items or children's toys;

- 1 (AA) provide a written daily log of activities as 2 directed by the Department;
- 3 (BB) comply with all other special conditions that the 4 Department may impose that restrict the person from 5 high-risk situations and limit access or potential 6 victims.
- 7 (6) A person placed on conditional release and who during 8 the term undergoes mandatory drug or alcohol testing or is 9 assigned to be placed on an approved electronic monitoring 10 device may be ordered to pay all costs incidental to the 11 mandatory drug or alcohol testing and all costs incidental to 12 the approved electronic monitoring in accordance with the person's ability to pay those costs. The Department may 13 establish reasonable fees for the cost of maintenance, 14 15 testing, and incidental expenses related to the mandatory drug 16 or alcohol testing and all costs incidental to approved 17 electronic monitoring.
- 18 (Source: P.A. 97-1098, eff. 7-1-14 (see Section 5 of P.A.
- 19 98-612 for the effective date of P.A. 97-1098); 98-558, eff.
- 20 1-1-14.
- Section 70. The Statewide Grand Jury Act is amended by changing Sections 2 and 3 as follows:
- 23 (725 ILCS 215/2) (from Ch. 38, par. 1702)
- Sec. 2. (a) County grand juries and State's Attorneys have

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always had and shall continue to have primary responsibility for investigating, indicting, and prosecuting persons who violate the criminal laws of the State of Illinois. However, in recent years organized terrorist activity directed against innocent civilians and certain criminal enterprises have that require investigation, indictment, prosecution on a statewide or multicounty level. The criminal enterprises exist as a result of the allure of profitability present in narcotic activity, the unlawful sale and transfer of firearms, and streetgang related felonies and organized terrorist activity is supported by the contribution of money and expert assistance from geographically diverse sources. In order to shut off the life blood of terrorism and weaken or eliminate the criminal enterprises, assets, and property used to further these offenses must be frozen, and any profit must be removed. State statutes exist that can accomplish that goal. Among them are the offense of money laundering, violations of Article 29D of the Criminal Code of 1961 or the Criminal Code of 2012, the Narcotics Profit Forfeiture Act, and gunrunning. Local prosecutors need investigative personnel and specialized training to attack and eliminate these profits. In light of the transitory and complex nature of conduct that constitutes these criminal activities, the many diverse property interests that may be used, acquired directly or indirectly as a result of these criminal activities, and the many places that illegally obtained property may be

- located, it is the purpose of this Act to create a limited, 1 Grand 2 Jury with authority to multicounty Statewide 3 investigate, indict, and prosecute: narcotic activity, including cannabis and controlled substance trafficking, 4 5 narcotics racketeering, money laundering, violations of the Cannabis and Controlled Substances Tax Act, and violations of 6
- Article 29D of the Criminal Code of 1961 or the Criminal Code of 2012; the unlawful sale and transfer of firearms; gunrunning; and streetgang related felonies.
- 10 (b) A Statewide Grand Jury may also investigate, indict, 11 and prosecute violations facilitated by the use of a computer 12 of any of the following offenses: indecent solicitation of a child, sexual exploitation of a child, soliciting for a 13 14 sexually exploited child <del>juvenile prostitute</del>, keeping a place commercial sexual exploitation of a child <del>juvenile</del> 15 prostitution, juvenile pimping, child pornography, aggravated 16 17 child pornography, or promoting commercial sexual exploitation of a child <del>juvenile prostitution</del> except as described in 18 subdivision (a)(4) of Section 11-14.4 of the Criminal Code of 19 1961 or the Criminal Code of 2012. 20
- 21 (c) A Statewide Grand Jury may also investigate, indict, 22 and prosecute violations of organized retail crime.
- 23 (Source: P.A. 101-593, eff. 12-4-19; 102-757, eff. 5-13-22.)
- 24 (725 ILCS 215/3) (from Ch. 38, par. 1703)
- 25 Sec. 3. Written application for the appointment of a

Circuit Judge to convene and preside over a Statewide Grand Jury, with jurisdiction extending throughout the State, shall be made to the Chief Justice of the Supreme Court. Upon such written application, the Chief Justice of the Supreme Court shall appoint a Circuit Judge from the circuit where the Statewide Grand Jury is being sought to be convened, who shall make a determination that the convening of a Statewide Grand Jury is necessary.

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

- (a) that he or she believes that the grand jury function for the investigation and indictment of the offense or offenses cannot effectively be performed by a county grand jury together with the reasons for such belief, and
- (b) (1) that each State's Attorney with jurisdiction over an offense or offenses to be investigated has consented to the impaneling of the Statewide Grand Jury, or
- (2) if one or more of the State's Attorneys having jurisdiction over an offense or offenses to be investigated fails to consent to the impaneling of the Statewide Grand Jury, the Attorney General shall set forth

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1 good cause for impaneling the Statewide Grand Jury.

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

- (a) For violations of any of the following or for any other criminal offense committed in the course violating any of the following: Article 29D of Criminal Code of 1961 or the Criminal Code of 2012, the Illinois Controlled Substances Act, the Cannabis Control Act, the Methamphetamine Control and Community Protection Act, or the Narcotics Profit Forfeiture Act; a streetgang related felony offense; Section 16-25.1, 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or the Criminal Code of 2012; or a money laundering offense; provided that the violation or offense involves acts occurring in more than one county of this State; and
- (a-5) For violations facilitated by the use of a computer, including the use of the Internet, the World Wide Web, electronic mail, message board, newsgroup, or any other commercial or noncommercial on-line service, of any of the following offenses: indecent solicitation of a child, sexual exploitation of a child, soliciting for a sexually exploited child juvenile prostitute, keeping a

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- place of commercial sexual exploitation of a child 1 2 <del>juvenile prostitution</del>, juvenile pimping, child 3 pornography, aggravated child pornography, or promoting commercial sexual exploitation of a child <del>iuvenile</del> 4 prostitution except as described in subdivision (a)(4) of Section 11-14.4 of the Criminal Code of 1961 or the 6 7 Criminal Code of 2012; and
  - (b) For the offenses of perjury, subornation of perjury, communicating with jurors and witnesses, and harassment of jurors and witnesses, as they relate to matters before the Statewide Grand Jury.
- "Streetgang related" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
  - Upon written application by the Attorney General for the convening of an additional Statewide Grand Jury, the Chief Justice of the Supreme Court shall appoint a Circuit Judge from the circuit for which the additional Statewide Grand Jury is sought. The Circuit Judge shall determine the necessity for an additional Statewide Grand Jury in accordance with the provisions of this Section. No more than 2 Statewide Grand Juries may be empaneled at any time.
- 23 (Source: P.A. 101-593, eff. 12-4-19; 102-757, eff. 5-13-22.)
- Section 75. The Unified Code of Corrections is amended by changing Sections 3-1-2, 3-2.5-95, 3-3-7, 5-5-3, 5-5-3.2,

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- 1 5-6-3, 5-6-3.1, 5-9-1.7, and 5-9-1.21 as follows:
- 2 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)
- 3 Sec. 3-1-2. Definitions.
- 4 (a) "Chief Administrative Officer" means the person designated by the Director to exercise the powers and duties of the Department of Corrections in regard to committed persons within a correctional institution or facility, and includes the superintendent of any juvenile institution or facility.
- 10 (a-3) "Aftercare release" means the conditional and 11 revocable release of a person committed to the Department of 12 Juvenile Justice under the Juvenile Court Act of 1987, under 13 the supervision of the Department of Juvenile Justice.
  - (a-5) "Sex offense" for the purposes of paragraph (16) of subsection (a) of Section 3-3-7, paragraph (10) of subsection (a) of Section 5-6-3, and paragraph (18) of subsection (c) of Section 5-6-3.1 only means:
- (i) A violation of any of the following Sections of 18 the Criminal Code of 1961 or the Criminal Code of 2012: 19 10-7 (aiding or abetting child abduction under Section 20 21 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent 22 solicitation of a child), 11-6.5 (indecent solicitation of 23 adult), 11-14.4 (promoting commercial sexual 24 exploitation of a child <del>juvenile prostitution</del>), 11-15.1 (soliciting for a sexually exploited child <del>juvenile</del> 25

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| 1 | <pre>prostitute), 11-17.1 (keeping a place of commercial sexual</pre> |
|---|---|
| 2 | exploitation of a child juvenile prostitution), 11-18.1               |
| 3 | (patronizing a <u>sexually exploited child</u> <del>juvenile</del>    |
| 4 | <pre>prostitute), 11-19.1 (juvenile pimping), 11-19.2</pre>           |
| 5 | (exploitation of a child), 11-20.1 (child pornography),               |
| 6 | 11-20.1B or 11-20.3 (aggravated child pornography),                   |
| 7 | 11-1.40 or 12-14.1 (predatory criminal sexual assault of a            |
| 8 | child), or $12-33$ (ritualized abuse of a child). An attempt          |
| 9 | to commit any of these offenses.                                      |

- (ii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012: 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or 12-14 (aggravated criminal sexual assault), 11-1.60 or 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 11-1.50 or subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.
- (iii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012 when the defendant is not a parent of the victim:
  - 10-1 (kidnapping),
- 22 10-2 (aggravated kidnapping),
- 23 10-3 (unlawful restraint),
- 24 10-3.1 (aggravated unlawful restraint).
- 25 An attempt to commit any of these offenses.
- 26 (iv) A violation of any former law of this State

substantially equivalent to any offense listed in this subsection (a-5).

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

- (b) "Commitment" means a judicially determined placement in the custody of the Department of Corrections on the basis of delinquency or conviction.
- (c) "Committed person" is a person committed to the Department, however a committed person shall not be considered to be an employee of the Department of Corrections for any purpose, including eligibility for a pension, benefits, or any other compensation or rights or privileges which may be provided to employees of the Department.
- (c-5) "Computer scrub software" means any third-party added software, designed to delete information from the computer unit, the hard drive, or other software, which would eliminate and prevent discovery of browser activity, including, but not limited to, Internet history, address bar or bars, cache or caches, and/or cookies, and which would

- 1 over-write files in a way so as to make previous computer
- 2 activity, including, but not limited to, website access, more
- 3 difficult to discover.
- 4 (c-10) "Content-controlled tablet" means any device that
- 5 can only access visitation applications or content relating to
- 6 educational or personal development.
- 7 (d) "Correctional institution or facility" means any
- 8 building or part of a building where committed persons are
- 9 kept in a secured manner.
- 10 (d-5) "Correctional officer" means: an employee of the
- 11 Department of Corrections who has custody and control over
- 12 committed persons in an adult correctional facility; or, for
- an employee of the Department of Juvenile Justice, direct care
- 14 staff of persons committed to a juvenile facility.
- 15 (e) "Department" means both the Department of Corrections
- 16 and the Department of Juvenile Justice of this State, unless
- 17 the context is specific to either the Department of
- 18 Corrections or the Department of Juvenile Justice.
- 19 (f) "Director" means both the Director of Corrections and
- 20 the Director of Juvenile Justice, unless the context is
- 21 specific to either the Director of Corrections or the Director
- 22 of Juvenile Justice.
- 23 (f-5) (Blank).
- 24 (g) "Discharge" means the final termination of a
- commitment to the Department of Corrections.
- 26 (h) "Discipline" means the rules and regulations for the

- 1 maintenance of order and the protection of persons and
- 2 property within the institutions and facilities of the
- 3 Department and their enforcement.
- 4 (i) "Escape" means the intentional and unauthorized
- 5 absence of a committed person from the custody of the
- 6 Department.
- 7 (j) "Furlough" means an authorized leave of absence from
- 8 the Department of Corrections for a designated purpose and
- 9 period of time.
- 10 (k) "Parole" means the conditional and revocable release
- of a person committed to the Department of Corrections under
- the supervision of a parole officer.
- 13 (1) "Prisoner Review Board" means the Board established in
- 14 Section 3-3-1(a), independent of the Department, to review
- 15 rules and regulations with respect to good time credits, to
- 16 hear charges brought by the Department against certain
- 17 prisoners alleged to have violated Department rules with
- 18 respect to good time credits, to set release dates for certain
- 19 prisoners sentenced under the law in effect prior to February
- 20 1, 1978 (the effective date of Public Act 80-1099), to hear and
- 21 decide the time of aftercare release for persons committed to
- 22 the Department of Juvenile Justice under the Juvenile Court
- 23 Act of 1987 to hear requests and make recommendations to the
- Governor with respect to pardon, reprieve or commutation, to
- 25 set conditions for parole, aftercare release, and mandatory
- 26 supervised release and determine whether violations of those

- 1 conditions justify revocation of parole or release, and to
- 2 assume all other functions previously exercised by the
- 3 Illinois Parole and Pardon Board.
- 4 (m) Whenever medical treatment, service, counseling, or
- 5 care is referred to in this Unified Code of Corrections, such
- 6 term may be construed by the Department or Court, within its
- discretion, to include treatment, service, or counseling by a
- 8 Christian Science practitioner or nursing care appropriate
- 9 therewith whenever request therefor is made by a person
- 10 subject to the provisions of this Code.
- 11 (n) "Victim" shall have the meaning ascribed to it in
- 12 subsection (a) of Section 3 of the Rights of Crime Victims and
- 13 Witnesses Act.
- 14 (o) "Wrongfully imprisoned person" means a person who has
- been discharged from a prison of this State and has received:
- 16 (1) a pardon from the Governor stating that such
- pardon is issued on the ground of innocence of the crime
- for which he or she was imprisoned; or
- 19 (2) a certificate of innocence from the Circuit Court
- 20 as provided in Section 2-702 of the Code of Civil
- 21 Procedure.
- 22 (Source: P.A. 102-558, eff. 8-20-21; 102-616, eff. 1-1-22.)
- 23 (730 ILCS 5/3-2.5-95)
- Sec. 3-2.5-95. Conditions of aftercare release.
- 25 (a) The conditions of aftercare release for all youth

