



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4410

Introduced 1/16/2024, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

See Index

Creates the Prostitution Investigation Act. Provides that each law enforcement agency shall create, on or before January 1, 2025, a policy that prohibits law enforcement officers from knowingly and willingly performing an act of sexual penetration with the suspect of a criminal investigation of prostitution during the course of an investigation conducted by that officer. Provides that the policy shall be posted and made publicly available. Amends various Acts to change "juvenile prostitution" to "commercial sexual exploitation of a child", "prostitute" to "person engaged in the sex trade", 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. Amends the Criminal Identification Act. Provides that law enforcement agencies shall automatically expunge the law enforcement records relating to a person's Class 4 felony conviction for prostitution if that conviction is eligible for expungement. Provides that in the absence of a court order or upon the order of a court, the clerk of the circuit court shall automatically expunge the court records and case files relating to a person's Class 4 felony conviction for prostitution if that conviction is eligible for expungement. Provides that automatic expungements shall be completed no later than January 1, 2025. Provides for comparable provisions for such convictions that are eligible for sealing.

LRB103 36319 RLC 66417 b

1 AN ACT concerning criminal law.

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

4 Section 1. Short title. This Act may be cited as the
5 Prostitution Investigation Act.

6 Section 5. Definitions. In this Act:

7 "Law enforcement agency" and "law enforcement officer"
8 have the meanings ascribed to them in Section 10-10 of the Law
9 Enforcement Officer-Worn Body Camera Act.

10 "Prostitution" has the meaning ascribed to it in Section
11 11-14 of the Criminal Code of 2012.

12 "Sexual penetration" has the meaning ascribed to it in
13 Section 11-0.1 of the Criminal Code of 2012.

14 Section 10. Law enforcement agency policy; prostitution
15 investigations. Each law enforcement agency shall create a
16 policy on or before January 1, 2025 that prohibits law
17 enforcement officers from knowingly and willingly performing
18 an act of sexual penetration with the suspect of a criminal
19 investigation of prostitution during the course of an
20 investigation conducted by that officer. The policy shall be
21 posted and made publicly available.

1 Section 95. The Statute on Statutes is amended by adding
2 Section 1.45 as follows:

3 (5 ILCS 70/1.45 new)

4 Sec. 1.45. Juvenile prostitution, prostitute, juvenile
5 prostitute; prior prosecutions. If any person, before the
6 effective date of this amendatory Act of the 103rd General
7 Assembly, has been arrested, charged, prosecuted, convicted,
8 or sentenced for juvenile prostitution or patronizing a minor
9 engaged in prostitution or has been referred to in any law
10 enforcement record, court record, or penal institution record
11 as a prostitute or juvenile prostitute, the changes of the
12 names of offenses and the references to defendants in this
13 amendatory Act of the 103rd General Assembly do not, except as
14 described in this amendatory Act, affect any arrest,
15 prosecution, conviction, sentence, or penal institution record
16 for such persons or offenses in any law enforcement record,
17 court record, or penal institution record, or any arrest,
18 conviction, or sentence, before the effective date of this
19 amendatory Act of the 103rd General Assembly, and any action
20 taken for or against such a person incarcerated, on
21 supervision, probation, conditional discharge, or mandatory
22 supervised release under the former named offenses and persons
23 shall remain valid.

24 Section 96. The Criminal Identification Act is amended by

1 changing Section 5.2 as follows:

2 (20 ILCS 2630/5.2)

3 Sec. 5.2. Expungement, sealing, and immediate sealing.

4 (a) General Provisions.

5 (1) Definitions. In this Act, words and phrases have
6 the meanings set forth in this subsection, except when a
7 particular context clearly requires a different meaning.

8 (A) The following terms shall have the meanings
9 ascribed to them in the following Sections of the
10 Unified Code of Corrections:

11 Business Offense, Section 5-1-2.

12 Charge, Section 5-1-3.

13 Court, Section 5-1-6.

14 Defendant, Section 5-1-7.

15 Felony, Section 5-1-9.

16 Imprisonment, Section 5-1-10.

17 Judgment, Section 5-1-12.

18 Misdemeanor, Section 5-1-14.

19 Offense, Section 5-1-15.

20 Parole, Section 5-1-16.

21 Petty Offense, Section 5-1-17.

22 Probation, Section 5-1-18.

23 Sentence, Section 5-1-19.

24 Supervision, Section 5-1-21.

25 Victim, Section 5-1-22.

1 (B) As used in this Section, "charge not initiated
2 by arrest" means a charge (as defined by Section 5-1-3
3 of the Unified Code of Corrections) brought against a
4 defendant where the defendant is not arrested prior to
5 or as a direct result of the charge.

6 (C) "Conviction" means a judgment of conviction or
7 sentence entered upon a plea of guilty or upon a
8 verdict or finding of guilty of an offense, rendered
9 by a legally constituted jury or by a court of
10 competent jurisdiction authorized to try the case
11 without a jury. An order of supervision successfully
12 completed by the petitioner is not a conviction. An
13 order of qualified probation (as defined in subsection
14 (a) (1) (J)) successfully completed by the petitioner is
15 not a conviction. An order of supervision or an order
16 of qualified probation that is terminated
17 unsatisfactorily is a conviction, unless the
18 unsatisfactory termination is reversed, vacated, or
19 modified and the judgment of conviction, if any, is
20 reversed or vacated.

21 (D) "Criminal offense" means a petty offense,
22 business offense, misdemeanor, felony, or municipal
23 ordinance violation (as defined in subsection
24 (a) (1) (H)). As used in this Section, a minor traffic
25 offense (as defined in subsection (a) (1) (G)) shall not
26 be considered a criminal offense.

1 (E) "Expunge" means to physically destroy the
2 records or return them to the petitioner and to
3 obliterate the petitioner's name from any official
4 index or public record, or both. Nothing in this Act
5 shall require the physical destruction of the circuit
6 court file, but such records relating to arrests or
7 charges, or both, ordered expunged shall be impounded
8 as required by subsections (d)(9)(A)(ii) and
9 (d)(9)(B)(ii).

10 (F) As used in this Section, "last sentence" means
11 the sentence, order of supervision, or order of
12 qualified probation (as defined by subsection
13 (a)(1)(J)), for a criminal offense (as defined by
14 subsection (a)(1)(D)) that terminates last in time in
15 any jurisdiction, regardless of whether the petitioner
16 has included the criminal offense for which the
17 sentence or order of supervision or qualified
18 probation was imposed in his or her petition. If
19 multiple sentences, orders of supervision, or orders
20 of qualified probation terminate on the same day and
21 are last in time, they shall be collectively
22 considered the "last sentence" regardless of whether
23 they were ordered to run concurrently.

24 (G) "Minor traffic offense" means a petty offense,
25 business offense, or Class C misdemeanor under the
26 Illinois Vehicle Code or a similar provision of a

1 municipal or local ordinance.

2 (G-5) "Minor Cannabis Offense" means a violation
3 of Section 4 or 5 of the Cannabis Control Act
4 concerning not more than 30 grams of any substance
5 containing cannabis, provided the violation did not
6 include a penalty enhancement under Section 7 of the
7 Cannabis Control Act and is not associated with an
8 arrest, conviction or other disposition for a violent
9 crime as defined in subsection (c) of Section 3 of the
10 Rights of Crime Victims and Witnesses Act.

11 (H) "Municipal ordinance violation" means an
12 offense defined by a municipal or local ordinance that
13 is criminal in nature and with which the petitioner
14 was charged or for which the petitioner was arrested
15 and released without charging.

16 (I) "Petitioner" means an adult or a minor
17 prosecuted as an adult who has applied for relief
18 under this Section.

19 (J) "Qualified probation" means an order of
20 probation under Section 10 of the Cannabis Control
21 Act, Section 410 of the Illinois Controlled Substances
22 Act, Section 70 of the Methamphetamine Control and
23 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
24 of the Unified Code of Corrections, Section
25 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as
26 those provisions existed before their deletion by

1 Public Act 89-313), Section 10-102 of the Illinois
2 Alcoholism and Other Drug Dependency Act, Section
3 40-10 of the Substance Use Disorder Act, or Section 10
4 of the Steroid Control Act. For the purpose of this
5 Section, "successful completion" of an order of
6 qualified probation under Section 10-102 of the
7 Illinois Alcoholism and Other Drug Dependency Act and
8 Section 40-10 of the Substance Use Disorder Act means
9 that the probation was terminated satisfactorily and
10 the judgment of conviction was vacated.

11 (K) "Seal" means to physically and electronically
12 maintain the records, unless the records would
13 otherwise be destroyed due to age, but to make the
14 records unavailable without a court order, subject to
15 the exceptions in Sections 12 and 13 of this Act. The
16 petitioner's name shall also be obliterated from the
17 official index required to be kept by the circuit
18 court clerk under Section 16 of the Clerks of Courts
19 Act, but any index issued by the circuit court clerk
20 before the entry of the order to seal shall not be
21 affected.

22 (L) "Sexual offense committed against a minor"
23 includes, but is not limited to, the offenses of
24 indecent solicitation of a child or criminal sexual
25 abuse when the victim of such offense is under 18 years
26 of age.

1 (M) "Terminate" as it relates to a sentence or
2 order of supervision or qualified probation includes
3 either satisfactory or unsatisfactory termination of
4 the sentence, unless otherwise specified in this
5 Section. A sentence is terminated notwithstanding any
6 outstanding financial legal obligation.

7 (2) Minor Traffic Offenses. Orders of supervision or
8 convictions for minor traffic offenses shall not affect a
9 petitioner's eligibility to expunge or seal records
10 pursuant to this Section.

11 (2.5) Commencing 180 days after July 29, 2016 (the
12 effective date of Public Act 99-697), the law enforcement
13 agency issuing the citation shall automatically expunge,
14 on or before January 1 and July 1 of each year, the law
15 enforcement records of a person found to have committed a
16 civil law violation of subsection (a) of Section 4 of the
17 Cannabis Control Act or subsection (c) of Section 3.5 of
18 the Drug Paraphernalia Control Act in the law enforcement
19 agency's possession or control and which contains the
20 final satisfactory disposition which pertain to the person
21 issued a citation for that offense. The law enforcement
22 agency shall provide by rule the process for access,
23 review, and to confirm the automatic expungement by the
24 law enforcement agency issuing the citation. Commencing
25 180 days after July 29, 2016 (the effective date of Public
26 Act 99-697), the clerk of the circuit court shall expunge,

1 upon order of the court, or in the absence of a court order
2 on or before January 1 and July 1 of each year, the court
3 records of a person found in the circuit court to have
4 committed a civil law violation of subsection (a) of
5 Section 4 of the Cannabis Control Act or subsection (c) of
6 Section 3.5 of the Drug Paraphernalia Control Act in the
7 clerk's possession or control and which contains the final
8 satisfactory disposition which pertain to the person
9 issued a citation for any of those offenses.

10 (3) Exclusions. Except as otherwise provided in
11 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
12 of this Section, the court shall not order:

13 (A) the sealing or expungement of the records of
14 arrests or charges not initiated by arrest that result
15 in an order of supervision for or conviction of: (i)
16 any sexual offense committed against a minor; (ii)
17 Section 11-501 of the Illinois Vehicle Code or a
18 similar provision of a local ordinance; or (iii)
19 Section 11-503 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance, unless the
21 arrest or charge is for a misdemeanor violation of
22 subsection (a) of Section 11-503 or a similar
23 provision of a local ordinance, that occurred prior to
24 the offender reaching the age of 25 years and the
25 offender has no other conviction for violating Section
26 11-501 or 11-503 of the Illinois Vehicle Code or a

1 similar provision of a local ordinance.

2 (B) the sealing or expungement of records of minor
3 traffic offenses (as defined in subsection (a)(1)(G)),
4 unless the petitioner was arrested and released
5 without charging.

6 (C) the sealing of the records of arrests or
7 charges not initiated by arrest which result in an
8 order of supervision or a conviction for the following
9 offenses:

10 (i) offenses included in Article 11 of the
11 Criminal Code of 1961 or the Criminal Code of 2012
12 or a similar provision of a local ordinance,
13 except Section 11-14 and a misdemeanor violation
14 of Section 11-30 of the Criminal Code of 1961 or
15 the Criminal Code of 2012, or a similar provision
16 of a local ordinance;

17 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
18 26-5, or 48-1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, or a similar provision of a
20 local ordinance;

21 (iii) Section 12-3.1 or 12-3.2 of the Criminal
22 Code of 1961 or the Criminal Code of 2012, or
23 Section 125 of the Stalking No Contact Order Act,
24 or Section 219 of the Civil No Contact Order Act,
25 or a similar provision of a local ordinance;

26 (iv) Class A misdemeanors or felony offenses

1 under the Humane Care for Animals Act; or

2 (v) any offense or attempted offense that
3 would subject a person to registration under the
4 Sex Offender Registration Act.

5 (D) (blank).

6 (b) Expungement.

7 (1) A petitioner may petition the circuit court to
8 expunge the records of his or her arrests and charges not
9 initiated by arrest when each arrest or charge not
10 initiated by arrest sought to be expunged resulted in: (i)
11 acquittal, dismissal, or the petitioner's release without
12 charging, unless excluded by subsection (a)(3)(B); (ii) a
13 conviction which was vacated or reversed, unless excluded
14 by subsection (a)(3)(B); (iii) an order of supervision and
15 such supervision was successfully completed by the
16 petitioner, unless excluded by subsection (a)(3)(A) or
17 (a)(3)(B); or (iv) an order of qualified probation (as
18 defined in subsection (a)(1)(J)) and such probation was
19 successfully completed by the petitioner.

20 (1.5) When a petitioner seeks to have a record of
21 arrest expunged under this Section, and the offender has
22 been convicted of a criminal offense, the State's Attorney
23 may object to the expungement on the grounds that the
24 records contain specific relevant information aside from
25 the mere fact of the arrest.

26 (2) Time frame for filing a petition to expunge.

1 (A) When the arrest or charge not initiated by
2 arrest sought to be expunged resulted in an acquittal,
3 dismissal, the petitioner's release without charging,
4 or the reversal or vacation of a conviction, there is
5 no waiting period to petition for the expungement of
6 such records.

7 (B) When the arrest or charge not initiated by
8 arrest sought to be expunged resulted in an order of
9 supervision, successfully completed by the petitioner,
10 the following time frames will apply:

11 (i) Those arrests or charges that resulted in
12 orders of supervision under Section 3-707, 3-708,
13 3-710, or 5-401.3 of the Illinois Vehicle Code or
14 a similar provision of a local ordinance, or under
15 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
16 Code of 1961 or the Criminal Code of 2012, or a
17 similar provision of a local ordinance, shall not
18 be eligible for expungement until 5 years have
19 passed following the satisfactory termination of
20 the supervision.

21 (i-5) Those arrests or charges that resulted
22 in orders of supervision for a misdemeanor
23 violation of subsection (a) of Section 11-503 of
24 the Illinois Vehicle Code or a similar provision
25 of a local ordinance, that occurred prior to the
26 offender reaching the age of 25 years and the

1 offender has no other conviction for violating
2 Section 11-501 or 11-503 of the Illinois Vehicle
3 Code or a similar provision of a local ordinance
4 shall not be eligible for expungement until the
5 petitioner has reached the age of 25 years.

6 (ii) Those arrests or charges that resulted in
7 orders of supervision for any other offenses shall
8 not be eligible for expungement until 2 years have
9 passed following the satisfactory termination of
10 the supervision.

11 (C) When the arrest or charge not initiated by
12 arrest sought to be expunged resulted in an order of
13 qualified probation, successfully completed by the
14 petitioner, such records shall not be eligible for
15 expungement until 5 years have passed following the
16 satisfactory termination of the probation.

17 (3) Those records maintained by the Illinois State
18 Police for persons arrested prior to their 17th birthday
19 shall be expunged as provided in Section 5-915 of the
20 Juvenile Court Act of 1987.

21 (4) Whenever a person has been arrested for or
22 convicted of any offense, in the name of a person whose
23 identity he or she has stolen or otherwise come into
24 possession of, the aggrieved person from whom the identity
25 was stolen or otherwise obtained without authorization,
26 upon learning of the person having been arrested using his

1 or her identity, may, upon verified petition to the chief
2 judge of the circuit wherein the arrest was made, have a
3 court order entered nunc pro tunc by the Chief Judge to
4 correct the arrest record, conviction record, if any, and
5 all official records of the arresting authority, the
6 Illinois State Police, other criminal justice agencies,
7 the prosecutor, and the trial court concerning such
8 arrest, if any, by removing his or her name from all such
9 records in connection with the arrest and conviction, if
10 any, and by inserting in the records the name of the
11 offender, if known or ascertainable, in lieu of the
12 aggrieved's name. The records of the circuit court clerk
13 shall be sealed until further order of the court upon good
14 cause shown and the name of the aggrieved person
15 obliterated on the official index required to be kept by
16 the circuit court clerk under Section 16 of the Clerks of
17 Courts Act, but the order shall not affect any index
18 issued by the circuit court clerk before the entry of the
19 order. Nothing in this Section shall limit the Illinois
20 State Police or other criminal justice agencies or
21 prosecutors from listing under an offender's name the
22 false names he or she has used.

23 (5) Whenever a person has been convicted of criminal
24 sexual assault, aggravated criminal sexual assault,
25 predatory criminal sexual assault of a child, criminal
26 sexual abuse, or aggravated criminal sexual abuse, the

1 victim of that offense may request that the State's
2 Attorney of the county in which the conviction occurred
3 file a verified petition with the presiding trial judge at
4 the petitioner's trial to have a court order entered to
5 seal the records of the circuit court clerk in connection
6 with the proceedings of the trial court concerning that
7 offense. However, the records of the arresting authority
8 and the Illinois State Police concerning the offense shall
9 not be sealed. The court, upon good cause shown, shall
10 make the records of the circuit court clerk in connection
11 with the proceedings of the trial court concerning the
12 offense available for public inspection.

13 (6) If a conviction has been set aside on direct
14 review or on collateral attack and the court determines by
15 clear and convincing evidence that the petitioner was
16 factually innocent of the charge, the court that finds the
17 petitioner factually innocent of the charge shall enter an
18 expungement order for the conviction for which the
19 petitioner has been determined to be innocent as provided
20 in subsection (b) of Section 5-5-4 of the Unified Code of
21 Corrections.

22 (7) Nothing in this Section shall prevent the Illinois
23 State Police from maintaining all records of any person
24 who is admitted to probation upon terms and conditions and
25 who fulfills those terms and conditions pursuant to
26 Section 10 of the Cannabis Control Act, Section 410 of the

1 Illinois Controlled Substances Act, Section 70 of the
2 Methamphetamine Control and Community Protection Act,
3 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
4 Corrections, Section 12-4.3 or subdivision (b)(1) of
5 Section 12-3.05 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, Section 10-102 of the Illinois
7 Alcoholism and Other Drug Dependency Act, Section 40-10 of
8 the Substance Use Disorder Act, or Section 10 of the
9 Steroid Control Act.

10 (8) If the petitioner has been granted a certificate
11 of innocence under Section 2-702 of the Code of Civil
12 Procedure, the court that grants the certificate of
13 innocence shall also enter an order expunging the
14 conviction for which the petitioner has been determined to
15 be innocent as provided in subsection (h) of Section 2-702
16 of the Code of Civil Procedure.

17 (c) Sealing.

18 (1) Applicability. Notwithstanding any other provision
19 of this Act to the contrary, and cumulative with any
20 rights to expungement of criminal records, this subsection
21 authorizes the sealing of criminal records of adults and
22 of minors prosecuted as adults. Subsection (g) of this
23 Section provides for immediate sealing of certain records.

24 (2) Eligible Records. The following records may be
25 sealed:

26 (A) All arrests resulting in release without

1 charging;

2 (B) Arrests or charges not initiated by arrest
3 resulting in acquittal, dismissal, or conviction when
4 the conviction was reversed or vacated, except as
5 excluded by subsection (a) (3) (B);

6 (C) Arrests or charges not initiated by arrest
7 resulting in orders of supervision, including orders
8 of supervision for municipal ordinance violations,
9 successfully completed by the petitioner, unless
10 excluded by subsection (a) (3);

11 (D) Arrests or charges not initiated by arrest
12 resulting in convictions, including convictions on
13 municipal ordinance violations, unless excluded by
14 subsection (a) (3);

15 (E) Arrests or charges not initiated by arrest
16 resulting in orders of first offender probation under
17 Section 10 of the Cannabis Control Act, Section 410 of
18 the Illinois Controlled Substances Act, Section 70 of
19 the Methamphetamine Control and Community Protection
20 Act, or Section 5-6-3.3 of the Unified Code of
21 Corrections; and

22 (F) Arrests or charges not initiated by arrest
23 resulting in felony convictions unless otherwise
24 excluded by subsection (a) paragraph (3) of this
25 Section.

26 (3) When Records Are Eligible to Be Sealed. Records

1 identified as eligible under subsection (c)(2) may be
2 sealed as follows:

3 (A) Records identified as eligible under
4 subsections (c)(2)(A) and (c)(2)(B) may be sealed at
5 any time.

6 (B) Except as otherwise provided in subparagraph
7 (E) of this paragraph (3), records identified as
8 eligible under subsection (c)(2)(C) may be sealed 2
9 years after the termination of petitioner's last
10 sentence (as defined in subsection (a)(1)(F)).

11 (C) Except as otherwise provided in subparagraph
12 (E) of this paragraph (3), records identified as
13 eligible under subsections (c)(2)(D), (c)(2)(E), and
14 (c)(2)(F) may be sealed 3 years after the termination
15 of the petitioner's last sentence (as defined in
16 subsection (a)(1)(F)). Convictions requiring public
17 registration under the Arsonist Registration Act, the
18 Sex Offender Registration Act, or the Murderer and
19 Violent Offender Against Youth Registration Act may
20 not be sealed until the petitioner is no longer
21 required to register under that relevant Act.

22 (D) Records identified in subsection
23 (a)(3)(A)(iii) may be sealed after the petitioner has
24 reached the age of 25 years.

25 (E) Records identified as eligible under
26 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or

1 (c) (2) (F) may be sealed upon termination of the
2 petitioner's last sentence if the petitioner earned a
3 high school diploma, associate's degree, career
4 certificate, vocational technical certification, or
5 bachelor's degree, or passed the high school level
6 Test of General Educational Development, during the
7 period of his or her sentence or mandatory supervised
8 release. This subparagraph shall apply only to a
9 petitioner who has not completed the same educational
10 goal prior to the period of his or her sentence or
11 mandatory supervised release. If a petition for
12 sealing eligible records filed under this subparagraph
13 is denied by the court, the time periods under
14 subparagraph (B) or (C) shall apply to any subsequent
15 petition for sealing filed by the petitioner.

16 (4) Subsequent felony convictions. A person may not
17 have subsequent felony conviction records sealed as
18 provided in this subsection (c) if he or she is convicted
19 of any felony offense after the date of the sealing of
20 prior felony convictions as provided in this subsection
21 (c). The court may, upon conviction for a subsequent
22 felony offense, order the unsealing of prior felony
23 conviction records previously ordered sealed by the court.

24 (5) Notice of eligibility for sealing. Upon entry of a
25 disposition for an eligible record under this subsection
26 (c), the petitioner shall be informed by the court of the

1 right to have the records sealed and the procedures for
2 the sealing of the records.

3 (d) Procedure. The following procedures apply to
4 expungement under subsections (b), (e), and (e-6) and sealing
5 under subsections (c) and (e-5):

6 (1) Filing the petition. Upon becoming eligible to
7 petition for the expungement or sealing of records under
8 this Section, the petitioner shall file a petition
9 requesting the expungement or sealing of records with the
10 clerk of the court where the arrests occurred or the
11 charges were brought, or both. If arrests occurred or
12 charges were brought in multiple jurisdictions, a petition
13 must be filed in each such jurisdiction. The petitioner
14 shall pay the applicable fee, except no fee shall be
15 required if the petitioner has obtained a court order
16 waiving fees under Supreme Court Rule 298 or it is
17 otherwise waived.

18 (1.5) County fee waiver pilot program. From August 9,
19 2019 (the effective date of Public Act 101-306) through
20 December 31, 2020, in a county of 3,000,000 or more
21 inhabitants, no fee shall be required to be paid by a
22 petitioner if the records sought to be expunged or sealed
23 were arrests resulting in release without charging or
24 arrests or charges not initiated by arrest resulting in
25 acquittal, dismissal, or conviction when the conviction
26 was reversed or vacated, unless excluded by subsection

1 (a) (3) (B). The provisions of this paragraph (1.5), other
2 than this sentence, are inoperative on and after January
3 1, 2022.

4 (2) Contents of petition. The petition shall be
5 verified and shall contain the petitioner's name, date of
6 birth, current address and, for each arrest or charge not
7 initiated by arrest sought to be sealed or expunged, the
8 case number, the date of arrest (if any), the identity of
9 the arresting authority, and such other information as the
10 court may require. During the pendency of the proceeding,
11 the petitioner shall promptly notify the circuit court
12 clerk of any change of his or her address. If the
13 petitioner has received a certificate of eligibility for
14 sealing from the Prisoner Review Board under paragraph
15 (10) of subsection (a) of Section 3-3-2 of the Unified
16 Code of Corrections, the certificate shall be attached to
17 the petition.

18 (3) Drug test. The petitioner must attach to the
19 petition proof that the petitioner has taken within 30
20 days before the filing of the petition a test showing the
21 absence within his or her body of all illegal substances
22 as defined by the Illinois Controlled Substances Act and
23 the Methamphetamine Control and Community Protection Act
24 if he or she is petitioning to:

25 (A) seal felony records under clause (c) (2) (E);

26 (B) seal felony records for a violation of the

1 Illinois Controlled Substances Act, the
2 Methamphetamine Control and Community Protection Act,
3 or the Cannabis Control Act under clause (c) (2) (F);

4 (C) seal felony records under subsection (e-5); or

5 (D) expunge felony records of a qualified
6 probation under clause (b) (1) (iv).

7 (4) Service of petition. The circuit court clerk shall
8 promptly serve a copy of the petition and documentation to
9 support the petition under subsection (e-5) or (e-6) on
10 the State's Attorney or prosecutor charged with the duty
11 of prosecuting the offense, the Illinois State Police, the
12 arresting agency and the chief legal officer of the unit
13 of local government effecting the arrest.

14 (5) Objections.

15 (A) Any party entitled to notice of the petition
16 may file an objection to the petition. All objections
17 shall be in writing, shall be filed with the circuit
18 court clerk, and shall state with specificity the
19 basis of the objection. Whenever a person who has been
20 convicted of an offense is granted a pardon by the
21 Governor which specifically authorizes expungement, an
22 objection to the petition may not be filed.

23 (B) Objections to a petition to expunge or seal
24 must be filed within 60 days of the date of service of
25 the petition.

26 (6) Entry of order.

1 (A) The Chief Judge of the circuit wherein the
2 charge was brought, any judge of that circuit
3 designated by the Chief Judge, or in counties of less
4 than 3,000,000 inhabitants, the presiding trial judge
5 at the petitioner's trial, if any, shall rule on the
6 petition to expunge or seal as set forth in this
7 subsection (d) (6).

8 (B) Unless the State's Attorney or prosecutor, the
9 Illinois State Police, the arresting agency, or the
10 chief legal officer files an objection to the petition
11 to expunge or seal within 60 days from the date of
12 service of the petition, the court shall enter an
13 order granting or denying the petition.

14 (C) Notwithstanding any other provision of law,
15 the court shall not deny a petition for sealing under
16 this Section because the petitioner has not satisfied
17 an outstanding legal financial obligation established,
18 imposed, or originated by a court, law enforcement
19 agency, or a municipal, State, county, or other unit
20 of local government, including, but not limited to,
21 any cost, assessment, fine, or fee. An outstanding
22 legal financial obligation does not include any court
23 ordered restitution to a victim under Section 5-5-6 of
24 the Unified Code of Corrections, unless the
25 restitution has been converted to a civil judgment.
26 Nothing in this subparagraph (C) waives, rescinds, or

1 abrogates a legal financial obligation or otherwise
2 eliminates or affects the right of the holder of any
3 financial obligation to pursue collection under
4 applicable federal, State, or local law.

5 (D) Notwithstanding any other provision of law,
6 the court shall not deny a petition to expunge or seal
7 under this Section because the petitioner has
8 submitted a drug test taken within 30 days before the
9 filing of the petition to expunge or seal that
10 indicates a positive test for the presence of cannabis
11 within the petitioner's body. In this subparagraph
12 (D), "cannabis" has the meaning ascribed to it in
13 Section 3 of the Cannabis Control Act.

14 (7) Hearings. If an objection is filed, the court
15 shall set a date for a hearing and notify the petitioner
16 and all parties entitled to notice of the petition of the
17 hearing date at least 30 days prior to the hearing. Prior
18 to the hearing, the State's Attorney shall consult with
19 the Illinois State Police as to the appropriateness of the
20 relief sought in the petition to expunge or seal. At the
21 hearing, the court shall hear evidence on whether the
22 petition should or should not be granted, and shall grant
23 or deny the petition to expunge or seal the records based
24 on the evidence presented at the hearing. The court may
25 consider the following:

26 (A) the strength of the evidence supporting the

1 defendant's conviction;

2 (B) the reasons for retention of the conviction
3 records by the State;

4 (C) the petitioner's age, criminal record history,
5 and employment history;

6 (D) the period of time between the petitioner's
7 arrest on the charge resulting in the conviction and
8 the filing of the petition under this Section; and

9 (E) the specific adverse consequences the
10 petitioner may be subject to if the petition is
11 denied.

12 (8) Service of order. After entering an order to
13 expunge or seal records, the court must provide copies of
14 the order to the Illinois State Police, in a form and
15 manner prescribed by the Illinois State Police, to the
16 petitioner, to the State's Attorney or prosecutor charged
17 with the duty of prosecuting the offense, to the arresting
18 agency, to the chief legal officer of the unit of local
19 government effecting the arrest, and to such other
20 criminal justice agencies as may be ordered by the court.

21 (9) Implementation of order.

22 (A) Upon entry of an order to expunge records
23 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
24 both:

25 (i) the records shall be expunged (as defined
26 in subsection (a) (1) (E)) by the arresting agency,

1 the Illinois State Police, and any other agency as
2 ordered by the court, within 60 days of the date of
3 service of the order, unless a motion to vacate,
4 modify, or reconsider the order is filed pursuant
5 to paragraph (12) of subsection (d) of this
6 Section;

7 (ii) the records of the circuit court clerk
8 shall be impounded until further order of the
9 court upon good cause shown and the name of the
10 petitioner obliterated on the official index
11 required to be kept by the circuit court clerk
12 under Section 16 of the Clerks of Courts Act, but
13 the order shall not affect any index issued by the
14 circuit court clerk before the entry of the order;
15 and

16 (iii) in response to an inquiry for expunged
17 records, the court, the Illinois State Police, or
18 the agency receiving such inquiry, shall reply as
19 it does in response to inquiries when no records
20 ever existed.

21 (B) Upon entry of an order to expunge records
22 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
23 both:

24 (i) the records shall be expunged (as defined
25 in subsection (a) (1) (E)) by the arresting agency
26 and any other agency as ordered by the court,

1 within 60 days of the date of service of the order,
2 unless a motion to vacate, modify, or reconsider
3 the order is filed pursuant to paragraph (12) of
4 subsection (d) of this Section;

5 (ii) the records of the circuit court clerk
6 shall be impounded until further order of the
7 court upon good cause shown and the name of the
8 petitioner obliterated on the official index
9 required to be kept by the circuit court clerk
10 under Section 16 of the Clerks of Courts Act, but
11 the order shall not affect any index issued by the
12 circuit court clerk before the entry of the order;

13 (iii) the records shall be impounded by the
14 Illinois State Police within 60 days of the date
15 of service of the order as ordered by the court,
16 unless a motion to vacate, modify, or reconsider
17 the order is filed pursuant to paragraph (12) of
18 subsection (d) of this Section;

19 (iv) records impounded by the Illinois State
20 Police may be disseminated by the Illinois State
21 Police only as required by law or to the arresting
22 authority, the State's Attorney, and the court
23 upon a later arrest for the same or a similar
24 offense or for the purpose of sentencing for any
25 subsequent felony, and to the Department of
26 Corrections upon conviction for any offense; and

1 (v) in response to an inquiry for such records
2 from anyone not authorized by law to access such
3 records, the court, the Illinois State Police, or
4 the agency receiving such inquiry shall reply as
5 it does in response to inquiries when no records
6 ever existed.

7 (B-5) Upon entry of an order to expunge records
8 under subsection (e-6):

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 under 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
26 of service of the order as ordered by the court,

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

4 (iv) records impounded by the Illinois State
5 Police may be disseminated by the Illinois State
6 Police only as required by law or to the arresting
7 authority, the State's Attorney, and the court
8 upon a later arrest for the same or a similar
9 offense or for the purpose of sentencing for any
10 subsequent felony, and to the Department of
11 Corrections upon conviction for any offense; and

12 (v) in response to an inquiry for these
13 records from anyone not authorized by law to
14 access the records, the court, the Illinois State
15 Police, or the agency receiving the inquiry shall
16 reply as it does in response to inquiries when no
17 records ever existed.

18 (C) Upon entry of an order to seal records under
19 subsection (c), the arresting agency, any other agency
20 as ordered by the court, the Illinois State Police,
21 and the court shall seal the records (as defined in
22 subsection (a)(1)(K)). In response to an inquiry for
23 such records, from anyone not authorized by law to
24 access such records, the court, the Illinois State
25 Police, or the agency receiving such inquiry shall
26 reply as it does in response to inquiries when no

1 records ever existed.

2 (D) The Illinois State Police shall send written
3 notice to the petitioner of its compliance with each
4 order to expunge or seal records within 60 days of the
5 date of service of that order or, if a motion to
6 vacate, modify, or reconsider is filed, within 60 days
7 of service of the order resolving the motion, if that
8 order requires the Illinois State Police to expunge or
9 seal records. In the event of an appeal from the
10 circuit court order, the Illinois State Police shall
11 send written notice to the petitioner of its
12 compliance with an Appellate Court or Supreme Court
13 judgment to expunge or seal records within 60 days of
14 the issuance of the court's mandate. The notice is not
15 required while any motion to vacate, modify, or
16 reconsider, or any appeal or petition for
17 discretionary appellate review, is pending.

18 (E) Upon motion, the court may order that a sealed
19 judgment or other court record necessary to
20 demonstrate the amount of any legal financial
21 obligation due and owing be made available for the
22 limited purpose of collecting any legal financial
23 obligations owed by the petitioner that were
24 established, imposed, or originated in the criminal
25 proceeding for which those records have been sealed.
26 The records made available under this subparagraph (E)

1 shall not be entered into the official index required
2 to be kept by the circuit court clerk under Section 16
3 of the Clerks of Courts Act and shall be immediately
4 re-impounded upon the collection of the outstanding
5 financial obligations.

6 (F) Notwithstanding any other provision of this
7 Section, a circuit court clerk may access a sealed
8 record for the limited purpose of collecting payment
9 for any legal financial obligations that were
10 established, imposed, or originated in the criminal
11 proceedings for which those records have been sealed.

12 (10) Fees. The Illinois State Police may charge the
13 petitioner a fee equivalent to the cost of processing any
14 order to expunge or seal records. Notwithstanding any
15 provision of the Clerks of Courts Act to the contrary, the
16 circuit court clerk may charge a fee equivalent to the
17 cost associated with the sealing or expungement of records
18 by the circuit court clerk. From the total filing fee
19 collected for the petition to seal or expunge, the circuit
20 court clerk shall deposit \$10 into the Circuit Court Clerk
21 Operation and Administrative Fund, to be used to offset
22 the costs incurred by the circuit court clerk in
23 performing the additional duties required to serve the
24 petition to seal or expunge on all parties. The circuit
25 court clerk shall collect and remit the Illinois State
26 Police portion of the fee to the State Treasurer and it

1 shall be deposited in the State Police Services Fund. If
2 the record brought under an expungement petition was
3 previously sealed under this Section, the fee for the
4 expungement petition for that same record shall be waived.

