

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 Sealing of Felony Prostitution Arrests.

19 (A) The Illinois State Police and local law  
20 enforcement agencies within the State shall  
21 automatically seal the law enforcement records  
22 relating to a person's Class 4 felony arrests and  
23 charges not initiated by arrest for prostitution if  
24 that arrest or charge not initiated by arrest is  
25 eligible for sealing under paragraph (2) of subsection  
26 (c).

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

9           (C) The automatic sealing described in this  
10          paragraph (1) shall be completed no later than January  
11          1, 2028.

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

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

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

26          (C) The automatic sealing of records described in

1           this paragraph (2) shall be completed no later than  
2           January 1, 2028.

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

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

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

15                 (B) the petitioner's age;

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

17                 and

18                 (D) the time since the conviction, and the  
19                 specific adverse consequences if denied. An individual  
20                 may file the petition after the completion of any  
21                 sentence or condition imposed by the conviction.  
22                 Within 60 days of the filing of the motion, a State's  
23                 Attorney may file an objection to the petition along  
24                 with supporting evidence. If a motion to vacate and  
25                 expunge is granted, the records shall be expunged in  
26                 accordance with subparagraph (d) (9) (A) of this

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

9 (4) ~~(2)~~ Any State's Attorney may file a motion to  
10 vacate and expunge a conviction for a Class 4 felony  
11 violation of prostitution. Motions to vacate and expunge  
12 under this subsection (j) may be filed with the circuit  
13 court, Chief Judge of a judicial circuit, or any judge of  
14 the circuit court designated by the Chief Judge, and may  
15 include more than one individual. When considering the  
16 motion to vacate and expunge, a court shall consider the  
17 following reasons:

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

20 (B) the petitioner's age;

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

22 (D) the time since the conviction; and

23 (E) the specific adverse consequences if denied.

24 If the State's Attorney files a motion to vacate and  
25 expunge records for felony prostitution convictions  
26 pursuant to this Section, the State's Attorney shall

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

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

9 (6) ~~(4)~~ The Illinois State Police shall allow a person  
10 to use the access and review process, established in the  
11 Illinois State Police, for verifying that his or her  
12 records relating to felony prostitution eligible under  
13 this Section have been expunged.

14 (7) ~~(5)~~ No conviction vacated pursuant to this Section  
15 shall serve as the basis for damages for time unjustly  
16 served as provided in the Court of Claims Act.

17 (8) ~~(6)~~ Effect of Expungement. A person's right to  
18 expunge an expungeable offense shall not be limited under  
19 this Section. The effect of an order of expungement shall  
20 be to restore the person to the status he or she occupied  
21 before the arrest, charge, or conviction.

22 (9) ~~(7)~~ Information. The Illinois State Police shall  
23 post general information on its website about the  
24 expungement or sealing process described in this  
25 subsection (j).

26 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;



1 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.  
2 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

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

5 (20 ILCS 4026/10)

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

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

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

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

22 (1) indecent solicitation of a child, in violation of  
23 Section 11-6 of the Criminal Code of 1961 or the Criminal  
24 Code of 2012;

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

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

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

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

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

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

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

26          (9) promoting commercial sexual exploitation of a

1 child juvenile prostitution or juvenile pimping, in  
2 violation of Section 11-14.4 or 11-19.1 of the Criminal  
3 Code of 1961 or the Criminal Code of 2012;

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

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

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

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

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

18 (13.5) grooming, in violation of Section 11-25 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012;

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

23 (14.5) traveling to meet a minor or traveling to meet  
24 a child, in violation of Section 11-26 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012;

26 (15) predatory criminal sexual assault of a child, in

1 violation of Section 11-1.40 or 12-14.1 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012;

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

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

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

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

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

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

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

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

26 (g) "Sex offender treatment provider" means a person

1 licensed under the Sex Offender Evaluation and Treatment  
2 Provider Act to provide sex offender treatment services.

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

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

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

12 (55 ILCS 5/5-10008) (from Ch. 34, par. 5-10008)

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

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

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

20 (225 ILCS 515/10) (from Ch. 111, par. 910)

21 Sec. 10. Licensee prohibitions. No licensee shall send or  
22 cause to be sent any female help or servants, inmate, or

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

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

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

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

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

26 No licensee shall print or stamp on any receipt or on any

1 contract used by that agency any part of this Act, unless the  
2 entire Section from which that part is taken is printed or  
3 stamped thereon.

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

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

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

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

15 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

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

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

22 (1) A person who is not a resident of any city, village  
23 or county in which the premises covered by the license are  
24 located; except in case of railroad or boat licenses.

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

3           (3) (Blank).

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

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

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

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

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

25           (9) A copartnership, if any general partnership  
26 thereof, or any limited partnership thereof, owning more



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

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

12 (10a) A corporation or limited liability company  
13 unless it is incorporated or organized in Illinois, or  
14 unless it is a foreign corporation or foreign limited  
15 liability company which is qualified under the Business  
16 Corporation Act of 1983 or the Limited Liability Company  
17 Act to transact business in Illinois. The Commission shall  
18 permit and accept from an applicant for a license under  
19 this Act proof prepared from the Secretary of State's  
20 website that the corporation or limited liability company  
21 is in good standing and is qualified under the Business  
22 Corporation Act of 1983 or the Limited Liability Company  
23 Act to transact business in Illinois.

24 (11) A person whose place of business is conducted by  
25 a manager or agent unless the manager or agent possesses  
26 the same qualifications required by the licensee.

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

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

13          (14) Any law enforcing public official, including  
14          members of local liquor control commissions, any mayor,  
15          alderperson, or member of the city council or commission,  
16          any president of the village board of trustees, any member  
17          of a village board of trustees, or any president or member  
18          of a county board; and no such official shall have a direct  
19          interest in the manufacture, sale, or distribution of  
20          alcoholic liquor, except that a license may be granted to  
21          such official in relation to premises that are not located  
22          within the territory subject to the jurisdiction of that  
23          official if the issuance of such license is approved by  
24          the State Liquor Control Commission and except that a  
25          license may be granted, in a city or village with a  
26          population of 55,000 or less, to any alderperson, member

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

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

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

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

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

21 (18) A person who intends to sell alcoholic liquors  
22 for use or consumption on his or her licensed retail  
23 premises who does not have liquor liability insurance  
24 coverage for that premises in an amount that is at least  
25 equal to the maximum liability amounts set out in  
26 subsection (a) of Section 6-21.

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

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

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

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

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

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

4 (325 ILCS 40/2) (from Ch. 23, par. 2252)

5 Sec. 2. As used in this Act:

6 (a) (Blank).

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

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

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

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

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

24 (g) (Blank).

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

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

9 (j) (Blank).

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

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

13 (625 ILCS 5/6-206)

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

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

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

23 2. Has been convicted of not less than 3 offenses  
24 against traffic regulations governing the movement of



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

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

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

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

25 6. Has been lawfully convicted of an offense or  
26 offenses in another state, including the authorization

1 contained in Section 6-203.1, which if committed within  
2 this State would be grounds for suspension or revocation;

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

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

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

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

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

23 12. Has submitted to any portion of the application  
24 process for another person or has obtained the services of  
25 another person to submit to any portion of the application  
26 process for the purpose of obtaining a license,

1 identification card, or permit for some other person;

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

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

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

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

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

24 18. (Blank);

25 19. Has committed a violation of paragraph (a) or (b)  
26 of Section 6-101 relating to driving without a driver's

1 license;

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

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

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

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

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

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

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

4           27. (Blank);

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

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

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

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

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

25           32. Has been convicted of Section 24-1.2 of the  
26       Criminal Code of 1961 or the Criminal Code of 2012

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

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

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

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

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

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

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

26 39. Has committed a second or subsequent violation of

1 Section 11-1201 of this Code;

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

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

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

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

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

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



1 (i) committed perjury; (ii) submitted fraudulent or  
2 falsified documents; (iii) submitted documents that have  
3 been materially altered; or (iv) submitted, as his or her  
4 own, documents that were in fact prepared or composed for  
5 another person;

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

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

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

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

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

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

26 52. Has committed a violation of subsection (b) of

1 Section 10-20 of the Cannabis Regulation and Tax Act or a  
2 similar provision of a local ordinance.

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

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

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

25 2. If the Secretary of State suspends the driver's license  
26 of a person under subsection 2 of paragraph (a) of this

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

25 The provisions of this subparagraph shall not apply to any  
26 driver required to possess a CDL for the purpose of operating a

1 commercial motor vehicle.

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

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

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

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

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

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

1 out-of-state offense; or  
2 (ii) a statutory summary suspension or revocation  
3 under Section 11-501.1; or  
4 (iii) a suspension under Section 6-203.1;  
5 arising out of separate occurrences; that person, if  
6 issued a restricted driving permit, may not operate a  
7 vehicle unless it has been equipped with an ignition  
8 interlock device as defined in Section 1-129.1.

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

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

23 (D) If the restricted driving permit is issued for  
24 employment purposes, then the prohibition against  
25 operating a motor vehicle that is not equipped with an  
26 ignition interlock device does not apply to the operation

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

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

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

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

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

25 (ii) the successful completion of any  
26 rehabilitative treatment and involvement in any



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

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

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

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

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

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

26          (c-5) The Secretary of State may, as a condition of the

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

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

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

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

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

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

24 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

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

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

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

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

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

1 officer becomes aware of the offense. However, in no such case  
2 is the period of limitation so extended more than 3 years  
3 beyond the expiration of the period otherwise applicable.

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

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

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

19 (c) (Blank).

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

1 of the victim attaining the age of 18 years. However, in no  
2 such case shall the time period for prosecution expire sooner  
3 than 3 years after the commission of the offense.

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

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

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

21 (g) (Blank).

22 (h) (Blank).

23 (i) Except as otherwise provided in subdivision (j), a  
24 prosecution for criminal sexual assault, aggravated criminal  
25 sexual assault, or aggravated criminal sexual abuse may be  
26 commenced at any time. If the victim consented to the

1 collection of evidence using an Illinois State Police Sexual  
2 Assault Evidence Collection Kit under the Sexual Assault  
3 Survivors Emergency Treatment Act, it shall constitute  
4 reporting for purposes of this Section.

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

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

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

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

1 Act may be commenced within 20 years after the child victim  
2 attains 18 years of age.

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

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

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

15 (k) (Blank).

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

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



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

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

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

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

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

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

6 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

7 Sec. 8-2. Conspiracy.

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

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

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

23 (c) Sentence.

24 (1) Except as otherwise provided in this subsection or  
25 Code, a person convicted of conspiracy to commit:

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

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

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

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

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

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

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

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

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

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

26 (A) first degree murder (720 ILCS 5/9-1); or

1 (B) aggravated insurance fraud (720 ILCS 5/46-3)  
2 or aggravated governmental insurance fraud (720 ILCS  
3 5/46-3).

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

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

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

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

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

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

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

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

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

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

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

26 (J) look-alike substances violation (720 ILCS

1           570/404);

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

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

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

7           (720 ILCS 5/11-0.1)

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

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

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

17          "Advance prostitution" means:

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

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

25           (B) Arranging or offering to arrange a meeting of

1 persons for the purpose of prostitution.

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

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

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

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

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

21 "Agency". See Section 11-9.5.

22 "Arranges". See Section 11-6.5.

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

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

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

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

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

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

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

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

13 "Custody". See Section 11-9.2.

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

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

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

17 "Disseminate". See Section 11-20.1.

18 "Distribute". See Section 11-21.

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

26 "Force or threat of force" means the use of force or

1 violence or the threat of force or violence, including, but  
2 not limited to, the following situations:

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

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

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

11 "Loiter". See Section 9.3.

12 "Material". See Section 11-21.

13 "Minor". See Section 11-21.

14 "Nudity". See Section 11-21.

15 "Obscene". See Section 11-20.

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

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

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

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

21 "Playground". See Section 11-9.3.

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

23 "Produce". See Section 11-20.1.

24 "Profit from prostitution" means, when acting other than  
25 as a person engaged in the sex trade ~~prostitute~~, to receive  
26 anything of value for personally rendered prostitution



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

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

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

7 "Reproduce". See Section 11-20.1.

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

9 "School". See Section 11-9.3.

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

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

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

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

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

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

1 another person, including, but not limited to, cunnilingus,  
2 fellatio, or anal penetration. Evidence of emission of semen  
3 is not required to prove sexual penetration.

4 "Solicit". See Section 11-6.

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

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

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

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

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

23 (1) was unconscious or asleep;

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

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

1 of the essential characteristics of the act due to the  
2 perpetrator's fraud in fact; or

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

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

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

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

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

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

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

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

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

23           (720 ILCS 5/11-9.3)

24           Sec. 11-9.3. Presence within school zone by child sex  
25 offenders prohibited; approaching, contacting, residing with,

1 or communicating with a child within certain places by child  
2 sex offenders prohibited.

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

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

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

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

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

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

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

1 child under 18 years of age, unless the offender is a parent or  
2 guardian of a person under 18 years of age present in the  
3 building or on the grounds.

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

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



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

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

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

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

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

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

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

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

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

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

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

24 (c-8) It is unlawful for a child sex offender to knowingly  
25 operate, whether authorized to do so or not, any of the  
26 following vehicles: (1) a vehicle which is specifically

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

5 (d) Definitions. In this Section:

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

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

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

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

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

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

1 offense; or

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

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

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

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

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

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

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

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

1 11-18.1 (patronizing a sexually exploited child  
2 ~~juvenile prostitute~~), 11-20.1 (child pornography),  
3 11-20.1B (aggravated child pornography), 11-21  
4 (harmful material), 11-25 (grooming), 11-26 (traveling  
5 to meet a minor or traveling to meet a child), 12-33  
6 (ritualized abuse of a child), 11-20 (obscenity) (when  
7 that offense was committed in any school, on real  
8 property comprising any school, in any conveyance  
9 owned, leased, or contracted by a school to transport  
10 students to or from school or a school related  
11 activity, or in a public park), 11-30 (public  
12 indecency) (when committed in a school, on real  
13 property comprising a school, in any conveyance owned,  
14 leased, or contracted by a school to transport  
15 students to or from school or a school related  
16 activity, or in a public park). An attempt to commit  
17 any of these 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), 11-1.50  
23 (criminal sexual abuse), 11-1.60 (aggravated criminal  
24 sexual abuse). An attempt to commit any of these  
25 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  
12 clause (2)(i) or (2)(ii) of subsection (d) of this  
13 Section.

14 (2.5) For the purposes of subsections (b-5) and (b-10)  
15 only, a sex offense means:

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

19 10-5(b)(10) (child luring), 10-7 (aiding or  
20 abetting child abduction under Section 10-5(b)(10)),  
21 11-1.40 (predatory criminal sexual assault of a  
22 child), 11-6 (indecent solicitation of a child),  
23 11-6.5 (indecent solicitation of an adult), 11-9.2  
24 (custodial sexual misconduct), 11-9.5 (sexual  
25 misconduct with a person with a disability), 11-11  
26 (sexual relations within families), 11-14.3(a)(1)



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

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

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

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

3           10-1 (kidnapping),  
4           10-2 (aggravated kidnapping),  
5           10-3 (unlawful restraint),  
6           10-3.1 (aggravated unlawful restraint),  
7           11-9.1(A) (permitting sexual abuse of a child).

8           An attempt to commit any of these offenses.

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

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

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

25          (5) "Child care institution" has the meaning ascribed  
26          to it in Section 2.06 of the Child Care Act of 1969.

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

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

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

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

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

13          (11) "Loiter" means:

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

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

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

24          (12) "Part day child care facility" has the meaning  
25          ascribed to it in Section 2.10 of the Child Care Act of  
26          1969.

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

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

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

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

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

26          (f) Sentence. A person who violates this Section is guilty

1 of a Class 4 felony.

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

3 (720 ILCS 5/11-14.3)

4 Sec. 11-14.3. Promoting prostitution.

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

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

9 (2) profits from prostitution by:

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

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

14 (C) any means other than those described in  
15 subparagraph (A) or (B), including from a person who  
16 patronizes a person engaged in the sex trade  
17 ~~prostitute~~. This paragraph (C) does not apply to a  
18 person engaged in prostitution who is under 18 years  
19 of age. A person cannot be convicted of promoting  
20 prostitution under this paragraph (C) if the practice  
21 of prostitution underlying the offense consists  
22 exclusively of the accused's own acts of prostitution  
23 under Section 11-14 of this Code.