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- 1 committed to the Department under the Juvenile Court Act of
- 2 1987 shall be such as the Department of Juvenile Justice deems
- 3 necessary to assist the youth in leading a law-abiding life.
- 4 The conditions of every aftercare release are that the youth:
  - (1) not violate any criminal statute of any jurisdiction during the aftercare release term;
    - (2) refrain from possessing a firearm or other dangerous weapon;
      - (3) report to an agent of the Department;
    - (4) permit the agent or aftercare specialist to visit the youth at his or her home, employment, or elsewhere to the extent necessary for the agent or aftercare specialist to discharge his or her duties;
      - (5) reside at a Department-approved host site;
    - (6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections or Illinois Department of Juvenile Justice facility;
    - (7) report all arrests to an agent of the Department as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody and immediately report service or notification of an order of protection, a civil no contact order, or a stalking no contact order to an agent of the Department;
    - (8) obtain permission of an agent of the Department before leaving the State of Illinois;
      - (9) obtain permission of an agent of the Department

before changing his or her residence or employment;

- (10) consent to a search of his or her person, property, or residence under his or her control;
- (11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by an agent of the Department;
- (12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- (13) not knowingly associate with other persons on parole, aftercare release, or mandatory supervised release without prior written permission of his or her aftercare specialist and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;
- (14) provide true and accurate information, as it relates to his or her adjustment in the community while on aftercare release or to his or her conduct while incarcerated, in response to inquiries by an agent of the Department;
- (15) follow any specific instructions provided by the agent that are consistent with furthering conditions set and approved by the Department or by law to achieve the goals and objectives of his or her aftercare release or to protect the public; these instructions by the agent may be

modified at any time, as the agent deems appropriate;

- (16) comply with the terms and conditions of an order of protection issued under the Illinois Domestic Violence Act of 1986; an order of protection issued by the court of another state, tribe, or United States territory; a no contact order issued under the Civil No Contact Order Act; or a no contact order issued under the Stalking No Contact Order Act;
- (17) if convicted of a sex offense as defined in the Sex Offender Management Board Act, and a sex offender treatment provider has evaluated and recommended further sex offender treatment while on aftercare release, the youth shall undergo treatment by a sex offender treatment provider or associate sex offender provider as defined in the Sex Offender Management Board Act at his or her expense based on his or her ability to pay for the treatment;
- (18) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of

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Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;

- (19) if convicted for an offense that would qualify the offender as a sexual predator under the Sex Offender Registration Act wear an approved electronic monitoring device as defined in Section 5-8A-2 for the duration of the youth's aftercare release term and if convicted for an offense of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or ritualized abuse of a child when the victim was under 18 years of age at the time of the commission of the offense and the offender used force or the threat of force the commission of the offense wear an in approved electronic monitoring device as defined in Section 5-8A-2 that has Global Positioning System (GPS) capability for the duration of the youth's aftercare release term;
- (20) if convicted for an offense that would qualify the offender as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the offender and whom the offender reasonably

believes to be under 18 years of age; for purposes of this paragraph (20), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the offender if the person is not:

(A) the spouse, brother, or sister of the offender; (B) a descendant of the offender; (C) a first or second cousin of the offender; or (D) a step-child or adopted child of the offender;

- (21) if convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, consent to search of computers, PDAs, cellular phones, and other devices under his or her control that are capable of accessing the Internet or storing electronic files, in order to confirm Internet protocol addresses reported in accordance with the Sex Offender Registration Act and compliance with conditions in this Act;
- (22) if convicted for an offense that would qualify the offender as a sex offender or sexual predator under the Sex Offender Registration Act, not possess prescription drugs for erectile dysfunction;
- (23) if convicted for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a <u>sexually exploited child juvenile prostitute</u>, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any

of these offenses:

- (A) not access or use a computer or any other device with Internet capability without the prior written approval of the Department;
- (B) submit to periodic unannounced examinations of the youth's computer or any other device with Internet capability by the youth's aftercare specialist, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of the information, equipment, or device to conduct a more thorough inspection;
- (C) submit to the installation on the youth's computer or device with Internet capability, at the youth's expense, of one or more hardware or software systems to monitor the Internet use; and
- (D) submit to any other appropriate restrictions concerning the youth's use of or access to a computer or any other device with Internet capability imposed by the Department or the youth's aftercare specialist;
- (24) if convicted of a sex offense as defined in the Sex Offender Registration Act, refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012;
  - (25) if convicted of a sex offense as defined in

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Section 2 of the Sex Offender Registration Act that requires the youth to register as a sex offender under that Act, not knowingly use any computer scrub software on any computer that the youth uses;

- (26) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the youth is a parent or guardian of a person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter;
- (27) if convicted of a violation of an order of protection under Section 12-3.4 or Section 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, be placed under electronic surveillance as provided in Section 5-8A-7 of this Code; and
- (28)if convicted of а violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or а methamphetamine related offense, be:
  - (A) prohibited from purchasing, possessing, or having under his or her control any product containing pseudoephedrine unless prescribed by a physician; and

| 1 | (B) prohibited      | from   | purchasing,    | possessing,   | or  |
|---|---------------------|--------|----------------|---------------|-----|
| 2 | having under his or | her co | ontrol any pro | oduct contain | ing |
| 3 | ammonium nitrate.   |        |                |               |     |

- (b) The Department may in addition to other conditions require that the youth:
  - (1) work or pursue a course of study or vocational training;
    - (2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
    - (3) attend or reside in a facility established for the instruction or residence of persons on probation or aftercare release;
      - (4) support his or her dependents;
    - (5) if convicted for an offense that would qualify the youth as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is related to the youth and whom the youth reasonably believes to be under 18 years of age; for purposes of this paragraph (5), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the youth if the person is: (A) the spouse, brother, or sister of the youth; (B) a descendant of the youth; (C) a first or second cousin of the youth; or (D) a step-child or adopted child of the youth;

| _ | (6) if convicted for an offense that would qualify as     |
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| 2 | a sex offense as defined in the Sex Offender Registration |
| } | Act:  |

- (A) not access or use a computer or any other device with Internet capability without the prior written approval of the Department;
- (B) submit to periodic unannounced examinations of the youth's computer or any other device with Internet capability by the youth's aftercare specialist, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of the information, equipment, or device to conduct a more thorough inspection;
- (C) submit to the installation on the youth's computer or device with Internet capability, at the youth's offender's expense, of one or more hardware or software systems to monitor the Internet use; and
- (D) submit to any other appropriate restrictions concerning the youth's use of or access to a computer or any other device with Internet capability imposed by the Department or the youth's aftercare specialist; and
- (7) in addition to other conditions:
  - (A) reside with his or her parents or in a foster

| 1  | home;   |
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| 2  | (B) attend school;  |
| 3  | (C) attend a non-residential program for youth; or            |
| 4  | (D) contribute to his or her own support at home or           |
| 5  | in a foster home.   |
| 6  | (c) In addition to the conditions under subsections (a)       |
| 7  | and (b) of this Section, youths required to register as sex   |
| 8  | offenders under the Sex Offender Registration Act, upon       |
| 9  | release from the custody of the Department of Juvenile        |
| 10 | Justice, may be required by the Department to comply with the |
| 11 | following specific conditions of release:                     |
| 12 | (1) reside only at a Department approved location;            |
| 13 | (2) comply with all requirements of the Sex Offender          |
| 14 | Registration Act;   |
| 15 | (3) notify third parties of the risks that may be             |
| 16 | occasioned by his or her criminal record;                     |
| 17 | (4) obtain the approval of an agent of the Department         |
| 18 | prior to accepting employment or pursuing a course of         |
| 19 | study or vocational training and notify the Department        |
| 20 | prior to any change in employment, study, or training;        |
| 21 | (5) not be employed or participate in any volunteer           |
| 22 | activity that involves contact with children, except under    |
| 23 | circumstances approved in advance and in writing by an        |
| 24 | agent of the Department;                                      |
| 25 | (6) be electronically monitored for a specified period        |

of time from the date of release as determined by the

## Department;

- (7) refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department; these terms may include consideration of the purpose of the entry, the time of day, and others accompanying the youth;
- (8) refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department;
- (9) refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor children without prior identification and approval of an agent of the Department;
- (10) neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material describing sexual intercourse or that depicts or alludes to sexual activity, including, but not limited to, visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;

| 1 | (11) not patronize any business providing sexually         |
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| 2 | stimulating or sexually oriented entertainment nor utilize |
| 3 | "900" or adult telephone numbers:                          |

- (12) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of an agent of the Department and immediately report any incidental contact with minor children to the Department;
- (13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department;
- (14) may be required to provide a written daily log of activities if directed by an agent of the Department;
- (15) comply with all other special conditions that the Department may impose that restrict the youth from high-risk situations and limit access to potential victims;
  - (16) take an annual polygraph exam;
  - (17) maintain a log of his or her travel; or
- (18) obtain prior approval of an agent of the Department before driving alone in a motor vehicle.
- (d) The conditions under which the aftercare release is to be served shall be communicated to the youth in writing prior to his or her release, and he or she shall sign the same before

- 1 release. A signed copy of these conditions, including a copy
- of an order of protection if one had been issued by the
- 3 criminal court, shall be retained by the youth and another
- 4 copy forwarded to the officer or aftercare specialist in
- 5 charge of his or her supervision.
- 6 (e) After a revocation hearing under Section 3-3-9.5, the
- 7 Department of Juvenile Justice may modify or enlarge the
- 8 conditions of aftercare release.
- 9 (f) The Department shall inform all youth of the optional
- services available to them upon release and shall assist youth
- in availing themselves of the optional services upon their
- 12 release on a voluntary basis.
- 13 (Source: P.A. 99-628, eff. 1-1-17.)
- 14 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)
- 15 Sec. 3-3-7. Conditions of parole or mandatory supervised
- 16 release.
- 17 (a) The conditions of parole or mandatory supervised
- 18 release shall be such as the Prisoner Review Board deems
- 19 necessary to assist the subject in leading a law-abiding life.
- 20 The conditions of every parole and mandatory supervised
- 21 release are that the subject:
- 22 (1) not violate any criminal statute of any
- 23 jurisdiction during the parole or release term;
- 24 (2) refrain from possessing a firearm or other
- dangerous weapon;

- 1 (3) report to an agent of the Department of 2 Corrections;
  - (4) permit the agent to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent to discharge his or her duties;
  - (5) attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release;
  - (6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;
  - (7) report all arrests to an agent of the Department of Corrections as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody and immediately report service or notification of an order of protection, a civil no contact order, or a stalking no contact order to an agent of the Department of Corrections;
  - (7.5) if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;
  - (7.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing

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at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;

(7.7) if convicted for an offense that would qualify the accused as a sexual predator under the Sex Offender Registration Act on or after January 1, 2007 effective date of Public Act 94-988), wear an approved electronic monitoring device as defined in Section 5-8A-2 the duration of the person's parole, mandatory for supervised release term, or extended mandatory supervised release term and if convicted for an offense of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal abuse, aggravated criminal sexual sexual abuse, ritualized abuse of a child committed on or after August 11, 2009 (the effective date of Public Act 96-236) when the victim was under 18 years of age at the time of the

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commission of the offense and the defendant used force or the threat of force in the commission of the offense wear an approved electronic monitoring device as defined in Section 5-8A-2 that has Global Positioning System (GPS) capability for the duration of the person's parole, mandatory supervised release term, or extended mandatory supervised release term;

(7.8) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused:

(7.9) if convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, consent to search of

computers, PDAs, cellular phones, and other devices under his or her control that are capable of accessing the Internet or storing electronic files, in order to confirm Internet protocol addresses reported in accordance with the Sex Offender Registration Act and compliance with conditions in this Act;

- (7.10) if convicted for an offense that would qualify the accused as a sex offender or sexual predator under the Sex Offender Registration Act on or after June 1, 2008 (the effective date of Public Act 95-640), not possess prescription drugs for erectile dysfunction;
- (7.11) if convicted for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a sexually exploited child juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after June 1, 2009 (the effective date of Public Act 95-983):
  - (i) not access or use a computer or any other device with Internet capability without the prior written approval of the Department;
  - (ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's supervising agent, a law enforcement officer, or assigned computer or information technology specialist, including the

retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

- (iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and
- (iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the Board, the Department or the offender's supervising agent;
- (7.12) if convicted of a sex offense as defined in the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-262), refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012;
- (7.13) if convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not knowingly use any computer scrub software on any computer that the sex offender uses;

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| 1  | (8) obtain permission of an agent of the Department of      |
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| 2  | Corrections before leaving the State of Illinois;           |
| 3  | (9) obtain permission of an agent of the Department of      |
| 4  | Corrections before changing his or her residence or         |
| 5  | employment;   |
| 6  | (10) consent to a search of his or her person,              |
| 7  | property, or residence under his or her control;            |
| 8  | (11) refrain from the use or possession of narcotics        |
| 9  | or other controlled substances in any form, or both, or     |
| 10 | any paraphernalia related to those substances and submit    |
| 11 | to a urinalysis test as instructed by a parole agent of the |
| 12 | Department of Corrections;                                  |
| 13 | (12) not knowingly frequent places where controlled         |
| 14 | substances are illegally sold, used, distributed, or        |
| 15 | administered;   |
| 16 | (13) except when the association described in either        |
| 17 | subparagraph (A) or (B) of this paragraph (13) involves     |
| 18 | activities related to community programs, worship           |
| 19 | services, volunteering, engaging families, or some other    |
| 20 | pro-social activity in which there is no evidence of        |
| 21 | criminal intent:  |
| 22 | (A) not knowingly associate with other persons on           |
| 23 | parole or mandatory supervised release without prior        |

written permission of his or her parole agent; or

(B) not knowingly associate with persons who are

members of an organized gang as that term is defined in

the Illinois Streetgang Terrorism Omnibus Prevention

Act;

- (14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole or mandatory supervised release or to his or her conduct while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections;
- (15) follow any specific instructions provided by the parole agent that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and objectives of his or her parole or mandatory supervised release or to protect the public. These instructions by the parole agent may be modified at any time, as the agent deems appropriate;
- (16) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding

| 1 | Easter |
|---|--------|
| 1 | Easter |

- (17) if convicted of a violation of an order of protection under Section 12-3.4 or Section 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, be placed under electronic surveillance as provided in Section 5-8A-7 of this Code;
- (18) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986; an order of protection issued by the court of another state, tribe, or United States territory; a no contact order issued pursuant to the Civil No Contact Order Act; or a no contact order issued pursuant to the Stalking No Contact Order Act;
- (19) if convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a methamphetamine related offense, be:
  - (A) prohibited from purchasing, possessing, or having under his or her control any product containing pseudoephedrine unless prescribed by a physician; and
  - (B) prohibited from purchasing, possessing, or having under his or her control any product containing ammonium nitrate;
- (20) if convicted of a hate crime under Section 12-7.1 of the Criminal Code of 2012, perform public or community service of no less than 200 hours and enroll in an

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educational program discouraging hate crimes involving the protected class identified in subsection (a) of Section 12-7.1 of the Criminal Code of 2012 that gave rise to the offense the offender committed ordered by the court; and

- (21) be evaluated by the Department of Corrections prior to release using a validated risk assessment and be subject to a corresponding level of supervision. In accordance with the findings of that evaluation:
  - (A) All subjects found to be at a moderate or high risk to recidivate, or on parole or mandatorv supervised release for first degree murder, a forcible felony as defined in Section 2-8 of the Criminal Code of 2012, any felony that requires registration as a sex offender under the Sex Offender Registration Act, or a Class X felony or Class 1 felony that is not a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, shall be subject to high level supervision. The Department shall define high level supervision based upon evidence-based and research-based practices. Notwithstanding this placement on high level supervision, placement of the subject on electronic monitoring or detention shall not occur unless it is required by law or expressly ordered or approved by the Prisoner Review Board.
    - (B) All subjects found to be at a low risk to

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recidivate shall be subject to low-level supervision, except for those subjects on parole or mandatory supervised release for first degree murder, a forcible felony as defined in Section 2-8 of the Criminal Code of 2012, any felony that requires registration as a sex offender under the Sex Offender Registration Act, or a Class X felony or Class 1 felony that is not a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act. Low level supervision shall require the subject to check in with the supervising officer via phone or other electronic means. Notwithstanding this placement on low level supervision, placement of the subject on electronic monitoring or detention shall not occur unless it is required by law or expressly ordered or approved by the Prisoner Review Board.