5 (11) Final Order. No court order issued under the
6 expungement or sealing provisions of this Section shall
7 become final for purposes of appeal until 30 days after
8 service of the order on the petitioner and all parties
9 entitled to notice of the petition.

10 (12) Motion to Vacate, Modify, or Reconsider. Under
11 Section 2-1203 of the Code of Civil Procedure, the
12 petitioner or any party entitled to notice may file a
13 motion to vacate, modify, or reconsider the order granting
14 or denying the petition to expunge or seal within 60 days
15 of service of the order. If filed more than 60 days after
16 service of the order, a petition to vacate, modify, or
17 reconsider shall comply with subsection (c) of Section
18 2-1401 of the Code of Civil Procedure. Upon filing of a
19 motion to vacate, modify, or reconsider, notice of the
20 motion shall be served upon the petitioner and all parties
21 entitled to notice of the petition.

22 (13) Effect of Order. An order granting a petition
23 under the expungement or sealing provisions of this
24 Section shall not be considered void because it fails to
25 comply with the provisions of this Section or because of
26 any error asserted in a motion to vacate, modify, or

1 reconsider. The circuit court retains jurisdiction to
2 determine whether the order is voidable and to vacate,
3 modify, or reconsider its terms based on a motion filed
4 under paragraph (12) of this subsection (d).

5 (14) Compliance with Order Granting Petition to Seal
6 Records. Unless a court has entered a stay of an order
7 granting a petition to seal, all parties entitled to
8 notice of the petition must fully comply with the terms of
9 the order within 60 days of service of the order even if a
10 party is seeking relief from the order through a motion
11 filed under paragraph (12) of this subsection (d) or is
12 appealing the order.

13 (15) Compliance with Order Granting Petition to
14 Expunge Records. While a party is seeking relief from the
15 order granting the petition to expunge through a motion
16 filed under paragraph (12) of this subsection (d) or is
17 appealing the order, and unless a court has entered a stay
18 of that order, the parties entitled to notice of the
19 petition must seal, but need not expunge, the records
20 until there is a final order on the motion for relief or,
21 in the case of an appeal, the issuance of that court's
22 mandate.

23 (16) The changes to this subsection (d) made by Public
24 Act 98-163 apply to all petitions pending on August 5,
25 2013 (the effective date of Public Act 98-163) and to all
26 orders ruling on a petition to expunge or seal on or after

1 August 5, 2013 (the effective date of Public Act 98-163).

2 (e) Whenever a person who has been convicted of an offense
3 is granted a pardon by the Governor which specifically
4 authorizes expungement, he or she may, upon verified petition
5 to the Chief Judge of the circuit where the person had been
6 convicted, any judge of the circuit designated by the Chief
7 Judge, or in counties of less than 3,000,000 inhabitants, the
8 presiding trial judge at the defendant's trial, have a court
9 order entered expunging the record of arrest from the official
10 records of the arresting authority and order that the records
11 of the circuit court clerk and the Illinois State Police be
12 sealed until further order of the court upon good cause shown
13 or as otherwise provided herein, and the name of the defendant
14 obliterated from the official index requested to be kept by
15 the circuit court clerk under Section 16 of the Clerks of
16 Courts Act in connection with the arrest and conviction for
17 the offense for which he or she had been pardoned but the order
18 shall not affect any index issued by the circuit court clerk
19 before the entry of the order. All records sealed by the
20 Illinois State Police may be disseminated by the Illinois
21 State Police only to the arresting authority, the State's
22 Attorney, and the court upon a later arrest for the same or
23 similar offense or for the purpose of sentencing for any
24 subsequent felony. Upon conviction for any subsequent offense,
25 the Department of Corrections shall have access to all sealed
26 records of the Illinois State Police pertaining to that

1 individual. Upon entry of the order of expungement, the
2 circuit court clerk shall promptly mail a copy of the order to
3 the person who was pardoned.

4 (e-5) Whenever a person who has been convicted of an
5 offense is granted a certificate of eligibility for sealing by
6 the Prisoner Review Board which specifically authorizes
7 sealing, he or she may, upon verified petition to the Chief
8 Judge of the circuit where the person had been convicted, any
9 judge of the circuit designated by the Chief Judge, or in
10 counties of less than 3,000,000 inhabitants, the presiding
11 trial judge at the petitioner's trial, have a court order
12 entered sealing the record of arrest from the official records
13 of the arresting authority and order that the records of the
14 circuit court clerk and the Illinois State Police be sealed
15 until further order of the court upon good cause shown or as
16 otherwise provided herein, and the name of the petitioner
17 obliterated from the official index requested to be kept by
18 the circuit court clerk under Section 16 of the Clerks of
19 Courts Act in connection with the arrest and conviction for
20 the offense for which he or she had been granted the
21 certificate but the order shall not affect any index issued by
22 the circuit court clerk before the entry of the order. All
23 records sealed by the Illinois State Police may be
24 disseminated by the Illinois State Police only as required by
25 this Act or to the arresting authority, a law enforcement
26 agency, the State's Attorney, and the court upon a later

1 arrest for the same or similar offense or for the purpose of
2 sentencing for any subsequent felony. Upon conviction for any
3 subsequent offense, the Department of Corrections shall have
4 access to all sealed records of the Illinois State Police
5 pertaining to that individual. Upon entry of the order of
6 sealing, the circuit court clerk shall promptly mail a copy of
7 the order to the person who was granted the certificate of
8 eligibility for sealing.

9 (e-6) Whenever a person who has been convicted of an
10 offense is granted a certificate of eligibility for
11 expungement by the Prisoner Review Board which specifically
12 authorizes expungement, he or she may, upon verified petition
13 to the Chief Judge of the circuit where the person had been
14 convicted, any judge of the circuit designated by the Chief
15 Judge, or in counties of less than 3,000,000 inhabitants, the
16 presiding trial judge at the petitioner's trial, have a court
17 order entered expunging the record of arrest from the official
18 records of the arresting authority and order that the records
19 of the circuit court clerk and the Illinois State Police be
20 sealed until further order of the court upon good cause shown
21 or as otherwise provided herein, and the name of the
22 petitioner obliterated from the official index requested to be
23 kept by the circuit court clerk under Section 16 of the Clerks
24 of Courts Act in connection with the arrest and conviction for
25 the offense for which he or she had been granted the
26 certificate but the order shall not affect any index issued by

1 the circuit court clerk before the entry of the order. All
2 records sealed by the Illinois State Police may be
3 disseminated by the Illinois State Police only as required by
4 this Act or to the arresting authority, a law enforcement
5 agency, the State's Attorney, and the court upon a later
6 arrest for the same or similar offense or for the purpose of
7 sentencing for any subsequent felony. Upon conviction for any
8 subsequent offense, the Department of Corrections shall have
9 access to all expunged records of the Illinois State Police
10 pertaining to that individual. Upon entry of the order of
11 expungement, the circuit court clerk shall promptly mail a
12 copy of the order to the person who was granted the certificate
13 of eligibility for expungement.

14 (f) Subject to available funding, the Illinois Department
15 of Corrections shall conduct a study of the impact of sealing,
16 especially on employment and recidivism rates, utilizing a
17 random sample of those who apply for the sealing of their
18 criminal records under Public Act 93-211. At the request of
19 the Illinois Department of Corrections, records of the
20 Illinois Department of Employment Security shall be utilized
21 as appropriate to assist in the study. The study shall not
22 disclose any data in a manner that would allow the
23 identification of any particular individual or employing unit.
24 The study shall be made available to the General Assembly no
25 later than September 1, 2010.

26 (g) Immediate Sealing.

1 (1) Applicability. Notwithstanding any other provision
2 of this Act to the contrary, and cumulative with any
3 rights to expungement or sealing of criminal records, this
4 subsection authorizes the immediate sealing of criminal
5 records of adults and of minors prosecuted as adults.

6 (2) Eligible Records. Arrests or charges not initiated
7 by arrest resulting in acquittal or dismissal with
8 prejudice, except as excluded by subsection (a)(3)(B),
9 that occur on or after January 1, 2018 (the effective date
10 of Public Act 100-282), may be sealed immediately if the
11 petition is filed with the circuit court clerk on the same
12 day and during the same hearing in which the case is
13 disposed.

14 (3) When Records are Eligible to be Immediately
15 Sealed. Eligible records under paragraph (2) of this
16 subsection (g) may be sealed immediately after entry of
17 the final disposition of a case, notwithstanding the
18 disposition of other charges in the same case.

19 (4) Notice of Eligibility for Immediate Sealing. Upon
20 entry of a disposition for an eligible record under this
21 subsection (g), the defendant shall be informed by the
22 court of his or her right to have eligible records
23 immediately sealed and the procedure for the immediate
24 sealing of these records.

25 (5) Procedure. The following procedures apply to
26 immediate sealing under this subsection (g).

1 (A) Filing the Petition. Upon entry of the final
2 disposition of the case, the defendant's attorney may
3 immediately petition the court, on behalf of the
4 defendant, for immediate sealing of eligible records
5 under paragraph (2) of this subsection (g) that are
6 entered on or after January 1, 2018 (the effective
7 date of Public Act 100-282). The immediate sealing
8 petition may be filed with the circuit court clerk
9 during the hearing in which the final disposition of
10 the case is entered. If the defendant's attorney does
11 not file the petition for immediate sealing during the
12 hearing, the defendant may file a petition for sealing
13 at any time as authorized under subsection (c) (3) (A).

14 (B) Contents of Petition. The immediate sealing
15 petition shall be verified and shall contain the
16 petitioner's name, date of birth, current address, and
17 for each eligible record, the case number, the date of
18 arrest if applicable, the identity of the arresting
19 authority if applicable, and other information as the
20 court may require.

21 (C) Drug Test. The petitioner shall not be
22 required to attach proof that he or she has passed a
23 drug test.

24 (D) Service of Petition. A copy of the petition
25 shall be served on the State's Attorney in open court.
26 The petitioner shall not be required to serve a copy of

1 the petition on any other agency.

2 (E) Entry of Order. The presiding trial judge
3 shall enter an order granting or denying the petition
4 for immediate sealing during the hearing in which it
5 is filed. Petitions for immediate sealing shall be
6 ruled on in the same hearing in which the final
7 disposition of the case is entered.

8 (F) Hearings. The court shall hear the petition
9 for immediate sealing on the same day and during the
10 same hearing in which the disposition is rendered.

11 (G) Service of Order. An order to immediately seal
12 eligible records shall be served in conformance with
13 subsection (d) (8).

14 (H) Implementation of Order. An order to
15 immediately seal records shall be implemented in
16 conformance with subsections (d) (9) (C) and (d) (9) (D).

17 (I) Fees. The fee imposed by the circuit court
18 clerk and the Illinois State Police shall comply with
19 paragraph (1) of subsection (d) of this Section.

20 (J) Final Order. No court order issued under this
21 subsection (g) shall become final for purposes of
22 appeal until 30 days after service of the order on the
23 petitioner and all parties entitled to service of the
24 order in conformance with subsection (d) (8).

25 (K) Motion to Vacate, Modify, or Reconsider. Under
26 Section 2-1203 of the Code of Civil Procedure, the

1 petitioner, State's Attorney, or the Illinois State
2 Police may file a motion to vacate, modify, or
3 reconsider the order denying the petition to
4 immediately seal within 60 days of service of the
5 order. If filed more than 60 days after service of the
6 order, a petition to vacate, modify, or reconsider
7 shall comply with subsection (c) of Section 2-1401 of
8 the Code of Civil Procedure.

9 (L) Effect of Order. An order granting an
10 immediate sealing petition shall not be considered
11 void because it fails to comply with the provisions of
12 this Section or because of an error asserted in a
13 motion to vacate, modify, or reconsider. The circuit
14 court retains jurisdiction to determine whether the
15 order is voidable, and to vacate, modify, or
16 reconsider its terms based on a motion filed under
17 subparagraph (L) of this subsection (g).

18 (M) Compliance with Order Granting Petition to
19 Seal Records. Unless a court has entered a stay of an
20 order granting a petition to immediately seal, all
21 parties entitled to service of the order must fully
22 comply with the terms of the order within 60 days of
23 service of the order.

24 (h) Sealing or vacation and expungement of trafficking
25 victims' crimes.

26 (1) A trafficking victim, as defined by paragraph (10)

1 of subsection (a) of Section 10-9 of the Criminal Code of
2 2012, may petition for vacation and expungement or
3 immediate sealing of his or her criminal record upon the
4 completion of his or her last sentence if his or her
5 participation in the underlying offense was a result of
6 human trafficking under Section 10-9 of the Criminal Code
7 of 2012 or a severe form of trafficking under the federal
8 Trafficking Victims Protection Act.

9 (1.5) A petition under paragraph (1) shall be
10 prepared, signed, and filed in accordance with Supreme
11 Court Rule 9. The court may allow the petitioner to attend
12 any required hearing remotely in accordance with local
13 rules. The court may allow a petition to be filed under
14 seal if the public filing of the petition would constitute
15 a risk of harm to the petitioner.

16 (2) A petitioner under this subsection (h), in
17 addition to the requirements provided under paragraph (4)
18 of subsection (d) of this Section, shall include in his or
19 her petition a clear and concise statement that: (A) he or
20 she was a victim of human trafficking at the time of the
21 offense; and (B) that his or her participation in the
22 offense was a result of human trafficking under Section
23 10-9 of the Criminal Code of 2012 or a severe form of
24 trafficking under the federal Trafficking Victims
25 Protection Act.

26 (3) If an objection is filed alleging that the

1 petitioner is not entitled to vacation and expungement or
2 immediate sealing under this subsection (h), the court
3 shall conduct a hearing under paragraph (7) of subsection
4 (d) of this Section and the court shall determine whether
5 the petitioner is entitled to vacation and expungement or
6 immediate sealing under this subsection (h). A petitioner
7 is eligible for vacation and expungement or immediate
8 relief under this subsection (h) if he or she shows, by a
9 preponderance of the evidence, that: (A) he or she was a
10 victim of human trafficking at the time of the offense;
11 and (B) that his or her participation in the offense was a
12 result of human trafficking under Section 10-9 of the
13 Criminal Code of 2012 or a severe form of trafficking
14 under the federal Trafficking Victims Protection Act.

15 (i) Minor Cannabis Offenses under the Cannabis Control
16 Act.

17 (1) Expungement of Arrest Records of Minor Cannabis
18 Offenses.

19 (A) The Illinois State Police and all law
20 enforcement agencies within the State shall
21 automatically expunge all criminal history records of
22 an arrest, charge not initiated by arrest, order of
23 supervision, or order of qualified probation for a
24 Minor Cannabis Offense committed prior to June 25,
25 2019 (the effective date of Public Act 101-27) if:

26 (i) One year or more has elapsed since the

1 date of the arrest or law enforcement interaction
2 documented in the records; and

3 (ii) No criminal charges were filed relating
4 to the arrest or law enforcement interaction or
5 criminal charges were filed and subsequently
6 dismissed or vacated or the arrestee was
7 acquitted.

8 (B) If the law enforcement agency is unable to
9 verify satisfaction of condition (ii) in paragraph
10 (A), records that satisfy condition (i) in paragraph
11 (A) shall be automatically expunged.

12 (C) Records shall be expunged by the law
13 enforcement agency under the following timelines:

14 (i) Records created prior to June 25, 2019
15 (the effective date of Public Act 101-27), but on
16 or after January 1, 2013, shall be automatically
17 expunged prior to January 1, 2021;

18 (ii) Records created prior to January 1, 2013,
19 but on or after January 1, 2000, shall be
20 automatically expunged prior to January 1, 2023;

21 (iii) Records created prior to January 1, 2000
22 shall be automatically expunged prior to January
23 1, 2025.

24 In response to an inquiry for expunged records,
25 the law enforcement agency receiving such inquiry
26 shall reply as it does in response to inquiries when no

1 records ever existed; however, it shall provide a
2 certificate of disposition or confirmation that the
3 record was expunged to the individual whose record was
4 expunged if such a record exists.

5 (D) Nothing in this Section shall be construed to
6 restrict or modify an individual's right to have that
7 individual's records expunged except as otherwise may
8 be provided in this Act, or diminish or abrogate any
9 rights or remedies otherwise available to the
10 individual.

11 (2) Pardons Authorizing Expungement of Minor Cannabis
12 Offenses.

13 (A) Upon June 25, 2019 (the effective date of
14 Public Act 101-27), the Department of State Police
15 shall review all criminal history record information
16 and identify all records that meet all of the
17 following criteria:

18 (i) one or more convictions for a Minor
19 Cannabis Offense;

20 (ii) the conviction identified in paragraph
21 (2)(A)(i) did not include a penalty enhancement
22 under Section 7 of the Cannabis Control Act; and

23 (iii) the conviction identified in paragraph
24 (2)(A)(i) is not associated with a conviction for
25 a violent crime as defined in subsection (c) of
26 Section 3 of the Rights of Crime Victims and

1 Witnesses Act.

2 (B) Within 180 days after June 25, 2019 (the
3 effective date of Public Act 101-27), the Department
4 of State Police shall notify the Prisoner Review Board
5 of all such records that meet the criteria established
6 in paragraph (2) (A).

7 (i) The Prisoner Review Board shall notify the
8 State's Attorney of the county of conviction of
9 each record identified by State Police in
10 paragraph (2) (A) that is classified as a Class 4
11 felony. The State's Attorney may provide a written
12 objection to the Prisoner Review Board on the sole
13 basis that the record identified does not meet the
14 criteria established in paragraph (2) (A). Such an
15 objection must be filed within 60 days or by such
16 later date set by the Prisoner Review Board in the
17 notice after the State's Attorney received notice
18 from the Prisoner Review Board.

19 (ii) In response to a written objection from a
20 State's Attorney, the Prisoner Review Board is
21 authorized to conduct a non-public hearing to
22 evaluate the information provided in the
23 objection.

24 (iii) The Prisoner Review Board shall make a
25 confidential and privileged recommendation to the
26 Governor as to whether to grant a pardon

1 authorizing expungement for each of the records
2 identified by the Department of State Police as
3 described in paragraph (2) (A).

4 (C) If an individual has been granted a pardon
5 authorizing expungement as described in this Section,
6 the Prisoner Review Board, through the Attorney
7 General, shall file a petition for expungement with
8 the Chief Judge of the circuit or any judge of the
9 circuit designated by the Chief Judge where the
10 individual had been convicted. Such petition may
11 include more than one individual. Whenever an
12 individual who has been convicted of an offense is
13 granted a pardon by the Governor that specifically
14 authorizes expungement, an objection to the petition
15 may not be filed. Petitions to expunge under this
16 subsection (i) may include more than one individual.
17 Within 90 days of the filing of such a petition, the
18 court shall enter an order expunging the records of
19 arrest from the official records of the arresting
20 authority and order that the records of the circuit
21 court clerk and the Illinois State Police be expunged
22 and the name of the defendant obliterated from the
23 official index requested to be kept by the circuit
24 court clerk under Section 16 of the Clerks of Courts
25 Act in connection with the arrest and conviction for
26 the offense for which the individual had received a

1 pardon but the order shall not affect any index issued
2 by the circuit court clerk before the entry of the
3 order. Upon entry of the order of expungement, the
4 circuit court clerk shall promptly provide a copy of
5 the order and a certificate of disposition to the
6 individual who was pardoned to the individual's last
7 known address or by electronic means (if available) or
8 otherwise make it available to the individual upon
9 request.

10 (D) Nothing in this Section is intended to
11 diminish or abrogate any rights or remedies otherwise
12 available to the individual.

13 (3) Any individual may file a motion to vacate and
14 expunge a conviction for a misdemeanor or Class 4 felony
15 violation of Section 4 or Section 5 of the Cannabis
16 Control Act. Motions to vacate and expunge under this
17 subsection (i) may be filed with the circuit court, Chief
18 Judge of a judicial circuit or any judge of the circuit
19 designated by the Chief Judge. The circuit court clerk
20 shall promptly serve a copy of the motion to vacate and
21 expunge, and any supporting documentation, on the State's
22 Attorney or prosecutor charged with the duty of
23 prosecuting the offense. When considering such a motion to
24 vacate and expunge, a court shall consider the following:
25 the reasons to retain the records provided by law
26 enforcement, the petitioner's age, the petitioner's age at

1 the time of offense, the time since the conviction, and
2 the specific adverse consequences if denied. An individual
3 may file such a petition after the completion of any
4 non-financial sentence or non-financial condition imposed
5 by the conviction. Within 60 days of the filing of such
6 motion, a State's Attorney may file an objection to such a
7 petition along with supporting evidence. If a motion to
8 vacate and expunge is granted, the records shall be
9 expunged in accordance with subparagraphs (d)(8) and
10 (d)(9)(A) of this Section. An agency providing civil legal
11 aid, as defined by Section 15 of the Public Interest
12 Attorney Assistance Act, assisting individuals seeking to
13 file a motion to vacate and expunge under this subsection
14 may file motions to vacate and expunge with the Chief
15 Judge of a judicial circuit or any judge of the circuit
16 designated by the Chief Judge, and the motion may include
17 more than one individual. Motions filed by an agency
18 providing civil legal aid concerning more than one
19 individual may be prepared, presented, and signed
20 electronically.

21 (4) Any State's Attorney may file a motion to vacate
22 and expunge a conviction for a misdemeanor or Class 4
23 felony violation of Section 4 or Section 5 of the Cannabis
24 Control Act. Motions to vacate and expunge under this
25 subsection (i) may be filed with the circuit court, Chief
26 Judge of a judicial circuit or any judge of the circuit

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

22 (5) In the public interest, the State's Attorney of a
23 county has standing to file motions to vacate and expunge
24 pursuant to this Section in the circuit court with
25 jurisdiction over the underlying conviction.

26 (6) If a person is arrested for a Minor Cannabis

1 Offense as defined in this Section before June 25, 2019
2 (the effective date of Public Act 101-27) and the person's
3 case is still pending but a sentence has not been imposed,
4 the person may petition the court in which the charges are
5 pending for an order to summarily dismiss those charges
6 against him or her, and expunge all official records of
7 his or her arrest, plea, trial, conviction, incarceration,
8 supervision, or expungement. If the court determines, upon
9 review, that: (A) the person was arrested before June 25,
10 2019 (the effective date of Public Act 101-27) for an
11 offense that has been made eligible for expungement; (B)
12 the case is pending at the time; and (C) the person has not
13 been sentenced of the minor cannabis violation eligible
14 for expungement under this subsection, the court shall
15 consider the following: the reasons to retain the records
16 provided by law enforcement, the petitioner's age, the
17 petitioner's age at the time of offense, the time since
18 the conviction, and the specific adverse consequences if
19 denied. If a motion to dismiss and expunge is granted, the
20 records shall be expunged in accordance with subparagraph
21 (d) (9) (A) of this Section.

22 (7) A person imprisoned solely as a result of one or
23 more convictions for Minor Cannabis Offenses under this
24 subsection (i) shall be released from incarceration upon
25 the issuance of an order under this subsection.

26 (8) The Illinois State Police shall allow a person to

1 use the access and review process, established in the
2 Illinois State Police, for verifying that his or her
3 records relating to Minor Cannabis Offenses of the
4 Cannabis Control Act eligible under this Section have been
5 expunged.

6 (9) No conviction vacated pursuant to this Section
7 shall serve as the basis for damages for time unjustly
8 served as provided in the Court of Claims Act.

9 (10) Effect of Expungement. A person's right to
10 expunge an expungeable offense shall not be limited under
11 this Section. The effect of an order of expungement shall
12 be to restore the person to the status he or she occupied
13 before the arrest, charge, or conviction.

14 (11) Information. The Illinois State Police shall post
15 general information on its website about the expungement
16 process described in this subsection (i).

17 (j) Felony Prostitution Convictions.

18 (1) Automatic Expungement of Felony Prostitution
19 Arrests.

20 (A) The Illinois State Police and local law
21 enforcement agencies within the State shall
22 automatically expunge the law enforcement records
23 relating to a person's Class 4 felony arrests and
24 charges not initiated by arrest for prostitution if
25 that arrest or charge not initiated by arrest is
26 eligible for expungement under paragraph (1) of

1 subsection (b).

2 (B) In the absence of a court order or upon the
3 order of a court, the clerk of the circuit court shall
4 automatically expunge the court records and case files
5 relating to a person's Class 4 felony arrests and
6 charges not initiated by arrest for prostitution if
7 that arrest or charge not initiated by arrest is
8 eligible for expungement under paragraph (1) of
9 subsection (b).

10 (C) The automatic expungements described in this
11 paragraph (1) shall be completed no later than January
12 1, 2025.

13 (2) Automatic Sealing of Felony Prostitution
14 Convictions.

15 (A) The Illinois State Police and local law
16 enforcement agencies within the State shall
17 automatically seal the law enforcement records
18 relating to a person's Class 4 felony conviction for
19 prostitution if those records are eligible for sealing
20 under paragraph (2) of subsection (c).

21 (B) In the absence of a court order or upon the
22 order of a court, the clerk of the circuit court shall
23 automatically seal the court records relating to a
24 person's Class 4 felony conviction for prostitution if
25 those records are eligible for sealing under paragraph
26 (2) of subsection (c).

1 (C) The automatic sealing of records described in
2 this paragraph (2) shall be completed no later than
3 January 1, 2025.

4 (3) Motions to Vacate and Expunge Felony Prostitution
5 Convictions.

6 ~~(1)~~ Any individual may file a motion to vacate and
7 expunge a conviction for a prior Class 4 felony violation
8 of prostitution. Motions to vacate and expunge under this
9 subsection (j) may be filed with the circuit court, Chief
10 Judge of a judicial circuit, or any judge of the circuit
11 designated by the Chief Judge. When considering the motion
12 to vacate and expunge, a court shall consider the
13 following:

14 (A) the reasons to retain the records provided by
15 law enforcement;

16 (B) the petitioner's age;

17 (C) the petitioner's age at the time of offense;

18 and

19 (D) the time since the conviction, and the
20 specific adverse consequences if denied. An individual
21 may file the petition after the completion of any
22 sentence or condition imposed by the conviction.
23 Within 60 days of the filing of the motion, a State's
24 Attorney may file an objection to the petition along
25 with supporting evidence. If a motion to vacate and
26 expunge is granted, the records shall be expunged in

1 accordance with subparagraph (d)(9)(A) of this
2 Section. An agency providing civil legal aid, as
3 defined in Section 15 of the Public Interest Attorney
4 Assistance Act, assisting individuals seeking to file
5 a motion to vacate and expunge under this subsection
6 may file motions to vacate and expunge with the Chief
7 Judge of a judicial circuit or any judge of the circuit
8 designated by the Chief Judge, and the motion may
9 include more than one individual.

10 (4) ~~(2)~~ Any State's Attorney may file a motion to
11 vacate and expunge a conviction for a Class 4 felony
12 violation of prostitution. Motions to vacate and expunge
13 under this subsection (j) may be filed with the circuit
14 court, Chief Judge of a judicial circuit, or any judge of
15 the circuit court designated by the Chief Judge, and may
16 include more than one individual. When considering the
17 motion to vacate and expunge, a court shall consider the
18 following reasons:

19 (A) the reasons to retain the records provided by
20 law enforcement;

21 (B) the petitioner's age;

22 (C) the petitioner's age at the time of offense;

23 (D) the time since the conviction; and

24 (E) the specific adverse consequences if denied.

25 If the State's Attorney files a motion to vacate and
26 expunge records for felony prostitution convictions

1 pursuant to this Section, the State's Attorney shall
2 notify the Prisoner Review Board within 30 days of the
3 filing. If a motion to vacate and expunge is granted, the
4 records shall be expunged in accordance with subparagraph
5 (d) (9) (A) of this Section.

6 (5) ~~(3)~~ In the public interest, the State's Attorney
7 of a county has standing to file motions to vacate and
8 expunge pursuant to this Section in the circuit court with
9 jurisdiction over the underlying conviction.

10 (6) ~~(4)~~ The Illinois State Police shall allow a person
11 to use the access and review process, established in the
12 Illinois State Police, for verifying that his or her
13 records relating to felony prostitution eligible under
14 this Section have been expunged.

15 (7) ~~(5)~~ No conviction vacated pursuant to this Section
16 shall serve as the basis for damages for time unjustly
17 served as provided in the Court of Claims Act.

18 (8) ~~(6)~~ Effect of Expungement. A person's right to
19 expunge an expungeable offense shall not be limited under
20 this Section. The effect of an order of expungement shall
21 be to restore the person to the status he or she occupied
22 before the arrest, charge, or conviction.

23 (9) ~~(7)~~ Information. The Illinois State Police shall
24 post general information on its website about the
25 expungement or sealing process described in this
26 subsection (j).

1 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
2 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
3 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

4 Section 100. The Sex Offender Management Board Act is
5 amended by changing Section 10 as follows:

6 (20 ILCS 4026/10)

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

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

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

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

23 (1) indecent solicitation of a child, in violation of
24 Section 11-6 of the Criminal Code of 1961 or the Criminal

1 Code of 2012;

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

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

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

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

14 (6) promoting commercial sexual exploitation of a
15 child ~~juvenile prostitution~~ or soliciting for a sexually
16 exploited child ~~juvenile prostitute~~, in violation of
17 Section 11-14.4 or 11-15.1 of the Criminal Code of 1961 or
18 the Criminal Code of 2012;

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

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

1 (9) promoting commercial sexual exploitation of a
2 child ~~juvenile prostitution~~ or juvenile pimping, in
3 violation of Section 11-14.4 or 11-19.1 of the Criminal
4 Code of 1961 or the Criminal Code of 2012;

5 (10) promoting commercial sexual exploitation of a
6 child ~~juvenile prostitution~~ or exploitation of a child, in
7 violation of Section 11-14.4 or 11-19.2 of the Criminal
8 Code of 1961 or the Criminal Code of 2012;

9 (11) child pornography, in violation of Section
10 11-20.1 of the Criminal Code of 1961 or the Criminal Code
11 of 2012;

12 (11.5) aggravated child pornography, in violation of
13 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

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

16 (13) criminal sexual assault, in violation of Section
17 11-1.20 or 12-13 of the Criminal Code of 1961 or the
18 Criminal Code of 2012;

19 (13.5) grooming, in violation of Section 11-25 of the
20 Criminal Code of 1961 or the Criminal Code of 2012;

21 (14) aggravated criminal sexual assault, in violation
22 of Section 11-1.30 or 12-14 of the Criminal Code of 1961 or
23 the Criminal Code of 2012;

24 (14.5) traveling to meet a minor or traveling to meet
25 a child, in violation of Section 11-26 of the Criminal
26 Code of 1961 or the Criminal Code of 2012;

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

4 (16) criminal sexual abuse, in violation of Section
5 11-1.50 or 12-15 of the Criminal Code of 1961 or the
6 Criminal Code of 2012;

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

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

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

15 (20) any felony offense under Illinois law that is
16 sexually motivated.

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

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

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

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

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

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

11 Section 105. The Counties Code is amended by changing
12 Section 5-10008 as follows:

13 (55 ILCS 5/5-10008) (from Ch. 34, par. 5-10008)

14 Sec. 5-10008. Prohibited persons. It shall be unlawful for
15 any known person engaged in the sex trade ~~prostitute~~, male or
16 female procurer, vagrant, or intoxicated person to be present
17 at any dance hall or road house licensed under this Division.

18 (Source: P.A. 86-962.)

19 Section 110. The Private Employment Agency Act is amended
20 by changing Section 10 as follows:

21 (225 ILCS 515/10) (from Ch. 111, par. 910)

22 Sec. 10. Licensee prohibitions. No licensee shall send or

1 cause to be sent any female help or servants, inmate, or
2 performer to enter any questionable place, or place of bad
3 repute, house of ill-fame, or assignation house, or to any
4 house or place of amusement kept for immoral purposes, or
5 place resorted to for the purpose of prostitution or gambling
6 house, the character of which licensee knows either actually
7 or by reputation.

8 No licensee shall permit questionable characters, persons
9 engaged in the sex trade ~~prostitutes~~, gamblers, intoxicated
10 persons, or procurers to frequent the agency.

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

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

24 No licensee shall print, publish, or paint on any sign or
25 window, or insert in any newspaper or publication, a name
26 similar to that of the Illinois Public Employment Office.

1 No licensee shall print or stamp on any receipt or on any
2 contract used by that agency any part of this Act, unless the
3 entire Section from which that part is taken is printed or
4 stamped thereon.

5 All written communications sent out by any licensee,
6 directly or indirectly, to any person or firm with regard to
7 employees or employment shall contain therein definite
8 information that such person is a private employment agency.

9 No licensee or his or her employees shall knowingly give
10 any false or misleading information, or make any false or
11 misleading promise to any applicant who shall apply for
12 employment or employees.

13 (Source: P.A. 90-372, eff. 7-1-98.)

14 Section 115. The Liquor Control Act of 1934 is amended by
15 changing Section 6-2 as follows:

16 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

17 Sec. 6-2. Issuance of licenses to certain persons
18 prohibited.

19 (a) Except as otherwise provided in subsection (b) of this
20 Section and in paragraph (1) of subsection (a) of Section
21 3-12, no license of any kind issued by the State Commission or
22 any local commission shall be issued to:

23 (1) A person who is not a resident of any city, village
24 or county in which the premises covered by the license are

1 located; except in case of railroad or boat licenses.

2 (2) A person who is not of good character and
3 reputation in the community in which he resides.

4 (3) (Blank).

5 (4) A person who has been convicted of a felony under
6 any Federal or State law, unless the Commission determines
7 that such person will not be impaired by the conviction in
8 engaging in the licensed practice after considering
9 matters set forth in such person's application in
10 accordance with Section 6-2.5 of this Act and the
11 Commission's investigation.

12 (5) A person who has been convicted of keeping a place
13 of prostitution or keeping a place of commercial sexual
14 exploitation of a child ~~juvenile prostitution~~, promoting
15 prostitution that involves keeping a place of
16 prostitution, or promoting commercial sexual exploitation
17 of a child ~~juvenile prostitution~~ that involves keeping a
18 place of commercial sexual exploitation of a child
19 ~~juvenile prostitution~~.

20 (6) A person who has been convicted of pandering.

21 (7) A person whose license issued under this Act has
22 been revoked for cause.

23 (8) A person who at the time of application for
24 renewal of any license issued hereunder would not be
25 eligible for such license upon a first application.

26 (9) A copartnership, if any general partnership

1 thereof, or any limited partnership thereof, owning more
2 than 5% of the aggregate limited partner interest in such
3 copartnership would not be eligible to receive a license
4 hereunder for any reason other than residence within the
5 political subdivision, unless residency is required by
6 local ordinance.

7 (10) A corporation or limited liability company, if
8 any member, officer, manager or director thereof, or any
9 stockholder or stockholders owning in the aggregate more
10 than 5% of the stock of such corporation, would not be
11 eligible to receive a license hereunder for any reason
12 other than residence within the political subdivision.

13 (10a) A corporation or limited liability company
14 unless it is incorporated or organized in Illinois, or
15 unless it is a foreign corporation or foreign limited
16 liability company which is qualified under the Business
17 Corporation Act of 1983 or the Limited Liability Company
18 Act to transact business in Illinois. The Commission shall
19 permit and accept from an applicant for a license under
20 this Act proof prepared from the Secretary of State's
21 website that the corporation or limited liability company
22 is in good standing and is qualified under the Business
23 Corporation Act of 1983 or the Limited Liability Company
24 Act to transact business in Illinois.

25 (11) A person whose place of business is conducted by
26 a manager or agent unless the manager or agent possesses

1 the same qualifications required by the licensee.