24 (b) Sentence.

25 (1) A violation of subdivision (a)(1) is a Class 4

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

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

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

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

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

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

22 (720 ILCS 5/11-14.4)

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

25 (a) Any person who knowingly performs any of the following

1 acts commits promoting commercial sexual exploitation of a  
2 child ~~juvenile prostitution~~:

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

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

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

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



1 Protection Act and:

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

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

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

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

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

1 rise to the charge.

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

24 (e) Forfeiture. Any person convicted of a violation of  
25 this Section that involves promoting commercial sexual  
26 exploitation of a child juvenile prostitution by keeping a

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

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

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

15 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

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

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

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

24 (2) Enters or remains in a place of prostitution with  
25 intent to engage in an act of sexual penetration as

1 defined in Section 11-0.1 of this Code; or

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

6 (b) Sentence.

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

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

3 (c) (Blank).

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

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

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

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

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

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

1 of the act giving rise to the charge.

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

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

25 (720 ILCS 5/33G-3)

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

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

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

9 (b) "Enterprise" includes:

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

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

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

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

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

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

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

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

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

26           (1) under the Criminal Code of 1961 or the Criminal



1 Code of 2012: 8-1.2 (solicitation of murder for hire), 9-1  
2 (first degree murder), 9-3.3 (drug-induced homicide), 10-1  
3 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1  
4 (aggravated unlawful restraint), 10-4 (forcible  
5 detention), 10-5(b)(10) (child abduction), 10-9  
6 (trafficking in persons, involuntary servitude, and  
7 related offenses), 11-1.20 (criminal sexual assault),  
8 11-1.30 (aggravated criminal sexual assault), 11-1.40  
9 (predatory criminal sexual assault of a child), 11-1.60  
10 (aggravated criminal sexual abuse), 11-6 (indecent  
11 solicitation of a child), 11-6.5 (indecent solicitation of  
12 an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting  
13 prostitution), 11-14.4 (promoting commercial sexual  
14 exploitation of a child ~~juvenile prostitution~~), 11-18.1  
15 (patronizing a sexually exploited child ~~minor engaged in~~  
16 ~~prostitution~~; patronizing a sexually exploited child  
17 ~~juvenile prostitute~~), 12-3.05 (aggravated battery), 12-6.4  
18 (criminal street gang recruitment), 12-6.5 (compelling  
19 organization membership of persons), 12-7.3 (stalking),  
20 12-7.4 (aggravated stalking), 12-7.5 (cyberstalking),  
21 12-11 or 19-6 (home invasion), 12-11.1 or 18-6 (vehicular  
22 invasion), 18-1 (robbery; aggravated robbery), 18-2 (armed  
23 robbery), 18-3 (vehicular hijacking), 18-4 (aggravated  
24 vehicular hijacking), 18-5 (aggravated robbery), 19-1  
25 (burglary), 19-3 (residential burglary), 20-1 (arson;  
26 residential arson; place of worship arson), 20-1.1

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

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

23 (3) under the Illinois Controlled Substances Act:  
24 Sections 401 (manufacture or delivery of a controlled  
25 substance), 401.1 (controlled substance trafficking), 405  
26 (calculated criminal drug conspiracy), or 405.2 (street

1 gang criminal drug conspiracy); or

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

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

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

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

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

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

25 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (9) (A) operating a watercraft under the influence of  
26 alcohol, other drug or drugs, intoxicating compound or

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



1 or a similar provision for the third or subsequent time.

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

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

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

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

18 (e) In addition, property subject to forfeiture under  
19 Section 40 of the Illinois Streetgang Terrorism Omnibus  
20 Prevention Act may be seized and forfeited under this Article.

21 (Source: P.A. 102-982, eff. 7-1-23.)

22 Section 140. The Code of Criminal Procedure of 1963 is  
23 amended by changing Sections 108B-3, 111-8, 124B-10, 124B-100,  
24 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  
26 juvenile pimping), or 29B-1 (money laundering) of the Criminal

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

26 (b) The State's Attorney or a person designated in writing

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

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

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

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

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

22 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

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

25 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,

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

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

26 (c) The court may grant emergency relief without notice

1 upon a showing of immediate and present danger of abuse to the  
2 victim or minor children of the victim and may enter a  
3 temporary order pending notice and full hearing on the matter.  
4 (Source: P.A. 99-642, eff. 7-28-16.)

5 (725 ILCS 5/124B-10)

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

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

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

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

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

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

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

9           (6.5) A violation of Section 11-23.5 of the Criminal  
10 Code of 2012.

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

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

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

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

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

26           (12) A felony violation of Section 4.01 of the Humane



1 Care for Animals Act (animals in entertainment).  
2 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;  
3 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.  
4 6-1-15.)

5 (725 ILCS 5/124B-100)

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

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

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

22 (3) In the case of forfeiture authorized under  
23 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,  
24 of the Criminal Code of 1961 or the Criminal Code of 2012,  
25 "offense" means the offense of promoting commercial sexual

1       exploitation of a child ~~juvenile prostitution~~ or  
2       exploitation of a child in violation of subdivision (a) (4)  
3       of Section 11-14.4, or Section 11-19.2, of those Codes.

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

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

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

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

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

1 Codes.

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

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

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

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

25 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;  
26 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.

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

2 (725 ILCS 5/124B-300)

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

1 have been acquired or maintained as a result of maintaining a  
2 person in involuntary servitude or participating in  
3 trafficking of persons.

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

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

7 (725 ILCS 207/40)

8 Sec. 40. Commitment.

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

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

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

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

1 Department shall arrange for control, care and treatment of  
2 the person in the least restrictive manner consistent with the  
3 requirements of the person and in accordance with the court's  
4 commitment order.

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

25 (4) An order for conditional release places the person in  
26 the custody and control of the Department. A person on

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

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



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

1 the person is discharged from the commitment under Section 65  
2 of this Act or until again placed on conditional release under  
3 Section 60 of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

26 (L) serve a term of home confinement, the conditions

1 of which shall be that the person:

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

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

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

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

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

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

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

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

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

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

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

25 (T) neither possess or have under his or her control  
26 any material that is pornographic, sexually oriented, or

1 sexually stimulating, or that depicts or alludes to sexual  
2 activity or depicts minors under the age of 18, including  
3 but not limited to visual, auditory, telephonic,  
4 electronic media, or any matter obtained through access to  
5 any computer or material linked to computer access use;

6 (U) not patronize any business providing sexually  
7 stimulating or sexually oriented entertainment nor utilize  
8 "900" or adult telephone numbers or any other sex-related  
9 telephone numbers;

10 (V) not reside near, visit, or be in or about parks,  
11 schools, day care centers, swimming pools, beaches,  
12 theaters, or any other places where minor children  
13 congregate without advance approval of the Department and  
14 report any incidental contact with minor children to the  
15 Department within 72 hours;

16 (W) not establish any living arrangement or residence  
17 without prior approval of the Department;

18 (X) not publish any materials or print any  
19 advertisements without providing a copy of the proposed  
20 publications to the Department officer and obtaining  
21 permission prior to publication;

22 (Y) not leave the county except with prior permission  
23 of the Department and provide the Department officer or  
24 agent with written travel routes to and from work and any  
25 other designated destinations;

26 (Z) not possess or have under his or her control

1 certain specified items of contraband related to the  
2 incidence of sexually offending items including video or  
3 still camera items or children's toys;

4 (AA) provide a written daily log of activities as  
5 directed by the Department;

6 (BB) comply with all other special conditions that the  
7 Department may impose that restrict the person from  
8 high-risk situations and limit access or potential  
9 victims.

10 (6) A person placed on conditional release and who during  
11 the term undergoes mandatory drug or alcohol testing or is  
12 assigned to be placed on an approved electronic monitoring  
13 device may be ordered to pay all costs incidental to the  
14 mandatory drug or alcohol testing and all costs incidental to  
15 the approved electronic monitoring in accordance with the  
16 person's ability to pay those costs. The Department may  
17 establish reasonable fees for the cost of maintenance,  
18 testing, and incidental expenses related to the mandatory drug  
19 or alcohol testing and all costs incidental to approved  
20 electronic monitoring.

21 (Source: P.A. 97-1098, eff. 7-1-14 (see Section 5 of P.A.  
22 98-612 for the effective date of P.A. 97-1098); 98-558, eff.  
23 1-1-14.)

24 Section 150. The Statewide Grand Jury Act is amended by  
25 changing Sections 2 and 3 as follows:

1 (725 ILCS 215/2) (from Ch. 38, par. 1702)

2 Sec. 2. (a) County grand juries and State's Attorneys have  
3 always had and shall continue to have primary responsibility  
4 for investigating, indicting, and prosecuting persons who  
5 violate the criminal laws of the State of Illinois. However,  
6 in recent years organized terrorist activity directed against  
7 innocent civilians and certain criminal enterprises have  
8 developed that require investigation, indictment, and  
9 prosecution on a statewide or multicounty level. The criminal  
10 enterprises exist as a result of the allure of profitability  
11 present in narcotic activity, the unlawful sale and transfer  
12 of firearms, and streetgang related felonies and organized  
13 terrorist activity is supported by the contribution of money  
14 and expert assistance from geographically diverse sources. In  
15 order to shut off the life blood of terrorism and weaken or  
16 eliminate the criminal enterprises, assets, and property used  
17 to further these offenses must be frozen, and any profit must  
18 be removed. State statutes exist that can accomplish that  
19 goal. Among them are the offense of money laundering,  
20 violations of Article 29D of the Criminal Code of 1961 or the  
21 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,  
22 and gunrunning. Local prosecutors need investigative personnel  
23 and specialized training to attack and eliminate these  
24 profits. In light of the transitory and complex nature of  
25 conduct that constitutes these criminal activities, the many



1 diverse property interests that may be used, acquired directly  
2 or indirectly as a result of these criminal activities, and  
3 the many places that illegally obtained property may be  
4 located, it is the purpose of this Act to create a limited,  
5 multicounty Statewide Grand Jury with authority to  
6 investigate, indict, and prosecute: narcotic activity,  
7 including cannabis and controlled substance trafficking,  
8 narcotics racketeering, money laundering, violations of the  
9 Cannabis and Controlled Substances Tax Act, and violations of  
10 Article 29D of the Criminal Code of 1961 or the Criminal Code  
11 of 2012; the unlawful sale and transfer of firearms;  
12 gunrunning; and streetgang related felonies.

13 (b) A Statewide Grand Jury may also investigate, indict,  
14 and prosecute violations facilitated by the use of a computer  
15 of any of the following offenses: indecent solicitation of a  
16 child, sexual exploitation of a child, soliciting for a  
17 sexually exploited child ~~juvenile prostitute~~, keeping a place  
18 of commercial sexual exploitation of a child ~~juvenile~~  
19 ~~prostitution~~, juvenile pimping, child pornography, aggravated  
20 child pornography, or promoting commercial sexual exploitation  
21 of a child ~~juvenile prostitution~~ except as described in  
22 subdivision (a) (4) of Section 11-14.4 of the Criminal Code of  
23 1961 or the Criminal Code of 2012.

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

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

1 (725 ILCS 215/3) (from Ch. 38, par. 1703)

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

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

16 (a) that he or she believes that the grand jury  
17 function for the investigation and indictment of the  
18 offense or offenses cannot effectively be performed by a  
19 county grand jury together with the reasons for such  
20 belief, and

21 (b) (1) that each State's Attorney with jurisdiction  
22 over an offense or offenses to be investigated has  
23 consented to the impaneling of the Statewide Grand Jury,  
24 or

25 (2) if one or more of the State's Attorneys having

1 jurisdiction over an offense or offenses to be  
2 investigated fails to consent to the impaneling of the  
3 Statewide Grand Jury, the Attorney General shall set forth  
4 good cause for impaneling the Statewide Grand Jury.

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

9 (a) For violations of any of the following or for any  
10 other criminal offense committed in the course of  
11 violating any of the following: Article 29D of the  
12 Criminal Code of 1961 or the Criminal Code of 2012, the  
13 Illinois Controlled Substances Act, the Cannabis Control  
14 Act, the Methamphetamine Control and Community Protection  
15 Act, or the Narcotics Profit Forfeiture Act; a streetgang  
16 related felony offense; Section 16-25.1, 24-2.1, 24-2.2,  
17 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or  
18 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7),  
19 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code  
20 of 1961 or the Criminal Code of 2012; or a money laundering  
21 offense; provided that the violation or offense involves  
22 acts occurring in more than one county of this State; and

23 (a-5) For violations facilitated by the use of a  
24 computer, including the use of the Internet, the World  
25 Wide Web, electronic mail, message board, newsgroup, or  
26 any other commercial or noncommercial on-line service, of

1 any of the following offenses: indecent solicitation of a  
2 child, sexual exploitation of a child, soliciting for a  
3 sexually exploited child ~~juvenile prostitute~~, keeping a  
4 place of commercial sexual exploitation of a child  
5 ~~juvenile prostitution~~, juvenile pimping, child  
6 pornography, aggravated child pornography, or promoting  
7 commercial sexual exploitation of a child ~~juvenile~~  
8 ~~prostitution~~ except as described in subdivision (a)(4) of  
9 Section 11-14.4 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012; and

11 (b) For the offenses of perjury, subornation of  
12 perjury, communicating with jurors and witnesses, and  
13 harassment of jurors and witnesses, as they relate to  
14 matters before the Statewide Grand Jury.

15 "Streetgang related" has the meaning ascribed to it in  
16 Section 10 of the Illinois Streetgang Terrorism Omnibus  
17 Prevention Act.

18 Upon written application by the Attorney General for the  
19 convening of an additional Statewide Grand Jury, the Chief  
20 Justice of the Supreme Court shall appoint a Circuit Judge  
21 from the circuit for which the additional Statewide Grand Jury  
22 is sought. The Circuit Judge shall determine the necessity for  
23 an additional Statewide Grand Jury in accordance with the  
24 provisions of this Section. No more than 2 Statewide Grand  
25 Juries may be empaneled at any time.

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

1           Section 155. The Unified Code of Corrections is amended by  
2 changing Sections 3-1-2, 3-2.5-95, 3-3-7, 5-5-3, 5-5-3.2,  
3 5-6-3, 5-6-3.1, and 5-9-1.7 as follows:

4           (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

5           Sec. 3-1-2. Definitions.

6           (a) "Chief Administrative Officer" means the person  
7 designated by the Director to exercise the powers and duties  
8 of the Department of Corrections in regard to committed  
9 persons within a correctional institution or facility, and  
10 includes the superintendent of any juvenile institution or  
11 facility.

12           (a-3) "Aftercare release" means the conditional and  
13 revocable release of a person committed to the Department of  
14 Juvenile Justice under the Juvenile Court Act of 1987, under  
15 the supervision of the Department of Juvenile Justice.

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

20           (i) A violation of any of the following Sections of  
21 the Criminal Code of 1961 or the Criminal Code of 2012:  
22 10-7 (aiding or abetting child abduction under Section  
23 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent  
24 solicitation of a child), 11-6.5 (indecent solicitation of

1 an adult), 11-14.4 (promoting commercial sexual  
2 exploitation of a child ~~juvenile prostitution~~), 11-15.1  
3 (soliciting for a sexually exploited child ~~juvenile~~  
4 ~~prostitute~~), 11-17.1 (keeping a place of commercial sexual  
5 exploitation of a child ~~juvenile prostitution~~), 11-18.1  
6 (patronizing a sexually exploited child ~~juvenile~~  
7 ~~prostitute~~), 11-19.1 (juvenile pimping), 11-19.2  
8 (exploitation of a child), 11-20.1 (child pornography),  
9 11-20.1B or 11-20.3 (aggravated child pornography),  
10 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
11 child), or 12-33 (ritualized abuse of a child). An attempt  
12 to commit any of these offenses.

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

21 (iii) A violation of any of the following Sections of  
22 the Criminal Code of 1961 or the Criminal Code of 2012 when  
23 the defendant is not a parent of the victim:

24 10-1 (kidnapping),

25 10-2 (aggravated kidnapping),

26 10-3 (unlawful restraint),

1           10-3.1 (aggravated unlawful restraint).

2           An attempt to commit any of these offenses.

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

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

15          (b) "Commitment" means a judicially determined placement  
16          in the custody of the Department of Corrections on the basis of  
17          delinquency or conviction.