- (b) The Board may in addition to other conditions require that the subject:
  - (1) work or pursue a course of study or vocational training;
    - (2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
  - (3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;

- 1 (4) support his or her dependents;
- 2 (5) (blank);
- 3 (6) (blank);
- (7) (blank);
  - (7.5) if convicted for an offense committed on or after the effective date of this amendatory Act of the 95th General Assembly that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (7.5), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;
  - (7.6) if convicted for an offense committed on or after June 1, 2009 (the effective date of Public Act 95-983) that would qualify as a sex offense as defined in the Sex Offender Registration Act:
    - (i) not access or use a computer or any other device with Internet capability without the prior written approval of the Department;

or in a foster home.

| 1  | (ii) submit to periodic unannounced examinations       |
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| 2  | of the offender's computer or any other device with    |
| 3  | Internet capability by the offender's supervising      |
| 4  | agent, a law enforcement officer, or assigned computer |
| 5  | or information technology specialist, including the    |
| 6  | retrieval and copying of all data from the computer or |
| 7  | device and any internal or external peripherals and    |
| 8  | removal of such information, equipment, or device to   |
| 9  | conduct a more thorough inspection;                    |
| 10 | (iii) submit to the installation on the offender's     |
| 11 | computer or device with Internet capability, at the    |
| 12 | offender's expense, of one or more hardware or         |
| 13 | software systems to monitor the Internet use; and      |
| 14 | (iv) submit to any other appropriate restrictions      |
| 15 | concerning the offender's use of or access to a        |
| 16 | computer or any other device with Internet capability  |
| 17 | imposed by the Board, the Department or the offender's |
| 18 | supervising agent; and                                 |
| 19 | (8) in addition, if a minor:                           |
| 20 | (i) reside with his or her parents or in a foster      |
| 21 | home;  |
| 22 | (ii) attend school;                                    |
| 23 | (iii) attend a non-residential program for youth;      |
| 24 | or   |
| 25 | (iv) contribute to his or her own support at home      |

- (b-1) In addition to the conditions set forth in subsections (a) and (b), persons required to register as sex offenders pursuant to the Sex Offender Registration Act, upon release from the custody of the Illinois Department of Corrections, may be required by the Board to comply with the following specific conditions of release:
  - (1) reside only at a Department approved location;
  - (2) comply with all requirements of the Sex Offender Registration Act;
  - (3) notify third parties of the risks that may be occasioned by his or her criminal record;
  - (4) obtain the approval of an agent of the Department of Corrections prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to any change in employment, study, or training;
  - (5) not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department of Corrections;
  - (6) be electronically monitored for a minimum of 12 months from the date of release as determined by the Board;
  - (7) refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department of Corrections. The terms may include

consideration of the purpose of the entry, the time of day, and others accompanying the person;

- (8) refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department of Corrections:
- (9) refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor children without prior identification and approval of an agent of the Department of Corrections;
- (10) neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material describing sexual intercourse or that depicts or alludes to sexual activity, including but not limited to visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;
- (11) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers;
  - (12) not reside near, visit, or be in or about parks,

| schools,   | day   | care  | center   | îs,   | swimmi | ing  | pool  | s,    | beac  | hes, |
|------------|-------|-------|----------|-------|--------|------|-------|-------|-------|------|
| theaters,  | or    | any   | other    | plac  | es wh  | nere | min   | or    | chil  | dren |
| congregate | e wit | hout  | advance  | app   | roval  | of   | an a  | .gent | of    | the  |
| Department | c of  | Corr  | rections | and   | d imm  | edia | tely  | rep   | ort   | any  |
| incidental | Lcont | act w | ith min  | or ch | ildre  | n to | the I | Depai | rtmer | nt;  |

- (13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department of Corrections;
- (14) may be required to provide a written daily log of activities if directed by an agent of the Department of Corrections;
- (15) comply with all other special conditions that the Department may impose that restrict the person from high-risk situations and limit access to potential victims;
  - (16) take an annual polygraph exam;
  - (17) maintain a log of his or her travel; or
- (18) obtain prior approval of his or her parole officer before driving alone in a motor vehicle.
  - (c) The conditions under which the parole or mandatory supervised release is to be served shall be communicated to the person in writing prior to his or her release, and he or she shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection where one had been issued by the criminal court, shall be retained by

- 1 the person and another copy forwarded to the officer in charge
- of his or her supervision.
- 3 (d) After a hearing under Section 3-3-9, the Prisoner
- 4 Review Board may modify or enlarge the conditions of parole or
- 5 mandatory supervised release.
- 6 (e) The Department shall inform all offenders committed to
- 7 the Department of the optional services available to them upon
- 8 release and shall assist inmates in availing themselves of
- 9 such optional services upon their release on a voluntary
- 10 basis.
- 11 (f) (Blank).
- 12 (Source: P.A. 100-201, eff. 8-18-17; 100-260, eff. 1-1-18;
- 13 100-575, eff. 1-8-18; 101-382, eff. 8-16-19.)
- 14 (730 ILCS 5/5-5-3)
- 15 Sec. 5-5-3. Disposition.
- 16 (a) (Blank).
- 17 (b) (Blank).
- 18 (c) (1) (Blank).
- 19 (2) A period of probation, a term of periodic imprisonment
- 20 or conditional discharge shall not be imposed for the
- 21 following offenses. The court shall sentence the offender to
- 22 not less than the minimum term of imprisonment set forth in
- this Code for the following offenses, and may order a fine or
- 24 restitution or both in conjunction with such term of
- 25 imprisonment:

- 1 (A) First degree murder where the death penalty is not imposed.
  - (B) Attempted first degree murder.
  - (C) A Class X felony.
  - (D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1.5) of Section 401 of that Act which relates to more than 5 grams of a substance containing fentanyl or an analog thereof.
  - (D-5) A violation of subdivision (c)(1) of Section 401 of the Illinois Controlled Substances Act which relates to 3 or more grams of a substance containing heroin or an analog thereof.
    - (E) (Blank).
  - (F) A Class 1 or greater felony if the offender had been convicted of a Class 1 or greater felony, including any state or federal conviction for an offense that contained, at the time it was committed, the same elements as an offense now (the date of the offense committed after the prior Class 1 or greater felony) classified as a Class 1 or greater felony, within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Substance Use Disorder Act.
  - (F-3) A Class 2 or greater felony sex offense or felony firearm offense if the offender had been convicted

of a Class 2 or greater felony, including any state or federal conviction for an offense that contained, at the time it was committed, the same elements as an offense now (the date of the offense committed after the prior Class 2 or greater felony) classified as a Class 2 or greater felony, within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Substance Use Disorder Act.

- (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 or the Criminal Code of 2012 for which imprisonment is prescribed in those Sections.
- (G) Residential burglary, except as otherwise provided in Section 40-10 of the Substance Use Disorder Act.
  - (H) Criminal sexual assault.
- (I) Aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012.
- (J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who

1 do commit crimes.

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

- (K) Vehicular hijacking.
- (L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.
- (M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds \$300.
- (N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.
- (0) A violation of Section 12-6.1 or 12-6.5 of the Criminal Code of 1961 or the Criminal Code of 2012.
- (P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012.
- (P-5) A violation of paragraph (6) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012 if the victim is a household or family member of the defendant.
  - (Q) A violation of subsection (b) or (b-5) of Section

- 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012.
  - (R) A violation of Section 24-3A of the Criminal Code of 1961 or the Criminal Code of 2012.
    - (S) (Blank).
    - (T) (Blank).
  - (U) A second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state.
  - (V) A violation of paragraph (4) of subsection (c) of Section 11-20.1B or paragraph (4) of subsection (c) of Section 11-20.3 of the Criminal Code of 1961, or paragraph (6) of subsection (a) of Section 11-20.1 of the Criminal Code of 2012 when the victim is under 13 years of age and the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under

- the age of 18 years or an offense that is substantially equivalent to those offenses.
  - (W) A violation of Section 24-3.5 of the Criminal Code of 1961 or the Criminal Code of 2012.
    - (X) A violation of subsection (a) of Section 31-1a of the Criminal Code of 1961 or the Criminal Code of 2012.
    - (Y) A conviction for unlawful possession of a firearm by a street gang member when the firearm was loaded or contained firearm ammunition.
    - (Z) A Class 1 felony committed while he or she was serving a term of probation or conditional discharge for a felony.
    - (AA) Theft of property exceeding \$500,000 and not exceeding \$1,000,000 in value.
    - (BB) Laundering of criminally derived property of a value exceeding \$500,000.
    - (CC) Knowingly selling, offering for sale, holding for sale, or using 2,000 or more counterfeit items or counterfeit items having a retail value in the aggregate of \$500,000 or more.
    - (DD) A conviction for aggravated assault under paragraph (6) of subsection (c) of Section 12-2 of the Criminal Code of 1961 or the Criminal Code of 2012 if the firearm is aimed toward the person against whom the firearm is being used.
      - (EE) A conviction for a violation of paragraph (2) of

- 1 subsection (a) of Section 24-3B of the Criminal Code of
- 2 2012.
- 3 (3) (Blank).
- 4 (4) A minimum term of imprisonment of not less than 10
- 5 consecutive days or 30 days of community service shall be
- 6 imposed for a violation of paragraph (c) of Section 6-303 of
- 7 the Illinois Vehicle Code.
- 8 (4.1) (Blank).
- 9 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
- 10 this subsection (c), a minimum of 100 hours of community
- 11 service shall be imposed for a second violation of Section
- 12 6-303 of the Illinois Vehicle Code.
- 13 (4.3) A minimum term of imprisonment of 30 days or 300
- 14 hours of community service, as determined by the court, shall
- 15 be imposed for a second violation of subsection (c) of Section
- 16 6-303 of the Illinois Vehicle Code.
- 17 (4.4) Except as provided in paragraphs (4.5), (4.6), and
- 18 (4.9) of this subsection (c), a minimum term of imprisonment
- of 30 days or 300 hours of community service, as determined by
- 20 the court, shall be imposed for a third or subsequent
- violation of Section 6-303 of the Illinois Vehicle Code. The
- 22 court may give credit toward the fulfillment of community
- 23 service hours for participation in activities and treatment as
- determined by court services.
- 25 (4.5) A minimum term of imprisonment of 30 days shall be
- 26 imposed for a third violation of subsection (c) of Section

- 1 6-303 of the Illinois Vehicle Code.
- 2 (4.6) Except as provided in paragraph (4.10) of this 3 subsection (c), a minimum term of imprisonment of 180 days 4 shall be imposed for a fourth or subsequent violation of 5 subsection (c) of Section 6-303 of the Illinois Vehicle Code.
  - (4.7) A minimum term of imprisonment of not less than 30 consecutive days, or 300 hours of community service, shall be imposed for a violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (b-5) of that Section.
  - (4.8) A mandatory prison sentence shall be imposed for a second violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (c-5) of that Section. The person's driving privileges shall be revoked for a period of not less than 5 years from the date of his or her release from prison.
  - (4.9) A mandatory prison sentence of not less than 4 and not more than 15 years shall be imposed for a third violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-2.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.
  - (4.10) A mandatory prison sentence for a Class 1 felony shall be imposed, and the person shall be eligible for an extended term sentence, for a fourth or subsequent violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle

- 1 Code, as provided in subsection (d-3.5) of that Section. The
- 2 person's driving privileges shall be revoked for the remainder
- 3 of his or her life.
- 4 (5) The court may sentence a corporation or unincorporated
- 5 association convicted of any offense to:
  - (A) a period of conditional discharge;
- 7 (B) a fine;
- 8 (C) make restitution to the victim under Section 5-5-6
- 9 of this Code.
- 10 (5.1) In addition to any other penalties imposed, and
- 11 except as provided in paragraph (5.2) or (5.3), a person
- 12 convicted of violating subsection (c) of Section 11-907 of the
- 13 Illinois Vehicle Code shall have his or her driver's license,
- 14 permit, or privileges suspended for at least 90 days but not
- more than one year, if the violation resulted in damage to the
- 16 property of another person.
- 17 (5.2) In addition to any other penalties imposed, and
- 18 except as provided in paragraph (5.3), a person convicted of
- 19 violating subsection (c) of Section 11-907 of the Illinois
- 20 Vehicle Code shall have his or her driver's license, permit,
- or privileges suspended for at least 180 days but not more than
- 22 2 years, if the violation resulted in injury to another
- person.
- 24 (5.3) In addition to any other penalties imposed, a person
- convicted of violating subsection (c) of Section 11-907 of the
- 26 Illinois Vehicle Code shall have his or her driver's license,

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- permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.
- 3 (5.4) In addition to any other penalties imposed, a person 4 convicted of violating Section 3-707 of the Illinois Vehicle 5 Code shall have his or her driver's license, permit, or 6 privileges suspended for 3 months and until he or she has paid 7 a reinstatement fee of \$100.
  - (5.5) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of \$100.
- 16 (6) (Blank).
- 17 (7) (Blank).
- 18 (8) (Blank).
- 19 (9) A defendant convicted of a second or subsequent
  20 offense of ritualized abuse of a child may be sentenced to a
  21 term of natural life imprisonment.
- 22 (10) (Blank).
- 23 (11) The court shall impose a minimum fine of \$1,000 for a 24 first offense and \$2,000 for a second or subsequent offense 25 upon a person convicted of or placed on supervision for 26 battery when the individual harmed was a sports official or

coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

- (12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.
- (13) A person convicted of or placed on court supervision for an assault or aggravated assault when the victim and the offender are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986 or convicted of domestic battery or aggravated domestic battery may be required to attend a Partner Abuse Intervention Program under protocols set forth by the Illinois Department of Human Services under such terms and conditions imposed by the court. The costs of such classes shall be paid by the offender.