2 (12) A person who has been convicted of a violation of
3 any Federal or State law concerning the manufacture,
4 possession or sale of alcoholic liquor, subsequent to the
5 passage of this Act or has forfeited his bond to appear in
6 court to answer charges for any such violation, unless the
7 Commission determines, in accordance with Section 6-2.5 of
8 this Act, that the person will not be impaired by the
9 conviction in engaging in the licensed practice.

10 (13) A person who does not beneficially own the
11 premises for which a license is sought, or does not have a
12 lease thereon for the full period for which the license is
13 to be issued.

14 (14) Any law enforcing public official, including
15 members of local liquor control commissions, any mayor,
16 alderperson, or member of the city council or commission,
17 any president of the village board of trustees, any member
18 of a village board of trustees, or any president or member
19 of a county board; and no such official shall have a direct
20 interest in the manufacture, sale, or distribution of
21 alcoholic liquor, except that a license may be granted to
22 such official in relation to premises that are not located
23 within the territory subject to the jurisdiction of that
24 official if the issuance of such license is approved by
25 the State Liquor Control Commission and except that a
26 license may be granted, in a city or village with a

1 population of 55,000 or less, to any alderperson, member
2 of a city council, or member of a village board of trustees
3 in relation to premises that are located within the
4 territory subject to the jurisdiction of that official if
5 (i) the sale of alcoholic liquor pursuant to the license
6 is incidental to the selling of food, (ii) the issuance of
7 the license is approved by the State Commission, (iii) the
8 issuance of the license is in accordance with all
9 applicable local ordinances in effect where the premises
10 are located, and (iv) the official granted a license does
11 not vote on alcoholic liquor issues pending before the
12 board or council to which the license holder is elected.
13 Notwithstanding any provision of this paragraph (14) to
14 the contrary, an alderperson or member of a city council
15 or commission, a member of a village board of trustees
16 other than the president of the village board of trustees,
17 or a member of a county board other than the president of a
18 county board may have a direct interest in the
19 manufacture, sale, or distribution of alcoholic liquor as
20 long as he or she is not a law enforcing public official, a
21 mayor, a village board president, or president of a county
22 board. To prevent any conflict of interest, the elected
23 official with the direct interest in the manufacture,
24 sale, or distribution of alcoholic liquor shall not
25 participate in any meetings, hearings, or decisions on
26 matters impacting the manufacture, sale, or distribution

1 of alcoholic liquor. Furthermore, the mayor of a city with
2 a population of 55,000 or less or the president of a
3 village with a population of 55,000 or less may have an
4 interest in the manufacture, sale, or distribution of
5 alcoholic liquor as long as the council or board over
6 which he or she presides has made a local liquor control
7 commissioner appointment that complies with the
8 requirements of Section 4-2 of this Act.

9 (15) A person who is not a beneficial owner of the
10 business to be operated by the licensee.

11 (16) A person who has been convicted of a gambling
12 offense as proscribed by any of subsections (a) (3)
13 through (a) (11) of Section 28-1 of, or as proscribed by
14 Section 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
15 Criminal Code of 2012, or as proscribed by a statute
16 replaced by any of the aforesaid statutory provisions.

17 (17) A person or entity to whom a federal wagering
18 stamp has been issued by the federal government, unless
19 the person or entity is eligible to be issued a license
20 under the Raffles and Poker Runs Act or the Illinois Pull
21 Tabs and Jar Games Act.

22 (18) A person who intends to sell alcoholic liquors
23 for use or consumption on his or her licensed retail
24 premises who does not have liquor liability insurance
25 coverage for that premises in an amount that is at least
26 equal to the maximum liability amounts set out in

1 subsection (a) of Section 6-21.

2 (19) A person who is licensed by any licensing
3 authority as a manufacturer of beer, or any partnership,
4 corporation, limited liability company, or trust or any
5 subsidiary, affiliate, or agent thereof, or any other form
6 of business enterprise licensed as a manufacturer of beer,
7 having any legal, equitable, or beneficial interest,
8 directly or indirectly, in a person licensed in this State
9 as a distributor or importing distributor. For purposes of
10 this paragraph (19), a person who is licensed by any
11 licensing authority as a "manufacturer of beer" shall also
12 mean a brewer and a non-resident dealer who is also a
13 manufacturer of beer, including a partnership,
14 corporation, limited liability company, or trust or any
15 subsidiary, affiliate, or agent thereof, or any other form
16 of business enterprise licensed as a manufacturer of beer.

17 (20) A person who is licensed in this State as a
18 distributor or importing distributor, or any partnership,
19 corporation, limited liability company, or trust or any
20 subsidiary, affiliate, or agent thereof, or any other form
21 of business enterprise licensed in this State as a
22 distributor or importing distributor having any legal,
23 equitable, or beneficial interest, directly or indirectly,
24 in a person licensed as a manufacturer of beer by any
25 licensing authority, or any partnership, corporation,
26 limited liability company, or trust or any subsidiary,

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

15 (b) A criminal conviction of a corporation is not grounds
16 for the denial, suspension, or revocation of a license applied
17 for or held by the corporation if the criminal conviction was
18 not the result of a violation of any federal or State law
19 concerning the manufacture, possession or sale of alcoholic
20 liquor, the offense that led to the conviction did not result
21 in any financial gain to the corporation and the corporation
22 has terminated its relationship with each director, officer,
23 employee, or controlling shareholder whose actions directly
24 contributed to the conviction of the corporation. The
25 Commission shall determine if all provisions of this
26 subsection (b) have been met before any action on the

1 corporation's license is initiated.

2 (Source: P.A. 101-541, eff. 8-23-19; 102-15, eff. 6-17-21.)

3 Section 120. The Intergovernmental Missing Child Recovery
4 Act of 1984 is amended by changing Section 2 as follows:

5 (325 ILCS 40/2) (from Ch. 23, par. 2252)

6 Sec. 2. As used in this Act:

7 (a) (Blank).

8 (b) "Director" means the Director of the Illinois State
9 Police.

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

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

16 (e) A "LEADS terminal" is an interactive computerized
17 communication and processing unit which permits a direct
18 on-line communication with the Illinois State Police's central
19 data repository, the Law Enforcement Agencies Data System
20 (LEADS).

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

1 (g) (Blank).

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

5 (i) "Exploitation" means activities and actions which
6 include, but are not limited to, child pornography, aggravated
7 child pornography, commercial sexual exploitation of a child
8 ~~child prostitution~~, child sexual abuse, drug and substance
9 abuse by children, and child suicide.

10 (j) (Blank).

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

12 Section 125. The Illinois Vehicle Code is amended by
13 changing Section 6-206 as follows:

14 (625 ILCS 5/6-206)

15 Sec. 6-206. Discretionary authority to suspend or revoke
16 license or permit; right to a hearing.

17 (a) The Secretary of State is authorized to suspend or
18 revoke the driving privileges of any person without
19 preliminary hearing upon a showing of the person's records or
20 other sufficient evidence that the person:

21 1. Has committed an offense for which mandatory
22 revocation of a driver's license or permit is required
23 upon conviction;

24 2. Has been convicted of not less than 3 offenses

1 against traffic regulations governing the movement of
2 vehicles committed within any 12-month period. No
3 revocation or suspension shall be entered more than 6
4 months after the date of last conviction;

5 3. Has been repeatedly involved as a driver in motor
6 vehicle collisions or has been repeatedly convicted of
7 offenses against laws and ordinances regulating the
8 movement of traffic, to a degree that indicates lack of
9 ability to exercise ordinary and reasonable care in the
10 safe operation of a motor vehicle or disrespect for the
11 traffic laws and the safety of other persons upon the
12 highway;

13 4. Has by the unlawful operation of a motor vehicle
14 caused or contributed to a crash resulting in injury
15 requiring immediate professional treatment in a medical
16 facility or doctor's office to any person, except that any
17 suspension or revocation imposed by the Secretary of State
18 under the provisions of this subsection shall start no
19 later than 6 months after being convicted of violating a
20 law or ordinance regulating the movement of traffic, which
21 violation is related to the crash, or shall start not more
22 than one year after the date of the crash, whichever date
23 occurs later;

24 5. Has permitted an unlawful or fraudulent use of a
25 driver's license, identification card, or permit;

26 6. Has been lawfully convicted of an offense or

1 offenses in another state, including the authorization
2 contained in Section 6-203.1, which if committed within
3 this State would be grounds for suspension or revocation;

4 7. Has refused or failed to submit to an examination
5 provided for by Section 6-207 or has failed to pass the
6 examination;

7 8. Is ineligible for a driver's license or permit
8 under the provisions of Section 6-103;

9 9. Has made a false statement or knowingly concealed a
10 material fact or has used false information or
11 identification in any application for a license,
12 identification card, or permit;

13 10. Has possessed, displayed, or attempted to
14 fraudulently use any license, identification card, or
15 permit not issued to the person;

16 11. Has operated a motor vehicle upon a highway of
17 this State when the person's driving privilege or
18 privilege to obtain a driver's license or permit was
19 revoked or suspended unless the operation was authorized
20 by a monitoring device driving permit, judicial driving
21 permit issued prior to January 1, 2009, probationary
22 license to drive, or restricted driving permit issued
23 under this Code;

24 12. Has submitted to any portion of the application
25 process for another person or has obtained the services of
26 another person to submit to any portion of the application

1 process for the purpose of obtaining a license,
2 identification card, or permit for some other person;

3 13. Has operated a motor vehicle upon a highway of
4 this State when the person's driver's license or permit
5 was invalid under the provisions of Sections 6-107.1 and
6 6-110;

7 14. Has committed a violation of Section 6-301,
8 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
9 14B of the Illinois Identification Card Act or a similar
10 offense in another state if, at the time of the offense,
11 the person held an Illinois driver's license or
12 identification card;

13 15. Has been convicted of violating Section 21-2 of
14 the Criminal Code of 1961 or the Criminal Code of 2012
15 relating to criminal trespass to vehicles if the person
16 exercised actual physical control over the vehicle during
17 the commission of the offense, in which case the
18 suspension shall be for one year;

19 16. Has been convicted of violating Section 11-204 of
20 this Code relating to fleeing from a peace officer;

21 17. Has refused to submit to a test, or tests, as
22 required under Section 11-501.1 of this Code and the
23 person has not sought a hearing as provided for in Section
24 11-501.1;

25 18. (Blank);

26 19. Has committed a violation of paragraph (a) or (b)

1 of Section 6-101 relating to driving without a driver's
2 license;

3 20. Has been convicted of violating Section 6-104
4 relating to classification of driver's license;

5 21. Has been convicted of violating Section 11-402 of
6 this Code relating to leaving the scene of a crash
7 resulting in damage to a vehicle in excess of \$1,000, in
8 which case the suspension shall be for one year;

9 22. Has used a motor vehicle in violating paragraph
10 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
11 the Criminal Code of 1961 or the Criminal Code of 2012
12 relating to unlawful use of weapons, in which case the
13 suspension shall be for one year;

14 23. Has, as a driver, been convicted of committing a
15 violation of paragraph (a) of Section 11-502 of this Code
16 for a second or subsequent time within one year of a
17 similar violation;

18 24. Has been convicted by a court-martial or punished
19 by non-judicial punishment by military authorities of the
20 United States at a military installation in Illinois or in
21 another state of or for a traffic-related offense that is
22 the same as or similar to an offense specified under
23 Section 6-205 or 6-206 of this Code;

24 25. Has permitted any form of identification to be
25 used by another in the application process in order to
26 obtain or attempt to obtain a license, identification

1 card, or permit;

2 26. Has altered or attempted to alter a license or has
3 possessed an altered license, identification card, or
4 permit;

5 27. (Blank);

6 28. Has been convicted for a first time of the illegal
7 possession, while operating or in actual physical control,
8 as a driver, of a motor vehicle, of any controlled
9 substance prohibited under the Illinois Controlled
10 Substances Act, any cannabis prohibited under the Cannabis
11 Control Act, or any methamphetamine prohibited under the
12 Methamphetamine Control and Community Protection Act, in
13 which case the person's driving privileges shall be
14 suspended for one year. Any defendant found guilty of this
15 offense while operating a motor vehicle shall have an
16 entry made in the court record by the presiding judge that
17 this offense did occur while the defendant was operating a
18 motor vehicle and order the clerk of the court to report
19 the violation to the Secretary of State;

20 29. Has been convicted of the following offenses that
21 were committed while the person was operating or in actual
22 physical control, as a driver, of a motor vehicle:
23 criminal sexual assault, predatory criminal sexual assault
24 of a child, aggravated criminal sexual assault, criminal
25 sexual abuse, aggravated criminal sexual abuse, juvenile
26 pimping, soliciting for a sexually exploited child

1 ~~juvenile prostitute,~~ promoting commercial sexual
2 exploitation of a child ~~juvenile prostitution~~ as described
3 in subdivision (a)(1), (a)(2), or (a)(3) of Section
4 11-14.4 of the Criminal Code of 1961 or the Criminal Code
5 of 2012, and the manufacture, sale or delivery of
6 controlled substances or instruments used for illegal drug
7 use or abuse in which case the driver's driving privileges
8 shall be suspended for one year;

9 30. Has been convicted a second or subsequent time for
10 any combination of the offenses named in paragraph 29 of
11 this subsection, in which case the person's driving
12 privileges shall be suspended for 5 years;

13 31. Has refused to submit to a test as required by
14 Section 11-501.6 of this Code or Section 5-16c of the Boat
15 Registration and Safety Act or has submitted to a test
16 resulting in an alcohol concentration of 0.08 or more or
17 any amount of a drug, substance, or compound resulting
18 from the unlawful use or consumption of cannabis as listed
19 in the Cannabis Control Act, a controlled substance as
20 listed in the Illinois Controlled Substances Act, an
21 intoxicating compound as listed in the Use of Intoxicating
22 Compounds Act, or methamphetamine as listed in the
23 Methamphetamine Control and Community Protection Act, in
24 which case the penalty shall be as prescribed in Section
25 6-208.1;

26 32. Has been convicted of Section 24-1.2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012
2 relating to the aggravated discharge of a firearm if the
3 offender was located in a motor vehicle at the time the
4 firearm was discharged, in which case the suspension shall
5 be for 3 years;

6 33. Has as a driver, who was less than 21 years of age
7 on the date of the offense, been convicted a first time of
8 a violation of paragraph (a) of Section 11-502 of this
9 Code or a similar provision of a local ordinance;

10 34. Has committed a violation of Section 11-1301.5 of
11 this Code or a similar provision of a local ordinance;

12 35. Has committed a violation of Section 11-1301.6 of
13 this Code or a similar provision of a local ordinance;

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

20 37. Has committed a violation of subsection (c) of
21 Section 11-907 of this Code that resulted in damage to the
22 property of another or the death or injury of another;

23 38. Has been convicted of a violation of Section 6-20
24 of the Liquor Control Act of 1934 or a similar provision of
25 a local ordinance and the person was an occupant of a motor
26 vehicle at the time of the violation;

1 39. Has committed a second or subsequent violation of
2 Section 11-1201 of this Code;

3 40. Has committed a violation of subsection (a-1) of
4 Section 11-908 of this Code;

5 41. Has committed a second or subsequent violation of
6 Section 11-605.1 of this Code, a similar provision of a
7 local ordinance, or a similar violation in any other state
8 within 2 years of the date of the previous violation, in
9 which case the suspension shall be for 90 days;

10 42. Has committed a violation of subsection (a-1) of
11 Section 11-1301.3 of this Code or a similar provision of a
12 local ordinance;

13 43. Has received a disposition of court supervision
14 for a violation of subsection (a), (d), or (e) of Section
15 6-20 of the Liquor Control Act of 1934 or a similar
16 provision of a local ordinance and the person was an
17 occupant of a motor vehicle at the time of the violation,
18 in which case the suspension shall be for a period of 3
19 months;

20 44. Is under the age of 21 years at the time of arrest
21 and has been convicted of an offense against traffic
22 regulations governing the movement of vehicles after
23 having previously had his or her driving privileges
24 suspended or revoked pursuant to subparagraph 36 of this
25 Section;

26 45. Has, in connection with or during the course of a

1 formal hearing conducted under Section 2-118 of this Code:
2 (i) committed perjury; (ii) submitted fraudulent or
3 falsified documents; (iii) submitted documents that have
4 been materially altered; or (iv) submitted, as his or her
5 own, documents that were in fact prepared or composed for
6 another person;

7 46. Has committed a violation of subsection (j) of
8 Section 3-413 of this Code;

9 47. Has committed a violation of subsection (a) of
10 Section 11-502.1 of this Code;

11 48. Has submitted a falsified or altered medical
12 examiner's certificate to the Secretary of State or
13 provided false information to obtain a medical examiner's
14 certificate;

15 49. Has been convicted of a violation of Section
16 11-1002 or 11-1002.5 that resulted in a Type A injury to
17 another, in which case the driving privileges of the
18 person shall be suspended for 12 months;

19 50. Has committed a violation of subsection (b-5) of
20 Section 12-610.2 that resulted in great bodily harm,
21 permanent disability, or disfigurement, in which case the
22 driving privileges of the person shall be suspended for 12
23 months;

24 51. Has committed a violation of Section 10-15 Of the
25 Cannabis Regulation and Tax Act or a similar provision of
26 a local ordinance while in a motor vehicle; or

1 52. Has committed a violation of subsection (b) of
2 Section 10-20 of the Cannabis Regulation and Tax Act or a
3 similar provision of a local ordinance.

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

11 (b) If any conviction forming the basis of a suspension or
12 revocation authorized under this Section is appealed, the
13 Secretary of State may rescind or withhold the entry of the
14 order of suspension or revocation, as the case may be,
15 provided that a certified copy of a stay order of a court is
16 filed with the Secretary of State. If the conviction is
17 affirmed on appeal, the date of the conviction shall relate
18 back to the time the original judgment of conviction was
19 entered and the 6-month limitation prescribed shall not apply.

20 (c) 1. Upon suspending or revoking the driver's license or
21 permit of any person as authorized in this Section, the
22 Secretary of State shall immediately notify the person in
23 writing of the revocation or suspension. The notice to be
24 deposited in the United States mail, postage prepaid, to the
25 last known address of the person.

26 2. If the Secretary of State suspends the driver's license

1 of a person under subsection 2 of paragraph (a) of this
2 Section, a person's privilege to operate a vehicle as an
3 occupation shall not be suspended, provided an affidavit is
4 properly completed, the appropriate fee received, and a permit
5 issued prior to the effective date of the suspension, unless 5
6 offenses were committed, at least 2 of which occurred while
7 operating a commercial vehicle in connection with the driver's
8 regular occupation. All other driving privileges shall be
9 suspended by the Secretary of State. Any driver prior to
10 operating a vehicle for occupational purposes only must submit
11 the affidavit on forms to be provided by the Secretary of State
12 setting forth the facts of the person's occupation. The
13 affidavit shall also state the number of offenses committed
14 while operating a vehicle in connection with the driver's
15 regular occupation. The affidavit shall be accompanied by the
16 driver's license. Upon receipt of a properly completed
17 affidavit, the Secretary of State shall issue the driver a
18 permit to operate a vehicle in connection with the driver's
19 regular occupation only. Unless the permit is issued by the
20 Secretary of State prior to the date of suspension, the
21 privilege to drive any motor vehicle shall be suspended as set
22 forth in the notice that was mailed under this Section. If an
23 affidavit is received subsequent to the effective date of this
24 suspension, a permit may be issued for the remainder of the
25 suspension period.

26 The provisions of this subparagraph shall not apply to any

1 driver required to possess a CDL for the purpose of operating a
2 commercial motor vehicle.

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

7 3. At the conclusion of a hearing under Section 2-118 of
8 this Code, the Secretary of State shall either rescind or
9 continue an order of revocation or shall substitute an order
10 of suspension; or, good cause appearing therefor, rescind,
11 continue, change, or extend the order of suspension. If the
12 Secretary of State does not rescind the order, the Secretary
13 may upon application, to relieve undue hardship (as defined by
14 the rules of the Secretary of State), issue a restricted
15 driving permit granting the privilege of driving a motor
16 vehicle between the petitioner's residence and petitioner's
17 place of employment or within the scope of the petitioner's
18 employment-related duties, or to allow the petitioner to
19 transport himself or herself, or a family member of the
20 petitioner's household to a medical facility, to receive
21 necessary medical care, to allow the petitioner to transport
22 himself or herself to and from alcohol or drug remedial or
23 rehabilitative activity recommended by a licensed service
24 provider, or to allow the petitioner to transport himself or
25 herself or a family member of the petitioner's household to
26 classes, as a student, at an accredited educational

1 institution, or to allow the petitioner to transport children,
2 elderly persons, or persons with disabilities who do not hold
3 driving privileges and are living in the petitioner's
4 household to and from daycare. The petitioner must demonstrate
5 that no alternative means of transportation is reasonably
6 available and that the petitioner will not endanger the public
7 safety or welfare.

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

20 (B) If a person's license or permit is revoked or
21 suspended 2 or more times due to any combination of:

22 (i) a single conviction of violating Section
23 11-501 of this Code or a similar provision of a local
24 ordinance or a similar out-of-state offense or Section
25 9-3 of the Criminal Code of 1961 or the Criminal Code
26 of 2012, where the use of alcohol or other drugs is

1 recited as an element of the offense, or a similar
2 out-of-state offense; or

3 (ii) a statutory summary suspension or revocation
4 under Section 11-501.1; or

5 (iii) a suspension under Section 6-203.1;

6 arising out of separate occurrences; that person, if
7 issued a restricted driving permit, may not operate a
8 vehicle unless it has been equipped with an ignition
9 interlock device as defined in Section 1-129.1.

10 (B-5) If a person's license or permit is revoked or
11 suspended due to a conviction for a violation of
12 subparagraph (C) or (F) of paragraph (1) of subsection (d)
13 of Section 11-501 of this Code, or a similar provision of a
14 local ordinance or similar out-of-state offense, that
15 person, if issued a restricted driving permit, may not
16 operate a vehicle unless it has been equipped with an
17 ignition interlock device as defined in Section 1-129.1.

18 (C) The person issued a permit conditioned upon the
19 use of an ignition interlock device must pay to the
20 Secretary of State DUI Administration Fund an amount not
21 to exceed \$30 per month. The Secretary shall establish by
22 rule the amount and the procedures, terms, and conditions
23 relating to these fees.

24 (D) If the restricted driving permit is issued for
25 employment purposes, then the prohibition against
26 operating a motor vehicle that is not equipped with an

1 ignition interlock device does not apply to the operation
2 of an occupational vehicle owned or leased by that
3 person's employer when used solely for employment
4 purposes. For any person who, within a 5-year period, is
5 convicted of a second or subsequent offense under Section
6 11-501 of this Code, or a similar provision of a local
7 ordinance or similar out-of-state offense, this employment
8 exemption does not apply until either a one-year period
9 has elapsed during which that person had his or her
10 driving privileges revoked or a one-year period has
11 elapsed during which that person had a restricted driving
12 permit which required the use of an ignition interlock
13 device on every motor vehicle owned or operated by that
14 person.

15 (E) In each case the Secretary may issue a restricted
16 driving permit for a period deemed appropriate, except
17 that all permits shall expire no later than 2 years from
18 the date of issuance. A restricted driving permit issued
19 under this Section shall be subject to cancellation,
20 revocation, and suspension by the Secretary of State in
21 like manner and for like cause as a driver's license
22 issued under this Code may be cancelled, revoked, or
23 suspended; except that a conviction upon one or more
24 offenses against laws or ordinances regulating the
25 movement of traffic shall be deemed sufficient cause for
26 the revocation, suspension, or cancellation of a

1 restricted driving permit. The Secretary of State may, as
2 a condition to the issuance of a restricted driving
3 permit, require the applicant to participate in a
4 designated driver remedial or rehabilitative program. The
5 Secretary of State is authorized to cancel a restricted
6 driving permit if the permit holder does not successfully
7 complete the program.

8 (F) A person subject to the provisions of paragraph 4
9 of subsection (b) of Section 6-208 of this Code may make
10 application for a restricted driving permit at a hearing
11 conducted under Section 2-118 of this Code after the
12 expiration of 5 years from the effective date of the most
13 recent revocation or after 5 years from the date of
14 release from a period of imprisonment resulting from a
15 conviction of the most recent offense, whichever is later,
16 provided the person, in addition to all other requirements
17 of the Secretary, shows by clear and convincing evidence:

18 (i) a minimum of 3 years of uninterrupted
19 abstinence from alcohol and the unlawful use or
20 consumption of cannabis under the Cannabis Control
21 Act, a controlled substance under the Illinois
22 Controlled Substances Act, an intoxicating compound
23 under the Use of Intoxicating Compounds Act, or
24 methamphetamine under the Methamphetamine Control and
25 Community Protection Act; and

26 (ii) the successful completion of any

1 rehabilitative treatment and involvement in any
2 ongoing rehabilitative activity that may be
3 recommended by a properly licensed service provider
4 according to an assessment of the person's alcohol or
5 drug use under Section 11-501.01 of this Code.

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

17 A restricted driving permit issued under this
18 subparagraph (F) shall provide that the holder may only
19 operate motor vehicles equipped with an ignition interlock
20 device as required under paragraph (2) of subsection (c)
21 of Section 6-205 of this Code and subparagraph (A) of
22 paragraph 3 of subsection (c) of this Section. The
23 Secretary may revoke a restricted driving permit or amend
24 the conditions of a restricted driving permit issued under
25 this subparagraph (F) if the holder operates a vehicle
26 that is not equipped with an ignition interlock device, or

1 for any other reason authorized under this Code.

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

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

22 (c-4) In the case of a suspension under paragraph 43 of
23 subsection (a), the Secretary of State shall notify the person
24 by mail that his or her driving privileges and driver's
25 license will be suspended one month after the date of the
26 mailing of the notice.

1 (c-5) The Secretary of State may, as a condition of the
2 reissuance of a driver's license or permit to an applicant
3 whose driver's license or permit has been suspended before he
4 or she reached the age of 21 years pursuant to any of the
5 provisions of this Section, require the applicant to
6 participate in a driver remedial education course and be
7 retested under Section 6-109 of this Code.

8 (d) This Section is subject to the provisions of the
9 Driver License Compact.

10 (e) The Secretary of State shall not issue a restricted
11 driving permit to a person under the age of 16 years whose
12 driving privileges have been suspended or revoked under any
13 provisions of this Code.

14 (f) In accordance with 49 CFR 384, the Secretary of State
15 may not issue a restricted driving permit for the operation of
16 a commercial motor vehicle to a person holding a CDL whose
17 driving privileges have been suspended, revoked, cancelled, or
18 disqualified under any provisions of this Code.

19 (Source: P.A. 102-299, eff. 8-6-21; 102-558, eff. 8-20-21;
20 102-749, eff. 1-1-23; 102-813, eff. 5-13-22; 102-982, eff.
21 7-1-23; 103-154, eff. 6-30-23.)

22 Section 130. The Criminal Code of 2012 is amended by
23 changing Sections 3-6, 8-2, 11-0.1, 11-9.3, 11-14.3, 11-14.4,
24 11-18, 11-18.1, 33G-3, and 36-1 as follows:

1 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

2 Sec. 3-6. Extended limitations. The period within which a
3 prosecution must be commenced under the provisions of Section
4 3-5 or other applicable statute is extended under the
5 following conditions:

6 (a) A prosecution for theft involving a breach of a
7 fiduciary obligation to the aggrieved person may be commenced
8 as follows:

9 (1) If the aggrieved person is a minor or a person
10 under legal disability, then during the minority or legal
11 disability or within one year after the termination
12 thereof.

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

23 (b) A prosecution for any offense based upon misconduct in
24 office by a public officer or employee may be commenced within
25 one year after discovery of the offense by a person having a
26 legal duty to report such offense, or in the absence of such

1 discovery, within one year after the proper prosecuting
2 officer becomes aware of the offense. However, in no such case
3 is the period of limitation so extended more than 3 years
4 beyond the expiration of the period otherwise applicable.

5 (b-5) When the victim is under 18 years of age at the time
6 of the offense, a prosecution for involuntary servitude,
7 involuntary sexual servitude of a minor, or trafficking in
8 persons and related offenses under Section 10-9 of this Code
9 may be commenced within 25 years of the victim attaining the
10 age of 18 years.

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

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

20 (c) (Blank).

21 (d) A prosecution for child pornography, aggravated child
22 pornography, indecent solicitation of a child, soliciting for
23 a sexually exploited child ~~juvenile prostitute~~, juvenile
24 pimping, exploitation of a child, or promoting commercial
25 sexual exploitation of a child ~~juvenile prostitution~~ except
26 for keeping a place of commercial sexual exploitation of a

1 child juvenile prostitution may be commenced within one year
2 of the victim attaining the age of 18 years. However, in no
3 such case shall the time period for prosecution expire sooner
4 than 3 years after the commission of the offense.

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

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

19 (f-5) A prosecution for any offense set forth in Section
20 16-30 of this Code may be commenced within 5 years after the
21 discovery of the offense by the victim of that offense.

22 (g) (Blank).

23 (h) (Blank).

24 (i) Except as otherwise provided in subdivision (j), a
25 prosecution for criminal sexual assault, aggravated criminal
26 sexual assault, or aggravated criminal sexual abuse may be

1 commenced at any time. If the victim consented to the
2 collection of evidence using an Illinois State Police Sexual
3 Assault Evidence Collection Kit under the Sexual Assault
4 Survivors Emergency Treatment Act, it shall constitute
5 reporting for purposes of this Section.

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

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

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

20 (2) When in circumstances other than as described in
21 paragraph (1) of this subsection (j), when the victim is under
22 18 years of age at the time of the offense, a prosecution for
23 failure of a person who is required to report an alleged or
24 suspected commission of criminal sexual assault, aggravated
25 criminal sexual assault, predatory criminal sexual assault of
26 a child, aggravated criminal sexual abuse, or felony criminal

1 sexual abuse under the Abused and Neglected Child Reporting
2 Act may be commenced within 20 years after the child victim
3 attains 18 years of age.

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

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

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

16 (k) (Blank).

17 (l) A prosecution for any offense set forth in Section
18 26-4 of this Code may be commenced within one year after the
19 discovery of the offense by the victim of that offense.

20 (l-5) A prosecution for any offense involving sexual
21 conduct or sexual penetration, as defined in Section 11-0.1 of
22 this Code, in which the victim was 18 years of age or older at
23 the time of the offense, may be commenced within one year after
24 the discovery of the offense by the victim when corroborating
25 physical evidence is available. The charging document shall
26 state that the statute of limitations is extended under this

1 subsection (1-5) and shall state the circumstances justifying
2 the extension. Nothing in this subsection (1-5) shall be
3 construed to shorten a period within which a prosecution must
4 be commenced under any other provision of this Section or
5 Section 3-5 of this Code.

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

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

21 (o) A prosecution for any offense based upon fraudulent
22 activity connected to COVID-19-related relief programs, to
23 include the Paycheck Protection Program, COVID-19 Economic
24 Injury Disaster Loan Program, and the Unemployment Benefit
25 Programs shall be commenced within 5 years after discovery of
26 the offense by a person having a legal duty to report such

1 offense, or in the absence of such discovery, within 5 years
2 after the proper prosecuting officer becomes aware of the
3 offense. However, in no such case is the period of limitation
4 so extended more than 10 years beyond the expiration of the
5 period otherwise applicable.

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

7 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

8 Sec. 8-2. Conspiracy.

9 (a) Elements of the offense. A person commits the offense
10 of conspiracy when, with intent that an offense be committed,
11 he or she agrees with another to the commission of that
12 offense. No person may be convicted of conspiracy to commit an
13 offense unless an act in furtherance of that agreement is
14 alleged and proved to have been committed by him or her or by a
15 co-conspirator.

16 (b) Co-conspirators. It is not a defense to conspiracy
17 that the person or persons with whom the accused is alleged to
18 have conspired:

- 19 (1) have not been prosecuted or convicted,
20 (2) have been convicted of a different offense,
21 (3) are not amenable to justice,
22 (4) have been acquitted, or
23 (5) lacked the capacity to commit an offense.

24 (c) Sentence.

25 (1) Except as otherwise provided in this subsection or

1 Code, a person convicted of conspiracy to commit:

2 (A) a Class X felony shall be sentenced for a Class
3 1 felony;

4 (B) a Class 1 felony shall be sentenced for a Class
5 2 felony;

6 (C) a Class 2 felony shall be sentenced for a Class
7 3 felony;

8 (D) a Class 3 felony shall be sentenced for a Class
9 4 felony;

10 (E) a Class 4 felony shall be sentenced for a Class
11 4 felony; and

12 (F) a misdemeanor may be fined or imprisoned or
13 both not to exceed the maximum provided for the
14 offense that is the object of the conspiracy.

15 (2) A person convicted of conspiracy to commit any of
16 the following offenses shall be sentenced for a Class X
17 felony:

18 (A) aggravated insurance fraud conspiracy when the
19 person is an organizer of the conspiracy (720 ILCS
20 5/46-4); or

21 (B) aggravated governmental entity insurance fraud
22 conspiracy when the person is an organizer of the
23 conspiracy (720 ILCS 5/46-4).

24 (3) A person convicted of conspiracy to commit any of
25 the following offenses shall be sentenced for a Class 1
26 felony:

1 (A) first degree murder (720 ILCS 5/9-1); or
2 (B) aggravated insurance fraud (720 ILCS 5/46-3)
3 or aggravated governmental insurance fraud (720 ILCS
4 5/46-3).

5 (4) A person convicted of conspiracy to commit
6 insurance fraud (720 ILCS 5/46-3) or governmental entity
7 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a
8 Class 2 felony.

9 (5) A person convicted of conspiracy to commit any of
10 the following offenses shall be sentenced for a Class 3
11 felony:

12 (A) soliciting for a person engaged in the sex
13 trade prostitute (720 ILCS 5/11-14.3(a)(1));

14 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or
15 5/11-14.3(a)(2)(B));

16 (C) keeping a place of prostitution (720 ILCS
17 5/11-14.3(a)(1));

18 (D) pimping (720 ILCS 5/11-14.3(a)(2)(C));

19 (E) unlawful use of weapons under Section
20 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

21 (F) unlawful use of weapons under Section
22 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

23 (G) gambling (720 ILCS 5/28-1);

24 (H) keeping a gambling place (720 ILCS 5/28-3);

25 (I) registration of federal gambling stamps
26 violation (720 ILCS 5/28-4);

1 (J) look-alike substances violation (720 ILCS
2 570/404);

3 (K) miscellaneous controlled substance violation
4 under Section 406(b) (720 ILCS 570/406(b)); or

5 (L) an inchoate offense related to any of the
6 principal offenses set forth in this item (5).

7 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11.)

8 (720 ILCS 5/11-0.1)

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

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

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

18 "Advance prostitution" means:

19 (1) Soliciting for a person engaged in the sex trade
20 ~~prostitute~~ by performing any of the following acts when
21 acting other than as a person engaged in the sex trade
22 ~~prostitute~~ or a patron of a person engaged in the sex trade
23 ~~prostitute~~:

24 (A) Soliciting another for the purpose of
25 prostitution.

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

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

5 (2) Keeping a place of prostitution by controlling or
6 exercising control over the use of any place that could
7 offer seclusion or shelter for the practice of
8 prostitution and performing any of the following acts when
9 acting other than as a person engaged in the sex trade
10 ~~prostitute~~ or a patron of a person engaged in the sex trade
11 ~~prostitute~~:

12 (A) Knowingly granting or permitting the use of
13 the place for the purpose of prostitution.

14 (B) Granting or permitting the use of the place
15 under circumstances from which he or she could
16 reasonably know that the place is used or is to be used
17 for purposes of prostitution.

18 (C) Permitting the continued use of the place
19 after becoming aware of facts or circumstances from
20 which he or she should reasonably know that the place
21 is being used for purposes of prostitution.