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

24          (c-5) "Computer scrub software" means any third-party  
25          added software, designed to delete information from the  
26          computer unit, the hard drive, or other software, which would

1 eliminate and prevent discovery of browser activity,  
2 including, but not limited to, Internet history, address bar  
3 or bars, cache or caches, and/or cookies, and which would  
4 over-write files in a way so as to make previous computer  
5 activity, including, but not limited to, website access, more  
6 difficult to discover.

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

10 (d) "Correctional institution or facility" means any  
11 building or part of a building where committed persons are  
12 kept in a secured manner.

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

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

22 (f) "Director" means both the Director of Corrections and  
23 the Director of Juvenile Justice, unless the context is  
24 specific to either the Director of Corrections or the Director  
25 of Juvenile Justice.

26 (f-5) (Blank).



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

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

7 (i) "Escape" means the intentional and unauthorized  
8 absence of a committed person from the custody of the  
9 Department.

10 (j) "Furlough" means an authorized leave of absence from  
11 the Department of Corrections for a designated purpose and  
12 period of time.

13 (k) "Parole" means the conditional and revocable release  
14 of a person committed to the Department of Corrections under  
15 the supervision of a parole officer.

16 (l) "Prisoner Review Board" means the Board established in  
17 Section 3-3-1(a), independent of the Department, to review  
18 rules and regulations with respect to good time credits, to  
19 hear charges brought by the Department against certain  
20 prisoners alleged to have violated Department rules with  
21 respect to good time credits, to set release dates for certain  
22 prisoners sentenced under the law in effect prior to February  
23 1, 1978 (the effective date of Public Act 80-1099), to hear and  
24 decide the time of aftercare release for persons committed to  
25 the Department of Juvenile Justice under the Juvenile Court  
26 Act of 1987 to hear requests and make recommendations to the

1 Governor with respect to pardon, reprieve or commutation, to  
2 set conditions for parole, aftercare release, and mandatory  
3 supervised release and determine whether violations of those  
4 conditions justify revocation of parole or release, and to  
5 assume all other functions previously exercised by the  
6 Illinois Parole and Pardon Board.

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

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

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

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

22 (2) a certificate of innocence from the Circuit Court  
23 as provided in Section 2-702 of the Code of Civil  
24 Procedure.

25 (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  
26 contact order to an agent of the Department;

1           (8) obtain permission of an agent of the Department  
2 before leaving the State of Illinois;

3           (9) obtain permission of an agent of the Department  
4 before changing his or her residence or employment;

5           (10) consent to a search of his or her person,  
6 property, or residence under his or her control;

7           (11) refrain from the use or possession of narcotics  
8 or other controlled substances in any form, or both, or  
9 any paraphernalia related to those substances and submit  
10 to a urinalysis test as instructed by an agent of the  
11 Department;

12           (12) not frequent places where controlled substances  
13 are illegally sold, used, distributed, or administered;

14           (13) not knowingly associate with other persons on  
15 parole, aftercare release, or mandatory supervised release  
16 without prior written permission of his or her aftercare  
17 specialist and not associate with persons who are members  
18 of an organized gang as that term is defined in the  
19 Illinois Streetgang Terrorism Omnibus Prevention Act;

20           (14) provide true and accurate information, as it  
21 relates to his or her adjustment in the community while on  
22 aftercare release or to his or her conduct while  
23 incarcerated, in response to inquiries by an agent of the  
24 Department;

25           (15) follow any specific instructions provided by the  
26 agent that are consistent with furthering conditions set

1 and approved by the Department or by law to achieve the  
2 goals and objectives of his or her aftercare release or to  
3 protect the public; these instructions by the agent may be  
4 modified at any time, as the agent deems appropriate;

5 (16) comply with the terms and conditions of an order  
6 of protection issued under the Illinois Domestic Violence  
7 Act of 1986; an order of protection issued by the court of  
8 another state, tribe, or United States territory; a no  
9 contact order issued under the Civil No Contact Order Act;  
10 or a no contact order issued under the Stalking No Contact  
11 Order Act;

12 (17) if convicted of a sex offense as defined in the  
13 Sex Offender Management Board Act, and a sex offender  
14 treatment provider has evaluated and recommended further  
15 sex offender treatment while on aftercare release, the  
16 youth shall undergo treatment by a sex offender treatment  
17 provider or associate sex offender provider as defined in  
18 the Sex Offender Management Board Act at his or her  
19 expense based on his or her ability to pay for the  
20 treatment;

21 (18) if convicted of a sex offense as defined in the  
22 Sex Offender Management Board Act, refrain from residing  
23 at the same address or in the same condominium unit or  
24 apartment unit or in the same condominium complex or  
25 apartment complex with another person he or she knows or  
26 reasonably should know is a convicted sex offender or has

1           been placed on supervision for a sex offense; the  
2           provisions of this paragraph do not apply to a person  
3           convicted of a sex offense who is placed in a Department of  
4           Corrections licensed transitional housing facility for sex  
5           offenders, or is in any facility operated or licensed by  
6           the Department of Children and Family Services or by the  
7           Department of Human Services, or is in any licensed  
8           medical facility;

9           (19) if convicted for an offense that would qualify  
10          the offender as a sexual predator under the Sex Offender  
11          Registration Act wear an approved electronic monitoring  
12          device as defined in Section 5-8A-2 for the duration of  
13          the youth's aftercare release term and if convicted for an  
14          offense of criminal sexual assault, aggravated criminal  
15          sexual assault, predatory criminal sexual assault of a  
16          child, criminal sexual abuse, aggravated criminal sexual  
17          abuse, or ritualized abuse of a child when the victim was  
18          under 18 years of age at the time of the commission of the  
19          offense and the offender used force or the threat of force  
20          in the commission of the offense wear an approved  
21          electronic monitoring device as defined in Section 5-8A-2  
22          that has Global Positioning System (GPS) capability for  
23          the duration of the youth's aftercare release term;

24          (20) if convicted for an offense that would qualify  
25          the offender as a child sex offender as defined in Section  
26          11-9.3 or 11-9.4 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, refrain from communicating with or  
2 contacting, by means of the Internet, a person who is not  
3 related to the offender and whom the offender reasonably  
4 believes to be under 18 years of age; for purposes of this  
5 paragraph (20), "Internet" has the meaning ascribed to it  
6 in Section 16-0.1 of the Criminal Code of 2012; and a  
7 person is not related to the offender if the person is not:  
8 (A) the spouse, brother, or sister of the offender; (B) a  
9 descendant of the offender; (C) a first or second cousin  
10 of the offender; or (D) a step-child or adopted child of  
11 the offender;

12 (21) if convicted under Section 11-6, 11-20.1,  
13 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961  
14 or the Criminal Code of 2012, consent to search of  
15 computers, PDAs, cellular phones, and other devices under  
16 his or her control that are capable of accessing the  
17 Internet or storing electronic files, in order to confirm  
18 Internet protocol addresses reported in accordance with  
19 the Sex Offender Registration Act and compliance with  
20 conditions in this Act;

21 (22) if convicted for an offense that would qualify  
22 the offender as a sex offender or sexual predator under  
23 the Sex Offender Registration Act, not possess  
24 prescription drugs for erectile dysfunction;

25 (23) if convicted for an offense under Section 11-6,  
26 11-9.1, 11-14.4 that involves soliciting for a sexually

1 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,  
2 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961  
3 or the Criminal Code of 2012, or any attempt to commit any  
4 of these offenses:

5 (A) not access or use a computer or any other  
6 device with Internet capability without the prior  
7 written approval of the Department;

8 (B) submit to periodic unannounced examinations of  
9 the youth's computer or any other device with Internet  
10 capability by the youth's aftercare specialist, a law  
11 enforcement officer, or assigned computer or  
12 information technology specialist, including the  
13 retrieval and copying of all data from the computer or  
14 device and any internal or external peripherals and  
15 removal of the information, equipment, or device to  
16 conduct a more thorough inspection;

17 (C) submit to the installation on the youth's  
18 computer or device with Internet capability, at the  
19 youth's expense, of one or more hardware or software  
20 systems to monitor the Internet use; and

21 (D) submit to any other appropriate restrictions  
22 concerning the youth's use of or access to a computer  
23 or any other device with Internet capability imposed  
24 by the Department or the youth's aftercare specialist;

25 (24) if convicted of a sex offense as defined in the  
26 Sex Offender Registration Act, refrain from accessing or



1 using a social networking website as defined in Section  
2 17-0.5 of the Criminal Code of 2012;

3 (25) if convicted of a sex offense as defined in  
4 Section 2 of the Sex Offender Registration Act that  
5 requires the youth to register as a sex offender under  
6 that Act, not knowingly use any computer scrub software on  
7 any computer that the youth uses;

8 (26) if convicted of a sex offense as defined in  
9 subsection (a-5) of Section 3-1-2 of this Code, unless the  
10 youth is a parent or guardian of a person under 18 years of  
11 age present in the home and no non-familial minors are  
12 present, not participate in a holiday event involving  
13 children under 18 years of age, such as distributing candy  
14 or other items to children on Halloween, wearing a Santa  
15 Claus costume on or preceding Christmas, being employed as  
16 a department store Santa Claus, or wearing an Easter Bunny  
17 costume on or preceding Easter;

18 (27) if convicted of a violation of an order of  
19 protection under Section 12-3.4 or Section 12-30 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012, be  
21 placed under electronic surveillance as provided in  
22 Section 5-8A-7 of this Code; and

23 (28) if convicted of a violation of the  
24 Methamphetamine Control and Community Protection Act, the  
25 Methamphetamine Precursor Control Act, or a  
26 methamphetamine related offense, be:

1           (A) prohibited from purchasing, possessing, or  
2           having under his or her control any product containing  
3           pseudoephedrine unless prescribed by a physician; and

4           (B) prohibited from purchasing, possessing, or  
5           having under his or her control any product containing  
6           ammonium nitrate.

7           (b) The Department may in addition to other conditions  
8           require that the youth:

9           (1) work or pursue a course of study or vocational  
10          training;

11          (2) undergo medical or psychiatric treatment, or  
12          treatment for drug addiction or alcoholism;

13          (3) attend or reside in a facility established for the  
14          instruction or residence of persons on probation or  
15          aftercare release;

16          (4) support his or her dependents;

17          (5) if convicted for an offense that would qualify the  
18          youth as a child sex offender as defined in Section 11-9.3  
19          or 11-9.4 of the Criminal Code of 1961 or the Criminal Code  
20          of 2012, refrain from communicating with or contacting, by  
21          means of the Internet, a person who is related to the youth  
22          and whom the youth reasonably believes to be under 18  
23          years of age; for purposes of this paragraph (5),  
24          "Internet" has the meaning ascribed to it in Section  
25          16-0.1 of the Criminal Code of 2012; and a person is  
26          related to the youth if the person is: (A) the spouse,

1 brother, or sister of the youth; (B) a descendant of the  
2 youth; (C) a first or second cousin of the youth; or (D) a  
3 step-child or adopted child of the youth;

4 (6) if convicted for an offense that would qualify as  
5 a sex offense as defined in the Sex Offender Registration  
6 Act:

7 (A) not access or use a computer or any other  
8 device with Internet capability without the prior  
9 written approval of the Department;

10 (B) submit to periodic unannounced examinations of  
11 the youth's computer or any other device with Internet  
12 capability by the youth's aftercare specialist, a law  
13 enforcement officer, or assigned computer or  
14 information technology specialist, including the  
15 retrieval and copying of all data from the computer or  
16 device and any internal or external peripherals and  
17 removal of the information, equipment, or device to  
18 conduct a more thorough inspection;

19 (C) submit to the installation on the youth's  
20 computer or device with Internet capability, at the  
21 youth's offender's expense, of one or more hardware or  
22 software systems to monitor the Internet use; and

23 (D) submit to any other appropriate restrictions  
24 concerning the youth's use of or access to a computer  
25 or any other device with Internet capability imposed  
26 by the Department or the youth's aftercare specialist;

1           and

2           (7) in addition to other conditions:

3                 (A) reside with his or her parents or in a foster  
4           home;

5                 (B) attend school;

6                 (C) attend a non-residential program for youth; or

7                 (D) contribute to his or her own support at home or  
8           in a foster home.

9           (c) In addition to the conditions under subsections (a)  
10          and (b) of this Section, youths required to register as sex  
11          offenders under the Sex Offender Registration Act, upon  
12          release from the custody of the Department of Juvenile  
13          Justice, may be required by the Department to comply with the  
14          following specific conditions of release:

15                 (1) reside only at a Department approved location;

16                 (2) comply with all requirements of the Sex Offender  
17          Registration Act;

18                 (3) notify third parties of the risks that may be  
19          occasioned by his or her criminal record;

20                 (4) obtain the approval of an agent of the Department  
21          prior to accepting employment or pursuing a course of  
22          study or vocational training and notify the Department  
23          prior to any change in employment, study, or training;

24                 (5) not be employed or participate in any volunteer  
25          activity that involves contact with children, except under  
26          circumstances approved in advance and in writing by an

1 agent of the Department;

2 (6) be electronically monitored for a specified period  
3 of time from the date of release as determined by the  
4 Department;

5 (7) refrain from entering into a designated geographic  
6 area except upon terms approved in advance by an agent of  
7 the Department; these terms may include consideration of  
8 the purpose of the entry, the time of day, and others  
9 accompanying the youth;

10 (8) refrain from having any contact, including written  
11 or oral communications, directly or indirectly, personally  
12 or by telephone, letter, or through a third party with  
13 certain specified persons including, but not limited to,  
14 the victim or the victim's family without the prior  
15 written approval of an agent of the Department;

16 (9) refrain from all contact, directly or indirectly,  
17 personally, by telephone, letter, or through a third  
18 party, with minor children without prior identification  
19 and approval of an agent of the Department;

20 (10) neither possess or have under his or her control  
21 any material that is sexually oriented, sexually  
22 stimulating, or that shows male or female sex organs or  
23 any pictures depicting children under 18 years of age nude  
24 or any written or audio material describing sexual  
25 intercourse or that depicts or alludes to sexual activity,  
26 including, but not limited to, visual, auditory,

1 telephonic, or electronic media, or any matter obtained  
2 through access to any computer or material linked to  
3 computer access use;

4 (11) not patronize any business providing sexually  
5 stimulating or sexually oriented entertainment nor utilize  
6 "900" or adult telephone numbers;

7 (12) not reside near, visit, or be in or about parks,  
8 schools, day care centers, swimming pools, beaches,  
9 theaters, or any other places where minor children  
10 congregate without advance approval of an agent of the  
11 Department and immediately report any incidental contact  
12 with minor children to the Department;

13 (13) not possess or have under his or her control  
14 certain specified items of contraband related to the  
15 incidence of sexually offending as determined by an agent  
16 of the Department;

17 (14) may be required to provide a written daily log of  
18 activities if directed by an agent of the Department;

19 (15) comply with all other special conditions that the  
20 Department may impose that restrict the youth from  
21 high-risk situations and limit access to potential  
22 victims;

23 (16) take an annual polygraph exam;

24 (17) maintain a log of his or her travel; or

25 (18) obtain prior approval of an agent of the  
26 Department before driving alone in a motor vehicle.

1           (d) The conditions under which the aftercare release is to  
2 be served shall be communicated to the youth in writing prior  
3 to his or her release, and he or she shall sign the same before  
4 release. A signed copy of these conditions, including a copy  
5 of an order of protection if one had been issued by the  
6 criminal court, shall be retained by the youth and another  
7 copy forwarded to the officer or aftercare specialist in  
8 charge of his or her supervision.

9           (e) After a revocation hearing under Section 3-3-9.5, the  
10 Department of Juvenile Justice may modify or enlarge the  
11 conditions of aftercare release.

12           (f) The Department shall inform all youth of the optional  
13 services available to them upon release and shall assist youth  
14 in availing themselves of the optional services upon their  
15 release on a voluntary basis.

16           (Source: P.A. 99-628, eff. 1-1-17.)