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- (d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of this Code which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of this Code. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond statutory maximum otherwise applicable, either defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.
- (e) In cases where prosecution for aggravated criminal sexual abuse under Section 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:
- (1) the court finds (A) or (B) or both are

| 1  | appropriate:   |
|----|--|
| 2  | (A) the defendant is willing to undergo a court              |
| 3  | approved counseling program for a minimum duration of        |
| 4  | 2 years; or  |
| 5  | (B) the defendant is willing to participate in a             |
| 6  | court approved plan, including, but not limited to,          |
| 7  | the defendant's:   |
| 8  | (i) removal from the household;                              |
| 9  | (ii) restricted contact with the victim;                     |
| 10 | (iii) continued financial support of the                     |
| 11 | family;  |
| 12 | (iv) restitution for harm done to the victim;                |
| 13 | and  |
| 14 | (v) compliance with any other measures that                  |
| 15 | the court may deem appropriate; and                          |
| 16 | (2) the court orders the defendant to pay for the            |
| 17 | victim's counseling services, to the extent that the court   |
| 18 | finds, after considering the defendant's income and          |
| 19 | assets, that the defendant is financially capable of         |
| 20 | paying for such services, if the victim was under 18 years   |
| 21 | of age at the time the offense was committed and requires    |
| 22 | counseling as a result of the offense.                       |
| 23 | Probation may be revoked or modified pursuant to Section     |
| 24 | 5-6-4; except where the court determines at the hearing that |
| 25 | the defendant violated a condition of his or her probation   |
|    |  |

restricting contact with the victim or other family members or

- 1 commits another offense with the victim or other family
- 2 members, the court shall revoke the defendant's probation and
- 3 impose a term of imprisonment.
- 4 For the purposes of this Section, "family member" and
- 5 "victim" shall have the meanings ascribed to them in Section
- 6 11-0.1 of the Criminal Code of 2012.
  - (f) (Blank).

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

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entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal quardian, the court shall notify the victim's parents or legal quardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

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

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precautions need to be taken to prevent transmission of the disease in the courtroom.

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

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any violation of Chapters 3, 4, 6, and 11 of the Illinois

Vehicle Code, or a similar provision of a local ordinance, and

any violation of the Child Passenger Protection Act, or a

similar provision of a local ordinance, shall be collected and

disbursed by the circuit clerk as provided under the Criminal

and Traffic Assessment Act.

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

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

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

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

- (k) (Blank).
- (1) (A) Except as provided in paragraph (C) of subsection (1), whenever a defendant, who is not a citizen or national of the United States, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:
- (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the

1 Immigration and Nationality Act, and

- 2 (2) the deportation of the defendant would not 3 deprecate the seriousness of the defendant's conduct and 4 would not be inconsistent with the ends of justice.
- Otherwise, the defendant shall be sentenced as provided in this Chapter V.
  - (B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:
    - (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
    - (2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.
  - (C) This subsection (1) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.
    - (D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of

- 1 the United States, the defendant shall be recommitted to the
- 2 custody of the county from which he or she was sentenced.
- 3 Thereafter, the defendant shall be brought before the
- 4 sentencing court, which may impose any sentence that was
- 5 available under Section 5-5-3 at the time of initial
- 6 sentencing. In addition, the defendant shall not be eligible
- 7 for additional earned sentence credit as provided under
- 8 Section 3-6-3.
- 9 (m) A person convicted of criminal defacement of property
- 10 under Section 21-1.3 of the Criminal Code of 1961 or the
- 11 Criminal Code of 2012, in which the property damage exceeds
- 12 \$300 and the property damaged is a school building, shall be
- ordered to perform community service that may include cleanup,
- removal, or painting over the defacement.
- 15 (n) The court may sentence a person convicted of a
- 16 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
- 17 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
- 18 of 1961 or the Criminal Code of 2012 (i) to an impact
- incarceration program if the person is otherwise eligible for
- 20 that program under Section 5-8-1.1, (ii) to community service,
- or (iii) if the person has a substance use disorder, as defined
- 22 in the Substance Use Disorder Act, to a treatment program
- 23 licensed under that Act.
- 24 (o) Whenever a person is convicted of a sex offense as
- 25 defined in Section 2 of the Sex Offender Registration Act, the
- defendant's driver's license or permit shall be subject to

- 1 renewal on an annual basis in accordance with the provisions
- of license renewal established by the Secretary of State.
- 3 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
- 4 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
- 5 5-27-22.)
- 6 (730 ILCS 5/5-5-3.2)
- 7 (Text of Section before amendment by P.A. 102-982)
- 8 Sec. 5-5-3.2. Factors in aggravation and extended-term
- 9 sentencing.
- 10 (a) The following factors shall be accorded weight in
- 11 favor of imposing a term of imprisonment or may be considered
- by the court as reasons to impose a more severe sentence under
- 13 Section 5-8-1 or Article 4.5 of Chapter V:
- 14 (1) the defendant's conduct caused or threatened
- 15 serious harm;
- 16 (2) the defendant received compensation for committing
- 17 the offense;
- 18 (3) the defendant has a history of prior delinquency
- 19 or criminal activity;
- 20 (4) the defendant, by the duties of his office or by
- 21 his position, was obliged to prevent the particular
- offense committed or to bring the offenders committing it
- 23 to justice;
- 24 (5) the defendant held public office at the time of
- 25 the offense, and the offense related to the conduct of

that office;

- (6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;
- (7) the sentence is necessary to deter others from committing the same crime;
- (8) the defendant committed the offense against a person 60 years of age or older or such person's property;
- (9) the defendant committed the offense against a person who has a physical disability or such person's property;
- (10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" has the meaning ascribed to it in paragraph (O-1) of Section 1-103 of the Illinois Human Rights Act;
- (11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to,

during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;

- (12) the defendant was convicted of a felony committed while he was on pretrial release or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;
- (13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;
- (14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 11-0.1 of the Criminal Code of 2012, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11, 11-14.4 except for an offense that involves keeping a place of commercial sexual exploitation of a child juvenile prostitution, 11-15.1, 11-19.1, 11-19.2, 11-20.1,

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- 1 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15 or 12-16 2 of the Criminal Code of 1961 or the Criminal Code of 2012 3 against that victim;
  - (15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;
  - (16) the defendant committed an offense in violation of one of the following Sections while in a school, regardless of the time of day or time of year; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except for subdivision (a)(4) or (g)(1), of the Criminal Code of 1961 or the Criminal Code of 2012;
  - (16.5) the defendant committed an offense in violation of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the

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

- (17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 2012;
- (18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act;
  - (19) the defendant was a federally licensed firearm

dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm;

- (20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code;
- (21) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code;
- (22) the defendant committed the offense against a person that the defendant knew, or reasonably should have known, was a member of the Armed Forces of the United States serving on active duty. For purposes of this clause (22), the term "Armed Forces" means any of the Armed

Forces of the United States, including a member of any reserve component thereof or National Guard unit called to active duty;

- (23) the defendant committed the offense against a person who was elderly or infirm or who was a person with a disability by taking advantage of a family or fiduciary relationship with the elderly or infirm person or person with a disability;
- (24) the defendant committed any offense under Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012 and possessed 100 or more images;
- (25) the defendant committed the offense while the defendant or the victim was in a train, bus, or other vehicle used for public transportation;
- (26) the defendant committed the offense of child pornography or aggravated child pornography, specifically including paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012 where a child engaged in, solicited for, depicted in, or posed in any act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context and specifically including paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1B or Section 11-20.3 of the Criminal Code of 1961 where a child engaged in, solicited for, depicted in, or posed in any

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act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context;

- (27) the defendant committed the offense of first degree murder, assault, aggravated assault, battery, aggravated battery, robbery, armed robbery, or aggravated robbery against a person who was a veteran and the defendant knew, or reasonably should have known, that the person was a veteran performing duties as a representative of a veterans' organization. For the purposes of this paragraph (27), "veteran" means an Illinois resident who has served as a member of the United States Armed Forces, a member of the Illinois National Guard, or a member of the United States Reserve Forces; and "veterans' organization" means an organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit;
- (28) the defendant committed the offense of assault, aggravated assault, battery, aggravated battery, robbery, armed robbery, or aggravated robbery against a person that the defendant knew or reasonably should have known was a letter carrier or postal worker while that person was performing his or her duties delivering mail for the

United States Postal Service;

- (29) the defendant committed the offense of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse against a victim with an intellectual disability, and the defendant holds a position of trust, authority, or supervision in relation to the victim;
- (30) the defendant committed the offense of promoting commercial sexual exploitation of a child juvenile prostitution, patronizing a provider of commercial sexual activity prostitute, or patronizing a sexually exploited child minor engaged in prostitution and at the time of the commission of the offense knew that the provider of commercial sexual activity prostitute or sexually exploited child minor engaged in prostitution was in the custody or guardianship of the Department of Children and Family Services;
- (31) the defendant (i) committed the offense of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof in violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) the defendant during the commission of the offense was driving his or her vehicle upon a roadway designated for one-way traffic in the opposite direction of the direction indicated by official traffic control

devices;

- (32) the defendant committed the offense of reckless homicide while committing a violation of Section 11-907 of the Illinois Vehicle Code;
  - (33) the defendant was found guilty of an administrative infraction related to an act or acts of public indecency or sexual misconduct in the penal institution. In this paragraph (33), "penal institution" has the same meaning as in Section 2-14 of the Criminal Code of 2012; or
  - (34) the defendant committed the offense of leaving the scene of an accident in violation of subsection (b) of Section 11-401 of the Illinois Vehicle Code and the accident resulted in the death of a person and at the time of the offense, the defendant was: (i) driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof as defined by Section 11-501 of the Illinois Vehicle Code; or (ii) operating the motor vehicle while using an electronic communication device as defined in Section 12-610.2 of the Illinois Vehicle Code.

For the purposes of this Section:

- "School" is defined as a public or private elementary or secondary school, community college, college, or university.
- 25 "Day care center" means a public or private State 26 certified and licensed day care center as defined in Section

- 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.
- "Intellectual disability" means significantly subaverage intellectual functioning which exists concurrently with impairment in adaptive behavior.
- "Public transportation" means the transportation or conveyance of persons by means available to the general public, and includes paratransit services.
  - "Traffic control devices" means all signs, signals, markings, and devices that conform to the Illinois Manual on Uniform Traffic Control Devices, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
  - (b) The following factors, related to all felonies, may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:
    - (1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or
    - (2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by

| 1  | exceptionally brutal or heinous behavior indicative of     |
|----|--|
| 2  | wanton cruelty; or   |
| 3  | (3) When a defendant is convicted of any felony            |
| 4  | committed against:   |
| 5  | (i) a person under 12 years of age at the time of          |
| 6  | the offense or such person's property;                     |
| 7  | (ii) a person 60 years of age or older at the time         |
| 8  | of the offense or such person's property; or               |
| 9  | (iii) a person who had a physical disability at            |
| 10 | the time of the offense or such person's property; or      |
| 11 | (4) When a defendant is convicted of any felony and        |
| 12 | the offense involved any of the following types of         |
| 13 | specific misconduct committed as part of a ceremony, rite, |
| 14 | initiation, observance, performance, practice or activity  |
| 15 | of any actual or ostensible religious, fraternal, or       |
| 16 | social group:  |
| 17 | (i) the brutalizing or torturing of humans or              |
| 18 | animals;   |
| 19 | (ii) the theft of human corpses;                           |
| 20 | (iii) the kidnapping of humans;                            |
| 21 | (iv) the desecration of any cemetery, religious,           |
| 22 | fraternal, business, governmental, educational, or         |
| 23 | other building or property; or                             |
| 24 | (v) ritualized abuse of a child; or                        |
| 25 | (5) When a defendant is convicted of a felony other        |
| 26 | than conspiracy and the court finds that the felony was    |

committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

- (6) When a defendant is convicted of an offense committed while using a firearm with a laser sight attached to it. For purposes of this paragraph, "laser sight" has the meaning ascribed to it in Section 26-7 of the Criminal Code of 2012; or
- (7) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or
- (8) When a defendant commits any felony and the defendant used, possessed, exercised control over, or otherwise directed an animal to assault a law enforcement officer engaged in the execution of his or her official duties or in furtherance of the criminal activities of an

1 organized gang in which the defendant is engaged; or

- (9) When a defendant commits any felony and the defendant knowingly video or audio records the offense with the intent to disseminate the recording.
- (c) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:
  - (1) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and the charges are separately brought and tried and arise out of different series of acts.
  - (1.5) When a defendant is convicted of first degree murder, after having been previously convicted of domestic battery (720 ILCS 5/12-3.2) or aggravated domestic battery (720 ILCS 5/12-3.3) committed on the same victim or after having been previously convicted of violation of an order of protection (720 ILCS 5/12-30) in which the same victim was the protected person.
  - (2) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter, or reckless homicide in which the defendant

has been convicted of causing the death of more than one individual.