22 "Agency". See Section 11-9.5.

23 "Arranges". See Section 11-6.5.

24 "Bodily harm" means physical harm, and includes, but is
25 not limited to, sexually transmitted disease, pregnancy, and
26 impotence.

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

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

3 "Child pornography". See Section 11-20.1.

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

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

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

7 "Consent" means a freely given agreement to the act of
8 sexual penetration or sexual conduct in question. Lack of
9 verbal or physical resistance or submission by the victim
10 resulting from the use of force or threat of force by the
11 accused shall not constitute consent. The manner of dress of
12 the victim at the time of the offense shall not constitute
13 consent.

14 "Custody". See Section 11-9.2.

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

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

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

18 "Disseminate". See Section 11-20.1.

19 "Distribute". See Section 11-21.

20 "Family member" means a parent, grandparent, child, aunt,
21 uncle, great-aunt, or great-uncle, whether by whole blood,
22 half-blood, or adoption, and includes a step-grandparent,
23 step-parent, or step-child. "Family member" also means, if the
24 victim is a child under 18 years of age, an accused who has
25 resided in the household with the child continuously for at
26 least 6 months.

1 "Force or threat of force" means the use of force or
2 violence or the threat of force or violence, including, but
3 not limited to, the following situations:

4 (1) when the accused threatens to use force or
5 violence on the victim or on any other person, and the
6 victim under the circumstances reasonably believes that
7 the accused has the ability to execute that threat; or

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

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

12 "Loiter". See Section 9.3.

13 "Material". See Section 11-21.

14 "Minor". See Section 11-21.

15 "Nudity". See Section 11-21.

16 "Obscene". See Section 11-20.

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

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

19 "Person responsible for the child's welfare". See Section
20 11-9.1A.

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

22 "Playground". See Section 11-9.3.

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

24 "Produce". See Section 11-20.1.

25 "Profit from prostitution" means, when acting other than
26 as a person engaged in the sex trade ~~prostitute~~, to receive

1 anything of value for personally rendered prostitution
2 services or to receive anything of value from a person engaged
3 in the sex trade ~~prostitute~~, if the thing received is not for
4 lawful consideration and the person knows it was earned in
5 whole or in part from the practice of prostitution.

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

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

8 "Reproduce". See Section 11-20.1.

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

10 "School". See Section 11-9.3.

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

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

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

14 "Sexual conduct" means any knowing touching or fondling by
15 the victim or the accused, either directly or through
16 clothing, of the sex organs, anus, or breast of the victim or
17 the accused, or any part of the body of a child under 13 years
18 of age, or any transfer or transmission of semen by the accused
19 upon any part of the clothed or unclothed body of the victim,
20 for the purpose of sexual gratification or arousal of the
21 victim or the accused.

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

23 "Sexual penetration" means any contact, however slight,
24 between the sex organ or anus of one person and an object or
25 the sex organ, mouth, or anus of another person, or any
26 intrusion, however slight, of any part of the body of one

1 person or of any animal or object into the sex organ or anus of
2 another person, including, but not limited to, cunnilingus,
3 fellatio, or anal penetration. Evidence of emission of semen
4 is not required to prove sexual penetration.

5 "Solicit". See Section 11-6.

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

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

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

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

10 "Unable to give knowing consent" includes when the accused
11 administers any intoxicating or anesthetic substance, or any
12 controlled substance causing the victim to become unconscious
13 of the nature of the act and this condition was known, or
14 reasonably should have been known by the accused. "Unable to
15 give knowing consent" also includes when the victim has taken
16 an intoxicating substance or any controlled substance causing
17 the victim to become unconscious of the nature of the act, and
18 this condition was known or reasonably should have been known
19 by the accused, but the accused did not provide or administer
20 the intoxicating substance. As used in this paragraph,
21 "unconscious of the nature of the act" means incapable of
22 resisting because the victim meets any one of the following
23 conditions:

24 (1) was unconscious or asleep;

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

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

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

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

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

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

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

1 examination;

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

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

20 "Victim" means a person alleging to have been subjected to
21 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,
22 11-1.50, or 11-1.60 of this Code.

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

24 (720 ILCS 5/11-9.3)

25 Sec. 11-9.3. Presence within school zone by child sex

1 offenders prohibited; approaching, contacting, residing with,
2 or communicating with a child within certain places by child
3 sex offenders prohibited.

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

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

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

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

22 (b) It is unlawful for a child sex offender to knowingly
23 loiter within 500 feet of a school building or real property
24 comprising any school while persons under the age of 18 are
25 present in the building or on the grounds, unless the offender
26 is a parent or guardian of a student attending the school and

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

23 (b-2) It is unlawful for a child sex offender to knowingly
24 loiter on a public way within 500 feet of a public park
25 building or real property comprising any public park while
26 persons under the age of 18 are present in the building or on

1 the grounds and to approach, contact, or communicate with a
2 child under 18 years of age, unless the offender is a parent or
3 guardian of a person under 18 years of age present in the
4 building or on the grounds.

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

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

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

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

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

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

24 (c) It is unlawful for a child sex offender to knowingly
25 operate, manage, be employed by, volunteer at, be associated
26 with, or knowingly be present at any: (i) facility providing

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

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

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

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

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

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

25 (c-8) It is unlawful for a child sex offender to knowingly
26 operate, whether authorized to do so or not, any of the

1 following vehicles: (1) a vehicle which is specifically
2 designed, constructed or modified and equipped to be used for
3 the retail sale of food or beverages, including but not
4 limited to an ice cream truck; (2) an authorized emergency
5 vehicle; or (3) a rescue vehicle.

6 (d) Definitions. In this Section:

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

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

14 (A) is convicted of such offense or an attempt
15 to commit such offense; or

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

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

23 (D) is the subject of a finding not resulting
24 in an acquittal at a hearing conducted pursuant to
25 subsection (a) of Section 104-25 of the Code of
26 Criminal Procedure of 1963 for the alleged

1 commission or attempted commission of such
2 offense; or

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

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

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

23 (iii) is subject to the provisions of Section 2 of
24 the Interstate Agreements on Sexually Dangerous
25 Persons Act.

26 Convictions that result from or are connected with the

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

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

7 (i) A violation of any of the following Sections
8 of the Criminal Code of 1961 or the Criminal Code of
9 2012: 10-4 (forcible detention), 10-7 (aiding or
10 abetting child abduction under Section 10-5(b)(10)),
11 10-5(b)(10) (child luring), 11-1.40 (predatory
12 criminal sexual assault of a child), 11-6 (indecent
13 solicitation of a child), 11-6.5 (indecent
14 solicitation of an adult), 11-9.1 (sexual exploitation
15 of a child), 11-9.2 (custodial sexual misconduct),
16 11-9.5 (sexual misconduct with a person with a
17 disability), 11-11 (sexual relations within families),
18 11-14.3(a)(1) (promoting prostitution by advancing
19 prostitution), 11-14.3(a)(2)(A) (promoting
20 prostitution by profiting from prostitution by
21 compelling a person to be a person engaged in the sex
22 trade prostitute), 11-14.3(a)(2)(C) (promoting
23 prostitution by profiting from prostitution by means
24 other than as described in subparagraphs (A) and (B)
25 of paragraph (2) of subsection (a) of Section
26 11-14.3), 11-14.4 (promoting commercial sexual

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

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

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

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint),

9 11-9.1(A) (permitting sexual abuse of a child).

10 An attempt to commit any of these offenses.

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

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

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

20 10-5(b)(10) (child luring), 10-7 (aiding or
21 abetting child abduction under Section 10-5(b)(10)),

22 11-1.40 (predatory criminal sexual assault of a
23 child), 11-6 (indecent solicitation of a child),

24 11-6.5 (indecent solicitation of an adult), 11-9.2
25 (custodial sexual misconduct), 11-9.5 (sexual

26 misconduct with a person with a disability), 11-11

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

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

26 (iii) A violation of any of the following Sections

1 of the Criminal Code of 1961 or the Criminal Code of
2 2012, when the victim is a person under 18 years of age
3 and the defendant is not a parent of the victim:

4 10-1 (kidnapping),

5 10-2 (aggravated kidnapping),

6 10-3 (unlawful restraint),

7 10-3.1 (aggravated unlawful restraint),

8 11-9.1(A) (permitting sexual abuse of a child).

9 An attempt to commit any of these offenses.

10 (iv) A violation of any former law of this State
11 substantially equivalent to any offense listed in this
12 paragraph (2.5) of this subsection.

13 (3) A conviction for an offense of federal law or the
14 law of another state that is substantially equivalent to
15 any offense listed in paragraph (2) of subsection (d) of
16 this Section shall constitute a conviction for the purpose
17 of this Section. A finding or adjudication as a sexually
18 dangerous person under any federal law or law of another
19 state that is substantially equivalent to the Sexually
20 Dangerous Persons Act shall constitute an adjudication for
21 the purposes of this Section.

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

26 (5) "Child care institution" has the meaning ascribed

1 to it in Section 2.06 of the Child Care Act of 1969.

2 (6) "Day care center" has the meaning ascribed to it
3 in Section 2.09 of the Child Care Act of 1969.

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

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

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

12 (10) "Internet" has the meaning set forth in Section
13 16-0.1 of this Code.

14 (11) "Loiter" means:

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

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

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

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

1 1969.

2 (13) "Playground" means a piece of land owned or
3 controlled by a unit of local government that is
4 designated by the unit of local government for use solely
5 or primarily for children's recreation.

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

9 (15) "School" means a public or private preschool or
10 elementary or secondary school.

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

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

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

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

4 (720 ILCS 5/11-14.3)

5 Sec. 11-14.3. Promoting prostitution.

6 (a) Any person who knowingly performs any of the following
7 acts commits promoting prostitution:

8 (1) advances prostitution as defined in Section
9 11-0.1;

10 (2) profits from prostitution by:

11 (A) compelling a person to become a person engaged
12 in the sex trade ~~prostitute~~;

13 (B) arranging or offering to arrange a situation
14 in which a person may practice prostitution; or

15 (C) any means other than those described in
16 subparagraph (A) or (B), including from a person who
17 patronizes a person engaged in the sex trade

18 ~~prostitute~~. This paragraph (C) does not apply to a
19 person engaged in prostitution who is under 18 years
20 of age. A person cannot be convicted of promoting
21 prostitution under this paragraph (C) if the practice
22 of prostitution underlying the offense consists
23 exclusively of the accused's own acts of prostitution
24 under Section 11-14 of this Code.

25 (b) Sentence.

1 (1) A violation of subdivision (a)(1) is a Class 4
2 felony, unless committed within 1,000 feet of real
3 property comprising a school, in which case it is a Class 3
4 felony. A second or subsequent violation of subdivision
5 (a)(1), or any combination of convictions under
6 subdivision (a)(1), (a)(2)(A), or (a)(2)(B) and Section
7 11-14 (prostitution), 11-14.1 (solicitation of a sexual
8 act), 11-14.4 (promoting commercial sexual exploitation of
9 a child ~~juvenile prostitution~~), 11-15 (soliciting for a
10 person engaged in the sex trade ~~prostitute~~), 11-15.1
11 (soliciting for a sexually exploited child ~~juvenile~~
12 ~~prostitute~~), 11-16 (pandering), 11-17 (keeping a place of
13 prostitution), 11-17.1 (keeping a place of commercial
14 sexual exploitation of a child ~~juvenile prostitution~~),
15 11-18 (patronizing a person engaged in the sex trade
16 ~~prostitute~~), 11-18.1 (patronizing a sexually exploited
17 child ~~juvenile prostitute~~), 11-19 (pimping), 11-19.1
18 (juvenile pimping or aggravated juvenile pimping), or
19 11-19.2 (exploitation of a child), is a Class 3 felony.

20 (2) A violation of subdivision (a)(2)(A) or (a)(2)(B)
21 is a Class 4 felony, unless committed within 1,000 feet of
22 real property comprising a school, in which case it is a
23 Class 3 felony.

24 (3) A violation of subdivision (a)(2)(C) is a Class 4
25 felony, unless committed within 1,000 feet of real
26 property comprising a school, in which case it is a Class 3

1 felony. A second or subsequent violation of subdivision
2 (a)(2)(C), or any combination of convictions under
3 subdivision (a)(2)(C) and subdivision (a)(1), (a)(2)(A),
4 or (a)(2)(B) of this Section (promoting prostitution),
5 11-14 (prostitution), 11-14.1 (solicitation of a sexual
6 act), 11-14.4 (promoting commercial sexual exploitation of
7 a child ~~juvenile prostitution~~), 11-15 (soliciting for a
8 person engaged in the sex trade ~~prostitute~~), 11-15.1
9 (soliciting for a sexually exploited child ~~juvenile~~
10 ~~prostitute~~), 11-16 (pandering), 11-17 (keeping a place of
11 prostitution), 11-17.1 (keeping a place of commercial
12 sexual exploitation of a child ~~juvenile prostitution~~),
13 11-18 (patronizing a person engaged in the sex trade
14 ~~prostitute~~), 11-18.1 (patronizing a sexually exploited
15 child ~~juvenile prostitute~~), 11-19 (pimping), 11-19.1
16 (juvenile pimping or aggravated juvenile pimping), or
17 11-19.2 (exploitation of a child), is a Class 3 felony.

18 If the court imposes a fine under this subsection (b), it
19 shall be collected and distributed to the Specialized Services
20 for Survivors of Human Trafficking Fund in accordance with
21 Section 5-9-1.21 of the Unified Code of Corrections.

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

23 (720 ILCS 5/11-14.4)

24 Sec. 11-14.4. Promoting commercial sexual exploitation of
25 a child ~~juvenile prostitution~~.

1 (a) Any person who knowingly performs any of the following
2 acts commits promoting commercial sexual exploitation of a
3 child juvenile prostitution:

4 (1) advances prostitution as defined in Section
5 11-0.1, where the minor engaged in prostitution, or any
6 person engaged in prostitution in the place, is under 18
7 years of age or is a person with a severe or profound
8 intellectual disability at the time of the offense;

9 (2) profits from prostitution by any means where the
10 person engaged in the sex trade ~~prostituted person~~ is a
11 sexually exploited child under 18 years of age or is a
12 person with a severe or profound intellectual disability
13 at the time of the offense;

14 (3) profits from prostitution by any means where the
15 sexually exploited child ~~prostituted person~~ is under 13
16 years of age at the time of the offense;

17 (4) confines a child under the age of 18 or a person
18 with a severe or profound intellectual disability against
19 his or her will by the infliction or threat of imminent
20 infliction of great bodily harm or permanent disability or
21 disfigurement or by administering to the child or the
22 person with a severe or profound intellectual disability,
23 without his or her consent or by threat or deception and
24 for other than medical purposes, any alcoholic intoxicant
25 or a drug as defined in the Illinois Controlled Substances
26 Act or the Cannabis Control Act or methamphetamine as

1 defined in the Methamphetamine Control and Community
2 Protection Act and:

3 (A) compels the child or the person with a severe
4 or profound intellectual disability to engage in
5 prostitution;

6 (B) arranges a situation in which the child or the
7 person with a severe or profound intellectual
8 disability may practice prostitution; or

9 (C) profits from prostitution by the child or the
10 person with a severe or profound intellectual
11 disability.

12 (b) For purposes of this Section, administering drugs, as
13 defined in subdivision (a) (4), or an alcoholic intoxicant to a
14 child under the age of 13 or a person with a severe or profound
15 intellectual disability shall be deemed to be without consent
16 if the administering is done without the consent of the
17 parents or legal guardian or if the administering is performed
18 by the parents or legal guardian for other than medical
19 purposes.

20 (c) If the accused did not have a reasonable opportunity
21 to observe the person engaged in the sex trade ~~prostituted~~
22 ~~person~~, it is an affirmative defense to a charge of promoting
23 commercial sexual exploitation of a child ~~juvenile~~
24 ~~prostitution~~, except for a charge under subdivision (a) (4),
25 that the accused reasonably believed the person was of the age
26 of 18 years or over or was not a person with a severe or

1 profound intellectual disability at the time of the act giving
2 rise to the charge.

3 (d) Sentence. A violation of subdivision (a) (1) is a Class
4 1 felony, unless committed within 1,000 feet of real property
5 comprising a school, in which case it is a Class X felony. A
6 violation of subdivision (a) (2) is a Class 1 felony. A
7 violation of subdivision (a) (3) is a Class X felony. A
8 violation of subdivision (a) (4) is a Class X felony, for which
9 the person shall be sentenced to a term of imprisonment of not
10 less than 6 years and not more than 60 years. A second or
11 subsequent violation of subdivision (a) (1), (a) (2), or (a) (3),
12 or any combination of convictions under subdivision (a) (1),
13 (a) (2), or (a) (3) and Sections 11-14 (prostitution), 11-14.1
14 (solicitation of a sexual act), 11-14.3 (promoting
15 prostitution), 11-15 (soliciting for a person engaged in the
16 sex trade prostitute), 11-15.1 (soliciting for a sexually
17 exploited child juvenile prostitute), 11-16 (pandering), 11-17
18 (keeping a place of prostitution), 11-17.1 (keeping a place of
19 commercial sexual exploitation of a child juvenile
20 prostitution), 11-18 (patronizing a person engaged in the sex
21 trade prostitute), 11-18.1 (patronizing a sexually exploited
22 child juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile
23 pimping or aggravated juvenile pimping), or 11-19.2
24 (exploitation of a child) of this Code, is a Class X felony.

25 (e) Forfeiture. Any person convicted of a violation of
26 this Section that involves promoting commercial sexual

1 exploitation of a child ~~juvenile prostitution~~ by keeping a
2 place of commercial sexual exploitation of a child ~~juvenile~~
3 ~~prostitution~~ or convicted of a violation of subdivision (a) (4)
4 is subject to the property forfeiture provisions set forth in
5 Article 124B of the Code of Criminal Procedure of 1963.

6 (f) For the purposes of this Section, "person engaged in
7 the sex trade ~~prostituted person~~" means any person who engages
8 in, or agrees or offers to engage in, any act of sexual
9 penetration as defined in Section 11-0.1 of this Code for any
10 money, property, token, object, or article or anything of
11 value, or any touching or fondling of the sex organs of one
12 person by another person, for any money, property, token,
13 object, or article or anything of value, for the purpose of
14 sexual arousal or gratification.

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

16 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

17 Sec. 11-18. Patronizing a person engaged in the sex trade
18 ~~prostitute~~.

19 (a) Any person who knowingly performs any of the following
20 acts with a person not his or her spouse commits patronizing a
21 person engaged in the sex trade ~~prostitute~~:

22 (1) Engages in an act of sexual penetration as defined
23 in Section 11-0.1 of this Code with a person engaged in the
24 sex trade ~~prostitute~~; or

25 (2) Enters or remains in a place of prostitution with

1 intent to engage in an act of sexual penetration as
2 defined in Section 11-0.1 of this Code; or

3 (3) Engages in any touching or fondling with a person
4 engaged in the sex trade ~~prostitute~~ of the sex organs of
5 one person by the other person, with the intent to achieve
6 sexual arousal or gratification.

7 (b) Sentence.

8 Patronizing a person engaged in the sex trade ~~prostitute~~
9 is a Class 4 felony, unless committed within 1,000 feet of real
10 property comprising a school, in which case it is a Class 3
11 felony. A person convicted of a second or subsequent violation
12 of this Section, or of any combination of such number of
13 convictions under this Section and Sections 11-14
14 (prostitution), 11-14.1 (solicitation of a sexual act),
15 11-14.3 (promoting prostitution), 11-14.4 (promoting
16 commercial sexual exploitation of a child ~~juvenile~~
17 ~~prostitution~~), 11-15 (soliciting for a person engaged in the
18 sex trade ~~prostitute~~), 11-15.1 (soliciting for a sexually
19 exploited child ~~juvenile prostitute~~), 11-16 (pandering), 11-17
20 (keeping a place of prostitution), 11-17.1 (keeping a place of
21 commercial sexual exploitation of a child ~~juvenile~~
22 ~~prostitution~~), 11-18.1 (patronizing a sexually exploited child
23 ~~juvenile prostitute~~), 11-19 (pimping), 11-19.1 (juvenile
24 pimping or aggravated juvenile pimping), or 11-19.2
25 (exploitation of a child) of this Code, is guilty of a Class 3
26 felony. If the court imposes a fine under this subsection (b),

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

4 (c) (Blank).

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

6 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

7 Sec. 11-18.1. Patronizing a sexually exploited child ~~minor~~
8 ~~engaged in prostitution.~~

9 (a) Any person who engages in an act of sexual penetration
10 as defined in Section 11-0.1 of this Code with a person who is
11 under 18 years of age engaged in prostitution ~~who is under 18~~
12 ~~years of age~~ or is a person with a severe or profound
13 intellectual disability commits patronizing a sexually
14 exploited child ~~minor engaged in prostitution.~~

15 (a-5) Any person who engages in any touching or fondling,
16 with a person engaged in prostitution who either is a sexually
17 exploited child ~~under 18 years of age~~ or is a person with a
18 severe or profound intellectual disability, of the sex organs
19 of one person by the other person, with the intent to achieve
20 sexual arousal or gratification, commits patronizing a
21 sexually exploited child ~~minor engaged in prostitution.~~

22 (b) It is an affirmative defense to the charge of
23 patronizing a sexually exploited child ~~minor engaged in~~
24 ~~prostitution~~ that the accused reasonably believed that the
25 person was of the age of 18 years or over or was not a person

1 with a severe or profound intellectual disability at the time
2 of the act giving rise to the charge.

3 (c) Sentence. A person who commits patronizing a sexually
4 exploited child ~~juvenile prostitute~~ is guilty of a Class 3
5 felony, unless committed within 1,000 feet of real property
6 comprising a school, in which case it is a Class 2 felony. A
7 person convicted of a second or subsequent violation of this
8 Section, or of any combination of such number of convictions
9 under this Section and Sections 11-14 (prostitution), 11-14.1
10 (solicitation of a sexual act), 11-14.3 (promoting
11 prostitution), 11-14.4 (promoting commercial sexual
12 exploitation of a child ~~juvenile prostitution~~), 11-15
13 (soliciting for a person engaged in the sex trade ~~prostitute~~),
14 11-15.1 (soliciting for a sexually exploited child ~~juvenile~~
15 ~~prostitute~~), 11-16 (pandering), 11-17 (keeping a place of
16 prostitution), 11-17.1 (keeping a place of commercial sexual
17 exploitation of a child ~~juvenile prostitution~~), 11-18
18 (patronizing a person engaged in the sex trade ~~prostitute~~),
19 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated
20 juvenile pimping), or 11-19.2 (exploitation of a child) of
21 this Code, is guilty of a Class 2 felony. The fact of such
22 conviction is not an element of the offense and may not be
23 disclosed to the jury during trial unless otherwise permitted
24 by issues properly raised during such trial.

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

1 (720 ILCS 5/33G-3)

2 (Section scheduled to be repealed on June 1, 2025)

3 Sec. 33G-3. Definitions. As used in this Article:

4 (a) "Another state" means any State of the United States
5 (other than the State of Illinois), or the District of
6 Columbia, or the Commonwealth of Puerto Rico, or any territory
7 or possession of the United States, or any political
8 subdivision, or any department, agency, or instrumentality
9 thereof.

10 (b) "Enterprise" includes:

11 (1) any partnership, corporation, association,
12 business or charitable trust, or other legal entity; and

13 (2) any group of individuals or other legal entities,
14 or any combination thereof, associated in fact although
15 not itself a legal entity. An association in fact must be
16 held together by a common purpose of engaging in a course
17 of conduct, and it may be associated together for purposes
18 that are both legal and illegal. An association in fact
19 must:

20 (A) have an ongoing organization or structure,
21 either formal or informal;

22 (B) the various members of the group must function
23 as a continuing unit, even if the group changes
24 membership by gaining or losing members over time; and

25 (C) have an ascertainable structure distinct from
26 that inherent in the conduct of a pattern of predicate

1 activity.

2 As used in this Article, "enterprise" includes licit and
3 illicit enterprises.

4 (c) "Labor organization" includes any organization, labor
5 union, craft union, or any voluntary unincorporated
6 association designed to further the cause of the rights of
7 union labor that is constituted for the purpose, in whole or in
8 part, of collective bargaining or of dealing with employers
9 concerning grievances, terms or conditions of employment, or
10 apprenticeships or applications for apprenticeships, or of
11 other mutual aid or protection in connection with employment,
12 including apprenticeships or applications for apprenticeships.

13 (d) "Operation or management" means directing or carrying
14 out the enterprise's affairs and is limited to any person who
15 knowingly serves as a leader, organizer, operator, manager,
16 director, supervisor, financier, advisor, recruiter, supplier,
17 or enforcer of an enterprise in violation of this Article.

18 (e) "Predicate activity" means any act that is a Class 2
19 felony or higher and constitutes a violation or violations of
20 any of the following provisions of the laws of the State of
21 Illinois (as amended or revised as of the date the activity
22 occurred or, in the instance of a continuing offense, the date
23 that charges under this Article are filed in a particular
24 matter in the State of Illinois) or any act under the law of
25 another jurisdiction for an offense that could be charged as a
26 Class 2 felony or higher in this State:

1 (1) under the Criminal Code of 1961 or the Criminal
2 Code of 2012: 8-1.2 (solicitation of murder for hire), 9-1
3 (first degree murder), 9-3.3 (drug-induced homicide), 10-1
4 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1
5 (aggravated unlawful restraint), 10-4 (forcible
6 detention), 10-5(b)(10) (child abduction), 10-9
7 (trafficking in persons, involuntary servitude, and
8 related offenses), 11-1.20 (criminal sexual assault),
9 11-1.30 (aggravated criminal sexual assault), 11-1.40
10 (predatory criminal sexual assault of a child), 11-1.60
11 (aggravated criminal sexual abuse), 11-6 (indecent
12 solicitation of a child), 11-6.5 (indecent solicitation of
13 an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting
14 prostitution), 11-14.4 (promoting commercial sexual
15 exploitation of a child ~~juvenile prostitution~~), 11-18.1
16 (patronizing a sexually exploited child ~~minor engaged in~~
17 ~~prostitution~~; patronizing a sexually exploited child
18 ~~juvenile prostitute~~), 12-3.05 (aggravated battery), 12-6.4
19 (criminal street gang recruitment), 12-6.5 (compelling
20 organization membership of persons), 12-7.3 (stalking),
21 12-7.4 (aggravated stalking), 12-7.5 (cyberstalking),
22 12-11 or 19-6 (home invasion), 12-11.1 or 18-6 (vehicular
23 invasion), 18-1 (robbery; aggravated robbery), 18-2 (armed
24 robbery), 18-3 (vehicular hijacking), 18-4 (aggravated
25 vehicular hijacking), 18-5 (aggravated robbery), 19-1
26 (burglary), 19-3 (residential burglary), 20-1 (arson;

1 residential arson; place of worship arson), 20-1.1
2 (aggravated arson), 20-1.2 (residential arson), 20-1.3
3 (place of worship arson), 24-1.2 (aggravated discharge of
4 a firearm), 24-1.2-5 (aggravated discharge of a machine
5 gun or silencer equipped firearm), 24-1.8 (unlawful
6 possession of a firearm by a street gang member), 24-3.2
7 (unlawful discharge of firearm projectiles), 24-3.9
8 (aggravated possession of a stolen firearm), 24-3A
9 (gunrunning), 26-5 or 48-1 (dog-fighting), 29D-14.9
10 (terrorism), 29D-15 (soliciting support for terrorism),
11 29D-15.1 (causing a catastrophe), 29D-15.2 (possession of
12 a deadly substance), 29D-20 (making a terrorist threat),
13 29D-25 (falsely making a terrorist threat), 29D-29.9
14 (material support for terrorism), 29D-35 (hindering
15 prosecution of terrorism), 31A-1.2 (unauthorized
16 contraband in a penal institution), or 33A-3 (armed
17 violence);

18 (2) under the Cannabis Control Act: Sections 5
19 (manufacture or delivery of cannabis), 5.1 (cannabis
20 trafficking), or 8 (production or possession of cannabis
21 plants), provided the offense either involves more than
22 500 grams of any substance containing cannabis or involves
23 more than 50 cannabis sativa plants;

24 (3) under the Illinois Controlled Substances Act:
25 Sections 401 (manufacture or delivery of a controlled
26 substance), 401.1 (controlled substance trafficking), 405

1 (calculated criminal drug conspiracy), or 405.2 (street
2 gang criminal drug conspiracy); or

3 (4) under the Methamphetamine Control and Community
4 Protection Act: Sections 15 (methamphetamine
5 manufacturing), or 55 (methamphetamine delivery).

6 (f) "Pattern of predicate activity" means:

7 (1) at least 3 occurrences of predicate activity that
8 are in some way related to each other and that have
9 continuity between them, and that are separate acts. Acts
10 are related to each other if they are not isolated events,
11 including if they have similar purposes, or results, or
12 participants, or victims, or are committed a similar way,
13 or have other similar distinguishing characteristics, or
14 are part of the affairs of the same enterprise. There is
15 continuity between acts if they are ongoing over a
16 substantial period, or if they are part of the regular way
17 some entity does business or conducts its affairs; and

18 (2) which occurs after the effective date of this
19 Article, and the last of which falls within 3 years
20 (excluding any period of imprisonment) after the first
21 occurrence of predicate activity.

22 (g) "Unlawful death" includes the following offenses:
23 under the Code of 1961 or the Criminal Code of 2012: Sections
24 9-1 (first degree murder) or 9-2 (second degree murder).

25 (Source: P.A. 97-686, eff. 6-11-12; 97-1150, eff. 1-25-13.)

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

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

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

8 (1) an offense prohibited by Section 9-1 (first degree
9 murder), Section 9-3 (involuntary manslaughter and
10 reckless homicide), Section 10-2 (aggravated kidnaping),
11 Section 11-1.20 (criminal sexual assault), Section 11-1.30
12 (aggravated criminal sexual assault), Section 11-1.40
13 (predatory criminal sexual assault of a child), subsection
14 (a) of Section 11-1.50 (criminal sexual abuse), subsection
15 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
16 sexual abuse), Section 11-6 (indecent solicitation of a
17 child), Section 11-14.4 (promoting commercial sexual
18 exploitation of a child ~~juvenile prostitution~~ except for
19 keeping a place of commercial sexual exploitation of a
20 child ~~juvenile prostitution~~), Section 11-20.1 (child
21 pornography), paragraph (a)(1), (a)(2), (a)(4), (b)(1),
22 (b)(2), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), or
23 (e)(7) of Section 12-3.05 (aggravated battery), Section
24 12-7.3 (stalking), Section 12-7.4 (aggravated stalking),
25 Section 16-1 (theft if the theft is of precious metal or of
26 scrap metal), subdivision (f)(2) or (f)(3) of Section

1 16-25 (retail theft), Section 18-2 (armed robbery),
2 Section 19-1 (burglary), Section 19-2 (possession of
3 burglary tools), Section 19-3 (residential burglary),
4 Section 20-1 (arson; residential arson; place of worship
5 arson), Section 20-2 (possession of explosives or
6 explosive or incendiary devices), subdivision (a)(6) or
7 (a)(7) of Section 24-1 (unlawful use of weapons), Section
8 24-1.2 (aggravated discharge of a firearm), Section
9 24-1.2-5 (aggravated discharge of a machine gun or a
10 firearm equipped with a device designed or used for
11 silencing the report of a firearm), Section 24-1.5
12 (reckless discharge of a firearm), Section 28-1
13 (gambling), or Section 29D-15.2 (possession of a deadly
14 substance) of this Code;

15 (2) an offense prohibited by Section 21, 22, 23, 24 or
16 26 of the Cigarette Tax Act if the vessel or watercraft,
17 vehicle, or aircraft contains more than 10 cartons of such
18 cigarettes;

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

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

25 (5) an offense prohibited by Section 11-204.1 of the
26 Illinois Vehicle Code (aggravated fleeing or attempting to

1 elude a peace officer);

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

7 (A) during a period in which his or her driving
8 privileges are revoked or suspended if the revocation
9 or suspension was for:

10 (i) Section 11-501 (driving under the
11 influence of alcohol or other drug or drugs,
12 intoxicating compound or compounds or any
13 combination thereof),

14 (ii) Section 11-501.1 (statutory summary
15 suspension or revocation),

16 (iii) paragraph (b) of Section 11-401 (motor
17 vehicle crashes involving death or personal
18 injuries), or

19 (iv) reckless homicide as defined in Section
20 9-3 of this Code;

21 (B) has been previously convicted of reckless
22 homicide or a similar provision of a law of another
23 state relating to reckless homicide in which the
24 person was determined to have been under the influence
25 of alcohol, other drug or drugs, or intoxicating
26 compound or compounds as an element of the offense or

1 the person has previously been convicted of committing
2 a violation of driving under the influence of alcohol
3 or other drug or drugs, intoxicating compound or
4 compounds or any combination thereof and was involved
5 in a motor vehicle crash that resulted in death, great
6 bodily harm, or permanent disability or disfigurement
7 to another, when the violation was a proximate cause
8 of the death or injuries;

9 (C) the person committed a violation of driving
10 under the influence of alcohol or other drug or drugs,
11 intoxicating compound or compounds or any combination
12 thereof under Section 11-501 of the Illinois Vehicle
13 Code or a similar provision for the third or
14 subsequent time;

15 (D) he or she did not possess a valid driver's
16 license or permit or a valid restricted driving permit
17 or a valid judicial driving permit or a valid
18 monitoring device driving permit; or

19 (E) he or she knew or should have known that the
20 vehicle he or she was driving was not covered by a
21 liability insurance policy;

22 (7) an offense described in subsection (g) of Section
23 6-303 of the Illinois Vehicle Code;

24 (8) an offense described in subsection (e) of Section
25 6-101 of the Illinois Vehicle Code; or

26 (9) (A) operating a watercraft under the influence of

1 alcohol, other drug or drugs, intoxicating compound or
2 compounds, or combination thereof under Section 5-16 of
3 the Boat Registration and Safety Act during a period in
4 which his or her privileges to operate a watercraft are
5 revoked or suspended and the revocation or suspension was
6 for operating a watercraft under the influence of alcohol,
7 other drug or drugs, intoxicating compound or compounds,
8 or combination thereof; (B) operating a watercraft under
9 the influence of alcohol, other drug or drugs,
10 intoxicating compound or compounds, or combination thereof
11 and has been previously convicted of reckless homicide or
12 a similar provision of a law in another state relating to
13 reckless homicide in which the person was determined to
14 have been under the influence of alcohol, other drug or
15 drugs, intoxicating compound or compounds, or combination
16 thereof as an element of the offense or the person has
17 previously been convicted of committing a violation of
18 operating a watercraft under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds,
20 or combination thereof and was involved in an accident
21 that resulted in death, great bodily harm, or permanent
22 disability or disfigurement to another, when the violation
23 was a proximate cause of the death or injuries; or (C) the
24 person committed a violation of operating a watercraft
25 under the influence of alcohol, other drug or drugs,
26 intoxicating compound or compounds, or combination thereof

1 under Section 5-16 of the Boat Registration and Safety Act
2 or a similar provision for the third or subsequent time.

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

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

20 (d) If the spouse of the owner of a vehicle seized for an
21 offense described in subsection (g) of Section 6-303 of the
22 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
23 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
24 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
25 Code makes a showing that the seized vehicle is the only source
26 of transportation and it is determined that the financial

1 hardship to the family as a result of the seizure outweighs the
2 benefit to the State from the seizure, the vehicle may be
3 forfeited to the spouse or family member and the title to the
4 vehicle shall be transferred to the spouse or family member
5 who is properly licensed and who requires the use of the
6 vehicle for employment or family transportation purposes. A
7 written declaration of forfeiture of a vehicle under this
8 Section shall be sufficient cause for the title to be
9 transferred to the spouse or family member. The provisions of
10 this paragraph shall apply only to one forfeiture per vehicle.
11 If the vehicle is the subject of a subsequent forfeiture
12 proceeding by virtue of a subsequent conviction of either
13 spouse or the family member, the spouse or family member to
14 whom the vehicle was forfeited under the first forfeiture
15 proceeding may not utilize the provisions of this paragraph in
16 another forfeiture proceeding. If the owner of the vehicle
17 seized owns more than one vehicle, the procedure set out in
18 this paragraph may be used for only one vehicle.