17           (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

18           Sec. 3-3-7. Conditions of parole or mandatory supervised  
19 release.

20           (a) The conditions of parole or mandatory supervised  
21 release shall be such as the Prisoner Review Board deems  
22 necessary to assist the subject in leading a law-abiding life.  
23 The conditions of every parole and mandatory supervised  
24 release are that the subject:

25           (1) not violate any criminal statute of any

1 jurisdiction during the parole or release term;

2 (2) refrain from possessing a firearm or other  
3 dangerous weapon;

4 (3) report to an agent of the Department of  
5 Corrections;

6 (4) permit the agent to visit him or her at his or her  
7 home, employment, or elsewhere to the extent necessary for  
8 the agent to discharge his or her duties;

9 (5) attend or reside in a facility established for the  
10 instruction or residence of persons on parole or mandatory  
11 supervised release;

12 (6) secure permission before visiting or writing a  
13 committed person in an Illinois Department of Corrections  
14 facility;

15 (7) report all arrests to an agent of the Department  
16 of Corrections as soon as permitted by the arresting  
17 authority but in no event later than 24 hours after  
18 release from custody and immediately report service or  
19 notification of an order of protection, a civil no contact  
20 order, or a stalking no contact order to an agent of the  
21 Department of Corrections;

22 (7.5) if convicted of a sex offense as defined in the  
23 Sex Offender Management Board Act, the individual shall  
24 undergo and successfully complete sex offender treatment  
25 conducted in conformance with the standards developed by  
26 the Sex Offender Management Board Act by a treatment



1 provider approved by the Board;

2 (7.6) if convicted of a sex offense as defined in the  
3 Sex Offender Management Board Act, refrain from residing  
4 at the same address or in the same condominium unit or  
5 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  
8 been placed on supervision for a sex offense; the  
9 provisions of this paragraph do not apply to a person  
10 convicted of a sex offense who is placed in a Department of  
11 Corrections licensed transitional housing facility for sex  
12 offenders, or is in any facility operated or licensed by  
13 the Department of Children and Family Services or by the  
14 Department of Human Services, or is in any licensed  
15 medical facility;

16 (7.7) if convicted for an offense that would qualify  
17 the accused as a sexual predator under the Sex Offender  
18 Registration Act on or after January 1, 2007 (the  
19 effective date of Public Act 94-988), wear an approved  
20 electronic monitoring device as defined in Section 5-8A-2  
21 for the duration of the person's parole, mandatory  
22 supervised release term, or extended mandatory supervised  
23 release term and if convicted for an offense of criminal  
24 sexual assault, aggravated criminal sexual assault,  
25 predatory criminal sexual assault of a child, criminal  
26 sexual abuse, aggravated criminal sexual abuse, or

1 ritualized abuse of a child committed on or after August  
2 11, 2009 (the effective date of Public Act 96-236) when  
3 the victim was under 18 years of age at the time of the  
4 commission of the offense and the defendant used force or  
5 the threat of force in the commission of the offense wear  
6 an approved electronic monitoring device as defined in  
7 Section 5-8A-2 that has Global Positioning System (GPS)  
8 capability for the duration of the person's parole,  
9 mandatory supervised release term, or extended mandatory  
10 supervised release term;

11 (7.8) if convicted for an offense committed on or  
12 after June 1, 2008 (the effective date of Public Act  
13 95-464) that would qualify the accused as a child sex  
14 offender as defined in Section 11-9.3 or 11-9.4 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012,  
16 refrain from communicating with or contacting, by means of  
17 the Internet, a person who is not related to the accused  
18 and whom the accused reasonably believes to be under 18  
19 years of age; for purposes of this paragraph (7.8),  
20 "Internet" has the meaning ascribed to it in Section  
21 16-0.1 of the Criminal Code of 2012; and a person is not  
22 related to the accused if the person is not: (i) the  
23 spouse, brother, or sister of the accused; (ii) a  
24 descendant of the accused; (iii) a first or second cousin  
25 of the accused; or (iv) a step-child or adopted child of  
26 the accused;

1           (7.9) if convicted under Section 11-6, 11-20.1,  
2           11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961  
3           or the Criminal Code of 2012, consent to search of  
4           computers, PDAs, cellular phones, and other devices under  
5           his or her control that are capable of accessing the  
6           Internet or storing electronic files, in order to confirm  
7           Internet protocol addresses reported in accordance with  
8           the Sex Offender Registration Act and compliance with  
9           conditions in this Act;

10           (7.10) if convicted for an offense that would qualify  
11           the accused as a sex offender or sexual predator under the  
12           Sex Offender Registration Act on or after June 1, 2008  
13           (the effective date of Public Act 95-640), not possess  
14           prescription drugs for erectile dysfunction;

15           (7.11) if convicted for an offense under Section 11-6,  
16           11-9.1, 11-14.4 that involves soliciting for a sexually  
17           exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,  
18           11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961  
19           or the Criminal Code of 2012, or any attempt to commit any  
20           of these offenses, committed on or after June 1, 2009 (the  
21           effective date of Public Act 95-983):

22                   (i) not access or use a computer or any other  
23                   device with Internet capability without the prior  
24                   written approval of the Department;

25                   (ii) submit to periodic unannounced examinations  
26                   of the offender's computer or any other device with

1 Internet capability by the offender's supervising  
2 agent, a law enforcement officer, or assigned computer  
3 or information technology specialist, including the  
4 retrieval and copying of all data from the computer or  
5 device and any internal or external peripherals and  
6 removal of such information, equipment, or device to  
7 conduct a more thorough inspection;

8 (iii) submit to the installation on the offender's  
9 computer or device with Internet capability, at the  
10 offender's expense, of one or more hardware or  
11 software systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions  
13 concerning the offender's use of or access to a  
14 computer or any other device with Internet capability  
15 imposed by the Board, the Department or the offender's  
16 supervising agent;

17 (7.12) if convicted of a sex offense as defined in the  
18 Sex Offender Registration Act committed on or after  
19 January 1, 2010 (the effective date of Public Act 96-262),  
20 refrain from accessing or using a social networking  
21 website as defined in Section 17-0.5 of the Criminal Code  
22 of 2012;

23 (7.13) if convicted of a sex offense as defined in  
24 Section 2 of the Sex Offender Registration Act committed  
25 on or after January 1, 2010 (the effective date of Public  
26 Act 96-362) that requires the person to register as a sex

1 offender under that Act, may not knowingly use any  
2 computer scrub software on any computer that the sex  
3 offender uses;

4 (8) obtain permission of an agent of the Department of  
5 Corrections before leaving the State of Illinois;

6 (9) obtain permission of an agent of the Department of  
7 Corrections before changing his or her residence or  
8 employment;

9 (10) consent to a search of his or her person,  
10 property, or residence under his or her control;

11 (11) refrain from the use or possession of narcotics  
12 or other controlled substances in any form, or both, or  
13 any paraphernalia related to those substances and submit  
14 to a urinalysis test as instructed by a parole agent of the  
15 Department of Corrections if there is reasonable suspicion  
16 of illicit drug use and the source of the reasonable  
17 suspicion is documented in the Department's case  
18 management system;

19 (12) not knowingly frequent places where controlled  
20 substances are illegally sold, used, distributed, or  
21 administered;

22 (13) except when the association described in either  
23 subparagraph (A) or (B) of this paragraph (13) involves  
24 activities related to community programs, worship  
25 services, volunteering, engaging families, or some other  
26 pro-social activity in which there is no evidence of

1 criminal intent:

2 (A) not knowingly associate with other persons on  
3 parole or mandatory supervised release without prior  
4 written permission of his or her parole agent; or

5 (B) not knowingly associate with persons who are  
6 members of an organized gang as that term is defined in  
7 the Illinois Streetgang Terrorism Omnibus Prevention  
8 Act;

9 (14) provide true and accurate information, as it  
10 relates to his or her adjustment in the community while on  
11 parole or mandatory supervised release or to his or her  
12 conduct while incarcerated, in response to inquiries by  
13 his or her parole agent or of the Department of  
14 Corrections;

15 (15) follow any specific instructions provided by the  
16 parole agent that are consistent with furthering  
17 conditions set and approved by the Prisoner Review Board  
18 or by law, exclusive of placement on electronic detention,  
19 to achieve the goals and objectives of his or her parole or  
20 mandatory supervised release or to protect the public.  
21 These instructions by the parole agent may be modified at  
22 any time, as the agent deems appropriate;

23 (16) if convicted of a sex offense as defined in  
24 subsection (a-5) of Section 3-1-2 of this Code, unless the  
25 offender is a parent or guardian of the person under 18  
26 years of age present in the home and no non-familial

1 minors are present, not participate in a holiday event  
2 involving children under 18 years of age, such as  
3 distributing candy or other items to children on  
4 Halloween, wearing a Santa Claus costume on or preceding  
5 Christmas, being employed as a department store Santa  
6 Claus, or wearing an Easter Bunny costume on or preceding  
7 Easter;

8 (17) if convicted of a violation of an order of  
9 protection under Section 12-3.4 or Section 12-30 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012, be  
11 placed under electronic surveillance as provided in  
12 Section 5-8A-7 of this Code;

13 (18) comply with the terms and conditions of an order  
14 of protection issued pursuant to the Illinois Domestic  
15 Violence Act of 1986; an order of protection issued by the  
16 court of another state, tribe, or United States territory;  
17 a no contact order issued pursuant to the Civil No Contact  
18 Order Act; or a no contact order issued pursuant to the  
19 Stalking No Contact Order Act;

20 (19) if convicted of a violation of the  
21 Methamphetamine Control and Community Protection Act, the  
22 Methamphetamine Precursor Control Act, or a  
23 methamphetamine related offense, be:

24 (A) prohibited from purchasing, possessing, or  
25 having under his or her control any product containing  
26 pseudoephedrine unless prescribed by a physician; and

1 (B) prohibited from purchasing, possessing, or  
2 having under his or her control any product containing  
3 ammonium nitrate;

4 (20) if convicted of a hate crime under Section 12-7.1  
5 of the Criminal Code of 2012, perform public or community  
6 service of no less than 200 hours and enroll in an  
7 educational program discouraging hate crimes involving the  
8 protected class identified in subsection (a) of Section  
9 12-7.1 of the Criminal Code of 2012 that gave rise to the  
10 offense the offender committed ordered by the court; and

11 (21) be evaluated by the Department of Corrections  
12 prior to release using a validated risk assessment and be  
13 subject to a corresponding level of supervision. In  
14 accordance with the findings of that evaluation:

15 (A) All subjects found to be at a moderate or high  
16 risk to recidivate, or on parole or mandatory  
17 supervised release for first degree murder, a forcible  
18 felony as defined in Section 2-8 of the Criminal Code  
19 of 2012, any felony that requires registration as a  
20 sex offender under the Sex Offender Registration Act,  
21 or a Class X felony or Class 1 felony that is not a  
22 violation of the Cannabis Control Act, the Illinois  
23 Controlled Substances Act, or the Methamphetamine  
24 Control and Community Protection Act, shall be subject  
25 to high level supervision. The Department shall define  
26 high level supervision based upon evidence-based and



1 research-based practices. Notwithstanding this  
2 placement on high level supervision, placement of the  
3 subject on electronic monitoring or detention shall  
4 not occur unless it is required by law or expressly  
5 ordered or approved by the Prisoner Review Board.

6 (B) All subjects found to be at a low risk to  
7 recidivate shall be subject to low-level supervision,  
8 except for those subjects on parole or mandatory  
9 supervised release for first degree murder, a forcible  
10 felony as defined in Section 2-8 of the Criminal Code  
11 of 2012, any felony that requires registration as a  
12 sex offender under the Sex Offender Registration Act,  
13 or a Class X felony or Class 1 felony that is not a  
14 violation of the Cannabis Control Act, the Illinois  
15 Controlled Substances Act, or the Methamphetamine  
16 Control and Community Protection Act. Low level  
17 supervision shall require the subject to check in with  
18 the supervising officer via phone or other electronic  
19 means. Notwithstanding this placement on low level  
20 supervision, placement of the subject on electronic  
21 monitoring or detention shall not occur unless it is  
22 required by law or expressly ordered or approved by  
23 the Prisoner Review Board.

24 (b) The Board may after making an individualized  
25 assessment pursuant to subsection (a) of Section 3-14-2 in  
26 addition to other conditions require that the subject:

1           (1) work or pursue a course of study or vocational  
2 training;

3           (2) undergo medical or psychiatric treatment, or  
4 treatment for drug addiction or alcoholism;

5           (3) attend or reside in a facility established for the  
6 instruction or residence of persons on probation or  
7 parole;

8           (4) support his or her dependents;

9           (5) (blank);

10          (6) (blank);

11          (7) (blank);

12          (7.5) if convicted for an offense committed on or  
13 after the effective date of this amendatory Act of the  
14 95th General Assembly that would qualify the accused as a  
15 child sex offender as defined in Section 11-9.3 or 11-9.4  
16 of the 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 related to the accused and  
19 whom the accused reasonably believes to be under 18 years  
20 of age; for purposes of this paragraph (7.5), "Internet"  
21 has the meaning ascribed to it in Section 16-0.1 of the  
22 Criminal Code of 2012; and a person is related to the  
23 accused if the person is: (i) the spouse, brother, or  
24 sister of the accused; (ii) a descendant of the accused;  
25 (iii) a first or second cousin of the accused; or (iv) a  
26 step-child or adopted child of the accused;

1           (7.6) if convicted for an offense committed on or  
2 after June 1, 2009 (the effective date of Public Act  
3 95-983) that would qualify as a sex offense as defined in  
4 the Sex Offender Registration Act:

5           (i) not access or use a computer or any other  
6 device with Internet capability without the prior  
7 written approval of the Department;

8           (ii) submit to periodic unannounced examinations  
9 of the offender's computer or any other device with  
10 Internet capability by the offender's supervising  
11 agent, a law enforcement officer, or assigned computer  
12 or information technology specialist, including the  
13 retrieval and copying of all data from the computer or  
14 device and any internal or external peripherals and  
15 removal of such information, equipment, or device to  
16 conduct a more thorough inspection;

17           (iii) submit to the installation on the offender's  
18 computer or device with Internet capability, at the  
19 offender's expense, of one or more hardware or  
20 software systems to monitor the Internet use; and

21           (iv) submit to any other appropriate restrictions  
22 concerning the offender's use of or access to a  
23 computer or any other device with Internet capability  
24 imposed by the Board, the Department or the offender's  
25 supervising agent; and

26           (8) (blank).

1           (b-1) In addition to the conditions set forth in  
2 subsections (a) and (b), persons required to register as sex  
3 offenders pursuant to the Sex Offender Registration Act, upon  
4 release from the custody of the Illinois Department of  
5 Corrections, may be required by the Board to comply with the  
6 following specific conditions of release following an  
7 individualized assessment pursuant to subsection (a) of  
8 Section 3-14-2:

9           (1) reside only at a Department approved location;

10           (2) comply with all requirements of the Sex Offender  
11 Registration Act;

12           (3) notify third parties of the risks that may be  
13 occasioned by his or her criminal record;

14           (4) obtain the approval of an agent of the Department  
15 of Corrections prior to accepting employment or pursuing a  
16 course of study or vocational training and notify the  
17 Department prior to any change in employment, study, or  
18 training;

19           (5) not be employed or participate in any volunteer  
20 activity that involves contact with children, except under  
21 circumstances approved in advance and in writing by an  
22 agent of the Department of Corrections;

23           (6) be electronically monitored for a minimum of 12  
24 months from the date of release as determined by the  
25 Board;

26           (7) refrain from entering into a designated geographic

1 area except upon terms approved in advance by an agent of  
2 the Department of Corrections. The terms may include  
3 consideration of the purpose of the entry, the time of  
4 day, and others accompanying the person;

5 (8) refrain from having any contact, including written  
6 or oral communications, directly or indirectly, personally  
7 or by telephone, letter, or through a third party with  
8 certain specified persons including, but not limited to,  
9 the victim or the victim's family without the prior  
10 written approval of an agent of the Department of  
11 Corrections;

12 (9) refrain from all contact, directly or indirectly,  
13 personally, by telephone, letter, or through a third  
14 party, with minor children without prior identification  
15 and approval of an agent of the Department of Corrections;

16 (10) neither possess or have under his or her control  
17 any material that is sexually oriented, sexually  
18 stimulating, or that shows male or female sex organs or  
19 any pictures depicting children under 18 years of age nude  
20 or any written or audio material describing sexual  
21 intercourse or that depicts or alludes to sexual activity,  
22 including but not limited to visual, auditory, telephonic,  
23 or electronic media, or any matter obtained through access  
24 to any computer or material linked to computer access use;

25 (11) not patronize any business providing sexually  
26 stimulating or sexually oriented entertainment nor utilize

1 "900" or adult telephone numbers;

2 (12) not reside near, visit, or be in or about parks,  
3 schools, day care centers, swimming pools, beaches,  
4 theaters, or any other places where minor children  
5 congregate without advance approval of an agent of the  
6 Department of Corrections and immediately report any  
7 incidental contact with minor children to the Department;

8 (13) not possess or have under his or her control  
9 certain specified items of contraband related to the  
10 incidence of sexually offending as determined by an agent  
11 of the Department of Corrections;

12 (14) may be required to provide a written daily log of  
13 activities if directed by an agent of the Department of  
14 Corrections;

15 (15) comply with all other special conditions that the  
16 Department may impose that restrict the person from  
17 high-risk situations and limit access to potential  
18 victims;

19 (16) take an annual polygraph exam;

20 (17) maintain a log of his or her travel; or

21 (18) obtain prior approval of his or her parole  
22 officer before driving alone in a motor vehicle.