- (3) When a defendant is convicted of aggravated criminal sexual assault or criminal sexual assault, when there is a finding that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective.
- (4) If the victim was under 18 years of age at the time of the commission of the offense, when a defendant is convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a) (1) of Section 11-1.40 or subsection (a) (1) of Section 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).
- (5) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a finding that the defendant is a member of an organized gang.
- (6) When a defendant was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 or

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the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

- (7) When a defendant is convicted of an offense the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act (720 ILCS 570/401), the illegal manufacture of methamphetamine under Section 25 of the Methamphetamine Control and Community Protection Act (720 ILCS 646/25), or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph, "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel.
- (8) When the defendant is convicted of attempted mob action, solicitation to commit mob action, or conspiracy to commit mob action under Section 8-1, 8-2, or 8-4 of the

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- Criminal Code of 2012, where the criminal object is a violation of Section 25-1 of the Criminal Code of 2012, and an electronic communication is used in the commission of the offense. For the purposes of this paragraph (8), "electronic communication" shall have the meaning provided in Section 26.5-0.1 of the Criminal Code of 2012.
  - (d) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
- 10 (e) The court may impose an extended term sentence under 11 Article 4.5 of Chapter V upon an offender who has been 12 convicted of a felony violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 13 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 14 15 when the victim of the offense is under 18 years of age at the 16 time of the commission of the offense and, during the 17 commission of the offense, the victim was under the influence of alcohol, regardless of whether or not the alcohol was 18 19 supplied by the offender; and the offender, at the time of the 20 commission of the offense, knew or should have known that the victim had consumed alcohol. 21
- 22 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
- 23 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
- 24 8-20-21.)

| 1 | Sec.      | 5-5-3.2. | Factors | in | aggravation | and | extended-term |
|---|-----------|----------|---------|----|-------------|-----|---------------|
| 2 | sentencin | ıa.      |         |    |             |     |               |

- (a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1 or Article 4.5 of Chapter V:
- 7 (1) the defendant's conduct caused or threatened 8 serious harm;
  - (2) the defendant received compensation for committing the offense;
  - (3) the defendant has a history of prior delinquency or criminal activity;
  - (4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;
  - (5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;
  - (6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;
  - (7) the sentence is necessary to deter others from committing the same crime;
  - (8) the defendant committed the offense against a person 60 years of age or older or such person's property;

- (9) the defendant committed the offense against a person who has a physical disability or such person's property;
- (10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" has the meaning ascribed to it in paragraph (O-1) of Section 1-103 of the Illinois Human Rights Act;
- (11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;
- (12) the defendant was convicted of a felony committed while he was on pretrial release or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony

committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

- (13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;
- (14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 11-0.1 of the Criminal Code of 2012, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11, 11-14.4 except for an offense that involves keeping a place of commercial sexual exploitation of a child juvenile prostitution, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 against that victim;
- (15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

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

(16.5) the defendant committed an offense in violation of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the time of day or time of year; or on a public way within 1,000 feet of the real property comprising any day care center, regardless of the time of day or time of year: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except for subdivision

- 1 (a)(4) or (g)(1), of the Criminal Code of 1961 or the Criminal Code of 2012;
  - (17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 2012:
  - (18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act;
  - (19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm;
  - (20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or the offense of

driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code;

- (21) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code;
- (22) the defendant committed the offense against a person that the defendant knew, or reasonably should have known, was a member of the Armed Forces of the United States serving on active duty. For purposes of this clause (22), the term "Armed Forces" means any of the Armed Forces of the United States, including a member of any reserve component thereof or National Guard unit called to active duty;
- (23) the defendant committed the offense against a person who was elderly or infirm or who was a person with a disability by taking advantage of a family or fiduciary relationship with the elderly or infirm person or person with a disability;

- 1 (24) the defendant committed any offense under Section 2 11-20.1 of the Criminal Code of 1961 or the Criminal Code 3 of 2012 and possessed 100 or more images;
  - (25) the defendant committed the offense while the defendant or the victim was in a train, bus, or other vehicle used for public transportation;
  - (26) the defendant committed the offense of child pornography or aggravated child pornography, specifically including paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012 where a child engaged in, solicited for, depicted in, or posed in any act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context and specifically including paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1B or Section 11-20.3 of the Criminal Code of 1961 where a child engaged in, solicited for, depicted in, or posed in any act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context;
  - (27) the defendant committed the offense of first degree murder, assault, aggravated assault, battery, aggravated battery, robbery, armed robbery, or aggravated robbery against a person who was a veteran and the defendant knew, or reasonably should have known, that the

person was a veteran performing duties as a representative of a veterans' organization. For the purposes of this paragraph (27), "veteran" means an Illinois resident who has served as a member of the United States Armed Forces, a member of the Illinois National Guard, or a member of the United States Reserve Forces; and "veterans' organization" means an organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit;

- (28) the defendant committed the offense of assault, aggravated assault, battery, aggravated battery, robbery, armed robbery, or aggravated robbery against a person that the defendant knew or reasonably should have known was a letter carrier or postal worker while that person was performing his or her duties delivering mail for the United States Postal Service;
- (29) the defendant committed the offense of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse against a victim with an intellectual disability, and the defendant holds a position of trust, authority, or supervision in relation to the victim;
  - (30) the defendant committed the offense of promoting

commercial sexual exploitation of a child juvenile prostitution, patronizing a provider of commercial sexual activity prostitute, or patronizing a sexually exploited child minor engaged in prostitution and at the time of the commission of the offense knew that the provider of commercial sexual activity prostitute or sexually exploited child minor engaged in prostitution was in the custody or guardianship of the Department of Children and Family Services;

- (31) the defendant (i) committed the offense of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof in violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) the defendant during the commission of the offense was driving his or her vehicle upon a roadway designated for one-way traffic in the opposite direction of the direction indicated by official traffic control devices;
- (32) the defendant committed the offense of reckless homicide while committing a violation of Section 11-907 of the Illinois Vehicle Code;
- (33) the defendant was found guilty of an administrative infraction related to an act or acts of public indecency or sexual misconduct in the penal institution. In this paragraph (33), "penal institution"

has the same meaning as in Section 2-14 of the Criminal Code of 2012; or

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

For the purposes of this Section:

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

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

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

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

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

- (b) The following factors, related to all felonies, may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:
  - (1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or
  - (2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or
- (3) When a defendant is convicted of any felony committed against:
  - (i) a person under 12 years of age at the time of the offense or such person's property;
  - (ii) a person 60 years of age or older at the time of the offense or such person's property; or

| 1 | (iii     | ) a | pers  | on who | ha | .d a | physical | disabilit | y at |
|---|----------|-----|-------|--------|----|------|----------|-----------|------|
| 2 | the time | of  | the o | ffense | or | such | person's | property; | or   |

- (4) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:
  - (i) the brutalizing or torturing of humans or animals;
    - (ii) the theft of human corpses;
    - (iii) the kidnapping of humans;
- (iv) the desecration of any cemetery, religious,

  fraternal, business, governmental, educational, or

  other building or property; or
  - (v) ritualized abuse of a child; or
  - (5) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

- (6) When a defendant is convicted of an offense committed while using a firearm with a laser sight attached to it. For purposes of this paragraph, "laser sight" has the meaning ascribed to it in Section 26-7 of the Criminal Code of 2012; or
- (7) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or
- (8) When a defendant commits any felony and the defendant used, possessed, exercised control over, or otherwise directed an animal to assault a law enforcement officer engaged in the execution of his or her official duties or in furtherance of the criminal activities of an organized gang in which the defendant is engaged; or
- (9) When a defendant commits any felony and the defendant knowingly video or audio records the offense with the intent to disseminate the recording.
- (c) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

- (1) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and the charges are separately brought and tried and arise out of different series of acts.
- (1.5) When a defendant is convicted of first degree murder, after having been previously convicted of domestic battery (720 ILCS 5/12-3.2) or aggravated domestic battery (720 ILCS 5/12-3.3) committed on the same victim or after having been previously convicted of violation of an order of protection (720 ILCS 5/12-30) in which the same victim was the protected person.
- (2) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter, or reckless homicide in which the defendant has been convicted of causing the death of more than one individual.
- (3) When a defendant is convicted of aggravated criminal sexual assault or criminal sexual assault, when there is a finding that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge

of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective.

- (4) If the victim was under 18 years of age at the time of the commission of the offense, when a defendant is convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a) (1) of Section 11-1.40 or subsection (a) (1) of Section 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).
- (5) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a finding that the defendant is a member of an organized gang.
- (6) When a defendant was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).
- (7) When a defendant is convicted of an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act (720 ILCS 570/401), the illegal manufacture

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of methamphetamine under Section 25 of the Methamphetamine Control and Community Protection Act (720 ILCS 646/25), or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph, "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel.

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

- 1 Streetgang Terrorism Omnibus Prevention Act.
- 2 (e) The court may impose an extended term sentence under
- 3 Article 4.5 of Chapter V upon an offender who has been
- 4 convicted of a felony violation of Section 11-1.20, 11-1.30,
- 5 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
- 6 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
- 7 when the victim of the offense is under 18 years of age at the
- 8 time of the commission of the offense and, during the
- 9 commission of the offense, the victim was under the influence
- 10 of alcohol, regardless of whether or not the alcohol was
- 11 supplied by the offender; and the offender, at the time of the
- 12 commission of the offense, knew or should have known that the
- 13 victim had consumed alcohol.
- 14 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
- 15 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
- 16 8-20-21; 102-982, eff. 7-1-23.)
- 17 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
- 18 Sec. 5-6-3. Conditions of probation and of conditional
- 19 discharge.
- 20 (a) The conditions of probation and of conditional
- 21 discharge shall be that the person:
- 22 (1) not violate any criminal statute of any
- 23 jurisdiction;
- 24 (2) report to or appear in person before such person
- or agency as directed by the court;

- (3) refrain from possessing a firearm or other dangerous weapon where the offense is a felony or, if a misdemeanor, the offense involved the intentional or knowing infliction of bodily harm or threat of bodily harm;
- (4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;
- (5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;
- (6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and

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repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this paragraph (7). The court shall revoke the probation or conditional discharge

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of a person who willfully fails to comply with this paragraph (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or high school equivalency testing if a fee is charged for those courses or testing. The court resentence the offender whose probation conditional discharge has been revoked as provided in Section 5-6-4. This paragraph (7) does not apply to a person who has a high school diploma or has successfully passed high school equivalency testing. This paragraph (7) does not apply to a person who is determined by the court be a person with a developmental disability or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse

program approved by the court;

- (8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act;
- (8.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders;
- (8.7) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18

years of age; for purposes of this paragraph (8.7), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

- (8.8) if convicted for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a <u>sexually exploited child juvenile prostitute</u>, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after June 1, 2009 (the effective date of Public Act 95-983):
  - (i) not access or use a computer or any other device with Internet capability without the prior written approval of the offender's probation officer, except in connection with the offender's employment or search for employment with the prior approval of the offender's probation officer;
  - (ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist,

including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

- (iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and
- (iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the offender's probation officer;
- (8.9) if convicted of a sex offense as defined in the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-262), refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012;
- (9) if convicted of a felony or of any misdemeanor violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal Code of 2012 that was determined, pursuant to Section 112A-11.1 of the Code of Criminal Procedure of 1963, to trigger the prohibitions of 18 U.S.C. 922(g)(9), physically surrender at a time and place designated by the court, his or her

Firearm Owner's Identification Card and any and all firearms in his or her possession. The Court shall return to the Illinois State Police Firearm Owner's Identification Card Office the person's Firearm Owner's Identification Card;

- (10) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter;
- (11) if convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not knowingly use any computer scrub software on any computer that the sex offender uses;
- (12) if convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a

| l methamphetamine | related | offense |
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- (A) prohibited from purchasing, possessing, or having under his or her control any product containing pseudoephedrine unless prescribed by a physician; and
  - (B) prohibited from purchasing, possessing, or having under his or her control any product containing ammonium nitrate; and
  - (13) if convicted of a hate crime involving the protected class identified in subsection (a) of Section 12-7.1 of the Criminal Code of 2012 that gave rise to the offense the offender committed, perform public or community service of no less than 200 hours and enroll in an educational program discouraging hate crimes that includes racial, ethnic, and cultural sensitivity training ordered by the court.
- (b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:
- 21 (1) serve a term of periodic imprisonment under 22 Article 7 for a period not to exceed that specified in 23 paragraph (d) of Section 5-7-1;
  - (2) pay a fine and costs;
- 25 (3) work or pursue a course of study or vocational training;

| 1  | (4) undergo medical, psychological or psychiatric          |
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| 2  | treatment; or treatment for drug addiction or alcoholism;  |
| 3  | (5) attend or reside in a facility established for the     |
| 4  | instruction or residence of defendants on probation;       |
| 5  | (6) support his dependents;                                |
| 6  | (7) and in addition, if a minor:                           |
| 7  | (i) reside with his parents or in a foster home;           |
| 8  | (ii) attend school;  |
| 9  | (iii) attend a non-residential program for youth;          |
| 10 | (iv) contribute to his own support at home or in a         |
| 11 | foster home;   |
| 12 | (v) with the consent of the superintendent of the          |
| 13 | facility, attend an educational program at a facility      |
| 14 | other than the school in which the offense was             |
| 15 | committed if he or she is convicted of a crime of          |
| 16 | violence as defined in Section 2 of the Crime Victims      |
| 17 | Compensation Act committed in a school, on the real        |
| 18 | property comprising a school, or within 1,000 feet of      |
| 19 | the real property comprising a school;                     |
| 20 | (8) make restitution as provided in Section 5-5-6 of       |
| 21 | this Code;   |
| 22 | (9) perform some reasonable public or community            |
| 23 | service;   |
| 24 | (10) serve a term of home confinement. In addition to      |
| 25 | any other applicable condition of probation or conditional |
| 26 | discharge, the conditions of home confinement shall be     |