19 (e) In addition, property subject to forfeiture under
20 Section 40 of the Illinois Streetgang Terrorism Omnibus
21 Prevention Act may be seized and forfeited under this Article.
22 (Source: P.A. 102-982, eff. 7-1-23.)

23 Section 140. The Code of Criminal Procedure of 1963 is
24 amended by changing Sections 108B-3, 111-8, 124B-10, 124B-100,
25 and 124B-300 as follows:

1 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

2 Sec. 108B-3. Authorization for the interception of private
3 communication.

4 (a) The State's Attorney, or a person designated in
5 writing or by law to act for him and to perform his duties
6 during his absence or disability, may authorize, in writing,
7 an ex parte application to the chief judge of a court of
8 competent jurisdiction for an order authorizing the
9 interception of a private communication when no party has
10 consented to the interception and (i) the interception may
11 provide evidence of, or may assist in the apprehension of a
12 person who has committed, is committing or is about to commit,
13 a violation of Section 8-1(b) (solicitation of murder), 8-1.2
14 (solicitation of murder for hire), 9-1 (first degree murder),
15 10-9 (involuntary servitude, involuntary sexual servitude of a
16 minor, or trafficking in persons), paragraph (1), (2), or (3)
17 of subsection (a) of Section 11-14.4 (promoting commercial
18 sexual exploitation of a child ~~juvenile prostitution~~),
19 subdivision (a)(2)(A) or (a)(2)(B) of Section 11-14.3
20 (promoting prostitution), 11-15.1 (soliciting for a sexually
21 exploited child ~~minor engaged in prostitution~~), 11-16
22 (pandering), 11-17.1 (keeping a place of commercial sexual
23 exploitation of a child ~~juvenile prostitution~~), 11-18.1
24 (patronizing a sexually exploited child ~~minor engaged in~~
25 ~~prostitution~~), 11-19.1 (juvenile pimping and aggravated

1 juvenile pimping), or 29B-1 (money laundering) of the Criminal
2 Code of 1961 or the Criminal Code of 2012, Section 401, 401.1
3 (controlled substance trafficking), 405, 405.1 (criminal drug
4 conspiracy) or 407 of the Illinois Controlled Substances Act
5 or any Section of the Methamphetamine Control and Community
6 Protection Act, a violation of Section 24-2.1, 24-2.2, 24-3,
7 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection
8 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10),
9 or 24-1(c) of the Criminal Code of 1961 or the Criminal Code of
10 2012 or conspiracy to commit money laundering or conspiracy to
11 commit first degree murder; (ii) in response to a clear and
12 present danger of imminent death or great bodily harm to
13 persons resulting from: (1) a kidnapping or the holding of a
14 hostage by force or the threat of the imminent use of force; or
15 (2) the occupation by force or the threat of the imminent use
16 of force of any premises, place, vehicle, vessel or aircraft;
17 (iii) to aid an investigation or prosecution of a civil action
18 brought under the Illinois Streetgang Terrorism Omnibus
19 Prevention Act when there is probable cause to believe the
20 interception of the private communication will provide
21 evidence that a streetgang is committing, has committed, or
22 will commit a second or subsequent gang-related offense or
23 that the interception of the private communication will aid in
24 the collection of a judgment entered under that Act; or (iv)
25 upon information and belief that a streetgang has committed,
26 is committing, or is about to commit a felony.

1 (b) The State's Attorney or a person designated in writing
2 or by law to act for the State's Attorney and to perform his or
3 her duties during his or her absence or disability, may
4 authorize, in writing, an ex parte application to the chief
5 judge of a circuit court for an order authorizing the
6 interception of a private communication when no party has
7 consented to the interception and the interception may provide
8 evidence of, or may assist in the apprehension of a person who
9 has committed, is committing or is about to commit, a
10 violation of an offense under Article 29D of the Criminal Code
11 of 1961 or the Criminal Code of 2012.

12 (b-1) Subsection (b) is inoperative on and after January
13 1, 2005.

14 (b-2) No conversations recorded or monitored pursuant to
15 subsection (b) shall be made inadmissible in a court of law by
16 virtue of subsection (b-1).

17 (c) As used in this Section, "streetgang" and
18 "gang-related" have the meanings ascribed to them in Section
19 10 of the Illinois Streetgang Terrorism Omnibus Prevention
20 Act.

21 (Source: P.A. 96-710, eff. 1-1-10; 96-1464, eff. 8-20-10;
22 97-897, eff. 1-1-13; 97-1150, eff. 1-25-13.)

23 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

24 Sec. 111-8. Orders of protection to prohibit domestic
25 violence.

1 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
2 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
3 11-1.60, 11-14.3 that involves soliciting for a person engaged
4 in the sex trade ~~prostitute~~, 11-14.4 that involves soliciting
5 for a sexually exploited child ~~juvenile prostitute~~, 11-15,
6 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1, 12-2, 12-3,
7 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1, 12-4.3, 12-4.6,
8 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13,
9 12-14, 12-14.1, 12-15, 12-16, 19-4, 19-6, 21-1, 21-2, 21-3, or
10 26.5-2 of the Criminal Code of 1961 or the Criminal Code of
11 2012 or Section 1-1 of the Harassing and Obscene
12 Communications Act is alleged in an information, complaint or
13 indictment on file, and the alleged offender and victim are
14 family or household members, as defined in the Illinois
15 Domestic Violence Act of 1986, as now or hereafter amended,
16 the People through the respective State's Attorneys may by
17 separate petition and upon notice to the defendant, except as
18 provided in subsection (c) herein, request the court to issue
19 an order of protection.

20 (b) In addition to any other remedies specified in Section
21 208 of the Illinois Domestic Violence Act of 1986, as now or
22 hereafter amended, the order may direct the defendant to
23 initiate no contact with the alleged victim or victims who are
24 family or household members and to refrain from entering the
25 residence, school or place of business of the alleged victim
26 or victims.

1 (c) The court may grant emergency relief without notice
2 upon a showing of immediate and present danger of abuse to the
3 victim or minor children of the victim and may enter a
4 temporary order pending notice and full hearing on the matter.
5 (Source: P.A. 99-642, eff. 7-28-16.)

6 (725 ILCS 5/124B-10)

7 Sec. 124B-10. Applicability; offenses. This Article
8 applies to forfeiture of property in connection with the
9 following:

10 (1) A violation of Section 10-9 or 10A-10 of the
11 Criminal Code of 1961 or the Criminal Code of 2012
12 (involuntary servitude; involuntary servitude of a minor;
13 or trafficking in persons).

14 (2) A violation of subdivision (a)(1) of Section
15 11-14.4 of the Criminal Code of 1961 or the Criminal Code
16 of 2012 (promoting commercial sexual exploitation of a
17 child ~~juvenile prostitution~~) or a violation of Section
18 11-17.1 of the Criminal Code of 1961 (keeping a place of
19 commercial sexual exploitation of a child ~~juvenile~~
20 ~~prostitution~~).

21 (3) A violation of subdivision (a)(4) of Section
22 11-14.4 of the Criminal Code of 1961 or the Criminal Code
23 of 2012 (promoting commercial sexual exploitation of a
24 child ~~juvenile prostitution~~) or a violation of Section
25 11-19.2 of the Criminal Code of 1961 (exploitation of a

1 child).

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

5 (5) A violation of Section 11-20.1 of the Criminal
6 Code of 1961 or the Criminal Code of 2012 (child
7 pornography).

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

10 (6.5) A violation of Section 11-23.5 of the Criminal
11 Code of 2012.

12 (7) A violation of Section 12C-65 of the Criminal Code
13 of 2012 or Article 44 of the Criminal Code of 1961
14 (unlawful transfer of a telecommunications device to a
15 minor).

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

19 (9) A felony violation of Section 17-6.3 or Article
20 17B of the Criminal Code of 2012 or the Criminal Code of
21 1961 (WIC fraud).

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

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

1 (12) A felony violation of Section 4.01 of the Humane
2 Care for Animals Act (animals in entertainment).
3 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;
4 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.
5 6-1-15.)

6 (725 ILCS 5/124B-100)

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

9 (1) In the case of forfeiture authorized under Section
10 10A-15 of the Criminal Code of 1961 or Section 10-9 of the
11 Criminal Code of 2012, "offense" means the offense of
12 involuntary servitude, involuntary servitude of a minor,
13 or trafficking in persons in violation of Section 10-9 or
14 10A-10 of those Codes.

15 (2) In the case of forfeiture authorized under
16 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 "offense" means the offense of promoting commercial sexual
19 exploitation of a child ~~juvenile prostitution~~ or keeping a
20 place of commercial sexual exploitation of a child
21 ~~juvenile prostitution~~ in violation of subdivision (a) (1)
22 of Section 11-14.4, or Section 11-17.1, of those Codes.

23 (3) In the case of forfeiture authorized under
24 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
25 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 "offense" means the offense of promoting commercial sexual
2 exploitation of a child ~~juvenile prostitution~~ or
3 exploitation of a child in violation of subdivision (a) (4)
4 of Section 11-14.4, or Section 11-19.2, of those Codes.

5 (4) In the case of forfeiture authorized under Section
6 11-20 of the Criminal Code of 1961 or the Criminal Code of
7 2012, "offense" means the offense of obscenity in
8 violation of that Section.

9 (5) In the case of forfeiture authorized under Section
10 11-20.1 of the Criminal Code of 1961 or the Criminal Code
11 of 2012, "offense" means the offense of child pornography
12 in violation of Section 11-20.1 of that Code.

13 (6) In the case of forfeiture authorized under Section
14 11-20.1B or 11-20.3 of the Criminal Code of 1961,
15 "offense" means the offense of aggravated child
16 pornography in violation of Section 11-20.1B or 11-20.3 of
17 that Code.

18 (7) In the case of forfeiture authorized under Section
19 12C-65 of the Criminal Code of 2012 or Article 44 of the
20 Criminal Code of 1961, "offense" means the offense of
21 unlawful transfer of a telecommunications device to a
22 minor in violation of Section 12C-65 or Article 44 of
23 those Codes.

24 (8) In the case of forfeiture authorized under Section
25 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal
26 Code of 2012, "offense" means the offense of computer

1 fraud in violation of Section 17-50 or 16D-5 of those
2 Codes.

3 (9) In the case of forfeiture authorized under Section
4 17-6.3 or Article 17B of the Criminal Code of 1961 or the
5 Criminal Code of 2012, "offense" means any felony
6 violation of Section 17-6.3 or Article 17B of those Codes.

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

11 (11) In the case of forfeiture authorized under
12 Section 4.01 of the Humane Care for Animals Act, Section
13 26-5 of the Criminal Code of 1961, or Section 48-1 of the
14 Criminal Code of 2012, "offense" means any felony offense
15 under either of those Sections.

16 (12) In the case of forfeiture authorized under
17 Section 124B-1000(b) of the Code of Criminal Procedure of
18 1963, "offense" means an offense in violation of the
19 Criminal Code of 1961, the Criminal Code of 2012, the
20 Illinois Controlled Substances Act, the Cannabis Control
21 Act, or the Methamphetamine Control and Community
22 Protection Act, or an offense involving a
23 telecommunications device possessed by a person on the
24 real property of any elementary or secondary school
25 without authority of the school principal.

26 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;

1 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
2 1-1-13; 97-1150, eff. 1-25-13.)

3 (725 ILCS 5/124B-300)

4 Sec. 124B-300. Persons and property subject to forfeiture.
5 A person who commits the offense of involuntary servitude,
6 involuntary servitude of a minor, or trafficking of persons
7 under Section 10A-10 or Section 10-9 of the Criminal Code of
8 1961 or the Criminal Code of 2012, promoting commercial sexual
9 exploitation of a child ~~juvenile prostitution~~, keeping a place
10 of commercial sexual exploitation of a child ~~juvenile~~
11 ~~prostitution~~, or promoting prostitution that involves keeping
12 a place of prostitution under subsection (a)(1) or (a)(4) of
13 Section 11-14.4 or under Section 11-14.3, 11-17.1, or 11-19.2
14 of the Criminal Code of 1961 or of the Criminal Code of 2012
15 shall forfeit to the State of Illinois any profits or proceeds
16 and any property he or she has acquired or maintained in
17 violation of Section 10A-10 or Section 10-9 of the Criminal
18 Code of 1961 or the Criminal Code of 2012, promoting
19 commercial sexual exploitation of a child ~~juvenile~~
20 ~~prostitution~~, keeping a place of commercial sexual
21 exploitation of a child ~~juvenile prostitution~~, or promoting
22 prostitution that involves keeping a place of prostitution
23 under subsection (a)(1) or (a)(4) of Section 11-14.4 or under
24 Section 11-14.3, 11-17.1, or 11-19.2 of the Criminal Code of
25 1961 or of the Criminal Code of 2012 that the sentencing court

1 determines, after a forfeiture hearing under this Article, to
2 have been acquired or maintained as a result of maintaining a
3 person in involuntary servitude or participating in
4 trafficking of persons.

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

6 Section 145. The Sexually Violent Persons Commitment Act
7 is amended by changing Section 40 as follows:

8 (725 ILCS 207/40)

9 Sec. 40. Commitment.

10 (a) If a court or jury determines that the person who is
11 the subject of a petition under Section 15 of this Act is a
12 sexually violent person, the court shall order the person to
13 be committed to the custody of the Department for control,
14 care and treatment until such time as the person is no longer a
15 sexually violent person.

16 (b)(1) The court shall enter an initial commitment order
17 under this Section pursuant to a hearing held as soon as
18 practicable after the judgment is entered that the person who
19 is the subject of a petition under Section 15 is a sexually
20 violent person. If the court lacks sufficient information to
21 make the determination required by paragraph (b)(2) of this
22 Section immediately after trial, it may adjourn the hearing
23 and order the Department to conduct a predisposition
24 investigation or a supplementary mental examination, or both,

1 to assist the court in framing the commitment order. If the
2 Department's examining evaluator previously rendered an
3 opinion that the person who is the subject of a petition under
4 Section 15 does not meet the criteria to be found a sexually
5 violent person, then another evaluator shall conduct the
6 predisposition investigation and/or supplementary mental
7 examination. A supplementary mental examination under this
8 Section shall be conducted in accordance with Section 3-804 of
9 the Mental Health and Developmental Disabilities Code. The
10 State has the right to have the person evaluated by experts
11 chosen by the State.

12 (2) An order for commitment under this Section shall
13 specify either institutional care in a secure facility, as
14 provided under Section 50 of this Act, or conditional release.
15 In determining whether commitment shall be for institutional
16 care in a secure facility or for conditional release, the
17 court shall consider the nature and circumstances of the
18 behavior that was the basis of the allegation in the petition
19 under paragraph (b)(1) of Section 15, the person's mental
20 history and present mental condition, and what arrangements
21 are available to ensure that the person has access to and will
22 participate in necessary treatment. All treatment, whether in
23 institutional care, in a secure facility, or while on
24 conditional release, shall be conducted in conformance with
25 the standards developed under the Sex Offender Management
26 Board Act and conducted by a treatment provider licensed under

1 the Sex Offender Evaluation and Treatment Provider Act. The
2 Department shall arrange for control, care and treatment of
3 the person in the least restrictive manner consistent with the
4 requirements of the person and in accordance with the court's
5 commitment order.

6 (3) If the court finds that the person is appropriate for
7 conditional release, the court shall notify the Department.
8 The Department shall prepare a plan that identifies the
9 treatment and services, if any, that the person will receive
10 in the community. The plan shall address the person's need, if
11 any, for supervision, counseling, medication, community
12 support services, residential services, vocational services,
13 and alcohol or other drug abuse treatment. The Department may
14 contract with a county health department, with another public
15 agency or with a private agency to provide the treatment and
16 services identified in the plan. The plan shall specify who
17 will be responsible for providing the treatment and services
18 identified in the plan. The plan shall be presented to the
19 court for its approval within 60 days after the court finding
20 that the person is appropriate for conditional release, unless
21 the Department and the person to be released request
22 additional time to develop the plan. The conditional release
23 program operated under this Section is not subject to the
24 provisions of the Mental Health and Developmental Disabilities
25 Confidentiality Act.

26 (4) An order for conditional release places the person in

1 the custody and control of the Department. A person on
2 conditional release is subject to the conditions set by the
3 court and to the rules of the Department. Before a person is
4 placed on conditional release by the court under this Section,
5 the court shall so notify the municipal police department and
6 county sheriff for the municipality and county in which the
7 person will be residing. The notification requirement under
8 this Section does not apply if a municipal police department
9 or county sheriff submits to the court a written statement
10 waiving the right to be notified. Notwithstanding any other
11 provision in the Act, the person being supervised on
12 conditional release shall not reside at the same street
13 address as another sex offender being supervised on
14 conditional release under this Act, mandatory supervised
15 release, parole, aftercare release, probation, or any other
16 manner of supervision. If the Department alleges that a
17 released person has violated any condition or rule, or that
18 the safety of others requires that conditional release be
19 revoked, he or she may be taken into custody under the rules of
20 the Department.

21 At any time during which the person is on conditional
22 release, if the Department determines that the person has
23 violated any condition or rule, or that the safety of others
24 requires that conditional release be revoked, the Department
25 may request the Attorney General or State's Attorney to
26 request the court to issue an emergency ex parte order

1 directing any law enforcement officer to take the person into
2 custody and transport the person to the county jail. The
3 Department may request, or the Attorney General or State's
4 Attorney may request independently of the Department, that a
5 petition to revoke conditional release be filed. When a
6 petition is filed, the court may order the Department to issue
7 a notice to the person to be present at the Department or other
8 agency designated by the court, order a summons to the person
9 to be present, or order a body attachment for all law
10 enforcement officers to take the person into custody and
11 transport him or her to the county jail, hospital, or
12 treatment facility. The Department shall submit a statement
13 showing probable cause of the detention and a petition to
14 revoke the order for conditional release to the committing
15 court within 48 hours after the detention. The court shall
16 hear the petition within 30 days, unless the hearing or time
17 deadline is waived by the detained person. Pending the
18 revocation hearing, the Department may detain the person in a
19 jail, in a hospital or treatment facility. The State has the
20 burden of proving by clear and convincing evidence that any
21 rule or condition of release has been violated, or that the
22 safety of others requires that the conditional release be
23 revoked. If the court determines after hearing that any rule
24 or condition of release has been violated, or that the safety
25 of others requires that conditional release be revoked, it may
26 revoke the order for conditional release and order that the

1 released person be placed in an appropriate institution until
2 the person is discharged from the commitment under Section 65
3 of this Act or until again placed on conditional release under
4 Section 60 of this Act.

5 (5) An order for conditional release places the person in
6 the custody, care, and control of the Department. The court
7 shall order the person be subject to the following rules of
8 conditional release, in addition to any other conditions
9 ordered, and the person shall be given a certificate setting
10 forth the conditions of conditional release. These conditions
11 shall be that the person:

12 (A) not violate any criminal statute of any
13 jurisdiction;

14 (B) report to or appear in person before such person
15 or agency as directed by the court and the Department;

16 (C) refrain from possession of a firearm or other
17 dangerous weapon;

18 (D) not leave the State without the consent of the
19 court or, in circumstances in which the reason for the
20 absence is of such an emergency nature, that prior consent
21 by the court is not possible without the prior
22 notification and approval of the Department;

23 (E) at the direction of the Department, notify third
24 parties of the risks that may be occasioned by his or her
25 criminal record or sexual offending history or
26 characteristics, and permit the supervising officer or

1 agent to make the notification requirement;

2 (F) attend and fully participate in assessment,
3 treatment, and behavior monitoring including, but not
4 limited to, medical, psychological or psychiatric
5 treatment specific to sexual offending, drug addiction, or
6 alcoholism, to the extent appropriate to the person based
7 upon the recommendation and findings made in the
8 Department evaluation or based upon any subsequent
9 recommendations by the Department;

10 (G) waive confidentiality allowing the court and
11 Department access to assessment or treatment results or
12 both;

13 (H) work regularly at a Department approved occupation
14 or pursue a course of study or vocational training and
15 notify the Department within 72 hours of any change in
16 employment, study, or training;

17 (I) not be employed or participate in any volunteer
18 activity that involves contact with children, except under
19 circumstances approved in advance and in writing by the
20 Department officer;

21 (J) submit to the search of his or her person,
22 residence, vehicle, or any personal or real property under
23 his or her control at any time by the Department;

24 (K) financially support his or her dependents and
25 provide the Department access to any requested financial
26 information;

1 (L) serve a term of home confinement, the conditions
2 of which shall be that the person:

3 (i) remain within the interior premises of the
4 place designated for his or her confinement during the
5 hours designated by the Department;

6 (ii) admit any person or agent designated by the
7 Department into the offender's place of confinement at
8 any time for purposes of verifying the person's
9 compliance with the condition of his or her
10 confinement;

11 (iii) if deemed necessary by the Department, be
12 placed on an electronic monitoring device;

13 (M) comply with the terms and conditions of an order
14 of protection issued by the court pursuant to the Illinois
15 Domestic Violence Act of 1986. A copy of the order of
16 protection shall be transmitted to the Department by the
17 clerk of the court;

18 (N) refrain from entering into a designated geographic
19 area except upon terms the Department finds appropriate.
20 The terms may include consideration of the purpose of the
21 entry, the time of day, others accompanying the person,
22 and advance approval by the Department;

23 (O) refrain from having any contact, including written
24 or oral communications, directly or indirectly, with
25 certain specified persons including, but not limited to,
26 the victim or the victim's family, and report any

1 incidental contact with the victim or the victim's family
2 to the Department within 72 hours; refrain from entering
3 onto the premises of, traveling past, or loitering near
4 the victim's residence, place of employment, or other
5 places frequented by the victim;

6 (P) refrain from having any contact, including written
7 or oral communications, directly or indirectly, with
8 particular types of persons, including but not limited to
9 members of street gangs, drug users, drug dealers, or
10 persons engaged in the sex trade ~~prostitutes~~;

11 (Q) refrain from all contact, direct or indirect,
12 personally, by telephone, letter, or through another
13 person, with minor children without prior identification
14 and approval of the Department;

15 (R) refrain from having in his or her body the
16 presence of alcohol or any illicit drug prohibited by the
17 Cannabis Control Act, the Illinois Controlled Substances
18 Act, or the Methamphetamine Control and Community
19 Protection Act, unless prescribed by a physician, and
20 submit samples of his or her breath, saliva, blood, or
21 urine for tests to determine the presence of alcohol or
22 any illicit drug;

23 (S) not establish a dating, intimate, or sexual
24 relationship with a person without prior written
25 notification to the Department;

26 (T) neither possess or have under his or her control

1 any material that is pornographic, sexually oriented, or
2 sexually stimulating, or that depicts or alludes to sexual
3 activity or depicts minors under the age of 18, including
4 but not limited to visual, auditory, telephonic,
5 electronic media, or any matter obtained through access to
6 any computer or material linked to computer access use;

7 (U) not patronize any business providing sexually
8 stimulating or sexually oriented entertainment nor utilize
9 "900" or adult telephone numbers or any other sex-related
10 telephone numbers;

11 (V) not reside near, visit, or be in or about parks,
12 schools, day care centers, swimming pools, beaches,
13 theaters, or any other places where minor children
14 congregate without advance approval of the Department and
15 report any incidental contact with minor children to the
16 Department within 72 hours;

17 (W) not establish any living arrangement or residence
18 without prior approval of the Department;

19 (X) not publish any materials or print any
20 advertisements without providing a copy of the proposed
21 publications to the Department officer and obtaining
22 permission prior to publication;

23 (Y) not leave the county except with prior permission
24 of the Department and provide the Department officer or
25 agent with written travel routes to and from work and any
26 other designated destinations;

1 (Z) not possess or have under his or her control
2 certain specified items of contraband related to the
3 incidence of sexually offending items including video or
4 still camera items or children's toys;

5 (AA) provide a written daily log of activities as
6 directed by the Department;

7 (BB) comply with all other special conditions that the
8 Department may impose that restrict the person from
9 high-risk situations and limit access or potential
10 victims.

11 (6) A person placed on conditional release and who during
12 the term undergoes mandatory drug or alcohol testing or is
13 assigned to be placed on an approved electronic monitoring
14 device may be ordered to pay all costs incidental to the
15 mandatory drug or alcohol testing and all costs incidental to
16 the approved electronic monitoring in accordance with the
17 person's ability to pay those costs. The Department may
18 establish reasonable fees for the cost of maintenance,
19 testing, and incidental expenses related to the mandatory drug
20 or alcohol testing and all costs incidental to approved
21 electronic monitoring.

22 (Source: P.A. 97-1098, eff. 7-1-14 (see Section 5 of P.A.
23 98-612 for the effective date of P.A. 97-1098); 98-558, eff.
24 1-1-14.)

25 Section 150. The Statewide Grand Jury Act is amended by

1 changing Sections 2 and 3 as follows:

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

3 Sec. 2. (a) County grand juries and State's Attorneys have
4 always had and shall continue to have primary responsibility
5 for investigating, indicting, and prosecuting persons who
6 violate the criminal laws of the State of Illinois. However,
7 in recent years organized terrorist activity directed against
8 innocent civilians and certain criminal enterprises have
9 developed that require investigation, indictment, and
10 prosecution on a statewide or multicounty level. The criminal
11 enterprises exist as a result of the allure of profitability
12 present in narcotic activity, the unlawful sale and transfer
13 of firearms, and streetgang related felonies and organized
14 terrorist activity is supported by the contribution of money
15 and expert assistance from geographically diverse sources. In
16 order to shut off the life blood of terrorism and weaken or
17 eliminate the criminal enterprises, assets, and property used
18 to further these offenses must be frozen, and any profit must
19 be removed. State statutes exist that can accomplish that
20 goal. Among them are the offense of money laundering,
21 violations of Article 29D of the Criminal Code of 1961 or the
22 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,
23 and gunrunning. Local prosecutors need investigative personnel
24 and specialized training to attack and eliminate these
25 profits. In light of the transitory and complex nature of

1 conduct that constitutes these criminal activities, the many
2 diverse property interests that may be used, acquired directly
3 or indirectly as a result of these criminal activities, and
4 the many places that illegally obtained property may be
5 located, it is the purpose of this Act to create a limited,
6 multicounty Statewide Grand Jury with authority to
7 investigate, indict, and prosecute: narcotic activity,
8 including cannabis and controlled substance trafficking,
9 narcotics racketeering, money laundering, violations of the
10 Cannabis and Controlled Substances Tax Act, and violations of
11 Article 29D of the Criminal Code of 1961 or the Criminal Code
12 of 2012; the unlawful sale and transfer of firearms;
13 gunrunning; and streetgang related felonies.

14 (b) A Statewide Grand Jury may also investigate, indict,
15 and prosecute violations facilitated by the use of a computer
16 of any of the following offenses: indecent solicitation of a
17 child, sexual exploitation of a child, soliciting for a
18 sexually exploited child ~~juvenile prostitute~~, keeping a place
19 of commercial sexual exploitation of a child ~~juvenile~~
20 ~~prostitution~~, juvenile pimping, child pornography, aggravated
21 child pornography, or promoting commercial sexual exploitation
22 of a child ~~juvenile prostitution~~ except as described in
23 subdivision (a) (4) of Section 11-14.4 of the Criminal Code of
24 1961 or the Criminal Code of 2012.

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

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

2 (725 ILCS 215/3) (from Ch. 38, par. 1703)

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

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

17 (a) that he or she believes that the grand jury
18 function for the investigation and indictment of the
19 offense or offenses cannot effectively be performed by a
20 county grand jury together with the reasons for such
21 belief, and

22 (b) (1) that each State's Attorney with jurisdiction
23 over an offense or offenses to be investigated has
24 consented to the impaneling of the Statewide Grand Jury,
25 or

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

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

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

24 (a-5) For violations facilitated by the use of a
25 computer, including the use of the Internet, the World
26 Wide Web, electronic mail, message board, newsgroup, or

1 any other commercial or noncommercial on-line service, of
2 any of the following offenses: indecent solicitation of a
3 child, sexual exploitation of a child, soliciting for a
4 sexually exploited child ~~juvenile prostitute~~, keeping a
5 place of commercial sexual exploitation of a child
6 ~~juvenile prostitution~~, juvenile pimping, child
7 pornography, aggravated child pornography, or promoting
8 commercial sexual exploitation of a child ~~juvenile~~
9 ~~prostitution~~ except as described in subdivision (a)(4) of
10 Section 11-14.4 of the Criminal Code of 1961 or the
11 Criminal Code of 2012; and

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

16 "Streetgang related" has the meaning ascribed to it in
17 Section 10 of the Illinois Streetgang Terrorism Omnibus
18 Prevention Act.

19 Upon written application by the Attorney General for the
20 convening of an additional Statewide Grand Jury, the Chief
21 Justice of the Supreme Court shall appoint a Circuit Judge
22 from the circuit for which the additional Statewide Grand Jury
23 is sought. The Circuit Judge shall determine the necessity for
24 an additional Statewide Grand Jury in accordance with the
25 provisions of this Section. No more than 2 Statewide Grand
26 Juries may be empaneled at any time.

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

2 Section 155. The Unified Code of Corrections is amended by
3 changing Sections 3-1-2, 3-2.5-95, 3-3-7, 5-5-3, 5-5-3.2,
4 5-6-3, 5-6-3.1, and 5-9-1.7 as follows:

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

6 Sec. 3-1-2. Definitions.

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

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

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

21 (i) A violation of any of the following Sections of
22 the Criminal Code of 1961 or the Criminal Code of 2012:
23 10-7 (aiding or abetting child abduction under Section
24 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent

1 solicitation of a child), 11-6.5 (indecent solicitation of
2 an adult), 11-14.4 (promoting commercial sexual
3 exploitation of a child ~~juvenile prostitution~~), 11-15.1
4 (soliciting for a sexually exploited child ~~juvenile~~
5 ~~prostitute~~), 11-17.1 (keeping a place of commercial sexual
6 exploitation of a child ~~juvenile prostitution~~), 11-18.1
7 (patronizing a sexually exploited child ~~juvenile~~
8 ~~prostitute~~), 11-19.1 (juvenile pimping), 11-19.2
9 (exploitation of a child), 11-20.1 (child pornography),
10 11-20.1B or 11-20.3 (aggravated child pornography),
11 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
12 child), or 12-33 (ritualized abuse of a child). An attempt
13 to commit any of these offenses.

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

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

25 10-1 (kidnapping),

26 10-2 (aggravated kidnapping),

1 10-3 (unlawful restraint),

2 10-3.1 (aggravated unlawful restraint).

3 An attempt to commit any of these offenses.

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

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

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

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

25 (c-5) "Computer scrub software" means any third-party
26 added software, designed to delete information from the

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

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

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

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

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

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

1 (f-5) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (730 ILCS 5/3-2.5-95)

2 Sec. 3-2.5-95. Conditions of aftercare release.

3 (a) The conditions of aftercare release for all youth
4 committed to the Department under the Juvenile Court Act of
5 1987 shall be such as the Department of Juvenile Justice deems
6 necessary to assist the youth in leading a law-abiding life.
7 The conditions of every aftercare release are that the youth:

8 (1) not violate any criminal statute of any
9 jurisdiction during the aftercare release term;

10 (2) refrain from possessing a firearm or other
11 dangerous weapon;

12 (3) report to an agent of the Department;

13 (4) permit the agent or aftercare specialist to visit
14 the youth at his or her home, employment, or elsewhere to
15 the extent necessary for the agent or aftercare specialist
16 to discharge his or her duties;

17 (5) reside at a Department-approved host site;

18 (6) secure permission before visiting or writing a
19 committed person in an Illinois Department of Corrections
20 or Illinois Department of Juvenile Justice facility;

21 (7) report all arrests to an agent of the Department
22 as soon as permitted by the arresting authority but in no
23 event later than 24 hours after release from custody and
24 immediately report service or notification of an order of
25 protection, a civil no contact order, or a stalking no

1 contact order to an agent of the Department;

2 (8) obtain permission of an agent of the Department
3 before leaving the State of Illinois;

4 (9) obtain permission of an agent of the Department
5 before changing his or her residence or 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 an agent of the
12 Department;

13 (12) not frequent places where controlled substances
14 are illegally sold, used, distributed, or administered;

15 (13) not knowingly associate with other persons on
16 parole, aftercare release, or mandatory supervised release
17 without prior written permission of his or her aftercare
18 specialist and not associate with persons who are members
19 of an organized gang as that term is defined in the
20 Illinois Streetgang Terrorism Omnibus Prevention Act;

21 (14) provide true and accurate information, as it
22 relates to his or her adjustment in the community while on
23 aftercare release or to his or her conduct while
24 incarcerated, in response to inquiries by an agent of the
25 Department;

26 (15) follow any specific instructions provided by the

1 agent that are consistent with furthering conditions set
2 and approved by the Department or by law to achieve the
3 goals and objectives of his or her aftercare release or to
4 protect the public; these instructions by the agent may be
5 modified at any time, as the agent deems appropriate;

6 (16) comply with the terms and conditions of an order
7 of protection issued under the Illinois Domestic Violence
8 Act of 1986; an order of protection issued by the court of
9 another state, tribe, or United States territory; a no
10 contact order issued under the Civil No Contact Order Act;
11 or a no contact order issued under the Stalking No Contact
12 Order Act;

13 (17) if convicted of a sex offense as defined in the
14 Sex Offender Management Board Act, and a sex offender
15 treatment provider has evaluated and recommended further
16 sex offender treatment while on aftercare release, the
17 youth shall undergo treatment by a sex offender treatment
18 provider or associate sex offender provider as defined in
19 the Sex Offender Management Board Act at his or her
20 expense based on his or her ability to pay for the
21 treatment;

22 (18) if convicted of a sex offense as defined in the
23 Sex Offender Management Board Act, refrain from residing
24 at the same address or in the same condominium unit or
25 apartment unit or in the same condominium complex or
26 apartment complex with another person he or she knows or

1 reasonably should know is a convicted sex offender or has
2 been placed on supervision for a sex offense; the
3 provisions of this paragraph do not apply to a person
4 convicted of a sex offense who is placed in a Department of
5 Corrections licensed transitional housing facility for sex
6 offenders, or is in any facility operated or licensed by
7 the Department of Children and Family Services or by the
8 Department of Human Services, or is in any licensed
9 medical facility;

10 (19) if convicted for an offense that would qualify
11 the offender as a sexual predator under the Sex Offender
12 Registration Act wear an approved electronic monitoring
13 device as defined in Section 5-8A-2 for the duration of
14 the youth's aftercare release term and if convicted for an
15 offense of criminal sexual assault, aggravated criminal
16 sexual assault, predatory criminal sexual assault of a
17 child, criminal sexual abuse, aggravated criminal sexual
18 abuse, or ritualized abuse of a child when the victim was
19 under 18 years of age at the time of the commission of the
20 offense and the offender used force or the threat of force
21 in the commission of the offense wear an approved
22 electronic monitoring device as defined in Section 5-8A-2
23 that has Global Positioning System (GPS) capability for
24 the duration of the youth's aftercare release term;

25 (20) if convicted for an offense that would qualify
26 the offender as a child sex offender as defined in Section

1 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, refrain from communicating with or
3 contacting, by means of the Internet, a person who is not
4 related to the offender and whom the offender reasonably
5 believes to be under 18 years of age; for purposes of this
6 paragraph (20), "Internet" has the meaning ascribed to it
7 in Section 16-0.1 of the Criminal Code of 2012; and a
8 person is not related to the offender if the person is not:
9 (A) the spouse, brother, or sister of the offender; (B) a
10 descendant of the offender; (C) a first or second cousin
11 of the offender; or (D) a step-child or adopted child of
12 the offender;

13 (21) if convicted under Section 11-6, 11-20.1,
14 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
15 or the Criminal Code of 2012, consent to search of
16 computers, PDAs, cellular phones, and other devices under
17 his or her control that are capable of accessing the
18 Internet or storing electronic files, in order to confirm
19 Internet protocol addresses reported in accordance with
20 the Sex Offender Registration Act and compliance with
21 conditions in this Act;

22 (22) if convicted for an offense that would qualify
23 the offender as a sex offender or sexual predator under
24 the Sex Offender Registration Act, not possess
25 prescription drugs for erectile dysfunction;

26 (23) if convicted for an offense under Section 11-6,

1 11-9.1, 11-14.4 that involves soliciting for a sexually
2 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,
3 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
4 or the Criminal Code of 2012, or any attempt to commit any
5 of these offenses:

6 (A) not access or use a computer or any other
7 device with Internet capability without the prior
8 written approval of the Department;

9 (B) submit to periodic unannounced examinations of
10 the youth's computer or any other device with Internet
11 capability by the youth's aftercare specialist, a law
12 enforcement officer, or assigned computer or
13 information technology specialist, including the
14 retrieval and copying of all data from the computer or
15 device and any internal or external peripherals and
16 removal of the information, equipment, or device to
17 conduct a more thorough inspection;

18 (C) submit to the installation on the youth's
19 computer or device with Internet capability, at the
20 youth's expense, of one or more hardware or software
21 systems to monitor the Internet use; and

22 (D) submit to any other appropriate restrictions
23 concerning the youth's use of or access to a computer
24 or any other device with Internet capability imposed
25 by the Department or the youth's aftercare specialist;

26 (24) if convicted of a sex offense as defined in the

1 Sex Offender Registration Act, refrain from accessing or
2 using a social networking website as defined in Section
3 17-0.5 of the Criminal Code of 2012;

4 (25) if convicted of a sex offense as defined in
5 Section 2 of the Sex Offender Registration Act that
6 requires the youth to register as a sex offender under
7 that Act, not knowingly use any computer scrub software on
8 any computer that the youth uses;

9 (26) if convicted of a sex offense as defined in
10 subsection (a-5) of Section 3-1-2 of this Code, unless the
11 youth is a parent or guardian of a person under 18 years of
12 age present in the home and no non-familial minors are
13 present, not participate in a holiday event involving
14 children under 18 years of age, such as distributing candy
15 or other items to children on Halloween, wearing a Santa
16 Claus costume on or preceding Christmas, being employed as
17 a department store Santa Claus, or wearing an Easter Bunny
18 costume on or preceding Easter;

19 (27) if convicted of a violation of an order of
20 protection under Section 12-3.4 or Section 12-30 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, be
22 placed under electronic surveillance as provided in
23 Section 5-8A-7 of this Code; and

24 (28) if convicted of a violation of the
25 Methamphetamine Control and Community Protection Act, the
26 Methamphetamine Precursor Control Act, or a

1 methamphetamine related offense, be:

2 (A) prohibited from purchasing, possessing, or
3 having under his or her control any product containing
4 pseudoephedrine unless prescribed by a physician; and

5 (B) prohibited from purchasing, possessing, or
6 having under his or her control any product containing
7 ammonium nitrate.