23 (c) The conditions under which the parole or mandatory  
24 supervised release is to be served shall be communicated to  
25 the person in writing prior to his or her release, and he or  
26 she shall sign the same before release. A signed copy of these

1 conditions, including a copy of an order of protection where  
2 one had been issued by the criminal court, shall be retained by  
3 the person and another copy forwarded to the officer in charge  
4 of his or her supervision.

5 (d) After a hearing under Section 3-3-9, the Prisoner  
6 Review Board may modify or enlarge the conditions of parole or  
7 mandatory supervised release.

8 (e) The Department shall inform all offenders committed to  
9 the Department of the optional services available to them upon  
10 release and shall assist inmates in availing themselves of  
11 such optional services upon their release on a voluntary  
12 basis.

13 (f) (Blank).

14 (Source: P.A. 103-271, eff. 1-1-24.)

15 (730 ILCS 5/5-5-3)

16 Sec. 5-5-3. Disposition.

17 (a) (Blank).

18 (b) (Blank).

19 (c) (1) (Blank).

20 (2) A period of probation, a term of periodic imprisonment  
21 or conditional discharge shall not be imposed for the  
22 following offenses. The court shall sentence the offender to  
23 not less than the minimum term of imprisonment set forth in  
24 this Code for the following offenses, and may order a fine or  
25 restitution or both in conjunction with such term of

1 imprisonment:

2 (A) First degree murder.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

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

10 (D-5) A violation of subdivision (c)(1) of Section 401  
11 of the Illinois Controlled Substances Act which relates to  
12 3 or more grams of a substance containing heroin or an  
13 analog thereof.

14 (E) (Blank).

15 (F) A Class 1 or greater felony if the offender had  
16 been convicted of a Class 1 or greater felony, including  
17 any state or federal conviction for an offense that  
18 contained, at the time it was committed, the same elements  
19 as an offense now (the date of the offense committed after  
20 the prior Class 1 or greater felony) classified as a Class  
21 1 or greater felony, within 10 years of the date on which  
22 the offender committed the offense for which he or she is  
23 being sentenced, except as otherwise provided in Section  
24 40-10 of the Substance Use Disorder Act.

25 (F-3) A Class 2 or greater felony sex offense or  
26 felony firearm offense if the offender had been convicted



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

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

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

15 (H) Criminal sexual assault.

16 (I) Aggravated battery of a senior citizen as  
17 described in Section 12-4.6 or subdivision (a)(4) of  
18 Section 12-3.05 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012.

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

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

1 do commit crimes.

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

6 (K) Vehicular hijacking.

7 (L) A second or subsequent conviction for the offense  
8 of hate crime when the underlying offense upon which the  
9 hate crime is based is felony aggravated assault or felony  
10 mob action.

11 (M) A second or subsequent conviction for the offense  
12 of institutional vandalism if the damage to the property  
13 exceeds \$300.

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

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

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

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

26 (Q) A violation of subsection (b) or (b-5) of Section

1           20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012.

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

5           (S) (Blank).

6           (T) (Blank).

7           (U) A second or subsequent violation of Section 6-303  
8 of the Illinois Vehicle Code committed while his or her  
9 driver's license, permit, or privilege was revoked because  
10 of a violation of Section 9-3 of the Criminal Code of 1961  
11 or the Criminal Code of 2012, relating to the offense of  
12 reckless homicide, or a similar provision of a law of  
13 another state.

14           (V) A violation of paragraph (4) of subsection (c) of  
15 Section 11-20.1B or paragraph (4) of subsection (c) of  
16 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
17 (6) of subsection (a) of Section 11-20.1 of the Criminal  
18 Code of 2012 when the victim is under 13 years of age and  
19 the defendant has previously been convicted under the laws  
20 of this State or any other state of the offense of child  
21 pornography, aggravated child pornography, aggravated  
22 criminal sexual abuse, aggravated criminal sexual assault,  
23 predatory criminal sexual assault of a child, or any of  
24 the offenses formerly known as rape, deviate sexual  
25 assault, indecent liberties with a child, or aggravated  
26 indecent liberties with a child where the victim was under

1 the age of 18 years or an offense that is substantially  
2 equivalent to those offenses.

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

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

7 (Y) A conviction for unlawful possession of a firearm  
8 by a street gang member when the firearm was loaded or  
9 contained firearm ammunition.

10 (Z) A Class 1 felony committed while he or she was  
11 serving a term of probation or conditional discharge for a  
12 felony.

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

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

17 (CC) Knowingly selling, offering for sale, holding for  
18 sale, or using 2,000 or more counterfeit items or  
19 counterfeit items having a retail value in the aggregate  
20 of \$500,000 or more.

21 (DD) A conviction for aggravated assault under  
22 paragraph (6) of subsection (c) of Section 12-2 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012 if the  
24 firearm is aimed toward the person against whom the  
25 firearm is being used.

26 (EE) A conviction for a violation of paragraph (2) of

1 subsection (a) of Section 24-3B of the Criminal Code of  
2 2012.

3 (3) (Blank).

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

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
10 this subsection (c), a minimum of 100 hours of community  
11 service shall be imposed for a second violation of Section  
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300  
14 hours of community service, as determined by the court, shall  
15 be imposed for a second violation of subsection (c) of Section  
16 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
18 (4.9) of this subsection (c), a minimum term of imprisonment  
19 of 30 days or 300 hours of community service, as determined by  
20 the court, shall be imposed for a third or subsequent  
21 violation of Section 6-303 of the Illinois Vehicle Code. The  
22 court may give credit toward the fulfillment of community  
23 service hours for participation in activities and treatment as  
24 determined by court services.

25 (4.5) A minimum term of imprisonment of 30 days shall be  
26 imposed for a third violation of subsection (c) of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.6) Except as provided in paragraph (4.10) of this  
3 subsection (c), a minimum term of imprisonment of 180 days  
4 shall be imposed for a fourth or subsequent violation of  
5 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

11 (4.8) A mandatory prison sentence shall be imposed for a  
12 second violation of subsection (a-5) of Section 6-303 of the  
13 Illinois Vehicle Code, as provided in subsection (c-5) of that  
14 Section. The person's driving privileges shall be revoked for  
15 a period of not less than 5 years from the date of his or her  
16 release from prison.

17 (4.9) A mandatory prison sentence of not less than 4 and  
18 not more than 15 years shall be imposed for a third violation  
19 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
20 Code, as provided in subsection (d-2.5) of that Section. The  
21 person's driving privileges shall be revoked for the remainder  
22 of his or her life.

23 (4.10) A mandatory prison sentence for a Class 1 felony  
24 shall be imposed, and the person shall be eligible for an  
25 extended term sentence, for a fourth or subsequent violation  
26 of subsection (a-5) of Section 6-303 of the Illinois Vehicle

1 Code, as provided in subsection (d-3.5) of that Section. The  
2 person's driving privileges shall be revoked for the remainder  
3 of his or her life.

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

6 (A) a period of conditional discharge;

7 (B) a fine;

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

10 (5.1) In addition to any other penalties imposed, and  
11 except as provided in paragraph (5.2) or (5.3), a person  
12 convicted of violating subsection (c) of Section 11-907 of the  
13 Illinois Vehicle Code shall have his or her driver's license,  
14 permit, or privileges suspended for at least 90 days but not  
15 more than one year, if the violation resulted in damage to the  
16 property of another person.

17 (5.2) In addition to any other penalties imposed, and  
18 except as provided in paragraph (5.3), a person convicted of  
19 violating subsection (c) of Section 11-907 of the Illinois  
20 Vehicle Code shall have his or her driver's license, permit,  
21 or privileges suspended for at least 180 days but not more than  
22 2 years, if the violation resulted in injury to another  
23 person.

24 (5.3) In addition to any other penalties imposed, a person  
25 convicted of violating subsection (c) of Section 11-907 of the  
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for 2 years, if the violation  
2 resulted in the death of another person.

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

8 (5.5) In addition to any other penalties imposed, a person  
9 convicted of violating Section 3-707 of the Illinois Vehicle  
10 Code during a period in which his or her driver's license,  
11 permit, or privileges were suspended for a previous violation  
12 of that Section shall have his or her driver's license,  
13 permit, or privileges suspended for an additional 6 months  
14 after the expiration of the original 3-month suspension and  
15 until he or she has paid a reinstatement fee of \$100.

16 (6) (Blank).

17 (7) (Blank).

18 (8) (Blank).

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

22 (10) (Blank).

23 (11) The court shall impose a minimum fine of \$1,000 for a  
24 first offense and \$2,000 for a second or subsequent offense  
25 upon a person convicted of or placed on supervision for  
26 battery when the individual harmed was a sports official or



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

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

18 (13) A person convicted of or placed on court supervision  
19 for an assault or aggravated assault when the victim and the  
20 offender are family or household members as defined in Section  
21 103 of the Illinois Domestic Violence Act of 1986 or convicted  
22 of domestic battery or aggravated domestic battery may be  
23 required to attend a Partner Abuse Intervention Program under  
24 protocols set forth by the Illinois Department of Human  
25 Services under such terms and conditions imposed by the court.  
26 The costs of such classes shall be paid by the offender.

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

19           (e) In cases where prosecution for aggravated criminal  
20 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
21 Code of 1961 or the Criminal Code of 2012 results in conviction  
22 of a defendant who was a family member of the victim at the  
23 time of the commission of the offense, the court shall  
24 consider the safety and welfare of the victim and may impose a  
25 sentence of probation only where:

26           (1) the court finds (A) or (B) or both are

1 appropriate:

2 (A) the defendant is willing to undergo a court  
3 approved counseling program for a minimum duration of  
4 2 years; or

5 (B) the defendant is willing to participate in a  
6 court approved plan, including, but not limited to,  
7 the defendant's:

8 (i) removal from the household;

9 (ii) restricted contact with the victim;

10 (iii) continued financial support of the  
11 family;

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

13 and

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

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

23 Probation may be revoked or modified pursuant to Section  
24 5-6-4; except where the court determines at the hearing that  
25 the defendant violated a condition of his or her probation  
26 restricting contact with the victim or other family members or

1 commits another offense with the victim or other family  
2 members, the court shall revoke the defendant's probation and  
3 impose a term of imprisonment.

4 For the purposes of this Section, "family member" and  
5 "victim" shall have the meanings ascribed to them in Section  
6 11-0.1 of the Criminal Code of 2012.

7 (f) (Blank).

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

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

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

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

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

26 (i) All fines and penalties imposed under this Section for

1 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
2 Vehicle Code, or a similar provision of a local ordinance, and  
3 any violation of the Child Passenger Protection Act, or a  
4 similar provision of a local ordinance, shall be collected and  
5 disbursed by the circuit clerk as provided under the Criminal  
6 and Traffic Assessment Act.

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

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

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



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

16 (k) (Blank).

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

25 (1) a final order of deportation has been issued  
26 against the defendant pursuant to proceedings under the

1 Immigration and Nationality Act, and

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

5 Otherwise, the defendant shall be sentenced as provided in  
6 this Chapter V.

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

16 (1) a final order of deportation has been issued  
17 against the defendant pursuant to proceedings under the  
18 Immigration and Nationality Act, and

19 (2) the deportation of the defendant would not  
20 deprecate the seriousness of the defendant's conduct and  
21 would not be inconsistent with the ends of justice.

22 (C) This subsection (1) does not apply to offenders who  
23 are subject to the provisions of paragraph (2) of subsection  
24 (a) of Section 3-6-3.

25 (D) Upon motion of the State's Attorney, if a defendant  
26 sentenced under this Section returns to the jurisdiction of

1 the United States, the defendant shall be recommitted to the  
2 custody of the county from which he or she was sentenced.  
3 Thereafter, the defendant shall be brought before the  
4 sentencing court, which may impose any sentence that was  
5 available under Section 5-5-3 at the time of initial  
6 sentencing. In addition, the defendant shall not be eligible  
7 for additional earned sentence credit as provided under  
8 Section 3-6-3.

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

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

24 (o) Whenever a person is convicted of a sex offense as  
25 defined in Section 2 of the Sex Offender Registration Act, the  
26 defendant's driver's license or permit shall be subject to

1 renewal on an annual basis in accordance with the provisions  
2 of license renewal established by the Secretary of State.

3 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;  
4 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.  
5 1-1-24.)

6 (730 ILCS 5/5-5-3.2)

7 Sec. 5-5-3.2. Factors in aggravation and extended-term  
8 sentencing.

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

13 (1) the defendant's conduct caused or threatened  
14 serious harm;

15 (2) the defendant received compensation for committing  
16 the offense;

17 (3) the defendant has a history of prior delinquency  
18 or criminal activity;

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

23 (5) the defendant held public office at the time of  
24 the offense, and the offense related to the conduct of  
25 that office;

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

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

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

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

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

24          (11) the offense took place in a place of worship or on  
25          the grounds of a place of worship, immediately prior to,  
26          during or immediately following worship services. For

1 purposes of this subparagraph, "place of worship" shall  
2 mean any church, synagogue or other building, structure or  
3 place used primarily for religious worship;

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

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

16 (14) the defendant held a position of trust or  
17 supervision such as, but not limited to, family member as  
18 defined in Section 11-0.1 of the Criminal Code of 2012,  
19 teacher, scout leader, baby sitter, or day care worker, in  
20 relation to a victim under 18 years of age, and the  
21 defendant committed an offense in violation of Section  
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
23 11-14.4 except for an offense that involves keeping a  
24 place of commercial sexual exploitation of a child  
25 ~~juvenile prostitution~~, 11-15.1, 11-19.1, 11-19.2, 11-20.1,  
26 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15 or 12-16

1 of the Criminal Code of 1961 or the Criminal Code of 2012  
2 against that victim;

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

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

22 (16.5) the defendant committed an offense in violation  
23 of one of the following Sections while in a day care  
24 center, regardless of the time of day or time of year; on  
25 the real property of a day care center, regardless of the  
26 time of day or time of year; or on a public way within

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

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

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

25 (19) the defendant was a federally licensed firearm  
26 dealer and was previously convicted of a violation of



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

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

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

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

1 reserve component thereof or National Guard unit called to  
2 active duty;

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

8 (24) the defendant committed any offense under Section  
9 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
10 of 2012 and possessed 100 or more images;

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

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

1 to sadistic, masochistic, or sadomasochistic abuse in a  
2 sexual context;

3 (27) the defendant committed the offense of first  
4 degree murder, assault, aggravated assault, battery,  
5 aggravated battery, robbery, armed robbery, or aggravated  
6 robbery against a person who was a veteran and the  
7 defendant knew, or reasonably should have known, that the  
8 person was a veteran performing duties as a representative  
9 of a veterans' organization. For the purposes of this  
10 paragraph (27), "veteran" means an Illinois resident who  
11 has served as a member of the United States Armed Forces, a  
12 member of the Illinois National Guard, or a member of the  
13 United States Reserve Forces; and "veterans' organization"  
14 means an organization comprised of members of which  
15 substantially all are individuals who are veterans or  
16 spouses, widows, or widowers of veterans, the primary  
17 purpose of which is to promote the welfare of its members  
18 and to provide assistance to the general public in such a  
19 way as to confer a public benefit;

20 (28) the defendant committed the offense of assault,  
21 aggravated assault, battery, aggravated battery, robbery,  
22 armed robbery, or aggravated robbery against a person that  
23 the defendant knew or reasonably should have known was a  
24 letter carrier or postal worker while that person was  
25 performing his or her duties delivering mail for the  
26 United States Postal Service;

1 (29) the defendant committed the offense of criminal  
2 sexual assault, aggravated criminal sexual assault,  
3 criminal sexual abuse, or aggravated criminal sexual abuse  
4 against a victim with an intellectual disability, and the  
5 defendant holds a position of trust, authority, or  
6 supervision in relation to the victim;

7 (30) the defendant committed the offense of promoting  
8 commercial sexual exploitation of a child ~~juvenile~~  
9 ~~prostitution~~, patronizing a person engaged in the sex  
10 trade prostitute, or patronizing a sexually exploited  
11 child ~~minor engaged in prostitution~~ and at the time of the  
12 commission of the offense knew that the person engaged in  
13 the sex trade prostitute or sexually exploited child ~~minor~~  
14 ~~engaged in prostitution~~ was in the custody or guardianship  
15 of the Department of Children and Family Services;

16 (31) the defendant (i) committed the offense of  
17 driving while under the influence of alcohol, other drug  
18 or drugs, intoxicating compound or compounds or any  
19 combination thereof in violation of Section 11-501 of the  
20 Illinois Vehicle Code or a similar provision of a local  
21 ordinance and (ii) the defendant during the commission of  
22 the offense was driving his or her vehicle upon a roadway  
23 designated for one-way traffic in the opposite direction  
24 of the direction indicated by official traffic control  
25 devices;

26 (32) the defendant committed the offense of reckless

1 homicide while committing a violation of Section 11-907 of  
2 the Illinois Vehicle Code;

3 (33) the defendant was found guilty of an  
4 administrative infraction related to an act or acts of  
5 public indecency or sexual misconduct in the penal  
6 institution. In this paragraph (33), "penal institution"  
7 has the same meaning as in Section 2-14 of the Criminal  
8 Code of 2012; or

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

20 For the purposes of this Section:

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

23 "Day care center" means a public or private State  
24 certified and licensed day care center as defined in Section  
25 2.09 of the Child Care Act of 1969 that displays a sign in  
26 plain view stating that the property is a day care center.