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that the offender:

- (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;
- (ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and
- (iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;
- for persons convicted of any (iv) alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board subsection (a) of this Section, unless determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (q) and (i) of this Section. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The

clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code, except as provided in an administrative order of the Chief Judge of the circuit court.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the

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fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the probation and court services fund. The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois

Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

- (12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;
- (13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, (i) to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act, or (ii) for offenses under the jurisdiction of the Department of Natural Resources, to the fund established by the Department of Natural Resources for the purchase of evidence for investigation purposes and to conduct investigations as outlined in Section 805-105 of the Department of Natural Resources (Conservation) Law;
- (14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the

purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

- (15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;
- (16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;
- (17) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (17), "Internet" has the meaning ascribed to it in Section 16-0.1 of the

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Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

- (18) if convicted for an offense committed on or after June 1, 2009 (the effective date of Public Act 95-983) that would qualify as a sex offense as defined in the Sex Offender Registration Act:
  - (i) not access or use a computer or any other device with Internet capability without the prior written approval of the offender's probation officer, except in connection with the offender's employment or search for employment with the prior approval of the offender's probation officer;
  - (ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external removal of such information, peripherals and equipment, or device to conduct a more thorough inspection;
    - (iii) submit to the installation on the offender's

computer or device with Internet capability, at the subject's expense, of one or more hardware or software systems to monitor the Internet use; and

- (iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the offender's probation officer; and
- (19) refrain from possessing a firearm or other dangerous weapon where the offense is a misdemeanor that did not involve the intentional or knowing infliction of bodily harm or threat of bodily harm.
- (c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.
- (d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.
- (e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the

Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6-month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

- (f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.
- discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring,

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damage to any device.

involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be. The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge. The Chief Judge of the circuit court may suspend any

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The

additional charges or fees for late payment, interest, or

court to which jurisdiction has been transferred shall have the same powers as the sentencing court. The probation department within the circuit to which jurisdiction has been transferred, or which has agreed to provide supervision, may impose probation fees upon receiving the transferred offender, as provided in subsection (i). For all transfer cases, as defined in Section 9b of the Probation and Probation Officers Act, the probation department from the original sentencing court shall retain all probation fees collected prior to the transfer. After the transfer, all probation fees shall be paid to the probation department within the circuit to which jurisdiction has been transferred.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of \$50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is placed in the guardianship or custody of the Department of Children and Family Services under the Juvenile Court Act of 1987 while

the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of \$25 per month unless the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay. Of the amount collected as a probation fee, up to \$5 of that fee collected per month may be used to provide services to crime victims and their families.

The Court may only waive probation fees based on an offender's ability to pay. The probation department may re-evaluate an offender's ability to pay every 6 months, and, with the approval of the Director of Court Services or the Chief Probation Officer, adjust the monthly fee amount. An offender may elect to pay probation fees due in a lump sum. Any offender that has been assigned to the supervision of a probation department, or has been transferred either under subsection (h) of this Section or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's

- 1 ability to pay.
- 2 Public Act 93-970 deletes the \$10 increase in the fee
- 3 under this subsection that was imposed by Public Act 93-616.
- 4 This deletion is intended to control over any other Act of the
- 5 93rd General Assembly that retains or incorporates that fee
- 6 increase.
- 7 (i-5) In addition to the fees imposed under subsection (i)
- 8 of this Section, in the case of an offender convicted of a
- 9 felony sex offense (as defined in the Sex Offender Management
- 10 Board Act) or an offense that the court or probation
- department has determined to be sexually motivated (as defined
- in the Sex Offender Management Board Act), the court or the
- 13 probation department shall assess additional fees to pay for
- 14 all costs of treatment, assessment, evaluation for risk and
- 15 treatment, and monitoring the offender, based on that
- offender's ability to pay those costs either as they occur or
- 17 under a payment plan.
- 18 (j) All fines and costs imposed under this Section for any
- 19 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
- 20 Code, or a similar provision of a local ordinance, and any
- 21 violation of the Child Passenger Protection Act, or a similar
- 22 provision of a local ordinance, shall be collected and
- 23 disbursed by the circuit clerk as provided under the Criminal
- 24 and Traffic Assessment Act.
- 25 (k) Any offender who is sentenced to probation or
- 26 conditional discharge for a felony sex offense as defined in

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- the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.
- 8 (1) The court may order an offender who is sentenced to 9 probation or conditional discharge for a violation of an order 10 of protection be placed under electronic surveillance as 11 provided in Section 5-8A-7 of this Code.
- 12 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)
- 13 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
- 14 Sec. 5-6-3.1. Incidents and conditions of supervision.
- 15 (a) When a defendant is placed on supervision, the court
  16 shall enter an order for supervision specifying the period of
  17 such supervision, and shall defer further proceedings in the
  18 case until the conclusion of the period.
  - (b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act, Section 411.2 of the Illinois Controlled Substances Act, or Section 80 of the Methamphetamine Control and Community Protection Act, in which case the court may extend supervision

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beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

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

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that

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| 1  | the person:   |
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| 2  | (1) make a report to and appear in person before or       |
| 3  | participate with the court or such courts, person, or     |
| 4  | social service agency as directed by the court in the     |
| 5  | order of supervision;                                     |
| 6  | (2) pay a fine and costs;                                 |
| 7  | (3) work or pursue a course of study or vocational        |
| 8  | training;   |
| 9  | (4) undergo medical, psychological or psychiatric         |
| 10 | treatment; or treatment for drug addiction or alcoholism; |
| 11 | (5) attend or reside in a facility established for the    |
| 12 | instruction or residence of defendants on probation;      |
| 13 | (6) support his dependents;                               |
| 14 | (7) refrain from possessing a firearm or other            |
| 15 | dangerous weapon;   |
| 16 | (8) and in addition, if a minor:                          |
| 17 | (i) reside with his parents or in a foster home;          |
| 18 | (ii) attend school;                                       |
| 19 | (iii) attend a non-residential program for youth;         |
| 20 | (iv) contribute to his own support at home or in a        |
| 21 | foster home; or   |
| 22 | (v) with the consent of the superintendent of the         |
| 23 | facility, attend an educational program at a facility     |
| 24 | other than the school in which the offense was            |

committed if he or she is placed on supervision for a

crime of violence as defined in Section 2 of the Crime

Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

- (9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;
- (10) perform some reasonable public or community service;
- (11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;
- (12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;
  - (13) contribute a reasonable sum of money, not to

exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, (i) to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act, or (ii) for offenses under the jurisdiction of the Department of Natural Resources, to the fund established by the Department of Natural Resources for the purchase of evidence for investigation purposes and to conduct investigations as outlined in Section 805-105 of the Department of Natural Resources (Conservation) Law;

- (14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;
- (15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;
- (16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine

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the presence of any illicit drug;

- (17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code; under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment; and
- (18) if placed on supervision for a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.
- (c-5) If payment of restitution as ordered has not been made, the victim shall file a petition notifying the sentencing court, any other person to whom restitution is owed, and the State's Attorney of the status of the ordered restitution payments unpaid at least 90 days before the supervision expiration date. If payment as ordered has not

been made, the court shall hold a review hearing prior to the expiration date, unless the hearing is voluntarily waived by the defendant with the knowledge that waiver may result in an extension of the supervision period or in a revocation of supervision. If the court does not extend supervision, it shall issue a judgment for the unpaid restitution and direct the clerk of the circuit court to file and enter the judgment in the judgment and lien docket, without fee, unless it finds that the victim has recovered a judgment against the defendant for the amount covered by the restitution order. If the court issues a judgment for the unpaid restitution, the court shall send to the defendant at his or her last known address written notification that a civil judgment has been issued for the unpaid restitution.

- (d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.
- (e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.
- (f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and

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dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961 or the Criminal Code of 2012, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunded as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in clause (a) (1) (L) of Section 5.2 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunded.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is

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located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs approved electronic monitoring, of incidental to defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

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- 1 (h) A disposition of supervision is a final order for the 2 purposes of appeal.
  - The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of \$50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is placed in the quardianship or custody of the Department of Children and Family Services under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of \$25 per month unless the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay.

Of the amount collected as a probation fee, not to exceed \$5 of that fee collected per month may be used to provide services to crime victims and their families.

The Court may only waive probation fees based on an offender's ability to pay. The probation department may re-evaluate an offender's ability to pay every 6 months, and, with the approval of the Director of Court Services or the Chief Probation Officer, adjust the monthly fee amount. An offender may elect to pay probation fees due in a lump sum. Any offender that has been assigned to the supervision of a probation department, or has been transferred either under subsection (h) of this Section or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's ability to pay.

- (j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under the Criminal and Traffic Assessment Act.
- (k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her

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supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or high school equivalency testing if a fee is charged for those courses or testing. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply a defendant who has a high school diploma or has successfully passed high school equivalency testing. subsection (k) does not apply to a defendant who is determined by the court to be a person with a developmental disability or otherwise mentally incapable of completing the educational or vocational program.

(1) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for

possession of a substance prohibited by the Cannabis Control Illinois Controlled Substances Act, or Act, the Methamphetamine Control and Community Protection Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

- (m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of 3 years after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection. This subsection does not apply to a person who, at the time of the offense, was operating a motor vehicle registered in a state other than Illinois.
- (n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management

- Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.
  - (o) An offender placed on supervision for a sex offense as defined in the Sex Offender Management Board Act shall refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense. The provisions of this subsection (o) do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders.
  - (p) An offender placed on supervision for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012 shall refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age. For purposes of this subsection (p), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the

- accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused.
  - (q) An offender placed on supervision for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012 shall, if so ordered by the court, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age. For purposes of this subsection (q), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused.
  - (r) An offender placed on supervision for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a sexually exploited child juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after June 1, 2009 (the effective date of Public Act 95-983) shall:
  - (i) not access or use a computer or any other device

with Internet capability without the prior written approval of the court, except in connection with the offender's employment or search for employment with the prior approval of the court;

- (ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;
- (iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and
- (iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the court.
- (s) An offender placed on supervision for an offense that is a sex offense as defined in Section 2 of the Sex Offender Registration Act that is committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not

- 1 knowingly use any computer scrub software on any computer that 2 the sex offender uses.
- 3 (t) An offender placed on supervision for a sex offense as
  4 defined in the Sex Offender Registration Act committed on or
  5 after January 1, 2010 (the effective date of Public Act
  6 96-262) shall refrain from accessing or using a social
  7 networking website as defined in Section 17-0.5 of the
  8 Criminal Code of 2012.
- 9 (u) Jurisdiction over an offender may be transferred from 10 the sentencing court to the court of another circuit with the 11 concurrence of both courts. Further transfers or retransfers 12 of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have 13 14 the same powers as the sentencing court. The probation 15 department within the circuit to which jurisdiction has been 16 transferred may impose probation fees upon receiving the 17 transferred offender, as provided in subsection (i). probation department from the original sentencing court shall 18 retain all probation fees collected prior to the transfer. 19
- 20 (Source: P.A. 102-299, eff. 8-6-21.)
- 21 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)
- Sec. 5-9-1.7. Sexual assault fines.
- 23 (a) Definitions. The terms used in this Section shall have 24 the following meanings ascribed to them:
- 25 (1) "Sexual assault" means the commission or attempted

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commission of the following: sexual exploitation of a child, criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, indecent solicitation of a child, public indecency, sexual relations within families, promoting commercial sexual exploitation of a child juvenile prostitution, soliciting a sexually exploited child <del>juvenile prostitute</del>, keeping a place of commercial sexual exploitation of a child <del>juvenile prostitution</del>, patronizing a sexually exploited child <del>juvenile prostitute</del>, juvenile pimping, exploitation of a child, obscenity, child pornography, aggravated child pornography, harmful material, ritualized abuse of a child, as those offenses are defined in the Criminal Code of 1961 or the Criminal Code of 2012.

- (2) (Blank).
- "Sexual assault organization" (3) means any not-for-profit organization providing comprehensive, community-based services to victims of sexual assault. "Community-based services" include, but are not limited to, direct crisis intervention through a 24-hour response, medical and legal advocacy, counseling, information and referral services, training, and community education.
- (b) (Blank).
- (c) Sexual Assault Services Fund; administration. There is 26 created a Sexual Assault Services Fund. Moneys deposited into

- the Fund under Section 15-20 and 15-40 of the Criminal and 1 2 Traffic Assessment Act shall be appropriated to the Department 3 of Public Health. Upon appropriation of moneys from the Sexual Assault Services Fund, the Department of Public Health shall 5 make grants of these moneys from the Fund to sexual assault 6 organizations with whom the Department has contracts for the 7 purpose of providing community-based services to victims of sexual assault. Grants made under this Section are in addition 8 9 to, and are not substitutes for, other grants authorized and 10 made by the Department.
- 11 (Source: P.A. 100-987, eff. 7-1-19.)
- 12 (730 ILCS 5/5-9-1.21)
- Sec. 5-9-1.21. Specialized Services for Survivors of Human Trafficking Fund.
- 15 (a) There is created in the State treasury a Specialized
  16 Services for Survivors of Human Trafficking Fund. Moneys
  17 deposited into the Fund under this Section shall be available
  18 for the Department of Human Services for the purposes in this
  19 Section.
- 20 (b) (Blank).
- 21 (c) (Blank).
- 22 (d) Upon appropriation of moneys from the Specialized 23 Services for Survivors of Human Trafficking Fund, the 24 Department of Human Services shall use these moneys to make 25 grants to non-governmental organizations to provide