8 (b) The Department may in addition to other conditions
9 require that the youth:

10 (1) work or pursue a course of study or vocational
11 training;

12 (2) undergo medical or psychiatric treatment, or
13 treatment for drug addiction or alcoholism;

14 (3) attend or reside in a facility established for the
15 instruction or residence of persons on probation or
16 aftercare release;

17 (4) support his or her dependents;

18 (5) if convicted for an offense that would qualify the
19 youth as a child sex offender as defined in Section 11-9.3
20 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code
21 of 2012, refrain from communicating with or contacting, by
22 means of the Internet, a person who is related to the youth
23 and whom the youth reasonably believes to be under 18
24 years of age; for purposes of this paragraph (5),
25 "Internet" has the meaning ascribed to it in Section
26 16-0.1 of the Criminal Code of 2012; and a person is

1 related to the youth if the person is: (A) the spouse,
2 brother, or sister of the youth; (B) a descendant of the
3 youth; (C) a first or second cousin of the youth; or (D) a
4 step-child or adopted child of the youth;

5 (6) if convicted for an offense that would qualify as
6 a sex offense as defined in the Sex Offender Registration
7 Act:

8 (A) not access or use a computer or any other
9 device with Internet capability without the prior
10 written approval of the Department;

11 (B) submit to periodic unannounced examinations of
12 the youth's computer or any other device with Internet
13 capability by the youth's aftercare specialist, a law
14 enforcement officer, or assigned computer or
15 information technology specialist, including the
16 retrieval and copying of all data from the computer or
17 device and any internal or external peripherals and
18 removal of the information, equipment, or device to
19 conduct a more thorough inspection;

20 (C) submit to the installation on the youth's
21 computer or device with Internet capability, at the
22 youth's offender's expense, of one or more hardware or
23 software systems to monitor the Internet use; and

24 (D) submit to any other appropriate restrictions
25 concerning the youth's use of or access to a computer
26 or any other device with Internet capability imposed

1 by the Department or the youth's aftercare specialist;

2 and

3 (7) in addition to other conditions:

4 (A) reside with his or her parents or in a foster
5 home;

6 (B) attend school;

7 (C) attend a non-residential program for youth; or

8 (D) contribute to his or her own support at home or
9 in a foster home.

10 (c) In addition to the conditions under subsections (a)
11 and (b) of this Section, youths required to register as sex
12 offenders under the Sex Offender Registration Act, upon
13 release from the custody of the Department of Juvenile
14 Justice, may be required by the Department to comply with the
15 following specific conditions of release:

16 (1) reside only at a Department approved location;

17 (2) comply with all requirements of the Sex Offender
18 Registration Act;

19 (3) notify third parties of the risks that may be
20 occasioned by his or her criminal record;

21 (4) obtain the approval of an agent of the Department
22 prior to accepting employment or pursuing a course of
23 study or vocational training and notify the Department
24 prior to any change in employment, study, or training;

25 (5) not be employed or participate in any volunteer
26 activity that involves contact with children, except under

1 circumstances approved in advance and in writing by an
2 agent of the Department;

3 (6) be electronically monitored for a specified period
4 of time from the date of release as determined by the
5 Department;

6 (7) refrain from entering into a designated geographic
7 area except upon terms approved in advance by an agent of
8 the Department; these terms may include consideration of
9 the purpose of the entry, the time of day, and others
10 accompanying the youth;

11 (8) refrain from having any contact, including written
12 or oral communications, directly or indirectly, personally
13 or by telephone, letter, or through a third party with
14 certain specified persons including, but not limited to,
15 the victim or the victim's family without the prior
16 written approval of an agent of the Department;

17 (9) refrain from all contact, directly or indirectly,
18 personally, by telephone, letter, or through a third
19 party, with minor children without prior identification
20 and approval of an agent of the Department;

21 (10) neither possess or have under his or her control
22 any material that is sexually oriented, sexually
23 stimulating, or that shows male or female sex organs or
24 any pictures depicting children under 18 years of age nude
25 or any written or audio material describing sexual
26 intercourse or that depicts or alludes to sexual activity,

1 including, but not limited to, visual, auditory,
2 telephonic, or electronic media, or any matter obtained
3 through access to any computer or material linked to
4 computer access use;

5 (11) not patronize any business providing sexually
6 stimulating or sexually oriented entertainment nor utilize
7 "900" or adult telephone numbers;

8 (12) not reside near, visit, or be in or about parks,
9 schools, day care centers, swimming pools, beaches,
10 theaters, or any other places where minor children
11 congregate without advance approval of an agent of the
12 Department and immediately report any incidental contact
13 with minor children to the Department;

14 (13) not possess or have under his or her control
15 certain specified items of contraband related to the
16 incidence of sexually offending as determined by an agent
17 of the Department;

18 (14) may be required to provide a written daily log of
19 activities if directed by an agent of the Department;

20 (15) comply with all other special conditions that the
21 Department may impose that restrict the youth from
22 high-risk situations and limit access to potential
23 victims;

24 (16) take an annual polygraph exam;

25 (17) maintain a log of his or her travel; or

26 (18) obtain prior approval of an agent of the

1 Department before driving alone in a motor vehicle.

2 (d) The conditions under which the aftercare release is to
3 be served shall be communicated to the youth in writing prior
4 to his or her release, and he or she shall sign the same before
5 release. A signed copy of these conditions, including a copy
6 of an order of protection if one had been issued by the
7 criminal court, shall be retained by the youth and another
8 copy forwarded to the officer or aftercare specialist in
9 charge of his or her supervision.

10 (e) After a revocation hearing under Section 3-3-9.5, the
11 Department of Juvenile Justice may modify or enlarge the
12 conditions of aftercare release.

13 (f) The Department shall inform all youth of the optional
14 services available to them upon release and shall assist youth
15 in availing themselves of the optional services upon their
16 release on a voluntary basis.

17 (Source: P.A. 99-628, eff. 1-1-17.)

18 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

19 Sec. 3-3-7. Conditions of parole or mandatory supervised
20 release.

21 (a) The conditions of parole or mandatory supervised
22 release shall be such as the Prisoner Review Board deems
23 necessary to assist the subject in leading a law-abiding life.
24 The conditions of every parole and mandatory supervised
25 release are that the subject:

1 (1) not violate any criminal statute of any
2 jurisdiction during the parole or release term;

3 (2) refrain from possessing a firearm or other
4 dangerous weapon;

5 (3) report to an agent of the Department of
6 Corrections;

7 (4) permit the agent to visit him or her at his or her
8 home, employment, or elsewhere to the extent necessary for
9 the agent to discharge his or her duties;

10 (5) attend or reside in a facility established for the
11 instruction or residence of persons on parole or mandatory
12 supervised release;

13 (6) secure permission before visiting or writing a
14 committed person in an Illinois Department of Corrections
15 facility;

16 (7) report all arrests to an agent of the Department
17 of Corrections as soon as permitted by the arresting
18 authority but in no event later than 24 hours after
19 release from custody and immediately report service or
20 notification of an order of protection, a civil no contact
21 order, or a stalking no contact order to an agent of the
22 Department of Corrections;

23 (7.5) if convicted of a sex offense as defined in the
24 Sex Offender Management Board Act, the individual shall
25 undergo and successfully complete sex offender treatment
26 conducted in conformance with the standards developed by

1 the Sex Offender Management Board Act by a treatment
2 provider approved by the Board;

3 (7.6) if convicted of a sex offense as defined in the
4 Sex Offender Management Board Act, refrain from residing
5 at the same address or in the same condominium unit or
6 apartment unit or in the same condominium complex or
7 apartment complex with another person he or she knows or
8 reasonably should know is a convicted sex offender or has
9 been placed on supervision for a sex offense; the
10 provisions of this paragraph do not apply to a person
11 convicted of a sex offense who is placed in a Department of
12 Corrections licensed transitional housing facility for sex
13 offenders, or is in any facility operated or licensed by
14 the Department of Children and Family Services or by the
15 Department of Human Services, or is in any licensed
16 medical facility;

17 (7.7) if convicted for an offense that would qualify
18 the accused as a sexual predator under the Sex Offender
19 Registration Act on or after January 1, 2007 (the
20 effective date of Public Act 94-988), wear an approved
21 electronic monitoring device as defined in Section 5-8A-2
22 for the duration of the person's parole, mandatory
23 supervised release term, or extended mandatory supervised
24 release term and if convicted for an offense of criminal
25 sexual assault, aggravated criminal sexual assault,
26 predatory criminal sexual assault of a child, criminal

1 sexual abuse, aggravated criminal sexual abuse, or
2 ritualized abuse of a child committed on or after August
3 11, 2009 (the effective date of Public Act 96-236) when
4 the victim was under 18 years of age at the time of the
5 commission of the offense and the defendant used force or
6 the threat of force in the commission of the offense wear
7 an approved electronic monitoring device as defined in
8 Section 5-8A-2 that has Global Positioning System (GPS)
9 capability for the duration of the person's parole,
10 mandatory supervised release term, or extended mandatory
11 supervised release term;

12 (7.8) if convicted for an offense committed on or
13 after June 1, 2008 (the effective date of Public Act
14 95-464) that would qualify the accused as a child sex
15 offender as defined in Section 11-9.3 or 11-9.4 of the
16 Criminal Code of 1961 or the Criminal Code of 2012,
17 refrain from communicating with or contacting, by means of
18 the Internet, a person who is not related to the accused
19 and whom the accused reasonably believes to be under 18
20 years of age; for purposes of this paragraph (7.8),
21 "Internet" has the meaning ascribed to it in Section
22 16-0.1 of the Criminal Code of 2012; and a person is not
23 related to the accused if the person is not: (i) the
24 spouse, brother, or sister of the accused; (ii) a
25 descendant of the accused; (iii) a first or second cousin
26 of the accused; or (iv) a step-child or adopted child of

1 the accused;

2 (7.9) if convicted under Section 11-6, 11-20.1,
3 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
4 or the Criminal Code of 2012, consent to search of
5 computers, PDAs, cellular phones, and other devices under
6 his or her control that are capable of accessing the
7 Internet or storing electronic files, in order to confirm
8 Internet protocol addresses reported in accordance with
9 the Sex Offender Registration Act and compliance with
10 conditions in this Act;

11 (7.10) if convicted for an offense that would qualify
12 the accused as a sex offender or sexual predator under the
13 Sex Offender Registration Act on or after June 1, 2008
14 (the effective date of Public Act 95-640), not possess
15 prescription drugs for erectile dysfunction;

16 (7.11) if convicted for an offense under Section 11-6,
17 11-9.1, 11-14.4 that involves soliciting for a sexually
18 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,
19 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
20 or the Criminal Code of 2012, or any attempt to commit any
21 of these offenses, committed on or after June 1, 2009 (the
22 effective date of Public Act 95-983):

23 (i) not access or use a computer or any other
24 device with Internet capability without the prior
25 written approval of the Department;

26 (ii) submit to periodic unannounced examinations

1 of the offender's computer or any other device with
2 Internet capability by the offender's supervising
3 agent, a law enforcement officer, or assigned computer
4 or information technology specialist, including the
5 retrieval and copying of all data from the computer or
6 device and any internal or external peripherals and
7 removal of such information, equipment, or device to
8 conduct a more thorough inspection;

9 (iii) submit to the installation on the offender's
10 computer or device with Internet capability, at the
11 offender's expense, of one or more hardware or
12 software systems to monitor the Internet use; and

13 (iv) submit to any other appropriate restrictions
14 concerning the offender's use of or access to a
15 computer or any other device with Internet capability
16 imposed by the Board, the Department or the offender's
17 supervising agent;

18 (7.12) if convicted of a sex offense as defined in the
19 Sex Offender Registration Act committed on or after
20 January 1, 2010 (the effective date of Public Act 96-262),
21 refrain from accessing or using a social networking
22 website as defined in Section 17-0.5 of the Criminal Code
23 of 2012;

24 (7.13) if convicted of a sex offense as defined in
25 Section 2 of the Sex Offender Registration Act committed
26 on or after January 1, 2010 (the effective date of Public

1 Act 96-362) that requires the person to register as a sex
2 offender under that Act, may not knowingly use any
3 computer scrub software on any computer that the sex
4 offender uses;

5 (8) obtain permission of an agent of the Department of
6 Corrections before leaving the State of Illinois;

7 (9) obtain permission of an agent of the Department of
8 Corrections before changing his or her residence or
9 employment;

10 (10) consent to a search of his or her person,
11 property, or residence under his or her control;

12 (11) refrain from the use or possession of narcotics
13 or other controlled substances in any form, or both, or
14 any paraphernalia related to those substances and submit
15 to a urinalysis test as instructed by a parole agent of the
16 Department of Corrections if there is reasonable suspicion
17 of illicit drug use and the source of the reasonable
18 suspicion is documented in the Department's case
19 management system;

20 (12) not knowingly frequent places where controlled
21 substances are illegally sold, used, distributed, or
22 administered;

23 (13) except when the association described in either
24 subparagraph (A) or (B) of this paragraph (13) involves
25 activities related to community programs, worship
26 services, volunteering, engaging families, or some other

1 pro-social activity in which there is no evidence of
2 criminal intent:

3 (A) not knowingly associate with other persons on
4 parole or mandatory supervised release without prior
5 written permission of his or her parole agent; or

6 (B) not knowingly associate with persons who are
7 members of an organized gang as that term is defined in
8 the Illinois Streetgang Terrorism Omnibus Prevention
9 Act;

10 (14) provide true and accurate information, as it
11 relates to his or her adjustment in the community while on
12 parole or mandatory supervised release or to his or her
13 conduct while incarcerated, in response to inquiries by
14 his or her parole agent or of the Department of
15 Corrections;

16 (15) follow any specific instructions provided by the
17 parole agent that are consistent with furthering
18 conditions set and approved by the Prisoner Review Board
19 or by law, exclusive of placement on electronic detention,
20 to achieve the goals and objectives of his or her parole or
21 mandatory supervised release or to protect the public.
22 These instructions by the parole agent may be modified at
23 any time, as the agent deems appropriate;

24 (16) if convicted of a sex offense as defined in
25 subsection (a-5) of Section 3-1-2 of this Code, unless the
26 offender is a parent or guardian of the person under 18

1 years of age present in the home and no non-familial
2 minors are present, not participate in a holiday event
3 involving children under 18 years of age, such as
4 distributing candy or other items to children on
5 Halloween, wearing a Santa Claus costume on or preceding
6 Christmas, being employed as a department store Santa
7 Claus, or wearing an Easter Bunny costume on or preceding
8 Easter;

9 (17) if convicted of a violation of an order of
10 protection under Section 12-3.4 or Section 12-30 of the
11 Criminal Code of 1961 or the Criminal Code of 2012, be
12 placed under electronic surveillance as provided in
13 Section 5-8A-7 of this Code;

14 (18) comply with the terms and conditions of an order
15 of protection issued pursuant to the Illinois Domestic
16 Violence Act of 1986; an order of protection issued by the
17 court of another state, tribe, or United States territory;
18 a no contact order issued pursuant to the Civil No Contact
19 Order Act; or a no contact order issued pursuant to the
20 Stalking No Contact Order Act;

21 (19) if convicted of a violation of the
22 Methamphetamine Control and Community Protection Act, the
23 Methamphetamine Precursor Control Act, or a
24 methamphetamine related offense, be:

25 (A) prohibited from purchasing, possessing, or
26 having under his or her control any product containing

1 pseudoephedrine unless prescribed by a physician; and

2 (B) prohibited from purchasing, possessing, or
3 having under his or her control any product containing
4 ammonium nitrate;

5 (20) if convicted of a hate crime under Section 12-7.1
6 of the Criminal Code of 2012, perform public or community
7 service of no less than 200 hours and enroll in an
8 educational program discouraging hate crimes involving the
9 protected class identified in subsection (a) of Section
10 12-7.1 of the Criminal Code of 2012 that gave rise to the
11 offense the offender committed ordered by the court; and

12 (21) be evaluated by the Department of Corrections
13 prior to release using a validated risk assessment and be
14 subject to a corresponding level of supervision. In
15 accordance with the findings of that evaluation:

16 (A) All subjects found to be at a moderate or high
17 risk to recidivate, or on parole or mandatory
18 supervised release for first degree murder, a forcible
19 felony as defined in Section 2-8 of the Criminal Code
20 of 2012, any felony that requires registration as a
21 sex offender under the Sex Offender Registration Act,
22 or a Class X felony or Class 1 felony that is not a
23 violation of the Cannabis Control Act, the Illinois
24 Controlled Substances Act, or the Methamphetamine
25 Control and Community Protection Act, shall be subject
26 to high level supervision. The Department shall define

1 high level supervision based upon evidence-based and
2 research-based practices. Notwithstanding this
3 placement on high level supervision, placement of the
4 subject on electronic monitoring or detention shall
5 not occur unless it is required by law or expressly
6 ordered or approved by the Prisoner Review Board.

7 (B) All subjects found to be at a low risk to
8 recidivate shall be subject to low-level supervision,
9 except for those subjects on parole or mandatory
10 supervised release for first degree murder, a forcible
11 felony as defined in Section 2-8 of the Criminal Code
12 of 2012, any felony that requires registration as a
13 sex offender under the Sex Offender Registration Act,
14 or a Class X felony or Class 1 felony that is not a
15 violation of the Cannabis Control Act, the Illinois
16 Controlled Substances Act, or the Methamphetamine
17 Control and Community Protection Act. Low level
18 supervision shall require the subject to check in with
19 the supervising officer via phone or other electronic
20 means. Notwithstanding this placement on low level
21 supervision, placement of the subject on electronic
22 monitoring or detention shall not occur unless it is
23 required by law or expressly ordered or approved by
24 the Prisoner Review Board.

25 (b) The Board may after making an individualized
26 assessment pursuant to subsection (a) of Section 3-14-2 in

1 addition to other conditions require that the subject:

2 (1) work or pursue a course of study or vocational
3 training;

4 (2) undergo medical or psychiatric treatment, or
5 treatment for drug addiction or alcoholism;

6 (3) attend or reside in a facility established for the
7 instruction or residence of persons on probation or
8 parole;

9 (4) support his or her dependents;

10 (5) (blank);

11 (6) (blank);

12 (7) (blank);

13 (7.5) if convicted for an offense committed on or
14 after the effective date of this amendatory Act of the
15 95th General Assembly that would qualify the accused as a
16 child sex offender as defined in Section 11-9.3 or 11-9.4
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 refrain from communicating with or contacting, by means of
19 the Internet, a person who is related to the accused and
20 whom the accused reasonably believes to be under 18 years
21 of age; for purposes of this paragraph (7.5), "Internet"
22 has the meaning ascribed to it in Section 16-0.1 of the
23 Criminal Code of 2012; and a person is related to the
24 accused if the person is: (i) the spouse, brother, or
25 sister of the accused; (ii) a descendant of the accused;
26 (iii) a first or second cousin of the accused; or (iv) a

1 step-child or adopted child of the accused;

2 (7.6) if convicted for an offense committed on or
3 after June 1, 2009 (the effective date of Public Act
4 95-983) that would qualify as a sex offense as defined in
5 the Sex Offender Registration Act:

6 (i) not access or use a computer or any other
7 device with Internet capability without the prior
8 written approval of the Department;

9 (ii) submit to periodic unannounced examinations
10 of the offender's computer or any other device with
11 Internet capability by the offender's supervising
12 agent, a law enforcement officer, or assigned computer
13 or information technology specialist, including the
14 retrieval and copying of all data from the computer or
15 device and any internal or external peripherals and
16 removal of such information, equipment, or device to
17 conduct a more thorough inspection;

18 (iii) submit to the installation on the offender's
19 computer or device with Internet capability, at the
20 offender's expense, of one or more hardware or
21 software systems to monitor the Internet use; and

22 (iv) submit to any other appropriate restrictions
23 concerning the offender's use of or access to a
24 computer or any other device with Internet capability
25 imposed by the Board, the Department or the offender's
26 supervising agent; and

1 (8) (blank).

2 (b-1) In addition to the conditions set forth in
3 subsections (a) and (b), persons required to register as sex
4 offenders pursuant to the Sex Offender Registration Act, upon
5 release from the custody of the Illinois Department of
6 Corrections, may be required by the Board to comply with the
7 following specific conditions of release following an
8 individualized assessment pursuant to subsection (a) of
9 Section 3-14-2:

10 (1) reside only at a Department approved location;

11 (2) comply with all requirements of the Sex Offender
12 Registration Act;

13 (3) notify third parties of the risks that may be
14 occasioned by his or her criminal record;

15 (4) obtain the approval of an agent of the Department
16 of Corrections prior to accepting employment or pursuing a
17 course of study or vocational training and notify the
18 Department prior to any change in employment, study, or
19 training;

20 (5) not be employed or participate in any volunteer
21 activity that involves contact with children, except under
22 circumstances approved in advance and in writing by an
23 agent of the Department of Corrections;

24 (6) be electronically monitored for a minimum of 12
25 months from the date of release as determined by the
26 Board;

1 (7) refrain from entering into a designated geographic
2 area except upon terms approved in advance by an agent of
3 the Department of Corrections. The terms may include
4 consideration of the purpose of the entry, the time of
5 day, and others accompanying the person;

6 (8) refrain from having any contact, including written
7 or oral communications, directly or indirectly, personally
8 or by telephone, letter, or through a third party with
9 certain specified persons including, but not limited to,
10 the victim or the victim's family without the prior
11 written approval of an agent of the Department of
12 Corrections;

13 (9) refrain from all contact, directly or indirectly,
14 personally, by telephone, letter, or through a third
15 party, with minor children without prior identification
16 and approval of an agent of the Department of Corrections;

17 (10) neither possess or have under his or her control
18 any material that is sexually oriented, sexually
19 stimulating, or that shows male or female sex organs or
20 any pictures depicting children under 18 years of age nude
21 or any written or audio material describing sexual
22 intercourse or that depicts or alludes to sexual activity,
23 including but not limited to visual, auditory, telephonic,
24 or electronic media, or any matter obtained through access
25 to any computer or material linked to computer access use;

26 (11) not patronize any business providing sexually

1 stimulating or sexually oriented entertainment nor utilize
2 "900" or adult telephone numbers;

3 (12) not reside near, visit, or be in or about parks,
4 schools, day care centers, swimming pools, beaches,
5 theaters, or any other places where minor children
6 congregate without advance approval of an agent of the
7 Department of Corrections and immediately report any
8 incidental contact with minor children to the Department;

9 (13) not possess or have under his or her control
10 certain specified items of contraband related to the
11 incidence of sexually offending as determined by an agent
12 of the Department of Corrections;

13 (14) may be required to provide a written daily log of
14 activities if directed by an agent of the Department of
15 Corrections;

16 (15) comply with all other special conditions that the
17 Department may impose that restrict the person from
18 high-risk situations and limit access to potential
19 victims;

20 (16) take an annual polygraph exam;

21 (17) maintain a log of his or her travel; or

22 (18) obtain prior approval of his or her parole
23 officer before driving alone in a motor vehicle.

24 (c) The conditions under which the parole or mandatory
25 supervised release is to be served shall be communicated to
26 the person in writing prior to his or her release, and he or

1 she shall sign the same before release. A signed copy of these
2 conditions, including a copy of an order of protection where
3 one had been issued by the criminal court, shall be retained by
4 the person and another copy forwarded to the officer in charge
5 of his or her supervision.

6 (d) After a hearing under Section 3-3-9, the Prisoner
7 Review Board may modify or enlarge the conditions of parole or
8 mandatory supervised release.

9 (e) The Department shall inform all offenders committed to
10 the Department of the optional services available to them upon
11 release and shall assist inmates in availing themselves of
12 such optional services upon their release on a voluntary
13 basis.

14 (f) (Blank).

15 (Source: P.A. 103-271, eff. 1-1-24.)

16 (730 ILCS 5/5-5-3)

17 Sec. 5-5-3. Disposition.

18 (a) (Blank).

19 (b) (Blank).

20 (c) (1) (Blank).

21 (2) A period of probation, a term of periodic imprisonment
22 or conditional discharge shall not be imposed for the
23 following offenses. The court shall sentence the offender to
24 not less than the minimum term of imprisonment set forth in
25 this Code for the following offenses, and may order a fine or

1 restitution or both in conjunction with such term of
2 imprisonment:

3 (A) First degree murder.

4 (B) Attempted first degree murder.

5 (C) A Class X felony.

6 (D) A violation of Section 401.1 or 407 of the
7 Illinois Controlled Substances Act, or a violation of
8 subdivision (c)(1.5) of Section 401 of that Act which
9 relates to more than 5 grams of a substance containing
10 fentanyl or an analog thereof.

11 (D-5) A violation of subdivision (c)(1) of Section 401
12 of the Illinois Controlled Substances Act which relates to
13 3 or more grams of a substance containing heroin or an
14 analog thereof.

15 (E) (Blank).

16 (F) A Class 1 or greater felony if the offender had
17 been convicted of a Class 1 or greater felony, including
18 any state or federal conviction for an offense that
19 contained, at the time it was committed, the same elements
20 as an offense now (the date of the offense committed after
21 the prior Class 1 or greater felony) classified as a Class
22 1 or greater felony, within 10 years of the date on which
23 the offender committed the offense for which he or she is
24 being sentenced, except as otherwise provided in Section
25 40-10 of the Substance Use Disorder Act.

26 (F-3) A Class 2 or greater felony sex offense or

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

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

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

16 (H) Criminal sexual assault.

17 (I) Aggravated battery of a senior citizen as
18 described in Section 12-4.6 or subdivision (a)(4) of
19 Section 12-3.05 of the Criminal Code of 1961 or the
20 Criminal Code of 2012.

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

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

1 or provides support to the members of the association who
2 do commit crimes.

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

7 (K) Vehicular hijacking.

8 (L) A second or subsequent conviction for the offense
9 of hate crime when the underlying offense upon which the
10 hate crime is based is felony aggravated assault or felony
11 mob action.

12 (M) A second or subsequent conviction for the offense
13 of institutional vandalism if the damage to the property
14 exceeds \$300.

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

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

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

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

1 (Q) A violation of subsection (b) or (b-5) of Section
2 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
3 Code of 1961 or the Criminal Code of 2012.

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

6 (S) (Blank).

7 (T) (Blank).

8 (U) A second or subsequent violation of Section 6-303
9 of the Illinois Vehicle Code committed while his or her
10 driver's license, permit, or privilege was revoked because
11 of a violation of Section 9-3 of the Criminal Code of 1961
12 or the Criminal Code of 2012, relating to the offense of
13 reckless homicide, or a similar provision of a law of
14 another state.

15 (V) A violation of paragraph (4) of subsection (c) of
16 Section 11-20.1B or paragraph (4) of subsection (c) of
17 Section 11-20.3 of the Criminal Code of 1961, or paragraph
18 (6) of subsection (a) of Section 11-20.1 of the Criminal
19 Code of 2012 when the victim is under 13 years of age and
20 the defendant has previously been convicted under the laws
21 of this State or any other state of the offense of child
22 pornography, aggravated child pornography, aggravated
23 criminal sexual abuse, aggravated criminal sexual assault,
24 predatory criminal sexual assault of a child, or any of
25 the offenses formerly known as rape, deviate sexual
26 assault, indecent liberties with a child, or aggravated

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

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

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

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

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

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

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

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

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

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

4 (3) (Blank).

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

9 (4.1) (Blank).

10 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
11 this subsection (c), a minimum of 100 hours of community
12 service shall be imposed for a second violation of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.3) A minimum term of imprisonment of 30 days or 300
15 hours of community service, as determined by the court, shall
16 be imposed for a second violation of subsection (c) of Section
17 6-303 of the Illinois Vehicle Code.

18 (4.4) Except as provided in paragraphs (4.5), (4.6), and
19 (4.9) of this subsection (c), a minimum term of imprisonment
20 of 30 days or 300 hours of community service, as determined by
21 the court, shall be imposed for a third or subsequent
22 violation of Section 6-303 of the Illinois Vehicle Code. The
23 court may give credit toward the fulfillment of community
24 service hours for participation in activities and treatment as
25 determined by court services.

26 (4.5) A minimum term of imprisonment of 30 days shall be

1 imposed for a third violation of subsection (c) of Section
2 6-303 of the Illinois Vehicle Code.

3 (4.6) Except as provided in paragraph (4.10) of this
4 subsection (c), a minimum term of imprisonment of 180 days
5 shall be imposed for a fourth or subsequent violation of
6 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

7 (4.7) A minimum term of imprisonment of not less than 30
8 consecutive days, or 300 hours of community service, shall be
9 imposed for a violation of subsection (a-5) of Section 6-303
10 of the Illinois Vehicle Code, as provided in subsection (b-5)
11 of that Section.

12 (4.8) A mandatory prison sentence shall be imposed for a
13 second violation of subsection (a-5) of Section 6-303 of the
14 Illinois Vehicle Code, as provided in subsection (c-5) of that
15 Section. The person's driving privileges shall be revoked for
16 a period of not less than 5 years from the date of his or her
17 release from prison.

18 (4.9) A mandatory prison sentence of not less than 4 and
19 not more than 15 years shall be imposed for a third violation
20 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
21 Code, as provided in subsection (d-2.5) of that Section. The
22 person's driving privileges shall be revoked for the remainder
23 of his or her life.

24 (4.10) A mandatory prison sentence for a Class 1 felony
25 shall be imposed, and the person shall be eligible for an
26 extended term sentence, for a fourth or subsequent violation

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

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

7 (A) a period of conditional discharge;

8 (B) a fine;

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

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

18 (5.2) In addition to any other penalties imposed, and
19 except as provided in paragraph (5.3), a person convicted of
20 violating subsection (c) of Section 11-907 of the Illinois
21 Vehicle Code shall have his or her driver's license, permit,
22 or privileges suspended for at least 180 days but not more than
23 2 years, if the violation resulted in injury to another
24 person.

25 (5.3) In addition to any other penalties imposed, a person
26 convicted of violating subsection (c) of Section 11-907 of the

1 Illinois Vehicle Code shall have his or her driver's license,
2 permit, or privileges suspended for 2 years, if the violation
3 resulted in the death of another person.

4 (5.4) In addition to any other penalties imposed, a person
5 convicted of violating Section 3-707 of the Illinois Vehicle
6 Code shall have his or her driver's license, permit, or
7 privileges suspended for 3 months and until he or she has paid
8 a reinstatement fee of \$100.

9 (5.5) In addition to any other penalties imposed, a person
10 convicted of violating Section 3-707 of the Illinois Vehicle
11 Code during a period in which his or her driver's license,
12 permit, or privileges were suspended for a previous violation
13 of that Section shall have his or her driver's license,
14 permit, or privileges suspended for an additional 6 months
15 after the expiration of the original 3-month suspension and
16 until he or she has paid a reinstatement fee of \$100.

17 (6) (Blank).

18 (7) (Blank).

19 (8) (Blank).

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

23 (10) (Blank).

24 (11) The court shall impose a minimum fine of \$1,000 for a
25 first offense and \$2,000 for a second or subsequent offense
26 upon a person convicted of or placed on supervision for

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

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

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

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

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

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

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

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

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

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

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

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

14 and

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

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

24 Probation may be revoked or modified pursuant to Section
25 5-6-4; except where the court determines at the hearing that
26 the defendant violated a condition of his or her probation

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

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

8 (f) (Blank).

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

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

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

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

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

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

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

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

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

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

17 (k) (Blank).

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

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

1 against the defendant pursuant to proceedings under the
2 Immigration and Nationality Act, and

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

6 Otherwise, the defendant shall be sentenced as provided in
7 this Chapter V.

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

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

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

23 (C) This subsection (1) does not apply to offenders who
24 are subject to the provisions of paragraph (2) of subsection
25 (a) of Section 3-6-3.

26 (D) Upon motion of the State's Attorney, if a defendant

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

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

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

25 (o) Whenever a person is convicted of a sex offense as
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to
2 renewal on an annual basis in accordance with the provisions
3 of license renewal established by the Secretary of State.