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

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

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

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

15 (1) When a defendant is convicted of any felony, after  
16 having been previously convicted in Illinois or any other  
17 jurisdiction of the same or similar class felony or  
18 greater class felony, when such conviction has occurred  
19 within 10 years after the previous conviction, excluding  
20 time spent in custody, and such charges are separately  
21 brought and tried and arise out of different series of  
22 acts; or

23 (2) When a defendant is convicted of any felony and  
24 the court finds that the offense was accompanied by  
25 exceptionally brutal or heinous behavior indicative of  
26 wanton cruelty; or

1           (3) When a defendant is convicted of any felony  
2 committed against:

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

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

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

9           (4) When a defendant is convicted of any felony and  
10 the offense involved any of the following types of  
11 specific misconduct committed as part of a ceremony, rite,  
12 initiation, observance, performance, practice or activity  
13 of any actual or ostensible religious, fraternal, or  
14 social group:

15           (i) the brutalizing or torturing of humans or  
16 animals;

17           (ii) the theft of human corpses;

18           (iii) the kidnapping of humans;

19           (iv) the desecration of any cemetery, religious,  
20 fraternal, business, governmental, educational, or  
21 other building or property; or

22           (v) ritualized abuse of a child; or

23           (5) When a defendant is convicted of a felony other  
24 than conspiracy and the court finds that the felony was  
25 committed under an agreement with 2 or more other persons  
26 to commit that offense and the defendant, with respect to

1 the other individuals, occupied a position of organizer,  
2 supervisor, financier, or any other position of management  
3 or leadership, and the court further finds that the felony  
4 committed was related to or in furtherance of the criminal  
5 activities of an organized gang or was motivated by the  
6 defendant's leadership in an organized gang; or

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

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

20 (8) When a defendant commits any felony and the  
21 defendant used, possessed, exercised control over, or  
22 otherwise directed an animal to assault a law enforcement  
23 officer engaged in the execution of his or her official  
24 duties or in furtherance of the criminal activities of an  
25 organized gang in which the defendant is engaged; or

26 (9) When a defendant commits any felony and the



1 defendant knowingly video or audio records the offense  
2 with the intent to disseminate the recording.

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

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

15 (1.5) When a defendant is convicted of first degree  
16 murder, after having been previously convicted of domestic  
17 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
18 (720 ILCS 5/12-3.3) committed on the same victim or after  
19 having been previously convicted of violation of an order  
20 of protection (720 ILCS 5/12-30) in which the same victim  
21 was the protected person.

22 (2) When a defendant is convicted of voluntary  
23 manslaughter, second degree murder, involuntary  
24 manslaughter, or reckless homicide in which the defendant  
25 has been convicted of causing the death of more than one  
26 individual.

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

11           (4) If the victim was under 18 years of age at the time  
12 of the commission of the offense, when a defendant is  
13 convicted of aggravated criminal sexual assault or  
14 predatory criminal sexual assault of a child under  
15 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
16 of Section 12-14.1 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

18           (5) When a defendant is convicted of a felony  
19 violation of Section 24-1 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
21 finding that the defendant is a member of an organized  
22 gang.

23           (6) When a defendant was convicted of unlawful use of  
24 weapons under Section 24-1 of the Criminal Code of 1961 or  
25 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
26 a weapon that is not readily distinguishable as one of the

1 weapons enumerated in Section 24-1 of the Criminal Code of  
2 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

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

22 (8) When the defendant is convicted of attempted mob  
23 action, solicitation to commit mob action, or conspiracy  
24 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
25 Criminal Code of 2012, where the criminal object is a  
26 violation of Section 25-1 of the Criminal Code of 2012,

1 and an electronic communication is used in the commission  
2 of the offense. For the purposes of this paragraph (8),  
3 "electronic communication" shall have the meaning provided  
4 in Section 26.5-0.1 of the Criminal Code of 2012.

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

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

20 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
21 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
22 8-20-21; 102-982, eff. 7-1-23.)

23 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

24 Sec. 5-6-3. Conditions of probation and of conditional  
25 discharge.

1           (a) The conditions of probation and of conditional  
2 discharge shall be that the person:

3           (1) not violate any criminal statute of any  
4 jurisdiction;

5           (2) report to or appear in person before such person  
6 or agency as directed by the court. To comply with the  
7 provisions of this paragraph (2), in lieu of requiring the  
8 person on probation or conditional discharge to appear in  
9 person for the required reporting or meetings, the officer  
10 may utilize technology, including cellular and other  
11 electronic communication devices or platforms, that allow  
12 for communication between the supervised person and the  
13 officer in accordance with standards and guidelines  
14 established by the Administrative Office of the Illinois  
15 Courts;

16           (3) refrain from possessing a firearm or other  
17 dangerous weapon where the offense is a felony or, if a  
18 misdemeanor, the offense involved the intentional or  
19 knowing infliction of bodily harm or threat of bodily  
20 harm;

21           (4) not leave the State without the consent of the  
22 court or, in circumstances in which the reason for the  
23 absence is of such an emergency nature that prior consent  
24 by the court is not possible, without the prior  
25 notification and approval of the person's probation  
26 officer. Transfer of a person's probation or conditional

1 discharge supervision to another state is subject to  
2 acceptance by the other state pursuant to the Interstate  
3 Compact for Adult Offender Supervision;

4 (5) permit the probation officer to visit him at his  
5 home or elsewhere to the extent necessary to discharge his  
6 duties;

7 (6) perform no less than 30 hours of community service  
8 and not more than 120 hours of community service, if  
9 community service is available in the jurisdiction and is  
10 funded and approved by the county board where the offense  
11 was committed, where the offense was related to or in  
12 furtherance of the criminal activities of an organized  
13 gang and was motivated by the offender's membership in or  
14 allegiance to an organized gang. The community service  
15 shall include, but not be limited to, the cleanup and  
16 repair of any damage caused by a violation of Section  
17 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
18 2012 and similar damage to property located within the  
19 municipality or county in which the violation occurred.  
20 When possible and reasonable, the community service should  
21 be performed in the offender's neighborhood. For purposes  
22 of this Section, "organized gang" has the meaning ascribed  
23 to it in Section 10 of the Illinois Streetgang Terrorism  
24 Omnibus Prevention Act. The court may give credit toward  
25 the fulfillment of community service hours for  
26 participation in activities and treatment as determined by

1 court services. Community service shall not interfere with  
2 the school hours, school-related activities, or work  
3 commitments of the minor or the minor's parent, guardian,  
4 or legal custodian;

5 (7) if he or she is at least 17 years of age and has  
6 been sentenced to probation or conditional discharge for a  
7 misdemeanor or felony in a county of 3,000,000 or more  
8 inhabitants and has not been previously convicted of a  
9 misdemeanor or felony, may be required by the sentencing  
10 court to attend educational courses designed to prepare  
11 the defendant for a high school diploma and to work toward  
12 a high school diploma or to work toward passing high  
13 school equivalency testing or to work toward completing a  
14 vocational training program approved by the court. The  
15 person on probation or conditional discharge must attend a  
16 public institution of education to obtain the educational  
17 or vocational training required by this paragraph (7). The  
18 court shall revoke the probation or conditional discharge  
19 of a person who willfully fails to comply with this  
20 paragraph (7). The person on probation or conditional  
21 discharge shall be required to pay for the cost of the  
22 educational courses or high school equivalency testing if  
23 a fee is charged for those courses or testing. The court  
24 shall resentence the offender whose probation or  
25 conditional discharge has been revoked as provided in  
26 Section 5-6-4. This paragraph (7) does not apply to a

1 person who has a high school diploma or has successfully  
2 passed high school equivalency testing. This paragraph (7)  
3 does not apply to a person who is determined by the court  
4 to be a person with a developmental disability or  
5 otherwise mentally incapable of completing the educational  
6 or vocational program;

7 (8) if convicted of possession of a substance  
8 prohibited by the Cannabis Control Act, the Illinois  
9 Controlled Substances Act, or the Methamphetamine Control  
10 and Community Protection Act after a previous conviction  
11 or disposition of supervision for possession of a  
12 substance prohibited by the Cannabis Control Act or  
13 Illinois Controlled Substances Act or after a sentence of  
14 probation under Section 10 of the Cannabis Control Act,  
15 Section 410 of the Illinois Controlled Substances Act, or  
16 Section 70 of the Methamphetamine Control and Community  
17 Protection Act and upon a finding by the court that the  
18 person is addicted, undergo treatment at a substance abuse  
19 program approved by the court;

20 (8.5) if convicted of a felony sex offense as defined  
21 in the Sex Offender Management Board Act, the person shall  
22 undergo and successfully complete sex offender treatment  
23 by a treatment provider approved by the Board and  
24 conducted in conformance with the standards developed  
25 under the Sex Offender Management Board Act;

26 (8.6) if convicted of a sex offense as defined in the



1 Sex Offender Management Board Act, refrain from residing  
2 at the same address or in the same condominium unit or  
3 apartment unit or in the same condominium complex or  
4 apartment complex with another person he or she knows or  
5 reasonably should know is a convicted sex offender or has  
6 been placed on supervision for a sex offense; the  
7 provisions of this paragraph do not apply to a person  
8 convicted of a sex offense who is placed in a Department of  
9 Corrections licensed transitional housing facility for sex  
10 offenders;

11 (8.7) if convicted for an offense committed on or  
12 after June 1, 2008 (the effective date of Public Act  
13 95-464) that would qualify the accused as a child sex  
14 offender as defined in Section 11-9.3 or 11-9.4 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012,  
16 refrain from communicating with or contacting, by means of  
17 the Internet, a person who is not related to the accused  
18 and whom the accused reasonably believes to be under 18  
19 years of age; for purposes of this paragraph (8.7),  
20 "Internet" has the meaning ascribed to it in Section  
21 16-0.1 of the Criminal Code of 2012; and a person is not  
22 related to the accused if the person is not: (i) the  
23 spouse, brother, or sister of the accused; (ii) a  
24 descendant of the accused; (iii) a first or second cousin  
25 of the accused; or (iv) a step-child or adopted child of  
26 the accused;

1 (8.8) if convicted for an offense under Section 11-6,  
2 11-9.1, 11-14.4 that involves soliciting for a sexually  
3 exploited child ~~juvenile prostitute~~, 11-15.1, 11-20.1,  
4 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961  
5 or the Criminal Code of 2012, or any attempt to commit any  
6 of these offenses, committed on or after June 1, 2009 (the  
7 effective date of Public Act 95-983):

8 (i) not access or use a computer or any other  
9 device with Internet capability without the prior  
10 written approval of the offender's probation officer,  
11 except in connection with the offender's employment or  
12 search for employment with the prior approval of the  
13 offender's probation officer;

14 (ii) submit to periodic unannounced examinations  
15 of the offender's computer or any other device with  
16 Internet capability by the offender's probation  
17 officer, a law enforcement officer, or assigned  
18 computer or information technology specialist,  
19 including the retrieval and copying of all data from  
20 the computer or device and any internal or external  
21 peripherals and removal of such information,  
22 equipment, or device to conduct a more thorough  
23 inspection;

24 (iii) submit to the installation on the offender's  
25 computer or device with Internet capability, at the  
26 offender's expense, of one or more hardware or

1 software systems to monitor the Internet use; and

2 (iv) submit to any other appropriate restrictions  
3 concerning the offender's use of or access to a  
4 computer or any other device with Internet capability  
5 imposed by the offender's probation officer;

6 (8.9) if convicted of a sex offense as defined in the  
7 Sex Offender Registration Act committed on or after  
8 January 1, 2010 (the effective date of Public Act 96-262),  
9 refrain from accessing or using a social networking  
10 website as defined in Section 17-0.5 of the Criminal Code  
11 of 2012;

12 (9) if convicted of a felony or of any misdemeanor  
13 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
14 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
15 2012 that was determined, pursuant to Section 112A-11.1 of  
16 the Code of Criminal Procedure of 1963, to trigger the  
17 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
18 at a time and place designated by the court, his or her  
19 Firearm Owner's Identification Card and any and all  
20 firearms in his or her possession. The Court shall return  
21 to the Illinois State Police Firearm Owner's  
22 Identification Card Office the person's Firearm Owner's  
23 Identification Card;

24 (10) 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 (11) if convicted of a sex offense as defined in  
10 Section 2 of the Sex Offender Registration Act committed  
11 on or after January 1, 2010 (the effective date of Public  
12 Act 96-362) that requires the person to register as a sex  
13 offender under that Act, may not knowingly use any  
14 computer scrub software on any computer that the sex  
15 offender uses;

16 (12) if convicted of a violation of the  
17 Methamphetamine Control and Community Protection Act, the  
18 Methamphetamine Precursor Control Act, or a  
19 methamphetamine related offense:

20 (A) prohibited from purchasing, possessing, or  
21 having under his or her control any product containing  
22 pseudoephedrine unless prescribed by a physician; and

23 (B) prohibited from purchasing, possessing, or  
24 having under his or her control any product containing  
25 ammonium nitrate; and

26 (13) if convicted of a hate crime involving the

1           protected class identified in subsection (a) of Section  
2           12-7.1 of the Criminal Code of 2012 that gave rise to the  
3           offense the offender committed, perform public or  
4           community service of no less than 200 hours and enroll in  
5           an educational program discouraging hate crimes that  
6           includes racial, ethnic, and cultural sensitivity training  
7           ordered by the court.