- 1 specialized, trauma-informed services specifically designed to
- 2 address the priority service needs associated with commercial
- 3 <u>sexual activity</u> <del>prostitution</del> and human trafficking. Priority
- 4 services include, but are not limited to, community based
- 5 drop-in centers, emergency housing, and long-term safe homes.
- 6 The Department shall consult with commercial sexual activity
- 7 prostitution and human trafficking advocates, survivors, and
- 8 service providers to identify priority service needs in their
- 9 respective communities.
- 10 (e) Grants made under this Section are in addition to, and
- 11 not substitutes for, other grants authorized and made by the
- 12 Department.
- 13 (f) Notwithstanding any other law to the contrary, the
- 14 Specialized Services for Survivors of Human Trafficking Fund
- is not subject to sweeps, administrative charge-backs, or any
- other fiscal maneuver that would in any way transfer any
- 17 amounts from the Specialized Services for Survivors of Human
- 18 Trafficking Fund into any other fund of the State.
- 19 (Source: P.A. 100-987, eff. 7-1-19.)
- Section 80. The Sex Offender Registration Act is amended
- 21 by changing Section 2 as follows:
- 22 (730 ILCS 150/2) (from Ch. 38, par. 222)
- Sec. 2. Definitions.
- 24 (A) As used in this Article, "sex offender" means any

|   |                       | -            |       |
|---|-----------------------|--------------|-------|
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| L | person                | WIIO         | ⊥ ⊃ • |
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- (1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:
  - (a) is convicted of such offense or an attempt to commit such offense; or
  - (b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or
  - (c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or
  - (d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or
  - (e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

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

- (2) declared as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or
- (3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or
- (4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or
- (5) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting

| 1  | to commit an act which, if committed by an adult, would       |
|----|---|
| 2  | constitute any of the offenses specified in item (B), (C),    |
| 3  | or (C-5) of this Section or a violation of any                |
| 4  | substantially similar federal, Uniform Code of Military       |
| 5  | Justice, sister state, or foreign country law.                |
| 6  | Convictions that result from or are connected with the        |
| 7  | same act, or result from offenses committed at the same time, |
| 8  | shall be counted for the purpose of this Article as one       |
| 9  | conviction. Any conviction set aside pursuant to law is not a |
| 10 | conviction for purposes of this Article.                      |
| 11 | For purposes of this Section, "convicted" shall have the      |
| 12 | same meaning as "adjudicated".                                |
| 13 | (B) As used in this Article, "sex offense" means:             |
| 14 | (1) A violation of any of the following Sections of           |
| 15 | the Criminal Code of 1961 or the Criminal Code of 2012:       |
| 16 | 11-20.1 (child pornography),                                  |
| 17 | 11-20.1B or 11-20.3 (aggravated child                         |
| 18 | pornography),   |
| 19 | 11-6 (indecent solicitation of a child),                      |
| 20 | 11-9.1 (sexual exploitation of a child),                      |
| 21 | 11-9.2 (custodial sexual misconduct),                         |
| 22 | 11-9.5 (sexual misconduct with a person with a                |
| 23 | disability),  |
| 24 | 11-14.4 (promoting <u>commercial sexual exploitation</u>      |
| 25 | of a child juvenile prostitution),                            |
| 26 | 11-15.1 (soliciting for a sexually exploited child            |

| Т  | <del>Juvenile prosereuce</del> ,,                          |
|----|--|
| 2  | 11-18.1 (patronizing a sexually exploited child            |
| 3  | <del>juvenile prostitute</del> ),                          |
| 4  | 11-17.1 (keeping a place of commercial sexual              |
| 5  | exploitation of a child juvenile prostitution),            |
| 6  | 11-19.1 (juvenile pimping),                                |
| 7  | 11-19.2 (exploitation of a child),                         |
| 8  | 11-25 (grooming),  |
| 9  | 11-26 (traveling to meet a minor or traveling to           |
| 10 | meet a child),   |
| 11 | 11-1.20 or 12-13 (criminal sexual assault),                |
| 12 | 11-1.30 or 12-14 (aggravated criminal sexual               |
| 13 | assault),  |
| 14 | 11-1.40 or 12-14.1 (predatory criminal sexual              |
| 15 | assault of a child),                                       |
| 16 | 11-1.50 or 12-15 (criminal sexual abuse),                  |
| 17 | 11-1.60 or 12-16 (aggravated criminal sexual               |
| 18 | abuse),  |
| 19 | 12-33 (ritualized abuse of a child).                       |
| 20 | An attempt to commit any of these offenses.                |
| 21 | (1.5) A violation of any of the following Sections of      |
| 22 | the Criminal Code of 1961 or the Criminal Code of 2012,    |
| 23 | when the victim is a person under 18 years of age, the     |
| 24 | defendant is not a parent of the victim, the offense was   |
| 25 | sexually motivated as defined in Section 10 of the Sex     |
| 26 | Offender Evaluation and Treatment Act, and the offense was |

- 1 committed on or after January 1, 1996:
- 10-1 (kidnapping),
- 3 10-2 (aggravated kidnapping),
- 4 10-3 (unlawful restraint),
- 10-3.1 (aggravated unlawful restraint).

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

- (1.6) First degree murder under Section 9-1 of the Criminal Code of 1961 or the Criminal Code of 2012, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.
  - (1.7) (Blank).
- (1.8) A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961 or the Criminal Code of 2012, and the offense was committed on or after June 1, 1997. If the offense was committed before June 1, 1997, it is a sex offense requiring registration only when the person is convicted of any felony after July 1, 2011, and paragraph (2.1) of subsection (c) of Section 3 of this Act applies.
- (1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 or the Criminal Code of 2012 committed by luring or

attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act. If the offense was committed before January 1, 1998, it is a sex offense requiring registration only when the person is convicted of any felony after July 1, 2011, and paragraph (2.1) of subsection (c) of Section 3 of this Act applies.

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

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

11-6.5 (indecent solicitation of an adult),

11-14.3 that involves soliciting for a <u>provider of commercial sexual activity prostitute</u>, or 11-15 (soliciting for a <u>provider of commercial sexual activity prostitute</u>, if the victim is under 18 years of age),

subdivision (a) (2) (A) or (a) (2) (B) of Section

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| 1  | 11-14.3, or Section $11-16$ (pandering, if the victim is   |
|----|--|
| 2  | under 18 years of age),                                    |
| 3  | 11-18 (patronizing a provider of commercial sexual         |
| 4  | activity prostitute, if the victim is under 18 years       |
| 5  | of age),   |
| 6  | subdivision (a)(2)(C) of Section 11-14.3, or               |
| 7  | Section $11-19$ (pimping, if the victim is under $18$      |
| 8  | years of age).   |
| 9  | If the offense was committed before July 1, 1999, it       |
| 10 | is a sex offense requiring registration only when the      |
| 11 | person is convicted of any felony after July 1, 2011, and  |
| 12 | paragraph (2.1) of subsection (c) of Section 3 of this Act |
| 13 | applies.   |
| 14 | (1.11) A violation or attempted violation of any of        |
| 15 | the following Sections of the Criminal Code of 1961 or the |
| 16 | Criminal Code of 2012 when the offense was committed on or |
| 17 | after August 22, 2002:                                     |
| 18 | 11-9 or 11-30 (public indecency for a third or             |
| 19 | subsequent conviction).                                    |
| 20 | If the third or subsequent conviction was imposed          |
| 21 | before August 22, 2002, it is a sex offense requiring      |
| 22 | registration only when the person is convicted of any      |
| 23 | felony after July 1, 2011, and paragraph (2.1) of          |

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

(1.12) A violation or attempted violation of Section

5.1 of the Wrongs to Children Act or Section 11-9.1A of the

Criminal Code of 1961 or the Criminal Code of 2012 (permitting sexual abuse) when the offense was committed on or after August 22, 2002. If the offense was committed before August 22, 2002, it is a sex offense requiring registration only when the person is convicted of any felony after July 1, 2011, and paragraph (2.1) of subsection (c) of Section 3 of this Act applies.

- (2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.
- (C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (B), (C), (E), and (E-5) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.
- (C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961 or the Criminal Code of 2012, against a person under 18 years of age,

shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article. This subsection (C-5) applies to a person who committed the offense before June 1, 1996 if: (i) the person is incarcerated in an Illinois Department of Corrections facility on August 20, 2004 (the effective date of Public Act 93-977), or (ii) subparagraph (i) does not apply and the person is convicted of any felony after July 1, 2011, and paragraph (2.1) of subsection (c) of Section 3 of this Act applies.

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

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the

municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

- (D-1) As used in this Article, "supervising officer" means the assigned Illinois Department of Corrections parole agent or county probation officer.
- 14 (E) As used in this Article, "sexual predator" means any 15 person who, after July 1, 1999, is:
  - (1) Convicted for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) or (E-5) of this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012:
  - 10-5.1 (luring of a minor),
- 25 11-14.4 that involves keeping a place of commercial sexual exploitation of a child <del>juvenile</del>

| 1  | prostitution, or 11-17.1 (keeping a place of               |
|----|--|
| 2  | commercial sexual exploitation of a child juvenile         |
| 3  | <pre>prostitution),</pre>                                  |
| 4  | subdivision (a) (2) or (a) (3) of Section $11-14.4$ ,      |
| 5  | or Section 11-19.1 (juvenile pimping),                     |
| 6  | subdivision (a)(4) of Section 11-14.4, or Section          |
| 7  | 11-19.2 (exploitation of a child),                         |
| 8  | 11-20.1 (child pornography),                               |
| 9  | 11-20.1B or 11-20.3 (aggravated child                      |
| 10 | pornography),  |
| 11 | 11-1.20 or 12-13 (criminal sexual assault),                |
| 12 | 11-1.30 or 12-14 (aggravated criminal sexual               |
| 13 | assault),  |
| 14 | 11-1.40 or 12-14.1 (predatory criminal sexual              |
| 15 | assault of a child),                                       |
| 16 | 11-1.60 or 12-16 (aggravated criminal sexual               |
| 17 | abuse),  |
| 18 | 12-33 (ritualized abuse of a child);                       |
| 19 | (2) (blank);   |
| 20 | (3) declared as a sexually dangerous person pursuant       |
| 21 | to the Sexually Dangerous Persons Act or any substantially |
| 22 | similar federal, Uniform Code of Military Justice, sister  |
| 23 | state, or foreign country law;                             |
| 24 | (4) found to be a sexually violent person pursuant to      |
| 25 | the Sexually Violent Persons Commitment Act or any         |
| 26 | substantially similar federal, Uniform Code of Military    |

Justice, sister state, or foreign country law;

- (5) convicted of a second or subsequent offense which requires registration pursuant to this Act. For purposes of this paragraph (5), "convicted" shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state, or foreign country law;
  - (6) (blank); or
- (7) if the person was convicted of an offense set forth in this subsection (E) on or before July 1, 1999, the person is a sexual predator for whom registration is required only when the person is convicted of a felony offense after July 1, 2011, and paragraph (2.1) of subsection (c) of Section 3 of this Act applies.
- (E-5) As used in this Article, "sexual predator" also means a person convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012:
  - (1) Section 9-1 (first degree murder, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act);
  - (2) Section 11-9.5 (sexual misconduct with a person
    with a disability);

- (3) when the victim is a person under 18 years of age, the defendant is not a parent of the victim, the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act, and the offense was committed on or after January 1, 1996: (A) Section 10-1 (kidnapping), (B) Section 10-2 (aggravated kidnapping), (C) Section 10-3 (unlawful restraint), and (D) Section 10-3.1 (aggravated unlawful restraint); and
  - (4) Section 10-5(b)(10) (child abduction committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act).
- (E-10) As used in this Article, "sexual predator" also means a person required to register in another State due to a conviction, adjudication or other action of any court triggering an obligation to register as a sex offender, sexual predator, or substantially similar status under the laws of that State.
- (F) As used in this Article, "out-of-state student" means any sex offender, as defined in this Section, or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational

- 1 institution, including, but not limited to, any secondary
- 2 school, trade or professional institution, or institution of
- 3 higher learning.
- 4 (G) As used in this Article, "out-of-state employee" means
- 5 any sex offender, as defined in this Section, or sexual
- 6 predator who works in Illinois, regardless of whether the
- 7 individual receives payment for services performed, for a
- 8 period of time of 10 or more days or for an aggregate period of
- 9 time of 30 or more days during any calendar year. Persons who
- 10 operate motor vehicles in the State accrue one day of
- 11 employment time for any portion of a day spent in Illinois.
- 12 (H) As used in this Article, "school" means any public or
- private educational institution, including, but not limited
- to, any elementary or secondary school, trade or professional
- institution, or institution of higher education.
- 16 (I) As used in this Article, "fixed residence" means any
- and all places that a sex offender resides for an aggregate
- 18 period of time of 5 or more days in a calendar year.
- 19 (J) As used in this Article, "Internet protocol address"
- 20 means the string of numbers by which a location on the Internet
- is identified by routers or other computers connected to the
- 22 Internet.
- 23 (Source: P.A. 100-428, eff. 1-1-18.)
- Section 85. The Code of Civil Procedure is amended by
- 25 changing Section 8-802.1 as follows:

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- 1 (735 ILCS 5/8-802.1) (from Ch. 110, par. 8-802.1)
- Sec. 8-802.1. Confidentiality of statements made to rape crisis personnel.
  - (a) Purpose. This Section is intended to protect victims of rape from public disclosure of statements they make in confidence to counselors of organizations established to help them. On or after July 1, 1984, "rape" means an act of forced sexual penetration or sexual conduct, as defined in Section 11-0.1 of the Criminal Code of 2012, including acts prohibited under Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012. Because of the fear and stigma that often results from those crimes, many victims hesitate to seek help even where it is available at no cost to them. As a result they not only fail to receive needed medical care and emergency counseling, but may lack the psychological support necessary to report the crime and aid police in preventing future crimes.
    - (b) Definitions. As used in this Act:
    - (1) "Rape crisis organization" means any organization or association a major purpose of which is providing information, counseling, and psychological support to victims of any or all of the crimes of aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual assault, sexual relations between siblings, criminal sexual abuse and aggravated criminal

sexual abuse. "Rape crisis organization" includes, but is not limited to, rape crisis centers certified by a statewide sexual assault coalition.