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

7 (730 ILCS 5/5-5-3.2)

8 Sec. 5-5-3.2. Factors in aggravation and extended-term
9 sentencing.

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

14 (1) the defendant's conduct caused or threatened
15 serious harm;

16 (2) the defendant received compensation for committing
17 the offense;

18 (3) the defendant has a history of prior delinquency
19 or criminal activity;

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

24 (5) the defendant held public office at the time of
25 the offense, and the offense related to the conduct of

1 that office;

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

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

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

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

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

25 (11) the offense took place in a place of worship or on
26 the grounds of a place of worship, immediately prior to,

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

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

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

17 (14) the defendant held a position of trust or
18 supervision such as, but not limited to, family member as
19 defined in Section 11-0.1 of the Criminal Code of 2012,
20 teacher, scout leader, baby sitter, or day care worker, in
21 relation to a victim under 18 years of age, and the
22 defendant committed an offense in violation of Section
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
24 11-14.4 except for an offense that involves keeping a
25 place of commercial sexual exploitation of a child
26 ~~juvenile prostitution~~, 11-15.1, 11-19.1, 11-19.2, 11-20.1,

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;

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

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

23 (16.5) the defendant committed an offense in violation
24 of one of the following Sections while in a day care
25 center, regardless of the time of day or time of year; on
26 the real property of a day care center, regardless of the

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

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

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

26 (19) the defendant was a federally licensed firearm

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

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

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

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

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

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

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

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

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

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

4 (27) the defendant committed the offense of first
5 degree murder, assault, aggravated assault, battery,
6 aggravated battery, robbery, armed robbery, or aggravated
7 robbery against a person who was a veteran and the
8 defendant knew, or reasonably should have known, that the
9 person was a veteran performing duties as a representative
10 of a veterans' organization. For the purposes of this
11 paragraph (27), "veteran" means an Illinois resident who
12 has served as a member of the United States Armed Forces, a
13 member of the Illinois National Guard, or a member of the
14 United States Reserve Forces; and "veterans' organization"
15 means an organization comprised of members of which
16 substantially all are individuals who are veterans or
17 spouses, widows, or widowers of veterans, the primary
18 purpose of which is to promote the welfare of its members
19 and to provide assistance to the general public in such a
20 way as to confer a public benefit;

21 (28) the defendant committed the offense of assault,
22 aggravated assault, battery, aggravated battery, robbery,
23 armed robbery, or aggravated robbery against a person that
24 the defendant knew or reasonably should have known was a
25 letter carrier or postal worker while that person was
26 performing his or her duties delivering mail for the

1 United States Postal Service;

2 (29) the defendant committed the offense of criminal
3 sexual assault, aggravated criminal sexual assault,
4 criminal sexual abuse, or aggravated criminal sexual abuse
5 against a victim with an intellectual disability, and the
6 defendant holds a position of trust, authority, or
7 supervision in relation to the victim;

8 (30) the defendant committed the offense of promoting
9 commercial sexual exploitation of a child ~~juvenile~~
10 ~~prostitution~~, patronizing a person engaged in the sex
11 trade ~~prostitute~~, or patronizing a sexually exploited
12 child ~~minor engaged in prostitution~~ and at the time of the
13 commission of the offense knew that the person engaged in
14 the sex trade ~~prostitute~~ or sexually exploited child ~~minor~~
15 ~~engaged in prostitution~~ was in the custody or guardianship
16 of the Department of Children and Family Services;

17 (31) the defendant (i) committed the offense of
18 driving while under the influence of alcohol, other drug
19 or drugs, intoxicating compound or compounds or any
20 combination thereof in violation of Section 11-501 of the
21 Illinois Vehicle Code or a similar provision of a local
22 ordinance and (ii) the defendant during the commission of
23 the offense was driving his or her vehicle upon a roadway
24 designated for one-way traffic in the opposite direction
25 of the direction indicated by official traffic control
26 devices;

1 (32) the defendant committed the offense of reckless
2 homicide while committing a violation of Section 11-907 of
3 the Illinois Vehicle Code;

4 (33) the defendant was found guilty of an
5 administrative infraction related to an act or acts of
6 public indecency or sexual misconduct in the penal
7 institution. In this paragraph (33), "penal institution"
8 has the same meaning as in Section 2-14 of the Criminal
9 Code of 2012; or

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

21 For the purposes of this Section:

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

24 "Day care center" means a public or private State
25 certified and licensed day care center as defined in Section
26 2.09 of the Child Care Act of 1969 that displays a sign in

1 plain view stating that the property is a day care center.

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

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

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

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

16 (1) When a defendant is convicted of any felony, after
17 having been previously convicted in Illinois or any other
18 jurisdiction of the same or similar class felony or
19 greater class felony, when such conviction has occurred
20 within 10 years after the previous conviction, excluding
21 time spent in custody, and such charges are separately
22 brought and tried and arise out of different series of
23 acts; or

24 (2) When a defendant is convicted of any felony and
25 the court finds that the offense was accompanied by
26 exceptionally brutal or heinous behavior indicative of

1 wanton cruelty; or

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

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

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

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

10 (4) When a defendant is convicted of any felony and
11 the offense involved any of the following types of
12 specific misconduct committed as part of a ceremony, rite,
13 initiation, observance, performance, practice or activity
14 of any actual or ostensible religious, fraternal, or
15 social group:

16 (i) the brutalizing or torturing of humans or
17 animals;

18 (ii) the theft of human corpses;

19 (iii) the kidnapping of humans;

20 (iv) the desecration of any cemetery, religious,
21 fraternal, business, governmental, educational, or
22 other building or property; or

23 (v) ritualized abuse of a child; or

24 (5) When a defendant is convicted of a felony other
25 than conspiracy and the court finds that the felony was
26 committed under an agreement with 2 or more other persons

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

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

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

21 (8) When a defendant commits any felony and the
22 defendant used, possessed, exercised control over, or
23 otherwise directed an animal to assault a law enforcement
24 officer engaged in the execution of his or her official
25 duties or in furtherance of the criminal activities of an
26 organized gang in which the defendant is engaged; or

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

4 (c) The following factors may be considered by the court
5 as reasons to impose an extended term sentence under Section
6 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
7 offenses:

8 (1) When a defendant is convicted of first degree
9 murder, after having been previously convicted in Illinois
10 of any offense listed under paragraph (c)(2) of Section
11 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
12 occurred within 10 years after the previous conviction,
13 excluding time spent in custody, and the charges are
14 separately brought and tried and arise out of different
15 series of acts.

16 (1.5) When a defendant is convicted of first degree
17 murder, after having been previously convicted of domestic
18 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
19 (720 ILCS 5/12-3.3) committed on the same victim or after
20 having been previously convicted of violation of an order
21 of protection (720 ILCS 5/12-30) in which the same victim
22 was the protected person.

23 (2) When a defendant is convicted of voluntary
24 manslaughter, second degree murder, involuntary
25 manslaughter, or reckless homicide in which the defendant
26 has been convicted of causing the death of more than one

1 individual.

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

12 (4) If the victim was under 18 years of age at the time
13 of the commission of the offense, when a defendant is
14 convicted of aggravated criminal sexual assault or
15 predatory criminal sexual assault of a child under
16 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
17 of Section 12-14.1 of the Criminal Code of 1961 or the
18 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

19 (5) When a defendant is convicted of a felony
20 violation of Section 24-1 of the Criminal Code of 1961 or
21 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
22 finding that the defendant is a member of an organized
23 gang.

24 (6) When a defendant was convicted of unlawful use of
25 weapons under Section 24-1 of the Criminal Code of 1961 or
26 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing

1 a weapon that is not readily distinguishable as one of the
2 weapons enumerated in Section 24-1 of the Criminal Code of
3 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

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

23 (8) When the defendant is convicted of attempted mob
24 action, solicitation to commit mob action, or conspiracy
25 to commit mob action under Section 8-1, 8-2, or 8-4 of the
26 Criminal Code of 2012, where the criminal object is a

1 violation of Section 25-1 of the Criminal Code of 2012,
2 and an electronic communication is used in the commission
3 of the offense. For the purposes of this paragraph (8),
4 "electronic communication" shall have the meaning provided
5 in Section 26.5-0.1 of the Criminal Code of 2012.

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

9 (e) The court may impose an extended term sentence under
10 Article 4.5 of Chapter V upon an offender who has been
11 convicted of a felony violation of Section 11-1.20, 11-1.30,
12 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 when the victim of the offense is under 18 years of age at the
15 time of the commission of the offense and, during the
16 commission of the offense, the victim was under the influence
17 of alcohol, regardless of whether or not the alcohol was
18 supplied by the offender; and the offender, at the time of the
19 commission of the offense, knew or should have known that the
20 victim had consumed alcohol.

21 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
22 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
23 8-20-21; 102-982, eff. 7-1-23.)

24 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
25 Sec. 5-6-3. Conditions of probation and of conditional

1 discharge.

2 (a) The conditions of probation and of conditional
3 discharge shall be that the person:

4 (1) not violate any criminal statute of any
5 jurisdiction;

6 (2) report to or appear in person before such person
7 or agency as directed by the court. To comply with the
8 provisions of this paragraph (2), in lieu of requiring the
9 person on probation or conditional discharge to appear in
10 person for the required reporting or meetings, the officer
11 may utilize technology, including cellular and other
12 electronic communication devices or platforms, that allow
13 for communication between the supervised person and the
14 officer in accordance with standards and guidelines
15 established by the Administrative Office of the Illinois
16 Courts;

17 (3) refrain from possessing a firearm or other
18 dangerous weapon where the offense is a felony or, if a
19 misdemeanor, the offense involved the intentional or
20 knowing infliction of bodily harm or threat of bodily
21 harm;

22 (4) not leave the State without the consent of the
23 court or, in circumstances in which the reason for the
24 absence is of such an emergency nature that prior consent
25 by the court is not possible, without the prior
26 notification and approval of the person's probation

1 officer. Transfer of a person's probation or conditional
2 discharge supervision to another state is subject to
3 acceptance by the other state pursuant to the Interstate
4 Compact for Adult Offender Supervision;

5 (5) permit the probation officer to visit him at his
6 home or elsewhere to the extent necessary to discharge his
7 duties;

8 (6) perform no less than 30 hours of community service
9 and not more than 120 hours of community service, if
10 community service is available in the jurisdiction and is
11 funded and approved by the county board where the offense
12 was committed, where the offense was related to or in
13 furtherance of the criminal activities of an organized
14 gang and was motivated by the offender's membership in or
15 allegiance to an organized gang. The community service
16 shall include, but not be limited to, the cleanup and
17 repair of any damage caused by a violation of Section
18 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
19 2012 and similar damage to property located within the
20 municipality or county in which the violation occurred.
21 When possible and reasonable, the community service should
22 be performed in the offender's neighborhood. For purposes
23 of this Section, "organized gang" has the meaning ascribed
24 to it in Section 10 of the Illinois Streetgang Terrorism
25 Omnibus Prevention Act. The court may give credit toward
26 the fulfillment of community service hours for

1 participation in activities and treatment as determined by
2 court services. Community service shall not interfere with
3 the school hours, school-related activities, or work
4 commitments of the minor or the minor's parent, guardian,
5 or legal custodian;

6 (7) if he or she is at least 17 years of age and has
7 been sentenced to probation or conditional discharge for a
8 misdemeanor or felony in a county of 3,000,000 or more
9 inhabitants and has not been previously convicted of a
10 misdemeanor or felony, may be required by the sentencing
11 court to attend educational courses designed to prepare
12 the defendant for a high school diploma and to work toward
13 a high school diploma or to work toward passing high
14 school equivalency testing or to work toward completing a
15 vocational training program approved by the court. The
16 person on probation or conditional discharge must attend a
17 public institution of education to obtain the educational
18 or vocational training required by this paragraph (7). The
19 court shall revoke the probation or conditional discharge
20 of a person who willfully fails to comply with this
21 paragraph (7). The person on probation or conditional
22 discharge shall be required to pay for the cost of the
23 educational courses or high school equivalency testing if
24 a fee is charged for those courses or testing. The court
25 shall resentence the offender whose probation or
26 conditional discharge has been revoked as provided in

1 Section 5-6-4. This paragraph (7) does not apply to a
2 person who has a high school diploma or has successfully
3 passed high school equivalency testing. This paragraph (7)
4 does not apply to a person who is determined by the court
5 to be a person with a developmental disability or
6 otherwise mentally incapable of completing the educational
7 or vocational program;

8 (8) if convicted of possession of a substance
9 prohibited by the Cannabis Control Act, the Illinois
10 Controlled Substances Act, or the Methamphetamine Control
11 and Community Protection Act after a previous conviction
12 or disposition of supervision for possession of a
13 substance prohibited by the Cannabis Control Act or
14 Illinois Controlled Substances Act or after a sentence of
15 probation under Section 10 of the Cannabis Control Act,
16 Section 410 of the Illinois Controlled Substances Act, or
17 Section 70 of the Methamphetamine Control and Community
18 Protection Act and upon a finding by the court that the
19 person is addicted, undergo treatment at a substance abuse
20 program approved by the court;

21 (8.5) if convicted of a felony sex offense as defined
22 in the Sex Offender Management Board Act, the person shall
23 undergo and successfully complete sex offender treatment
24 by a treatment provider approved by the Board and
25 conducted in conformance with the standards developed
26 under the Sex Offender Management Board Act;

1 (8.6) if convicted of a sex offense as defined in the
2 Sex Offender Management Board Act, refrain from residing
3 at the same address or in the same condominium unit or
4 apartment unit or in the same condominium complex or
5 apartment complex with another person he or she knows or
6 reasonably should know is a convicted sex offender or has
7 been placed on supervision for a sex offense; the
8 provisions of this paragraph do not apply to a person
9 convicted of a sex offense who is placed in a Department of
10 Corrections licensed transitional housing facility for sex
11 offenders;

12 (8.7) if convicted for an offense committed on or
13 after June 1, 2008 (the effective date of Public Act
14 95-464) that would qualify the accused as a child sex
15 offender as defined in Section 11-9.3 or 11-9.4 of the
16 Criminal Code of 1961 or the Criminal Code of 2012,
17 refrain from communicating with or contacting, by means of
18 the Internet, a person who is not related to the accused
19 and whom the accused reasonably believes to be under 18
20 years of age; for purposes of this paragraph (8.7),
21 "Internet" has the meaning ascribed to it in Section
22 16-0.1 of the Criminal Code of 2012; and a person is not
23 related to the accused if the person is not: (i) the
24 spouse, brother, or sister of the accused; (ii) a
25 descendant of the accused; (iii) a first or second cousin
26 of the accused; or (iv) a step-child or adopted child of

1 the accused;

2 (8.8) if convicted for an offense under Section 11-6,
3 11-9.1, 11-14.4 that involves soliciting for a sexually
4 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,
5 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
6 or the Criminal Code of 2012, or any attempt to commit any
7 of these offenses, committed on or after June 1, 2009 (the
8 effective date of Public Act 95-983):

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the offender's probation officer,
12 except in connection with the offender's employment or
13 search for employment with the prior approval of the
14 offender's probation officer;

15 (ii) submit to periodic unannounced examinations
16 of the offender's computer or any other device with
17 Internet capability by the offender's probation
18 officer, a law enforcement officer, or assigned
19 computer or information technology specialist,
20 including the retrieval and copying of all data from
21 the computer or device and any internal or external
22 peripherals and removal of such information,
23 equipment, or device to conduct a more thorough
24 inspection;

25 (iii) submit to the installation on the offender's
26 computer or device with Internet capability, at the

1 offender's expense, of one or more hardware or
2 software systems to monitor the Internet use; and

3 (iv) submit to any other appropriate restrictions
4 concerning the offender's use of or access to a
5 computer or any other device with Internet capability
6 imposed by the offender's probation officer;

7 (8.9) if convicted of a sex offense as defined in the
8 Sex Offender Registration Act committed on or after
9 January 1, 2010 (the effective date of Public Act 96-262),
10 refrain from accessing or using a social networking
11 website as defined in Section 17-0.5 of the Criminal Code
12 of 2012;

13 (9) if convicted of a felony or of any misdemeanor
14 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
15 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
16 2012 that was determined, pursuant to Section 112A-11.1 of
17 the Code of Criminal Procedure of 1963, to trigger the
18 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
19 at a time and place designated by the court, his or her
20 Firearm Owner's Identification Card and any and all
21 firearms in his or her possession. The Court shall return
22 to the Illinois State Police Firearm Owner's
23 Identification Card Office the person's Firearm Owner's
24 Identification Card;

25 (10) if convicted of a sex offense as defined in
26 subsection (a-5) of Section 3-1-2 of this Code, unless the

1 offender is a parent or guardian of the person under 18
2 years of age present in the home and no non-familial
3 minors are present, not participate in a holiday event
4 involving children under 18 years of age, such as
5 distributing candy or other items to children on
6 Halloween, wearing a Santa Claus costume on or preceding
7 Christmas, being employed as a department store Santa
8 Claus, or wearing an Easter Bunny costume on or preceding
9 Easter;

10 (11) if convicted of a sex offense as defined in
11 Section 2 of the Sex Offender Registration Act committed
12 on or after January 1, 2010 (the effective date of Public
13 Act 96-362) that requires the person to register as a sex
14 offender under that Act, may not knowingly use any
15 computer scrub software on any computer that the sex
16 offender uses;

17 (12) if convicted of a violation of the
18 Methamphetamine Control and Community Protection Act, the
19 Methamphetamine Precursor Control Act, or a
20 methamphetamine related offense:

21 (A) prohibited from purchasing, possessing, or
22 having under his or her control any product containing
23 pseudoephedrine unless prescribed by a physician; and

24 (B) prohibited from purchasing, possessing, or
25 having under his or her control any product containing
26 ammonium nitrate; and

1 (13) if convicted of a hate crime involving the
2 protected class identified in subsection (a) of Section
3 12-7.1 of the Criminal Code of 2012 that gave rise to the
4 offense the offender committed, perform public or
5 community service of no less than 200 hours and enroll in
6 an educational program discouraging hate crimes that
7 includes racial, ethnic, and cultural sensitivity training
8 ordered by the court.

9 (b) The Court may in addition to other reasonable
10 conditions relating to the nature of the offense or the
11 rehabilitation of the defendant as determined for each
12 defendant in the proper discretion of the Court require that
13 the person:

14 (1) serve a term of periodic imprisonment under
15 Article 7 for a period not to exceed that specified in
16 paragraph (d) of Section 5-7-1;

17 (2) pay a fine and costs;

18 (3) work or pursue a course of study or vocational
19 training;

20 (4) undergo medical, psychological or psychiatric
21 treatment; or treatment for drug addiction or alcoholism;

22 (5) attend or reside in a facility established for the
23 instruction or residence of defendants on probation;

24 (6) support his dependents;

25 (7) and in addition, if a minor:

26 (i) reside with his parents or in a foster home;

- 1 (ii) attend school;
- 2 (iii) attend a non-residential program for youth;
- 3 (iv) provide nonfinancial contributions to his own
4 support at home or in a foster home;
- 5 (v) with the consent of the superintendent of the
6 facility, attend an educational program at a facility
7 other than the school in which the offense was
8 committed if he or she is convicted of a crime of
9 violence as defined in Section 2 of the Crime Victims
10 Compensation Act committed in a school, on the real
11 property comprising a school, or within 1,000 feet of
12 the real property comprising a school;
- 13 (8) make restitution as provided in Section 5-5-6 of
14 this Code;
- 15 (9) perform some reasonable public or community
16 service;
- 17 (10) serve a term of home confinement. In addition to
18 any other applicable condition of probation or conditional
19 discharge, the conditions of home confinement shall be
20 that the offender:
- 21 (i) remain within the interior premises of the
22 place designated for his confinement during the hours
23 designated by the court;
- 24 (ii) admit any person or agent designated by the
25 court into the offender's place of confinement at any
26 time for purposes of verifying the offender's

1 compliance with the conditions of his confinement; and

2 (iii) if further deemed necessary by the court or
3 the probation or court services department ~~Probation~~
4 ~~or Court Services Department~~, be placed on an approved
5 electronic monitoring device, subject to Article 8A of
6 Chapter V;

7 (iv) for persons convicted of any alcohol,
8 cannabis or controlled substance violation who are
9 placed on an approved monitoring device as a condition
10 of probation or conditional discharge, the court shall
11 impose a reasonable fee for each day of the use of the
12 device, as established by the county board in
13 subsection (g) of this Section, unless after
14 determining the inability of the offender to pay the
15 fee, the court assesses a lesser fee or no fee as the
16 case may be. This fee shall be imposed in addition to
17 the fees imposed under subsections (g) and (i) of this
18 Section. The fee shall be collected by the clerk of the
19 circuit court, except as provided in an administrative
20 order of the Chief Judge of the circuit court. The
21 clerk of the circuit court shall pay all monies
22 collected from this fee to the county treasurer for
23 deposit in the substance abuse services fund under
24 Section 5-1086.1 of the Counties Code, except as
25 provided in an administrative order of the Chief Judge
26 of the circuit court.

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

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

13 (v) for persons convicted of offenses other than
14 those referenced in clause (iv) above and who are
15 placed on an approved monitoring device as a condition
16 of probation or conditional discharge, the court shall
17 impose a reasonable fee for each day of the use of the
18 device, as established by the county board in
19 subsection (g) of this Section, unless after
20 determining the inability of the defendant to pay the
21 fee, the court assesses a lesser fee or no fee as the
22 case may be. This fee shall be imposed in addition to
23 the fees imposed under subsections (g) and (i) of this
24 Section. The fee shall be collected by the clerk of the
25 circuit court, except as provided in an administrative
26 order of the Chief Judge of the circuit court. The

1 clerk of the circuit court shall pay all monies
2 collected from this fee to the county treasurer who
3 shall use the monies collected to defray the costs of
4 corrections. The county treasurer shall deposit the
5 fee collected in the probation and court services
6 fund. The Chief Judge of the circuit court of the
7 county may by administrative order establish a program
8 for electronic monitoring of offenders, in which a
9 vendor supplies and monitors the operation of the
10 electronic monitoring device, and collects the fees on
11 behalf of the county. The program shall include
12 provisions for indigent offenders and the collection
13 of unpaid fees. The program shall not unduly burden
14 the offender and shall be subject to review by the
15 Chief Judge.

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

19 (11) comply with the terms and conditions of an order
20 of protection issued by the court pursuant to the Illinois
21 Domestic Violence Act of 1986, as now or hereafter
22 amended, or an order of protection issued by the court of
23 another state, tribe, or United States territory. A copy
24 of the order of protection shall be transmitted to the
25 probation officer or agency having responsibility for the
26 case;

1 (12) reimburse any "local anti-crime program" as
2 defined in Section 7 of the Anti-Crime Advisory Council
3 Act for any reasonable expenses incurred by the program on
4 the offender's case, not to exceed the maximum amount of
5 the fine authorized for the offense for which the
6 defendant was sentenced;

7 (13) contribute a reasonable sum of money, not to
8 exceed the maximum amount of the fine authorized for the
9 offense for which the defendant was sentenced, (i) to a
10 "local anti-crime program", as defined in Section 7 of the
11 Anti-Crime Advisory Council Act, or (ii) for offenses
12 under the jurisdiction of the Department of Natural
13 Resources, to the fund established by the Department of
14 Natural Resources for the purchase of evidence for
15 investigation purposes and to conduct investigations as
16 outlined in Section 805-105 of the Department of Natural
17 Resources (Conservation) Law;

18 (14) refrain from entering into a designated
19 geographic area except upon such terms as the court finds
20 appropriate. Such terms may include consideration of the
21 purpose of the entry, the time of day, other persons
22 accompanying the defendant, and advance approval by a
23 probation officer, if the defendant has been placed on
24 probation or advance approval by the court, if the
25 defendant was placed on conditional discharge;

26 (15) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular
2 types of persons, including, but not limited to, members
3 of street gangs and drug users or dealers;

4 (16) refrain from having in his or her body the
5 presence of any illicit drug prohibited by the Illinois
6 Controlled Substances Act or the Methamphetamine Control
7 and Community Protection Act, unless prescribed by a
8 physician, and submit samples of his or her blood or urine
9 or both for tests to determine the presence of any illicit
10 drug;

11 (17) if convicted for an offense committed on or after
12 June 1, 2008 (the effective date of Public Act 95-464)
13 that would qualify the accused as a child sex offender as
14 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
15 of 1961 or the Criminal Code of 2012, refrain from
16 communicating with or contacting, by means of the
17 Internet, a person who is related to the accused and whom
18 the accused reasonably believes to be under 18 years of
19 age; for purposes of this paragraph (17), "Internet" has
20 the meaning ascribed to it in Section 16-0.1 of the
21 Criminal Code of 2012; and a person is related to the
22 accused if the person is: (i) the spouse, brother, or
23 sister of the accused; (ii) a descendant of the accused;
24 (iii) a first or second cousin of the accused; or (iv) a
25 step-child or adopted child of the accused;

26 (18) if convicted for an offense committed on or after

1 June 1, 2009 (the effective date of Public Act 95-983)
2 that would qualify as a sex offense as defined in the Sex
3 Offender Registration Act:

4 (i) not access or use a computer or any other
5 device with Internet capability without the prior
6 written approval of the offender's probation officer,
7 except in connection with the offender's employment or
8 search for employment with the prior approval of the
9 offender's probation officer;

10 (ii) submit to periodic unannounced examinations
11 of the offender's computer or any other device with
12 Internet capability by the offender's probation
13 officer, a law enforcement officer, or assigned
14 computer or information technology specialist,
15 including the retrieval and copying of all data from
16 the computer or device and any internal or external
17 peripherals and removal of such information,
18 equipment, or device to conduct a more thorough
19 inspection;

20 (iii) submit to the installation on the offender's
21 computer or device with Internet capability, at the
22 subject's expense, of one or more hardware or software
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions
25 concerning the offender's use of or access to a
26 computer or any other device with Internet capability

1 imposed by the offender's probation officer; and

2 (19) refrain from possessing a firearm or other
3 dangerous weapon where the offense is a misdemeanor that
4 did not involve the intentional or knowing infliction of
5 bodily harm or threat of bodily harm.

6 (c) The court may as a condition of probation or of
7 conditional discharge require that a person under 18 years of
8 age found guilty of any alcohol, cannabis or controlled
9 substance violation, refrain from acquiring a driver's license
10 during the period of probation or conditional discharge. If
11 such person is in possession of a permit or license, the court
12 may require that the minor refrain from driving or operating
13 any motor vehicle during the period of probation or
14 conditional discharge, except as may be necessary in the
15 course of the minor's lawful employment.

16 (d) An offender sentenced to probation or to conditional
17 discharge shall be given a certificate setting forth the
18 conditions thereof.

19 (e) Except where the offender has committed a fourth or
20 subsequent violation of subsection (c) of Section 6-303 of the
21 Illinois Vehicle Code, the court shall not require as a
22 condition of the sentence of probation or conditional
23 discharge that the offender be committed to a period of
24 imprisonment in excess of 6 months. This 6-month limit shall
25 not include periods of confinement given pursuant to a
26 sentence of county impact incarceration under Section 5-8-1.2.

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

4 (f) The court may combine a sentence of periodic
5 imprisonment under Article 7 or a sentence to a county impact
6 incarceration program under Article 8 with a sentence of
7 probation or conditional discharge.

8 (g) An offender sentenced to probation or to conditional
9 discharge and who during the term of either undergoes
10 mandatory drug or alcohol testing, or both, or is assigned to
11 be placed on an approved electronic monitoring device, shall
12 be ordered to pay all costs incidental to such mandatory drug
13 or alcohol testing, or both, and all costs incidental to such
14 approved electronic monitoring in accordance with the
15 defendant's ability to pay those costs. The county board with
16 the concurrence of the Chief Judge of the judicial circuit in
17 which the county is located shall establish reasonable fees
18 for the cost of maintenance, testing, and incidental expenses
19 related to the mandatory drug or alcohol testing, or both, and
20 all costs incidental to approved electronic monitoring,
21 involved in a successful probation program for the county. The
22 concurrence of the Chief Judge shall be in the form of an
23 administrative order. The fees shall be collected by the clerk
24 of the circuit court, except as provided in an administrative
25 order of the Chief Judge of the circuit court. The clerk of the
26 circuit court shall pay all moneys collected from these fees

1 to the county treasurer who shall use the moneys collected to
2 defray the costs of drug testing, alcohol testing, and
3 electronic monitoring. The county treasurer shall deposit the
4 fees collected in the county working cash fund under Section
5 6-27001 or Section 6-29002 of the Counties Code, as the case
6 may be. The Chief Judge of the circuit court of the county may
7 by administrative order establish a program for electronic
8 monitoring of offenders, in which a vendor supplies and
9 monitors the operation of the electronic monitoring device,
10 and collects the fees on behalf of the county. The program
11 shall include provisions for indigent offenders and the
12 collection of unpaid fees. The program shall not unduly burden
13 the offender and shall be subject to review by the Chief Judge.
14 A person shall not be assessed costs or fees for mandatory
15 testing for drugs, alcohol, or both, if the person is an
16 indigent person as defined in paragraph (2) of subsection (a)
17 of Section 5-105 of the Code of Civil Procedure.

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

21 (h) Jurisdiction over an offender may be transferred from
22 the sentencing court to the court of another circuit with the
23 concurrence of both courts. Further transfers or retransfers
24 of jurisdiction are also authorized in the same manner. The
25 court to which jurisdiction has been transferred shall have
26 the same powers as the sentencing court. The probation

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

11 (i) The court shall impose upon an offender sentenced to
12 probation after January 1, 1989 or to conditional discharge
13 after January 1, 1992 or to community service under the
14 supervision of a probation or court services department after
15 January 1, 2004, as a condition of such probation or
16 conditional discharge or supervised community service, a fee
17 of \$50 for each month of probation or conditional discharge
18 supervision or supervised community service ordered by the
19 court, unless after determining the inability of the person
20 sentenced to probation or conditional discharge or supervised
21 community service to pay the fee, the court assesses a lesser
22 fee. The court may not impose the fee on a minor who is placed
23 in the guardianship or custody of the Department of Children
24 and Family Services under the Juvenile Court Act of 1987 while
25 the minor is in placement. The fee shall be imposed only upon
26 an offender who is actively supervised by the probation and

1 court services department. The fee shall be collected by the
2 clerk of the circuit court. The clerk of the circuit court
3 shall pay all monies collected from this fee to the county
4 treasurer for deposit in the probation and court services fund
5 under Section 15.1 of the Probation and Probation Officers
6 Act.

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

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

26 Public Act 93-970 deletes the \$10 increase in the fee

1 under this subsection that was imposed by Public Act 93-616.
2 This deletion is intended to control over any other Act of the
3 93rd General Assembly that retains or incorporates that fee
4 increase.

5 (i-5) In addition to the fees imposed under subsection (i)
6 of this Section, in the case of an offender convicted of a
7 felony sex offense (as defined in the Sex Offender Management
8 Board Act) or an offense that the court or probation
9 department has determined to be sexually motivated (as defined
10 in the Sex Offender Management Board Act), the court or the
11 probation department shall assess additional fees to pay for
12 all costs of treatment, assessment, evaluation for risk and
13 treatment, and monitoring the offender, based on that
14 offender's ability to pay those costs either as they occur or
15 under a payment plan.

16 (j) All fines and costs imposed under this Section for any
17 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
18 Code, or a similar provision of a local ordinance, and any
19 violation of the Child Passenger Protection Act, or a similar
20 provision of a local ordinance, shall be collected and
21 disbursed by the circuit clerk as provided under the Criminal
22 and Traffic Assessment Act.

23 (k) Any offender who is sentenced to probation or
24 conditional discharge for a felony sex offense as defined in
25 the Sex Offender Management Board Act or any offense that the
26 court or probation department has determined to be sexually

1 motivated as defined in the Sex Offender Management Board Act
2 shall be required to refrain from any contact, directly or
3 indirectly, with any persons specified by the court and shall
4 be available for all evaluations and treatment programs
5 required by the court or the probation department.

6 (l) The court may order an offender who is sentenced to
7 probation or conditional discharge for a violation of an order
8 of protection be placed under electronic surveillance as
9 provided in Section 5-8A-7 of this Code.

10 (m) Except for restitution, and assessments issued for
11 adjudications under Section 5-125 of the Juvenile Court Act of
12 1987, fines and assessments, such as fees or administrative
13 costs, authorized under this Section shall not be ordered or
14 imposed on a minor subject to Article III, IV, or V of the
15 Juvenile Court Act of 1987, or a minor under the age of 18
16 transferred to adult court or excluded from juvenile court
17 jurisdiction under Article V of the Juvenile Court Act of
18 1987, or the minor's parent, guardian, or legal custodian.

19 (n) ~~(m)~~ A person on probation, conditional discharge, or
20 supervision shall not be ordered to refrain from having
21 cannabis or alcohol in his or her body unless:

22 (1) the person is under 21 years old;

23 (2) the person was sentenced to probation, conditional
24 discharge, or supervision for an offense which had as an
25 element of the offense the presence of an intoxicating
26 compound in the person's body;

1 (3) the person is participating in a problem-solving
2 court certified by the Illinois Supreme Court;

3 (4) the person has undergone a validated clinical
4 assessment and the clinical treatment plan includes
5 alcohol or cannabis testing; or

6 (5) a court ordered evaluation recommends that the
7 person refrain from using alcohol or cannabis, provided
8 the evaluation is a validated clinical assessment and the
9 recommendation originates from a clinical treatment plan.

10 If the court has made findings that alcohol use was a
11 contributing factor in the commission of the underlying
12 offense, the court may order a person on probation,
13 conditional discharge, or supervision to refrain from having
14 alcohol in his or her body during the time between sentencing
15 and the completion of a validated clinical assessment,
16 provided that such order shall not exceed 30 days and shall be
17 terminated if the clinical treatment plan does not recommend
18 abstinence or testing, or both.

19 In this subsection (n) ~~(m)~~, "validated clinical
20 assessment" and "clinical treatment plan" have the meanings
21 ascribed to them in Section 10 of the Drug Court Treatment Act.

22 In any instance in which the court orders testing for
23 cannabis or alcohol, the court shall state the reasonable
24 relation the condition has to the person's crime for which the
25 person was placed on probation, conditional discharge, or
26 supervision.

1 (o) ~~(n)~~ A person on probation, conditional discharge, or
2 supervision shall not be ordered to refrain from use or
3 consumption of any substance lawfully prescribed by a medical
4 provider or authorized by the Compassionate Use of Medical
5 Cannabis Program Act, except where use is prohibited in
6 paragraph (3) or (4) of subsection (n) ~~(m)~~.

7 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
8 103-271, eff. 1-1-24; 103-379, eff. 7-28-23; 103-391, eff.
9 1-1-24; revised 12-15-23.)

10 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

11 Sec. 5-6-3.1. Incidents and conditions of supervision.

12 (a) When a defendant is placed on supervision, the court
13 shall enter an order for supervision specifying the period of
14 such supervision, and shall defer further proceedings in the
15 case until the conclusion of the period.

16 (b) The period of supervision shall be reasonable under
17 all of the circumstances of the case, but may not be longer
18 than 2 years, unless the defendant has failed to pay the
19 assessment required by Section 10.3 of the Cannabis Control
20 Act, Section 411.2 of the Illinois Controlled Substances Act,
21 or Section 80 of the Methamphetamine Control and Community
22 Protection Act, in which case the court may extend supervision
23 beyond 2 years. Additionally, the court shall order the
24 defendant to perform no less than 30 hours of community
25 service and not more than 120 hours of community service, if

1 community service is available in the jurisdiction and is
2 funded and approved by the county board where the offense was
3 committed, when the offense (1) was related to or in
4 furtherance of the criminal activities of an organized gang or
5 was motivated by the defendant's membership in or allegiance
6 to an organized gang; or (2) is a violation of any Section of
7 Article 24 of the Criminal Code of 1961 or the Criminal Code of
8 2012 where a disposition of supervision is not prohibited by
9 Section 5-6-1 of this Code. The community service shall
10 include, but not be limited to, the cleanup and repair of any
11 damage caused by violation of Section 21-1.3 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 and similar damages
13 to property located within the municipality or county in which
14 the violation occurred. Where possible and reasonable, the
15 community service should be performed in the offender's
16 neighborhood.