8           (b) The Court may in addition to other reasonable  
9           conditions relating to the nature of the offense or the  
10          rehabilitation of the defendant as determined for each  
11          defendant in the proper discretion of the Court require that  
12          the person:

13                 (1) serve a term of periodic imprisonment under  
14                 Article 7 for a period not to exceed that specified in  
15                 paragraph (d) of Section 5-7-1;

16                 (2) pay a fine and costs;

17                 (3) work or pursue a course of study or vocational  
18                 training;

19                 (4) undergo medical, psychological or psychiatric  
20                 treatment; or treatment for drug addiction or alcoholism;

21                 (5) attend or reside in a facility established for the  
22                 instruction or residence of defendants on probation;

23                 (6) support his dependents;

24                 (7) and in addition, if a minor:

25                         (i) reside with his parents or in a foster home;

26                         (ii) attend school;

1 (iii) attend a non-residential program for youth;

2 (iv) provide nonfinancial contributions to his own  
3 support at home or in a foster home;

4 (v) with the consent of the superintendent of the  
5 facility, attend an educational program at a facility  
6 other than the school in which the offense was  
7 committed if he or she is convicted of a crime of  
8 violence as defined in Section 2 of the Crime Victims  
9 Compensation Act committed in a school, on the real  
10 property comprising a school, or within 1,000 feet of  
11 the real property comprising a school;

12 (8) make restitution as provided in Section 5-5-6 of  
13 this Code;

14 (9) perform some reasonable public or community  
15 service;

16 (10) serve a term of home confinement. In addition to  
17 any other applicable condition of probation or conditional  
18 discharge, the conditions of home confinement shall be  
19 that the offender:

20 (i) remain within the interior premises of the  
21 place designated for his confinement during the hours  
22 designated by the court;

23 (ii) admit any person or agent designated by the  
24 court into the offender's place of confinement at any  
25 time for purposes of verifying the offender's  
26 compliance with the conditions of his confinement; and

1           (iii) if further deemed necessary by the court or  
2 the probation or court services department ~~Probation~~  
3 ~~or Court Services Department~~, be placed on an approved  
4 electronic monitoring device, subject to Article 8A of  
5 Chapter V;

6           (iv) for persons convicted of any alcohol,  
7 cannabis or controlled substance violation who are  
8 placed on an approved monitoring device as a condition  
9 of probation or conditional discharge, the court shall  
10 impose a reasonable fee for each day of the use of the  
11 device, as established by the county board in  
12 subsection (g) of this Section, unless after  
13 determining the inability of the offender to pay the  
14 fee, the court assesses a lesser fee or no fee as the  
15 case may be. This fee shall be imposed in addition to  
16 the fees imposed under subsections (g) and (i) of this  
17 Section. The fee shall be collected by the clerk of the  
18 circuit court, except as provided in an administrative  
19 order of the Chief Judge of the circuit court. The  
20 clerk of the circuit court shall pay all monies  
21 collected from this fee to the county treasurer for  
22 deposit in the substance abuse services fund under  
23 Section 5-1086.1 of the Counties Code, except as  
24 provided in an administrative order of the Chief Judge  
25 of the circuit court.

26           The Chief Judge of the circuit court of the county

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

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

12          (v) for persons convicted of offenses other than  
13          those referenced in clause (iv) above and who are  
14          placed on an approved monitoring device as a condition  
15          of probation or conditional discharge, the court shall  
16          impose a reasonable fee for each day of the use of the  
17          device, as established by the county board in  
18          subsection (g) of this Section, unless after  
19          determining the inability of the defendant to pay the  
20          fee, the court assesses a lesser fee or no fee as the  
21          case may be. This fee shall be imposed in addition to  
22          the fees imposed under subsections (g) and (i) of this  
23          Section. The fee shall be collected by the clerk of the  
24          circuit court, except as provided in an administrative  
25          order of the Chief Judge of the circuit court. The  
26          clerk of the circuit court shall pay all monies



1 collected from this fee to the county treasurer who  
2 shall use the monies collected to defray the costs of  
3 corrections. The county treasurer shall deposit the  
4 fee collected in the probation and court services  
5 fund. The Chief Judge of the circuit court of the  
6 county may by administrative order establish a program  
7 for electronic monitoring of offenders, in which a  
8 vendor supplies and monitors the operation of the  
9 electronic monitoring device, and collects the fees on  
10 behalf of the county. The program shall include  
11 provisions for indigent offenders and the collection  
12 of unpaid fees. The program shall not unduly burden  
13 the offender and shall be subject to review by the  
14 Chief Judge.

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

18 (11) comply with the terms and conditions of an order  
19 of protection issued by the court pursuant to the Illinois  
20 Domestic Violence Act of 1986, as now or hereafter  
21 amended, or an order of protection issued by the court of  
22 another state, tribe, or United States territory. A copy  
23 of the order of protection shall be transmitted to the  
24 probation officer or agency having responsibility for the  
25 case;

26 (12) reimburse any "local anti-crime program" as

1 defined in Section 7 of the Anti-Crime Advisory Council  
2 Act for any reasonable expenses incurred by the program on  
3 the offender's case, not to exceed the maximum amount of  
4 the fine authorized for the offense for which the  
5 defendant was sentenced;

6 (13) contribute a reasonable sum of money, not to  
7 exceed the maximum amount of the fine authorized for the  
8 offense for which the defendant was sentenced, (i) to a  
9 "local anti-crime program", as defined in Section 7 of the  
10 Anti-Crime Advisory Council Act, or (ii) for offenses  
11 under the jurisdiction of the Department of Natural  
12 Resources, to the fund established by the Department of  
13 Natural Resources for the purchase of evidence for  
14 investigation purposes and to conduct investigations as  
15 outlined in Section 805-105 of the Department of Natural  
16 Resources (Conservation) Law;

17 (14) refrain from entering into a designated  
18 geographic area except upon such terms as the court finds  
19 appropriate. Such terms may include consideration of the  
20 purpose of the entry, the time of day, other persons  
21 accompanying the defendant, and advance approval by a  
22 probation officer, if the defendant has been placed on  
23 probation or advance approval by the court, if the  
24 defendant was placed on conditional discharge;

25 (15) refrain from having any contact, directly or  
26 indirectly, with certain specified persons or particular

1 types of persons, including, but not limited to, members  
2 of street gangs and drug users or dealers;

3 (16) refrain from having in his or her body the  
4 presence of any illicit drug prohibited by the Illinois  
5 Controlled Substances Act or the Methamphetamine Control  
6 and Community Protection Act, unless prescribed by a  
7 physician, and submit samples of his or her blood or urine  
8 or both for tests to determine the presence of any illicit  
9 drug;

10 (17) if convicted for an offense committed on or after  
11 June 1, 2008 (the effective date of Public Act 95-464)  
12 that would qualify the accused as a child sex offender as  
13 defined in Section 11-9.3 or 11-9.4 of the Criminal Code  
14 of 1961 or the Criminal Code of 2012, refrain from  
15 communicating with or contacting, by means of the  
16 Internet, a person who is related to the accused and whom  
17 the accused reasonably believes to be under 18 years of  
18 age; for purposes of this paragraph (17), "Internet" has  
19 the meaning ascribed to it in Section 16-0.1 of the  
20 Criminal Code of 2012; and a person is related to the  
21 accused if the person is: (i) the spouse, brother, or  
22 sister of the accused; (ii) a descendant of the accused;  
23 (iii) a first or second cousin of the accused; or (iv) a  
24 step-child or adopted child of the accused;

25 (18) if convicted for an offense committed on or after  
26 June 1, 2009 (the effective date of Public Act 95-983)

1           that would qualify as a sex offense as defined in the Sex  
2 Offender Registration Act:

3           (i) not access or use a computer or any other  
4 device with Internet capability without the prior  
5 written approval of the offender's probation officer,  
6 except in connection with the offender's employment or  
7 search for employment with the prior approval of the  
8 offender's probation officer;

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 probation  
12 officer, a law enforcement officer, or assigned  
13 computer or information technology specialist,  
14 including the retrieval and copying of all data from  
15 the computer or device and any internal or external  
16 peripherals and removal of such information,  
17 equipment, or device to conduct a more thorough  
18 inspection;

19           (iii) submit to the installation on the offender's  
20 computer or device with Internet capability, at the  
21 subject's expense, of one or more hardware or software  
22 systems to monitor the Internet use; and

23           (iv) submit to any other appropriate restrictions  
24 concerning the offender's use of or access to a  
25 computer or any other device with Internet capability  
26 imposed by the offender's probation officer; and

1           (19) refrain from possessing a firearm or other  
2           dangerous weapon where the offense is a misdemeanor that  
3           did not involve the intentional or knowing infliction of  
4           bodily harm or threat of bodily harm.

5           (c) The court may as a condition of probation or of  
6           conditional discharge require that a person under 18 years of  
7           age found guilty of any alcohol, cannabis or controlled  
8           substance violation, refrain from acquiring a driver's license  
9           during the period of probation or conditional discharge. If  
10          such person is in possession of a permit or license, the court  
11          may require that the minor refrain from driving or operating  
12          any motor vehicle during the period of probation or  
13          conditional discharge, except as may be necessary in the  
14          course of the minor's lawful employment.

15          (d) An offender sentenced to probation or to conditional  
16          discharge shall be given a certificate setting forth the  
17          conditions thereof.

18          (e) Except where the offender has committed a fourth or  
19          subsequent violation of subsection (c) of Section 6-303 of the  
20          Illinois Vehicle Code, the court shall not require as a  
21          condition of the sentence of probation or conditional  
22          discharge that the offender be committed to a period of  
23          imprisonment in excess of 6 months. This 6-month limit shall  
24          not include periods of confinement given pursuant to a  
25          sentence of county impact incarceration under Section 5-8-1.2.

26          Persons committed to imprisonment as a condition of

1 probation or conditional discharge shall not be committed to  
2 the Department of Corrections.

3 (f) The court may combine a sentence of periodic  
4 imprisonment under Article 7 or a sentence to a county impact  
5 incarceration program under Article 8 with a sentence of  
6 probation or conditional discharge.

7 (g) An offender sentenced to probation or to conditional  
8 discharge and who during the term of either undergoes  
9 mandatory drug or alcohol testing, or both, or is assigned to  
10 be placed on an approved electronic monitoring device, shall  
11 be ordered to pay all costs incidental to such mandatory drug  
12 or alcohol testing, or both, and all costs incidental to such  
13 approved electronic monitoring in accordance with the  
14 defendant's ability to pay those costs. The county board with  
15 the concurrence of the Chief Judge of the judicial circuit in  
16 which the county is located shall establish reasonable fees  
17 for the cost of maintenance, testing, and incidental expenses  
18 related to the mandatory drug or alcohol testing, or both, and  
19 all costs incidental to approved electronic monitoring,  
20 involved in a successful probation program for the county. The  
21 concurrence of the Chief Judge shall be in the form of an  
22 administrative order. The fees shall be collected by the clerk  
23 of the circuit court, except as provided in an administrative  
24 order of the Chief Judge of the circuit court. The clerk of the  
25 circuit court shall pay all moneys collected from these fees  
26 to the county treasurer who shall use the moneys collected to

1 defray the costs of drug testing, alcohol testing, and  
2 electronic monitoring. The county treasurer shall deposit the  
3 fees collected in the county working cash fund under Section  
4 6-27001 or Section 6-29002 of the Counties Code, as the case  
5 may be. The Chief Judge of the circuit court of the county may  
6 by administrative order establish a program for electronic  
7 monitoring of offenders, in which a vendor supplies and  
8 monitors the operation of the electronic monitoring device,  
9 and collects the fees on behalf of the county. The program  
10 shall include provisions for indigent offenders and the  
11 collection of unpaid fees. The program shall not unduly burden  
12 the offender and shall be subject to review by the Chief Judge.  
13 A person shall not be assessed costs or fees for mandatory  
14 testing for drugs, alcohol, or both, if the person is an  
15 indigent person as defined in paragraph (2) of subsection (a)  
16 of Section 5-105 of the Code of Civil Procedure.

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

20 (h) Jurisdiction over an offender may be transferred from  
21 the sentencing court to the court of another circuit with the  
22 concurrence of both courts. Further transfers or retransfers  
23 of jurisdiction are also authorized in the same manner. The  
24 court to which jurisdiction has been transferred shall have  
25 the same powers as the sentencing court. The probation  
26 department within the circuit to which jurisdiction has been

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

10 (i) The court shall impose upon an offender sentenced to  
11 probation after January 1, 1989 or to conditional discharge  
12 after January 1, 1992 or to community service under the  
13 supervision of a probation or court services department after  
14 January 1, 2004, as a condition of such probation or  
15 conditional discharge or supervised community service, a fee  
16 of \$50 for each month of probation or conditional discharge  
17 supervision or supervised community service ordered by the  
18 court, unless after determining the inability of the person  
19 sentenced to probation or conditional discharge or supervised  
20 community service to pay the fee, the court assesses a lesser  
21 fee. The court may not impose the fee on a minor who is placed  
22 in the guardianship or custody of the Department of Children  
23 and Family Services under the Juvenile Court Act of 1987 while  
24 the minor is in placement. The fee shall be imposed only upon  
25 an offender who is actively supervised by the probation and  
26 court services department. The fee shall be collected by the



1 clerk of the circuit court. The clerk of the circuit court  
2 shall pay all monies collected from this fee to the county  
3 treasurer for deposit in the probation and court services fund  
4 under Section 15.1 of the Probation and Probation Officers  
5 Act.

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

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

25 Public Act 93-970 deletes the \$10 increase in the fee  
26 under this subsection that was imposed by Public Act 93-616.

1 This deletion is intended to control over any other Act of the  
2 93rd General Assembly that retains or incorporates that fee  
3 increase.

4 (i-5) In addition to the fees imposed under subsection (i)  
5 of this Section, in the case of an offender convicted of a  
6 felony sex offense (as defined in the Sex Offender Management  
7 Board Act) or an offense that the court or probation  
8 department has determined to be sexually motivated (as defined  
9 in the Sex Offender Management Board Act), the court or the  
10 probation department shall assess additional fees to pay for  
11 all costs of treatment, assessment, evaluation for risk and  
12 treatment, and monitoring the offender, based on that  
13 offender's ability to pay those costs either as they occur or  
14 under a payment plan.

15 (j) All fines and costs imposed under this Section for any  
16 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
17 Code, or a similar provision of a local ordinance, and any  
18 violation of the Child Passenger Protection Act, or a similar  
19 provision of a local ordinance, shall be collected and  
20 disbursed by the circuit clerk as provided under the Criminal  
21 and Traffic Assessment Act.

22 (k) Any offender who is sentenced to probation or  
23 conditional discharge for a felony sex offense as defined in  
24 the Sex Offender Management Board Act or any offense that the  
25 court or probation department has determined to be sexually  
26 motivated as defined in the Sex Offender Management Board Act

1 shall be required to refrain from any contact, directly or  
2 indirectly, with any persons specified by the court and shall  
3 be available for all evaluations and treatment programs  
4 required by the court or the probation department.

5 (l) The court may order an offender who is sentenced to  
6 probation or conditional discharge for a violation of an order  
7 of protection be placed under electronic surveillance as  
8 provided in Section 5-8A-7 of this Code.

9 (m) Except for restitution, and assessments issued for  
10 adjudications under Section 5-125 of the Juvenile Court Act of  
11 1987, fines and assessments, such as fees or administrative  
12 costs, authorized under this Section shall not be ordered or  
13 imposed on a minor subject to Article III, IV, or V of the  
14 Juvenile Court Act of 1987, or a minor under the age of 18  
15 transferred to adult court or excluded from juvenile court  
16 jurisdiction under Article V of the Juvenile Court Act of  
17 1987, or the minor's parent, guardian, or legal custodian.

18 (n) ~~(m)~~ A person on probation, conditional discharge, or  
19 supervision shall not be ordered to refrain from having  
20 cannabis or alcohol in his or her body unless:

21 (1) the person is under 21 years old;

22 (2) the person was sentenced to probation, conditional  
23 discharge, or supervision for an offense which had as an  
24 element of the offense the presence of an intoxicating  
25 compound in the person's body;

26 (3) the person is participating in a problem-solving

1 court certified by the Illinois Supreme Court;

2 (4) the person has undergone a validated clinical  
3 assessment and the clinical treatment plan includes  
4 alcohol or cannabis testing; or

5 (5) a court ordered evaluation recommends that the  
6 person refrain from using alcohol or cannabis, provided  
7 the evaluation is a validated clinical assessment and the  
8 recommendation originates from a clinical treatment plan.

9 If the court has made findings that alcohol use was a  
10 contributing factor in the commission of the underlying  
11 offense, the court may order a person on probation,  
12 conditional discharge, or supervision to refrain from having  
13 alcohol in his or her body during the time between sentencing  
14 and the completion of a validated clinical assessment,  
15 provided that such order shall not exceed 30 days and shall be  
16 terminated if the clinical treatment plan does not recommend  
17 abstinence or testing, or both.

18 In this subsection (n) ~~(m)~~, "validated clinical  
19 assessment" and "clinical treatment plan" have the meanings  
20 ascribed to them in Section 10 of the Drug Court Treatment Act.

21 In any instance in which the court orders testing for  
22 cannabis or alcohol, the court shall state the reasonable  
23 relation the condition has to the person's crime for which the  
24 person was placed on probation, conditional discharge, or  
25 supervision.

26 (o) ~~(n)~~ A person on probation, conditional discharge, or

1 supervision shall not be ordered to refrain from use or  
2 consumption of any substance lawfully prescribed by a medical  
3 provider or authorized by the Compassionate Use of Medical  
4 Cannabis Program Act, except where use is prohibited in  
5 paragraph (3) or (4) of subsection (n) ~~(m)~~.