- (2) "Rape crisis counselor" means a person who is a psychologist, social worker, employee, or volunteer in any organization or association defined as a rape crisis organization under this Section, who has undergone 40 hours of training and is under the control of a direct services supervisor of a rape crisis organization.
- (3) "Victim" means a person who is the subject of, or who seeks information, counseling, or advocacy services as a result of an aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual assault, sexual relations within families, criminal sexual abuse, aggravated criminal sexual abuse, sexual exploitation of a child, indecent solicitation of a child, public indecency, exploitation of a child, promoting commercial sexual exploitation of a child juvenile prostitution as described in subdivision (a) (4) of Section 11-14.4, or an attempt to commit any of these offenses.
- (4) "Confidential communication" means any communication between a victim and a rape crisis counselor in the course of providing information, counseling, and advocacy. The term includes all records kept by the counselor or by the organization in the course of providing services to an alleged victim concerning the

alleged victim and the services provided.

- (c) Waiver of privilege.
- (1) The confidential nature of the communication is not waived by: the presence of a third person who further expresses the interests of the victim at the time of the communication; group counseling; or disclosure to a third person with the consent of the victim when reasonably necessary to accomplish the purpose for which the counselor is consulted.
- (2) The confidential nature of counseling records is not waived when: the victim inspects the records; or in the case of a minor child less than 12 years of age, a parent or guardian whose interests are not adverse to the minor inspects the records; or in the case of a minor victim 12 years or older, a parent or guardian whose interests are not adverse to the minor inspects the records with the victim's consent, or in the case of an adult who has a guardian of his or her person, the guardian inspects the records with the victim's consent.
- (3) When a victim is deceased, the executor or administrator of the victim's estate may waive the privilege established by this Section, unless the executor or administrator has an interest adverse to the victim.
- (4) A minor victim 12 years of age or older may knowingly waive the privilege established in this Section. When a minor is, in the opinion of the Court, incapable of

knowingly waiving the privilege, the parent or guardian of the minor may waive the privilege on behalf of the minor, unless the parent or guardian has been charged with a violent crime against the victim or otherwise has any interest adverse to that of the minor with respect to the waiver of the privilege.

- (5) An adult victim who has a guardian of his or her person may knowingly waive the privilege established in this Section. When the victim is, in the opinion of the court, incapable of knowingly waiving the privilege, the guardian of the adult victim may waive the privilege on behalf of the victim, unless the guardian has been charged with a violent crime against the victim or otherwise has any interest adverse to the victim with respect to the privilege.
- (d) Confidentiality. Except as provided in this Act, no rape crisis counselor shall disclose any confidential communication or be examined as a witness in any civil or criminal proceeding as to any confidential communication without the written consent of the victim or a representative of the victim as provided in subparagraph (c).
- (e) A rape crisis counselor may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any rape crisis counselor or rape crisis organization

- 1 participating in good faith in the disclosing of records and
- 2 communications under this Act shall have immunity from any
- 3 liability, civil, criminal, or otherwise that might result
- 4 from the action. In any proceeding, civil or criminal, arising
- 5 out of a disclosure under this Section, the good faith of any
- 6 rape crisis counselor or rape crisis organization who
- 7 disclosed the confidential communication shall be presumed.
- 8 (f) Any rape crisis counselor who knowingly discloses any
- 9 confidential communication in violation of this Act commits a
- 10 Class C misdemeanor.
- 11 (Source: P.A. 102-469, eff. 1-1-22.)
- 12 Section 90. The Lewdness Public Nuisance Act is amended by
- 13 changing the title of the Act and Sections 1 and 10 as follows:
- 14 (740 ILCS 105/Act title)
- An Act regarding places used for purposes of lewdness,
- 16 assignation, or commercial sexual activity prostitution, to
- 17 declare the same to be public nuisances, and to provide for the
- more effectual suppression thereof.
- 19 (740 ILCS 105/1) (from Ch. 100 1/2, par. 1)
- Sec. 1. All buildings and apartments, and all places, and
- 21 the fixtures and movable contents thereof, used for purposes
- 22 of lewdness, assignation, or commercial sexual activity
- 23 prostitution, are hereby declared to be public nuisances, and

- 1 may be abated as hereinafter provided. The owners, agents, and
- 2 occupants of any such building or apartment, or of any such
- 3 place shall be deemed guilty of maintaining a public nuisance,
- 4 and may be enjoined as hereinafter provided.
- 5 (Source: Laws 1915, p. 371.)
- 6 (740 ILCS 105/10) (from Ch. 100 1/2, par. 10)
- 7 Sec. 10. If any lessee or occupant shall use leased
- 8 premises for the purpose of lewdness, assignation or
- 9 <u>commercial sexual activity</u> <del>prostitution</del>, or shall permit them
- 10 to be used for any of such purposes, the lease or contract for
- 11 letting such premises shall, at the option of the lessor,
- become void, and the owner may have the like remedy to recover
- 13 possession thereof as against a tenant holding over after the
- 14 expiration of his term.
- 15 (Source: Laws 1915, p. 371.)
- 16 Section 95. The Trafficking Victims Protection Act is
- 17 amended by changing Section 10 as follows:
- 18 (740 ILCS 128/10)
- 19 Sec. 10. Definitions. As used in this Act:
- 20 "Human trafficking" means a violation or attempted
- 21 violation of subsection (d) of Section 10-9 of the Criminal
- 22 Code of 2012.
- "Involuntary servitude" means a violation or attempted

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violation of subsection (b) of Section 10-9 of the Criminal
Code of 2012.

"Sex trade" means a violation or attempted violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012: 11-14.3 (promoting commercial sexual activity prostitution); 11-14.4 (promoting commercial sexual exploitation of a child juvenile prostitution); 11-15 (soliciting for a provider of commercial sexual activity prostitute); 11-15.1 (soliciting for a sexually exploited child juvenile prostitute); 11-16 (pandering); 11-17 (keeping a place of commercial sexual activity prostitution); 11-17.1 (keeping a place of commercial sexual exploitation of a child juvenile prostitution); 11-19 (pimping); 11-19.1 (juvenile and aggravated juvenile pimping); 11-19.2 (exploitation of a child); 11-20 (obscenity); 11-20.1 (child pornography); 11-20.1B or 11-20.3 (aggravated pornography); or subsection (c) of Section 10-9 (involuntary sexual servitude of a minor).

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

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

- (1) soliciting for a <u>provider of commercial sexual</u>

  <u>activity prostitute</u>: the <u>provider of commercial sexual</u>

  <u>activity prostitute</u> who is the object of the solicitation;
- (2) soliciting for a sexually exploited child <del>juvenile</del>

| <del>prostitute</del> : | the | sexual.   | ly ex | ploi | ited  | child  | <del>juve</del> | nile |
|-------------------------|-----|-----------|-------|------|-------|--------|-----------------|------|
| <del>prostitute</del> , | or  | person    | with  | a    | sever | re or  | prof            | ound |
| intellectual            | dis | sability, | who   | is   | the   | object | of              | the  |
| solicitation;           |     |           |       |      |       |        |                 |      |

- (3) promoting <u>commercial sexual activity</u> <u>prostitution</u> as described in subdivision (a)(2)(A) or (a)(2)(B) of Section 11-14.3 of the Criminal Code of 1961 or the Criminal Code of 2012, or pandering: the person intended or compelled to act as a <u>provider of commercial sexual</u> activity <del>prostitute</del>;
- (4) keeping a place of <u>commercial sexual activity</u> prostitution: any person intended or compelled to act as a <u>provider of commercial sexual activity</u> prostitute, while present at the place, during the time period in question;
- (5) keeping a place of <u>commercial sexual exploitation</u> of a child <u>juvenile prostitution</u>: any juvenile intended or compelled to act as a <u>provider of commercial sexual activity prostitute</u>, while present at the place, during the time period in question;
- (6) promoting <u>commercial sexual activity</u> prostitution as described in subdivision (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or the Criminal Code of 2012, or pimping: the <u>provider of commercial sexual activity</u> prostitute from whom anything of value is received;
- (7) promoting <u>commercial sexual exploitation of a</u>
  <u>child juvenile prostitution</u> as described in subdivision

| (a) $(2)$ or $(a)$ $(3)$ of Section 11-14.4 of the Criminal Code |
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| of 1961 or the Criminal Code of 2012, or juvenile pimping        |
| and aggravated juvenile pimping: the juvenile, or person         |
| with a severe or profound intellectual disability, from          |
| whom anything of value is received for that person's act         |
| of commercial sexual activity <del>prostitution</del> ;          |

- (8) promoting commercial sexual exploitation of a child juvenile prostitution as described in subdivision (a)(4) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012, or exploitation of a child: the juvenile, or person with a severe or profound intellectual disability, intended or compelled to act as a provider of commercial sexual activity prostitute or from whom anything of value is received for that person's act of commercial sexual activity prostitution;
- (9) obscenity: any person who appears in or is described or depicted in the offending conduct or material;
- (10) child pornography or aggravated child pornography: any child, or person with a severe or profound intellectual disability, who appears in or is described or depicted in the offending conduct or material; or
- (11) involuntary sexual servitude of a minor as defined in subsection (c) of Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012.

- 1 (Source: P.A. 99-143, eff. 7-27-15; 100-939, eff. 1-1-19.)
- 2 Section 100. The Illinois Streetgang Terrorism Omnibus
- 3 Prevention Act is amended by changing Section 10 as follows:
- 4 (740 ILCS 147/10)
- 5 Sec. 10. Definitions.
- 6 "Course or pattern of criminal activity" means 2 or more
- 7 gang-related criminal offenses committed in whole or in part
- 8 within this State when:
- 9 (1) at least one such offense was committed after the
- 10 effective date of this Act;
- 11 (2) both offenses were committed within 5 years of
- 12 each other; and
- 13 (3) at least one offense involved the solicitation to
- 14 commit, conspiracy to commit, attempt to commit, or
- 15 commission of any offense defined as a felony or forcible
- 16 felony under the Criminal Code of 1961 or the Criminal
- 17 Code of 2012.
- "Course or pattern of criminal activity" also means one or
- 19 more acts of criminal defacement of property under Section
- 20 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
- 21 2012, if the defacement includes a sign or other symbol
- intended to identify the streetgang.
- "Designee of State's Attorney" or "designee" means any
- 24 attorney for a public authority who has received written

permission from the State's Attorney to file or join in a civil action authorized by this Act.

"Public authority" means any unit of local government or school district created or established under the Constitution or laws of this State.

"State's Attorney" means the State's Attorney of any county where an offense constituting a part of a course or pattern of gang-related criminal activity has occurred or has been committed.

"Streetgang" or "gang" or "organized gang" or "criminal street gang" means any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of 3 or more persons with an established hierarchy that, through its membership or through the agency of any member engages in a course or pattern of criminal activity.

For purposes of this Act, it shall not be necessary to show that a particular conspiracy, combination, or conjoining of persons possesses, acknowledges, or is known by any common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or specialty, membership, age, or other qualifications, initiation rites, geographical or territorial situs or boundary or location, or other unifying mark, manner, protocol or method of expressing or indicating membership when

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- 1 the conspiracy's existence, in law or in fact, can be
- demonstrated by a preponderance of other competent evidence.
- 3 However, any evidence reasonably tending to show or
- demonstrate, in law or in fact, the existence of or membership
- 5 in any conspiracy, confederation, or other association
- 6 described herein, or probative of the existence of or
- 7 membership in any such association, shall be admissible in any
- 8 action or proceeding brought under this Act.

abets any such activity.

- "Streetgang member" or "gang member" means any person who actually and in fact belongs to a gang, and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself with a course or pattern of gang-related criminal activity, whether in a preparatory, executory, or cover-up phase of any activity, or who knowingly performs, aids, or
  - "Streetgang related" or "gang-related" means any criminal activity, enterprise, pursuit, or undertaking directed by, ordered by, authorized by, consented to, agreed to, requested by, acquiesced in, or ratified by any gang leader, officer, or governing or policy-making person or authority, or by any agent, representative, or deputy of any such officer, person, or authority:
- (1) with the intent to increase the gang's size, membership, prestige, dominance, or control in any geographical area; or

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| (2) with the intent to provide the gang with a          | any |
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| advantage in, or any control or dominance over          | any |
| criminal market sector, including but not limited to,   | the |
| manufacture, delivery, or sale of controlled substances | or  |
| cannabis; arson or arson-for-hire; traffic in sto       | len |
| property or stolen credit cards; traffic in commercia   | ial |
| sexual activity prostitution, obscenity, or pornograph  | hy; |
| or that involves robbery, burglary, or theft; or        |     |

- (3) with the intent to exact revenge or retribution for the gang or any member of the gang; or
- (4) with the intent to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang; or
- 14 (5) with the intent to otherwise directly or 15 indirectly cause any benefit, aggrandizement, gain, profit 16 or other advantage whatsoever to or for the gang, its 17 reputation, influence, or membership.
- 18 (Source: P.A. 97-1150, eff. 1-25-13.)
- 19 Section 105. The Illinois Securities Law of 1953 is 20 amended by changing Section 7a as follows:
- 21 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)
- Sec. 7a. (a) Except as provided in subsection (b) of this Section, no securities, issued by an issuer engaged in or deriving revenues from the conduct of any business or

- 1 profession, the conduct of which would violate Section 11-14,
- 2 11-14.3, 11-14.4 as described in subdivision (a)(1), (a)(2),
- 3 or (a)(3) or that involves soliciting for a <u>sexually exploited</u>
- 4 child <del>juvenile prostitute</del>, 11-15, 11-15.1, 11-16, 11-17, 11-19
- 5 or 11-19.1 of the Criminal Code of 1961 or the Criminal Code of
- 6 2012, if conducted in this State, shall be sold or registered
- 7 pursuant to Section 5, 6 or 7 of this Act nor sold pursuant to
- 8 the provisions of Section 3 or 4 of this Act.
- 9 (b) Notwithstanding the provisions of subsection (a)
- 10 hereof, such securities issued prior to the effective date of
- 11 this amendatory Act of 1989 may be sold by a resident of this
- 12 State in transactions which qualify for an exemption from the
- 13 registration requirements of this Act pursuant to subsection A
- of Section 4 of this Act.
- 15 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)
- Section 995. No acceleration or delay. Where this Act
- makes changes in a statute that is represented in this Act by
- 18 text that is not yet or no longer in effect (for example, a
- 19 Section represented by multiple versions), the use of that
- 20 text does not accelerate or delay the taking effect of (i) the
- 21 changes made by this Act or (ii) provisions derived from any
- 22 other Public Act.

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