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

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

25 (1) make a report to and appear in person before or
26 participate with the court or such courts, person, or

1 social service agency as directed by the court in the
2 order of supervision;

3 (2) pay a fine and costs;

4 (3) work or pursue a course of study or vocational
5 training;

6 (4) undergo medical, psychological or psychiatric
7 treatment; or treatment for drug addiction or alcoholism;

8 (5) attend or reside in a facility established for the
9 instruction or residence of defendants on probation;

10 (6) support his dependents;

11 (7) refrain from possessing a firearm or other
12 dangerous weapon;

13 (8) and in addition, if a minor:

14 (i) reside with his parents or in a foster home;

15 (ii) attend school;

16 (iii) attend a non-residential program for youth;

17 (iv) provide nonfinancial contributions to his own
18 support at home or in a foster home; or

19 (v) with the consent of the superintendent of the
20 facility, attend an educational program at a facility
21 other than the school in which the offense was
22 committed if he or she is placed on supervision for a
23 crime of violence as defined in Section 2 of the Crime
24 Victims Compensation Act committed in a school, on the
25 real property comprising a school, or within 1,000
26 feet of the real property comprising a school;

1 (9) make restitution or reparation in an amount not to
2 exceed actual loss or damage to property and pecuniary
3 loss or make restitution under Section 5-5-6 to a domestic
4 violence shelter. The court shall determine the amount and
5 conditions of payment;

6 (10) perform some reasonable public or community
7 service;

8 (11) comply with the terms and conditions of an order
9 of protection issued by the court pursuant to the Illinois
10 Domestic Violence Act of 1986 or an order of protection
11 issued by the court of another state, tribe, or United
12 States territory. If the court has ordered the defendant
13 to make a report and appear in person under paragraph (1)
14 of this subsection, a copy of the order of protection
15 shall be transmitted to the person or agency so designated
16 by the court;

17 (12) reimburse any "local anti-crime program" as
18 defined in Section 7 of the Anti-Crime Advisory Council
19 Act for any reasonable expenses incurred by the program on
20 the offender's case, not to exceed the maximum amount of
21 the fine authorized for the offense for which the
22 defendant was sentenced;

23 (13) contribute a reasonable sum of money, not to
24 exceed the maximum amount of the fine authorized for the
25 offense for which the defendant was sentenced, (i) to a
26 "local anti-crime program", as defined in Section 7 of the

1 Anti-Crime Advisory Council Act, or (ii) for offenses
2 under the jurisdiction of the Department of Natural
3 Resources, to the fund established by the Department of
4 Natural Resources for the purchase of evidence for
5 investigation purposes and to conduct investigations as
6 outlined in Section 805-105 of the Department of Natural
7 Resources (Conservation) Law;

8 (14) refrain from entering into a designated
9 geographic area except upon such terms as the court finds
10 appropriate. Such terms may include consideration of the
11 purpose of the entry, the time of day, other persons
12 accompanying the defendant, and advance approval by a
13 probation officer;

14 (15) refrain from having any contact, directly or
15 indirectly, with certain specified persons or particular
16 types of person, including but not limited to members of
17 street gangs and drug users or dealers;

18 (16) refrain from having in his or her body the
19 presence of any illicit drug prohibited by the Cannabis
20 Control Act, the Illinois Controlled Substances Act, or
21 the Methamphetamine Control and Community Protection Act,
22 unless prescribed by a physician, and submit samples of
23 his or her blood or urine or both for tests to determine
24 the presence of any illicit drug;

25 (17) refrain from operating any motor vehicle not
26 equipped with an ignition interlock device as defined in

1 Section 1-129.1 of the Illinois Vehicle Code; under this
2 condition the court may allow a defendant who is not
3 self-employed to operate a vehicle owned by the
4 defendant's employer that is not equipped with an ignition
5 interlock device in the course and scope of the
6 defendant's employment; and

7 (18) if placed on supervision for a sex offense as
8 defined in subsection (a-5) of Section 3-1-2 of this Code,
9 unless the offender is a parent or guardian of the person
10 under 18 years of age present in the home and no
11 non-familial minors are present, not participate in a
12 holiday event involving children under 18 years of age,
13 such as distributing candy or other items to children on
14 Halloween, wearing a Santa Claus costume on or preceding
15 Christmas, being employed as a department store Santa
16 Claus, or wearing an Easter Bunny costume on or preceding
17 Easter.

18 (c-5) If payment of restitution as ordered has not been
19 made, the victim shall file a petition notifying the
20 sentencing court, any other person to whom restitution is
21 owed, and the State's Attorney of the status of the ordered
22 restitution payments unpaid at least 90 days before the
23 supervision expiration date. If payment as ordered has not
24 been made, the court shall hold a review hearing prior to the
25 expiration date, unless the hearing is voluntarily waived by
26 the defendant with the knowledge that waiver may result in an

1 extension of the supervision period or in a revocation of
2 supervision. If the court does not extend supervision, it
3 shall issue a judgment for the unpaid restitution and direct
4 the clerk of the circuit court to file and enter the judgment
5 in the judgment and lien docket, without fee, unless it finds
6 that the victim has recovered a judgment against the defendant
7 for the amount covered by the restitution order. If the court
8 issues a judgment for the unpaid restitution, the court shall
9 send to the defendant at his or her last known address written
10 notification that a civil judgment has been issued for the
11 unpaid restitution.

12 (d) The court shall defer entering any judgment on the
13 charges until the conclusion of the supervision.

14 (e) At the conclusion of the period of supervision, if the
15 court determines that the defendant has successfully complied
16 with all of the conditions of supervision, the court shall
17 discharge the defendant and enter a judgment dismissing the
18 charges.

19 (f) Discharge and dismissal upon a successful conclusion
20 of a disposition of supervision shall be deemed without
21 adjudication of guilt and shall not be termed a conviction for
22 purposes of disqualification or disabilities imposed by law
23 upon conviction of a crime. Two years after the discharge and
24 dismissal under this Section, unless the disposition of
25 supervision was for a violation of Sections 3-707, 3-708,
26 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a

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

15 (g) A defendant placed on supervision and who during the
16 period of supervision undergoes mandatory drug or alcohol
17 testing, or both, or is assigned to be placed on an approved
18 electronic monitoring device, shall be ordered to pay the
19 costs incidental to such mandatory drug or alcohol testing, or
20 both, and costs incidental to such approved electronic
21 monitoring in accordance with the defendant's ability to pay
22 those costs. The county board with the concurrence of the
23 Chief Judge of the judicial circuit in which the county is
24 located shall establish reasonable fees for the cost of
25 maintenance, testing, and incidental expenses related to the
26 mandatory drug or alcohol testing, or both, and all costs

1 incidental to approved electronic monitoring, of all
2 defendants placed on supervision. The concurrence of the Chief
3 Judge shall be in the form of an administrative order. The fees
4 shall be collected by the clerk of the circuit court, except as
5 provided in an administrative order of the Chief Judge of the
6 circuit court. The clerk of the circuit court shall pay all
7 moneys collected from these fees to the county treasurer who
8 shall use the moneys collected to defray the costs of drug
9 testing, alcohol testing, and electronic monitoring. The
10 county treasurer shall deposit the fees collected in the
11 county working cash fund under Section 6-27001 or Section
12 6-29002 of the Counties Code, as the case may be.

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

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

24 (h) A disposition of supervision is a final order for the
25 purposes of appeal.

26 (i) The court shall impose upon a defendant placed on

1 supervision after January 1, 1992 or to community service
2 under the supervision of a probation or court services
3 department after January 1, 2004, as a condition of
4 supervision or supervised community service, a fee of \$50 for
5 each month of supervision or supervised community service
6 ordered by the court, unless after determining the inability
7 of the person placed on supervision or supervised community
8 service to pay the fee, the court assesses a lesser fee. The
9 court may not impose the fee on a minor who is placed in the
10 guardianship or custody of the Department of Children and
11 Family Services under the Juvenile Court Act of 1987 while the
12 minor is in placement. The fee shall be imposed only upon a
13 defendant who is actively supervised by the probation and
14 court services department. The fee shall be collected by the
15 clerk of the circuit court. The clerk of the circuit court
16 shall pay all monies collected from this fee to the county
17 treasurer for deposit in the probation and court services fund
18 pursuant to Section 15.1 of the Probation and Probation
19 Officers Act.

20 A circuit court may not impose a probation fee in excess of
21 \$25 per month unless the circuit court has adopted, by
22 administrative order issued by the chief judge, a standard
23 probation fee guide determining an offender's ability to pay.
24 Of the amount collected as a probation fee, not to exceed \$5 of
25 that fee collected per month may be used to provide services to
26 crime victims and their families.

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

13 (j) All fines and costs imposed under this Section for any
14 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
15 Code, or a similar provision of a local ordinance, and any
16 violation of the Child Passenger Protection Act, or a similar
17 provision of a local ordinance, shall be collected and
18 disbursed by the circuit clerk as provided under the Criminal
19 and Traffic Assessment Act.

20 (k) A defendant at least 17 years of age who is placed on
21 supervision for a misdemeanor in a county of 3,000,000 or more
22 inhabitants and who has not been previously convicted of a
23 misdemeanor or felony may as a condition of his or her
24 supervision be required by the court to attend educational
25 courses designed to prepare the defendant for a high school
26 diploma and to work toward a high school diploma or to work

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

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

1 sentence of probation under Section 10 of the Cannabis Control
2 Act or Section 410 of the Illinois Controlled Substances Act
3 and after a finding by the court that the person is addicted,
4 to undergo treatment at a substance abuse program approved by
5 the court.

6 (m) The Secretary of State shall require anyone placed on
7 court supervision for a violation of Section 3-707 of the
8 Illinois Vehicle Code or a similar provision of a local
9 ordinance to give proof of his or her financial responsibility
10 as defined in Section 7-315 of the Illinois Vehicle Code. The
11 proof shall be maintained by the individual in a manner
12 satisfactory to the Secretary of State for a minimum period of
13 3 years after the date the proof is first filed. The proof
14 shall be limited to a single action per arrest and may not be
15 affected by any post-sentence disposition. The Secretary of
16 State shall suspend the driver's license of any person
17 determined by the Secretary to be in violation of this
18 subsection. This subsection does not apply to a person who, at
19 the time of the offense, was operating a motor vehicle
20 registered in a state other than Illinois.

21 (n) Any offender placed on supervision for any offense
22 that the court or probation department has determined to be
23 sexually motivated as defined in the Sex Offender Management
24 Board Act shall be required to refrain from any contact,
25 directly or indirectly, with any persons specified by the
26 court and shall be available for all evaluations and treatment

1 programs required by the court or the probation department.

2 (o) An offender placed on supervision for a sex offense as
3 defined in the Sex Offender Management Board Act shall refrain
4 from residing at the same address or in the same condominium
5 unit or apartment unit or in the same condominium complex or
6 apartment complex with another person he or she knows or
7 reasonably should know is a convicted sex offender or has been
8 placed on supervision for a sex offense. The provisions of
9 this subsection (o) do not apply to a person convicted of a sex
10 offense who is placed in a Department of Corrections licensed
11 transitional housing facility for sex offenders.

12 (p) An offender placed on supervision for an offense
13 committed on or after June 1, 2008 (the effective date of
14 Public Act 95-464) that would qualify the accused as a child
15 sex offender as defined in Section 11-9.3 or 11-9.4 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 shall
17 refrain from communicating with or contacting, by means of the
18 Internet, a person who is not related to the accused and whom
19 the accused reasonably believes to be under 18 years of age.
20 For purposes of this subsection (p), "Internet" has the
21 meaning ascribed to it in Section 16-0.1 of the Criminal Code
22 of 2012; and a person is not related to the accused if the
23 person is not: (i) the spouse, brother, or sister of the
24 accused; (ii) a descendant of the accused; (iii) a first or
25 second cousin of the accused; or (iv) a step-child or adopted
26 child of the accused.

1 (q) An offender placed on supervision for an offense
2 committed on or after June 1, 2008 (the effective date of
3 Public Act 95-464) that would qualify the accused as a child
4 sex offender as defined in Section 11-9.3 or 11-9.4 of the
5 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
6 ordered by the court, refrain from communicating with or
7 contacting, by means of the Internet, a person who is related
8 to the accused and whom the accused reasonably believes to be
9 under 18 years of age. For purposes of this subsection (q),
10 "Internet" has the meaning ascribed to it in Section 16-0.1 of
11 the Criminal Code of 2012; and a person is related to the
12 accused if the person is: (i) the spouse, brother, or sister of
13 the accused; (ii) a descendant of the accused; (iii) a first or
14 second cousin of the accused; or (iv) a step-child or adopted
15 child of the accused.

16 (r) An offender placed on supervision for an offense under
17 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
18 sexually exploited child ~~juvenile prostitute~~, 11-15.1,
19 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of
20 1961 or the Criminal Code of 2012, or any attempt to commit any
21 of these offenses, committed on or after June 1, 2009 (the
22 effective date of Public Act 95-983) shall:

23 (i) not access or use a computer or any other device
24 with Internet capability without the prior written
25 approval of the court, except in connection with the
26 offender's employment or search for employment with the

1 prior approval of the court;

2 (ii) submit to periodic unannounced examinations of
3 the offender's computer or any other device with Internet
4 capability by the offender's probation officer, a law
5 enforcement officer, or assigned computer or information
6 technology specialist, including the retrieval and copying
7 of all data from the computer or device and any internal or
8 external peripherals and removal of such information,
9 equipment, or device to conduct a more thorough
10 inspection;

11 (iii) submit to the installation on the offender's
12 computer or device with Internet capability, at the
13 offender's expense, of one or more hardware or software
14 systems to monitor the Internet use; and

15 (iv) submit to any other appropriate restrictions
16 concerning the offender's use of or access to a computer
17 or any other device with Internet capability imposed by
18 the court.

19 (s) An offender placed on supervision for an offense that
20 is a sex offense as defined in Section 2 of the Sex Offender
21 Registration Act that is committed on or after January 1, 2010
22 (the effective date of Public Act 96-362) that requires the
23 person to register as a sex offender under that Act, may not
24 knowingly use any computer scrub software on any computer that
25 the sex offender uses.

26 (t) An offender placed on supervision for a sex offense as

1 defined in the Sex Offender Registration Act committed on or
2 after January 1, 2010 (the effective date of Public Act
3 96-262) shall refrain from accessing or using a social
4 networking website as defined in Section 17-0.5 of the
5 Criminal Code of 2012.

6 (u) Jurisdiction over an offender may be transferred from
7 the sentencing court to the court of another circuit with the
8 concurrence of both courts. Further transfers or retransfers
9 of jurisdiction are also authorized in the same manner. The
10 court to which jurisdiction has been transferred shall have
11 the same powers as the sentencing court. The probation
12 department within the circuit to which jurisdiction has been
13 transferred may impose probation fees upon receiving the
14 transferred offender, as provided in subsection (i). The
15 probation department from the original sentencing court shall
16 retain all probation fees collected prior to the transfer.

17 (v) Except for restitution, and assessments issued for
18 adjudications under Section 5-125 of the Juvenile Court Act of
19 1987, fines and assessments, such as fees or administrative
20 costs, authorized under this Section shall not be ordered or
21 imposed on a minor subject to Article III, IV, or V of the
22 Juvenile Court Act of 1987, or a minor under the age of 18
23 transferred to adult court or excluded from juvenile court
24 jurisdiction under Article V of the Juvenile Court Act of
25 1987, or the minor's parent, guardian, or legal custodian.

26 (Source: P.A. 102-299, eff. 8-6-21; 103-379, eff. 7-28-23.)

1 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

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

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

5 (1) "Sexual assault" means the commission or attempted
6 commission of the following: sexual exploitation of a
7 child, criminal sexual assault, predatory criminal sexual
8 assault of a child, aggravated criminal sexual assault,
9 criminal sexual abuse, aggravated criminal sexual abuse,
10 indecent solicitation of a child, public indecency, sexual
11 relations within families, promoting commercial sexual
12 exploitation of a child ~~juvenile prostitution~~, soliciting
13 for a sexually exploited child ~~juvenile prostitute~~,
14 keeping a place of commercial sexual exploitation of a
15 child ~~juvenile prostitution~~, patronizing a sexually
16 exploited child ~~juvenile prostitute~~, juvenile pimping,
17 exploitation of a child, obscenity, child pornography,
18 aggravated child pornography, harmful material, or
19 ritualized abuse of a child, as those offenses are defined
20 in the Criminal Code of 1961 or the Criminal Code of 2012.

21 (2) (Blank).

22 (3) "Sexual assault organization" means any
23 not-for-profit organization providing comprehensive,
24 community-based services to victims of sexual assault.
25 "Community-based services" include, but are not limited

1 to, direct crisis intervention through a 24-hour response,
2 medical and legal advocacy, counseling, information and
3 referral services, training, and community education.

4 (b) (Blank).

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

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

18 Section 160. The Sex Offender Registration Act is amended
19 by changing Section 2 as follows:

20 (730 ILCS 150/2) (from Ch. 38, par. 222)

21 Sec. 2. Definitions.

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

24 (1) charged pursuant to Illinois law, or any

1 substantially similar federal, Uniform Code of Military
2 Justice, sister state, or foreign country law, with a sex
3 offense set forth in subsection (B) of this Section or the
4 attempt to commit an included sex offense, and:

5 (a) is convicted of such offense or an attempt to
6 commit such offense; or

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

9 (c) is found not guilty by reason of insanity
10 pursuant to Section 104-25(c) of the Code of Criminal
11 Procedure of 1963 of such offense or an attempt to
12 commit such offense; or

13 (d) is the subject of a finding not resulting in an
14 acquittal at a hearing conducted pursuant to Section
15 104-25(a) of the Code of Criminal Procedure of 1963
16 for the alleged commission or attempted commission of
17 such offense; or

18 (e) is found not guilty by reason of insanity
19 following a hearing conducted pursuant to a federal,
20 Uniform Code of Military Justice, sister state, or
21 foreign country law substantially similar to Section
22 104-25(c) of the Code of Criminal Procedure of 1963 of
23 such offense or of the attempted commission of such
24 offense; or

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

1 federal, Uniform Code of Military Justice, sister
2 state, or foreign country law substantially similar to
3 Section 104-25(a) of the Code of Criminal Procedure of
4 1963 for the alleged violation or attempted commission
5 of such offense; or

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

10 (3) subject to the provisions of Section 2 of the
11 Interstate Agreements on Sexually Dangerous Persons Act;
12 or

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

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

1 or (C-5) of this Section or a violation of any
2 substantially similar federal, Uniform Code of Military
3 Justice, sister state, or foreign country law.

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

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

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

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

14 11-20.1 (child pornography),

15 11-20.1B or 11-20.3 (aggravated child
16 pornography),

17 11-6 (indecent solicitation of a child),

18 11-9.1 (sexual exploitation of a child),

19 11-9.2 (custodial sexual misconduct),

20 11-9.5 (sexual misconduct with a person with a
21 disability),

22 11-14.4 (promoting commercial sexual exploitation
23 of a child ~~juvenile prostitution~~),

24 11-15.1 (soliciting for a sexually exploited child
25 ~~juvenile prostitute~~),

26 11-18.1 (patronizing a sexually exploited child

1 ~~juvenile prostitute),~~
2 11-17.1 (keeping a place of commercial sexual
3 exploitation of a child ~~juvenile prostitution),~~
4 11-19.1 (juvenile pimping),
5 11-19.2 (exploitation of a child),
6 11-25 (grooming),
7 11-26 (traveling to meet a minor or traveling to
8 meet a child),
9 11-1.20 or 12-13 (criminal sexual assault),
10 11-1.30 or 12-14 (aggravated criminal sexual
11 assault),
12 11-1.40 or 12-14.1 (predatory criminal sexual
13 assault of a child),
14 11-1.50 or 12-15 (criminal sexual abuse),
15 11-1.60 or 12-16 (aggravated criminal sexual
16 abuse),
17 12-33 (ritualized abuse of a child).

18 An attempt to commit any of these offenses.

19 (1.5) A violation of any of the following Sections of
20 the Criminal Code of 1961 or the Criminal Code of 2012,
21 when the victim is a person under 18 years of age, the
22 defendant is not a parent of the victim, the offense was
23 sexually motivated as defined in Section 10 of the Sex
24 Offender Evaluation and Treatment Act, and the offense was
25 committed on or after January 1, 1996:

26 10-1 (kidnapping),

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

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

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

13 (1.7) (Blank).

14 (1.8) A violation or attempted violation of Section
15 11-11 (sexual relations within families) of the Criminal
16 Code of 1961 or the Criminal Code of 2012, and the offense
17 was committed on or after June 1, 1997. If the offense was
18 committed before June 1, 1997, it is a sex offense
19 requiring registration only when the person is convicted
20 of any felony after July 1, 2011, and paragraph (2.1) of
21 subsection (c) of Section 3 of this Act applies.

22 (1.9) Child abduction under paragraph (10) of
23 subsection (b) of Section 10-5 of the Criminal Code of
24 1961 or the Criminal Code of 2012 committed by luring or
25 attempting to lure a child under the age of 16 into a motor
26 vehicle, building, house trailer, or dwelling place

1 without the consent of the parent or lawful custodian of
2 the child for other than a lawful purpose and the offense
3 was committed on or after January 1, 1998, provided the
4 offense was sexually motivated as defined in Section 10 of
5 the Sex Offender Management Board Act. If the offense was
6 committed before January 1, 1998, it is a sex offense
7 requiring registration only when the person is convicted
8 of any felony after July 1, 2011, and paragraph (2.1) of
9 subsection (c) of Section 3 of this Act applies.

10 (1.10) A violation or attempted violation of any of
11 the following Sections of the Criminal Code of 1961 or the
12 Criminal Code of 2012 when the offense was committed on or
13 after July 1, 1999:

14 10-4 (forcible detention, if the victim is under
15 18 years of age), provided the offense was sexually
16 motivated as defined in Section 10 of the Sex Offender
17 Management Board Act,

18 11-6.5 (indecent solicitation of an adult),

19 11-14.3 that involves soliciting for a person
20 engaged in the sex trade ~~prostitute~~, or 11-15
21 (soliciting for a person engaged in the sex trade
22 ~~prostitute~~, if the victim is under 18 years of age),

23 subdivision (a)(2)(A) or (a)(2)(B) of Section
24 11-14.3, or Section 11-16 (pandering, if the victim is
25 under 18 years of age),

26 11-18 (patronizing a person engaged in the sex

1 trade prostitute, if the victim is under 18 years of
2 age),

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

6 If the offense was committed before July 1, 1999, it
7 is a sex offense requiring registration only when the
8 person is convicted of any felony after July 1, 2011, and
9 paragraph (2.1) of subsection (c) of Section 3 of this Act
10 applies.

11 (1.11) A violation or attempted violation of any of
12 the following Sections of the Criminal Code of 1961 or the
13 Criminal Code of 2012 when the offense was committed on or
14 after August 22, 2002:

15 11-9 or 11-30 (public indecency for a third or
16 subsequent conviction).

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

22 (1.12) A violation or attempted violation of Section
23 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
24 Criminal Code of 1961 or the Criminal Code of 2012
25 (permitting sexual abuse) when the offense was committed
26 on or after August 22, 2002. If the offense was committed

1 before August 22, 2002, it is a sex offense requiring
2 registration only when the person is convicted of any
3 felony after July 1, 2011, and paragraph (2.1) of
4 subsection (c) of Section 3 of this Act applies.

5 (2) A violation of any former law of this State
6 substantially equivalent to any offense listed in
7 subsection (B) of this Section.

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

20 (C-5) A person at least 17 years of age at the time of the
21 commission of the offense who is convicted of first degree
22 murder under Section 9-1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, against a person under 18 years of age,
24 shall be required to register for natural life. A conviction
25 for an offense of federal, Uniform Code of Military Justice,
26 sister state, or foreign country law that is substantially

1 equivalent to any offense listed in subsection (C-5) of this
2 Section shall constitute a conviction for the purpose of this
3 Article. This subsection (C-5) applies to a person who
4 committed the offense before June 1, 1996 if: (i) the person is
5 incarcerated in an Illinois Department of Corrections facility
6 on August 20, 2004 (the effective date of Public Act 93-977),
7 or (ii) subparagraph (i) does not apply and the person is
8 convicted of any felony after July 1, 2011, and paragraph
9 (2.1) of subsection (c) of Section 3 of this Act applies.

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

22 (D) As used in this Article, "law enforcement agency
23 having jurisdiction" means the Chief of Police in each of the
24 municipalities in which the sex offender expects to reside,
25 work, or attend school (1) upon his or her discharge, parole or
26 release or (2) during the service of his or her sentence of

1 probation or conditional discharge, or the Sheriff of the
2 county, in the event no Police Chief exists or if the offender
3 intends to reside, work, or attend school in an unincorporated
4 area. "Law enforcement agency having jurisdiction" includes
5 the location where out-of-state students attend school and
6 where out-of-state employees are employed or are otherwise
7 required to register.

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

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

13 (1) Convicted for an offense of federal, Uniform Code
14 of Military Justice, sister state, or foreign country law
15 that is substantially equivalent to any offense listed in
16 subsection (E) or (E-5) of this Section shall constitute a
17 conviction for the purpose of this Article. Convicted of a
18 violation or attempted violation of any of the following
19 Sections of the Criminal Code of 1961 or the Criminal Code
20 of 2012:

21 10-5.1 (luring of a minor),

22 11-14.4 that involves keeping a place of
23 commercial sexual exploitation of a child ~~juvenile~~
24 ~~prostitution~~, or 11-17.1 (keeping a place of
25 commercial sexual exploitation of a child ~~juvenile~~
26 ~~prostitution~~),

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

1 of this paragraph (5), "convicted" shall include a
2 conviction under any substantially similar Illinois,
3 federal, Uniform Code of Military Justice, sister state,
4 or foreign country law;

5 (6) (blank); or

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

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

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

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

24 (3) when the victim is a person under 18 years of age,
25 the defendant is not a parent of the victim, the offense
26 was sexually motivated as defined in Section 10 of the Sex

1 Offender Management Board Act, and the offense was
2 committed on or after January 1, 1996: (A) Section 10-1
3 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
4 (C) Section 10-3 (unlawful restraint), and (D) Section
5 10-3.1 (aggravated unlawful restraint); and

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

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

20 (F) As used in this Article, "out-of-state student" means
21 any sex offender, as defined in this Section, or sexual
22 predator who is enrolled in Illinois, on a full-time or
23 part-time basis, in any public or private educational
24 institution, including, but not limited to, any secondary
25 school, trade or professional institution, or institution of
26 higher learning.

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

9 (H) As used in this Article, "school" means any public or
10 private educational institution, including, but not limited
11 to, any elementary or secondary school, trade or professional
12 institution, or institution of higher education.

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

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

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

21 Section 165. The Code of Civil Procedure is amended by
22 changing Section 8-802.1 as follows:

23 (735 ILCS 5/8-802.1) (from Ch. 110, par. 8-802.1)

24 Sec. 8-802.1. Confidentiality of statements made to rape

1 crisis personnel.

2 (a) Purpose. This Section is intended to protect victims
3 of rape from public disclosure of statements they make in
4 confidence to counselors of organizations established to help
5 them. On or after July 1, 1984, "rape" means an act of forced
6 sexual penetration or sexual conduct, as defined in Section
7 11-0.1 of the Criminal Code of 2012, including acts prohibited
8 under Sections 11-1.20 through 11-1.60 or 12-13 through 12-16
9 of the Criminal Code of 1961 or the Criminal Code of 2012.
10 Because of the fear and stigma that often results from those
11 crimes, many victims hesitate to seek help even where it is
12 available at no cost to them. As a result they not only fail to
13 receive needed medical care and emergency counseling, but may
14 lack the psychological support necessary to report the crime
15 and aid police in preventing future crimes.

16 (b) Definitions. As used in this Act:

17 (1) "Rape crisis organization" means any organization
18 or association a major purpose of which is providing
19 information, counseling, and psychological support to
20 victims of any or all of the crimes of aggravated criminal
21 sexual assault, predatory criminal sexual assault of a
22 child, criminal sexual assault, sexual relations between
23 siblings, criminal sexual abuse and aggravated criminal
24 sexual abuse. "Rape crisis organization" includes, but is
25 not limited to, rape crisis centers certified by a
26 statewide sexual assault coalition.

1 (2) "Rape crisis counselor" means a person who is a
2 psychologist, social worker, employee, or volunteer in any
3 organization or association defined as a rape crisis
4 organization under this Section, who has undergone 40
5 hours of training and is under the control of a direct
6 services supervisor of a rape crisis organization.

7 (3) "Victim" means a person who is the subject of, or
8 who seeks information, counseling, or advocacy services as
9 a result of an aggravated criminal sexual assault,
10 predatory criminal sexual assault of a child, criminal
11 sexual assault, sexual relations within families, criminal
12 sexual abuse, aggravated criminal sexual abuse, sexual
13 exploitation of a child, indecent solicitation of a child,
14 public indecency, exploitation of a child, promoting
15 commercial sexual exploitation of a child ~~juvenile~~
16 ~~prostitution~~ as described in subdivision (a) (4) of Section
17 11-14.4, or an attempt to commit any of these offenses.

18 (4) "Confidential communication" means any
19 communication between a victim and a rape crisis counselor
20 in the course of providing information, counseling, and
21 advocacy. The term includes all records kept by the
22 counselor or by the organization in the course of
23 providing services to an alleged victim concerning the
24 alleged victim and the services provided.

25 (c) Waiver of privilege.

26 (1) The confidential nature of the communication is

1 not waived by: the presence of a third person who further
2 expresses the interests of the victim at the time of the
3 communication; group counseling; or disclosure to a third
4 person with the consent of the victim when reasonably
5 necessary to accomplish the purpose for which the
6 counselor is consulted.

7 (2) The confidential nature of counseling records is
8 not waived when: the victim inspects the records; or in
9 the case of a minor child less than 12 years of age, a
10 parent or guardian whose interests are not adverse to the
11 minor inspects the records; or in the case of a minor
12 victim 12 years or older, a parent or guardian whose
13 interests are not adverse to the minor inspects the
14 records with the victim's consent, or in the case of an
15 adult who has a guardian of his or her person, the guardian
16 inspects the records with the victim's consent.

17 (3) When a victim is deceased, the executor or
18 administrator of the victim's estate may waive the
19 privilege established by this Section, unless the executor
20 or administrator has an interest adverse to the victim.

21 (4) A minor victim 12 years of age or older may
22 knowingly waive the privilege established in this Section.
23 When a minor is, in the opinion of the Court, incapable of
24 knowingly waiving the privilege, the parent or guardian of
25 the minor may waive the privilege on behalf of the minor,
26 unless the parent or guardian has been charged with a

1 violent crime against the victim or otherwise has any
2 interest adverse to that of the minor with respect to the
3 waiver of the privilege.

4 (5) An adult victim who has a guardian of his or her
5 person may knowingly waive the privilege established in
6 this Section. When the victim is, in the opinion of the
7 court, incapable of knowingly waiving the privilege, the
8 guardian of the adult victim may waive the privilege on
9 behalf of the victim, unless the guardian has been charged
10 with a violent crime against the victim or otherwise has
11 any interest adverse to the victim with respect to the
12 privilege.

13 (d) Confidentiality. Except as provided in this Act, no
14 rape crisis counselor shall disclose any confidential
15 communication or be examined as a witness in any civil or
16 criminal proceeding as to any confidential communication
17 without the written consent of the victim or a representative
18 of the victim as provided in subparagraph (c).

19 (e) A rape crisis counselor may disclose a confidential
20 communication without the consent of the victim if failure to
21 disclose is likely to result in a clear, imminent risk of
22 serious physical injury or death of the victim or another
23 person. Any rape crisis counselor or rape crisis organization
24 participating in good faith in the disclosing of records and
25 communications under this Act shall have immunity from any
26 liability, civil, criminal, or otherwise that might result

1 from the action. In any proceeding, civil or criminal, arising
2 out of a disclosure under this Section, the good faith of any
3 rape crisis counselor or rape crisis organization who
4 disclosed the confidential communication shall be presumed.

5 (f) Any rape crisis counselor who knowingly discloses any
6 confidential communication in violation of this Act commits a
7 Class C misdemeanor.

8 (Source: P.A. 102-469, eff. 1-1-22.)

9 Section 170. The Trafficking Victims Protection Act is
10 amended by changing Section 10 as follows:

11 (740 ILCS 128/10)

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

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

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

19 "Sex trade" means a violation or attempted violation of
20 any of the following Sections of the Criminal Code of 1961 or
21 the Criminal Code of 2012: 11-14.3 (promoting prostitution);
22 11-14.4 (promoting commercial sexual exploitation of a child
23 ~~juvenile prostitution~~); 11-15 (soliciting for a person engaged
24 in the sex trade prostitute); 11-15.1 (soliciting for a

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

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

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

14 (1) soliciting for a person engaged in the sex trade
15 ~~prostitute~~: the person engaged in the sex trade ~~prostitute~~
16 who is the object of the solicitation;

17 (2) soliciting for a sexually exploited child ~~juvenile~~
18 ~~prostitute~~: the sexually exploited child ~~juvenile~~
19 ~~prostitute~~, or person with a severe or profound
20 intellectual disability, who is the object of the
21 solicitation;

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

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

5 (5) keeping a place of commercial sexual exploitation
6 of a child juvenile prostitution: any juvenile intended or
7 compelled to act as a person engaged in the sex trade
8 prostitute, while present at the place, during the time
9 period in question;

10 (6) promoting prostitution as described in subdivision
11 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961
12 or the Criminal Code of 2012, or pimping: the person
13 engaged in the sex trade prostitute from whom anything of
14 value is received;

15 (7) promoting commercial sexual exploitation of a
16 child juvenile prostitution as described in subdivision
17 (a) (2) or (a) (3) of Section 11-14.4 of the Criminal Code
18 of 1961 or the Criminal Code of 2012, or juvenile pimping
19 and aggravated juvenile pimping: the juvenile, or person
20 with a severe or profound intellectual disability, from
21 whom anything of value is received for that person's act
22 of prostitution;

23 (8) promoting commercial sexual exploitation of a
24 child juvenile prostitution as described in subdivision
25 (a) (4) of Section 11-14.4 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, or exploitation of a child: the

1 juvenile, or person with a severe or profound intellectual
2 disability, intended or compelled to act as a person
3 engaged in the sex trade ~~prostitute~~ or from whom anything
4 of value is received for that person's act of
5 prostitution;

6 (9) obscenity: any person who appears in or is
7 described or depicted in the offending conduct or
8 material;

9 (10) child pornography or aggravated child
10 pornography: any child, or person with a severe or
11 profound intellectual disability, who appears in or is
12 described or depicted in the offending conduct or
13 material; or

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

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

18 Section 175. The Illinois Securities Law of 1953 is
19 amended by changing Section 7a as follows:

20 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

21 Sec. 7a. (a) Except as provided in subsection (b) of this
22 Section, no securities, issued by an issuer engaged in or
23 deriving revenues from the conduct of any business or
24 profession, the conduct of which would violate Section 11-14,

1 11-14.3, 11-14.4 as described in subdivision (a)(1), (a)(2),
2 or (a)(3) or that involves soliciting for a sexually exploited
3 child ~~juvenile prostitute~~, 11-15, 11-15.1, 11-16, 11-17, 11-19
4 or 11-19.1 of the Criminal Code of 1961 or the Criminal Code of
5 2012, if conducted in this State, shall be sold or registered
6 pursuant to Section 5, 6 or 7 of this Act nor sold pursuant to
7 the provisions of Section 3 or 4 of this Act.

8 (b) Notwithstanding the provisions of subsection (a)
9 hereof, such securities issued prior to the effective date of
10 this amendatory Act of 1989 may be sold by a resident of this
11 State in transactions which qualify for an exemption from the
12 registration requirements of this Act pursuant to subsection A
13 of Section 4 of this Act.

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

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