6 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
7 103-271, eff. 1-1-24; 103-379, eff. 7-28-23; 103-391, eff.  
8 1-1-24; revised 12-15-23.)

9 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

10 Sec. 5-6-3.1. Incidents and conditions of supervision.

11 (a) When a defendant is placed on supervision, the court  
12 shall enter an order for supervision specifying the period of  
13 such supervision, and shall defer further proceedings in the  
14 case until the conclusion of the period.

15 (b) The period of supervision shall be reasonable under  
16 all of the circumstances of the case, but may not be longer  
17 than 2 years, unless the defendant has failed to pay the  
18 assessment required by Section 10.3 of the Cannabis Control  
19 Act, Section 411.2 of the Illinois Controlled Substances Act,  
20 or Section 80 of the Methamphetamine Control and Community  
21 Protection Act, in which case the court may extend supervision  
22 beyond 2 years. Additionally, the court shall order the  
23 defendant to perform no less than 30 hours of community  
24 service and not more than 120 hours of community service, if  
25 community service is available in the jurisdiction and is

1 funded and approved by the county board where the offense was  
2 committed, when the offense (1) was related to or in  
3 furtherance of the criminal activities of an organized gang or  
4 was motivated by the defendant's membership in or allegiance  
5 to an organized gang; or (2) is a violation of any Section of  
6 Article 24 of the Criminal Code of 1961 or the Criminal Code of  
7 2012 where a disposition of supervision is not prohibited by  
8 Section 5-6-1 of this Code. The community service shall  
9 include, but not be limited to, the cleanup and repair of any  
10 damage caused by violation of Section 21-1.3 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012 and similar damages  
12 to property located within the municipality or county in which  
13 the violation occurred. Where possible and reasonable, the  
14 community service should be performed in the offender's  
15 neighborhood.

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

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

24 (1) make a report to and appear in person before or  
25 participate with the court or such courts, person, or  
26 social service agency as directed by the court in the

1 order of supervision;

2 (2) pay a fine and costs;

3 (3) work or pursue a course of study or vocational  
4 training;

5 (4) undergo medical, psychological or psychiatric  
6 treatment; or treatment for drug addiction or alcoholism;

7 (5) attend or reside in a facility established for the  
8 instruction or residence of defendants on probation;

9 (6) support his dependents;

10 (7) refrain from possessing a firearm or other  
11 dangerous weapon;

12 (8) and in addition, if a minor:

13 (i) reside with his parents or in a foster home;

14 (ii) attend school;

15 (iii) attend a non-residential program for youth;

16 (iv) provide nonfinancial contributions to his own  
17 support at home or in a foster home; or

18 (v) with the consent of the superintendent of the  
19 facility, attend an educational program at a facility  
20 other than the school in which the offense was  
21 committed if he or she is placed on supervision for a  
22 crime of violence as defined in Section 2 of the Crime  
23 Victims Compensation Act committed in a school, on the  
24 real property comprising a school, or within 1,000  
25 feet of the real property comprising a school;

26 (9) make restitution or reparation in an amount not to

1 exceed actual loss or damage to property and pecuniary  
2 loss or make restitution under Section 5-5-6 to a domestic  
3 violence shelter. The court shall determine the amount and  
4 conditions of payment;

5 (10) perform some reasonable public or community  
6 service;

7 (11) comply with the terms and conditions of an order  
8 of protection issued by the court pursuant to the Illinois  
9 Domestic Violence Act of 1986 or an order of protection  
10 issued by the court of another state, tribe, or United  
11 States territory. If the court has ordered the defendant  
12 to make a report and appear in person under paragraph (1)  
13 of this subsection, a copy of the order of protection  
14 shall be transmitted to the person or agency so designated  
15 by the court;

16 (12) reimburse any "local anti-crime program" as  
17 defined in Section 7 of the Anti-Crime Advisory Council  
18 Act for any reasonable expenses incurred by the program on  
19 the offender's case, not to exceed the maximum amount of  
20 the fine authorized for the offense for which the  
21 defendant was sentenced;

22 (13) contribute a reasonable sum of money, not to  
23 exceed the maximum amount of the fine authorized for the  
24 offense for which the defendant was sentenced, (i) to a  
25 "local anti-crime program", as defined in Section 7 of the  
26 Anti-Crime Advisory Council Act, or (ii) for offenses



1 under the jurisdiction of the Department of Natural  
2 Resources, to the fund established by the Department of  
3 Natural Resources for the purchase of evidence for  
4 investigation purposes and to conduct investigations as  
5 outlined in Section 805-105 of the Department of Natural  
6 Resources (Conservation) Law;

7 (14) refrain from entering into a designated  
8 geographic area except upon such terms as the court finds  
9 appropriate. Such terms may include consideration of the  
10 purpose of the entry, the time of day, other persons  
11 accompanying the defendant, and advance approval by a  
12 probation officer;

13 (15) refrain from having any contact, directly or  
14 indirectly, with certain specified persons or particular  
15 types of person, including but not limited to members of  
16 street gangs and drug users or dealers;

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

24 (17) refrain from operating any motor vehicle not  
25 equipped with an ignition interlock device as defined in  
26 Section 1-129.1 of the Illinois Vehicle Code; under this

1 condition the court may allow a defendant who is not  
2 self-employed to operate a vehicle owned by the  
3 defendant's employer that is not equipped with an ignition  
4 interlock device in the course and scope of the  
5 defendant's employment; and

6 (18) if placed on supervision for a sex offense as  
7 defined in subsection (a-5) of Section 3-1-2 of this Code,  
8 unless the offender is a parent or guardian of the person  
9 under 18 years of age present in the home and no  
10 non-familial minors are present, not participate in a  
11 holiday event involving children under 18 years of age,  
12 such as distributing candy or other items to children on  
13 Halloween, wearing a Santa Claus costume on or preceding  
14 Christmas, being employed as a department store Santa  
15 Claus, or wearing an Easter Bunny costume on or preceding  
16 Easter.

17 (c-5) If payment of restitution as ordered has not been  
18 made, the victim shall file a petition notifying the  
19 sentencing court, any other person to whom restitution is  
20 owed, and the State's Attorney of the status of the ordered  
21 restitution payments unpaid at least 90 days before the  
22 supervision expiration date. If payment as ordered has not  
23 been made, the court shall hold a review hearing prior to the  
24 expiration date, unless the hearing is voluntarily waived by  
25 the defendant with the knowledge that waiver may result in an  
26 extension of the supervision period or in a revocation of

1 supervision. If the court does not extend supervision, it  
2 shall issue a judgment for the unpaid restitution and direct  
3 the clerk of the circuit court to file and enter the judgment  
4 in the judgment and lien docket, without fee, unless it finds  
5 that the victim has recovered a judgment against the defendant  
6 for the amount covered by the restitution order. If the court  
7 issues a judgment for the unpaid restitution, the court shall  
8 send to the defendant at his or her last known address written  
9 notification that a civil judgment has been issued for the  
10 unpaid restitution.

11 (d) The court shall defer entering any judgment on the  
12 charges until the conclusion of the supervision.

13 (e) At the conclusion of the period of supervision, if the  
14 court determines that the defendant has successfully complied  
15 with all of the conditions of supervision, the court shall  
16 discharge the defendant and enter a judgment dismissing the  
17 charges.

18 (f) Discharge and dismissal upon a successful conclusion  
19 of a disposition of supervision shall be deemed without  
20 adjudication of guilt and shall not be termed a conviction for  
21 purposes of disqualification or disabilities imposed by law  
22 upon conviction of a crime. Two years after the discharge and  
23 dismissal under this Section, unless the disposition of  
24 supervision was for a violation of Sections 3-707, 3-708,  
25 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
26 similar provision of a local ordinance, or for a violation of

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

14 (g) A defendant placed on supervision and who during the  
15 period of supervision undergoes mandatory drug or alcohol  
16 testing, or both, or is assigned to be placed on an approved  
17 electronic monitoring device, shall be ordered to pay the  
18 costs incidental to such mandatory drug or alcohol testing, or  
19 both, and costs incidental to such approved electronic  
20 monitoring in accordance with the defendant's ability to pay  
21 those costs. The county board with the concurrence of the  
22 Chief Judge of the judicial circuit in which the county is  
23 located shall establish reasonable fees for the cost of  
24 maintenance, testing, and incidental expenses related to the  
25 mandatory drug or alcohol testing, or both, and all costs  
26 incidental to approved electronic monitoring, of all

1 defendants placed on supervision. The concurrence of the Chief  
2 Judge shall be in the form of an administrative order. The fees  
3 shall be collected by the clerk of the circuit court, except as  
4 provided in an administrative order of the Chief Judge of the  
5 circuit court. The clerk of the circuit court shall pay all  
6 moneys collected from these fees to the county treasurer who  
7 shall use the moneys collected to defray the costs of drug  
8 testing, alcohol testing, and electronic monitoring. The  
9 county treasurer shall deposit the fees collected in the  
10 county working cash fund under Section 6-27001 or Section  
11 6-29002 of the Counties Code, as the case may be.

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

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

23 (h) A disposition of supervision is a final order for the  
24 purposes of appeal.

25 (i) The court shall impose upon a defendant placed on  
26 supervision after January 1, 1992 or to community service

1 under the supervision of a probation or court services  
2 department after January 1, 2004, as a condition of  
3 supervision or supervised community service, a fee of \$50 for  
4 each month of supervision or supervised community service  
5 ordered by the court, unless after determining the inability  
6 of the person placed on supervision or supervised community  
7 service to pay the fee, the court assesses a lesser fee. The  
8 court may not impose the fee on a minor who is placed in the  
9 guardianship or custody of the Department of Children and  
10 Family Services under the Juvenile Court Act of 1987 while the  
11 minor is in placement. The fee shall be imposed only upon a  
12 defendant who is actively supervised by the probation and  
13 court services department. The fee shall be collected by the  
14 clerk of the circuit court. The clerk of the circuit court  
15 shall pay all monies collected from this fee to the county  
16 treasurer for deposit in the probation and court services fund  
17 pursuant to Section 15.1 of the Probation and Probation  
18 Officers Act.

19 A circuit court may not impose a probation fee in excess of  
20 \$25 per month unless the circuit court has adopted, by  
21 administrative order issued by the chief judge, a standard  
22 probation fee guide determining an offender's ability to pay.  
23 Of the amount collected as a probation fee, not to exceed \$5 of  
24 that fee collected per month may be used to provide services to  
25 crime victims and their families.

26 The Court may only waive probation fees based on an

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

12 (j) All fines and costs imposed under this Section for any  
13 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
14 Code, or a similar provision of a local ordinance, and any  
15 violation of the Child Passenger Protection Act, or a similar  
16 provision of a local ordinance, shall be collected and  
17 disbursed by the circuit clerk as provided under the Criminal  
18 and Traffic Assessment Act.

19 (k) A defendant at least 17 years of age who is placed on  
20 supervision for a misdemeanor in a county of 3,000,000 or more  
21 inhabitants and who has not been previously convicted of a  
22 misdemeanor or felony may as a condition of his or her  
23 supervision be required by the court to attend educational  
24 courses designed to prepare the defendant for a high school  
25 diploma and to work toward a high school diploma or to work  
26 toward passing high school equivalency testing or to work

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

18 (1) The court shall require a defendant placed on  
19 supervision for possession of a substance prohibited by the  
20 Cannabis Control Act, the Illinois Controlled Substances Act,  
21 or the Methamphetamine Control and Community Protection Act  
22 after a previous conviction or disposition of supervision for  
23 possession of a substance prohibited by the Cannabis Control  
24 Act, the Illinois Controlled Substances Act, or the  
25 Methamphetamine Control and Community Protection Act or a  
26 sentence of probation under Section 10 of the Cannabis Control



1 Act or Section 410 of the Illinois Controlled Substances Act  
2 and after a finding by the court that the person is addicted,  
3 to undergo treatment at a substance abuse program approved by  
4 the court.

5 (m) The Secretary of State shall require anyone placed on  
6 court supervision for a violation of Section 3-707 of the  
7 Illinois Vehicle Code or a similar provision of a local  
8 ordinance to give proof of his or her financial responsibility  
9 as defined in Section 7-315 of the Illinois Vehicle Code. The  
10 proof shall be maintained by the individual in a manner  
11 satisfactory to the Secretary of State for a minimum period of  
12 3 years after the date the proof is first filed. The proof  
13 shall be limited to a single action per arrest and may not be  
14 affected by any post-sentence disposition. The Secretary of  
15 State shall suspend the driver's license of any person  
16 determined by the Secretary to be in violation of this  
17 subsection. This subsection does not apply to a person who, at  
18 the time of the offense, was operating a motor vehicle  
19 registered in a state other than Illinois.

20 (n) Any offender placed on supervision for any offense  
21 that the court or probation department has determined to be  
22 sexually motivated as defined in the Sex Offender Management  
23 Board Act shall be required to refrain from any contact,  
24 directly or indirectly, with any persons specified by the  
25 court and shall be available for all evaluations and treatment  
26 programs required by the court or the probation department.

1           (o) An offender placed on supervision for a sex offense as  
2 defined in the Sex Offender Management Board Act shall refrain  
3 from residing at the same address or in the same condominium  
4 unit or 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 been  
7 placed on supervision for a sex offense. The provisions of  
8 this subsection (o) do not apply to a person convicted of a sex  
9 offense who is placed in a Department of Corrections licensed  
10 transitional housing facility for sex offenders.

11           (p) An offender placed on supervision for an offense  
12 committed on or after June 1, 2008 (the effective date of  
13 Public Act 95-464) that would qualify the accused as a child  
14 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012 shall  
16 refrain from communicating with or contacting, by means of the  
17 Internet, a person who is not related to the accused and whom  
18 the accused reasonably believes to be under 18 years of age.  
19 For purposes of this subsection (p), "Internet" has the  
20 meaning ascribed to it in Section 16-0.1 of the Criminal Code  
21 of 2012; and a person is not related to the accused if the  
22 person is not: (i) the spouse, brother, or sister of the  
23 accused; (ii) a descendant of the accused; (iii) a first or  
24 second cousin of the accused; or (iv) a step-child or adopted  
25 child of the accused.

26           (q) An offender placed on supervision for an offense

1 committed on or after June 1, 2008 (the effective date of  
2 Public Act 95-464) that would qualify the accused as a child  
3 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so  
5 ordered by the court, refrain from communicating with or  
6 contacting, by means of the Internet, a person who is related  
7 to the accused and whom the accused reasonably believes to be  
8 under 18 years of age. For purposes of this subsection (q),  
9 "Internet" has the meaning ascribed to it in Section 16-0.1 of  
10 the Criminal Code of 2012; and a person is related to the  
11 accused if the person is: (i) the spouse, brother, or sister of  
12 the accused; (ii) a descendant of the accused; (iii) a first or  
13 second cousin of the accused; or (iv) a step-child or adopted  
14 child of the accused.

15 (r) An offender placed on supervision for an offense under  
16 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a  
17 sexually exploited child ~~juvenile prostitute~~, 11-15.1,  
18 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of  
19 1961 or the Criminal Code of 2012, or any attempt to commit any  
20 of these offenses, committed on or after June 1, 2009 (the  
21 effective date of Public Act 95-983) shall:

22 (i) not access or use a computer or any other device  
23 with Internet capability without the prior written  
24 approval of the court, except in connection with the  
25 offender's employment or search for employment with the  
26 prior approval of the court;

1           (ii) submit to periodic unannounced examinations of  
2           the offender's computer or any other device with Internet  
3           capability by the offender's probation officer, a law  
4           enforcement officer, or assigned computer or information  
5           technology specialist, including the retrieval and copying  
6           of all data from the computer or device and any internal or  
7           external peripherals and removal of such information,  
8           equipment, or device to conduct a more thorough  
9           inspection;

10           (iii) submit to the installation on the offender's  
11           computer or device with Internet capability, at the  
12           offender's expense, of one or more hardware or software  
13           systems to monitor the Internet use; and

14           (iv) submit to any other appropriate restrictions  
15           concerning the offender's use of or access to a computer  
16           or any other device with Internet capability imposed by  
17           the court.

18           (s) An offender placed on supervision for an offense that  
19           is a sex offense as defined in Section 2 of the Sex Offender  
20           Registration Act that is committed on or after January 1, 2010  
21           (the effective date of Public Act 96-362) that requires the  
22           person to register as a sex offender under that Act, may not  
23           knowingly use any computer scrub software on any computer that  
24           the sex offender uses.

25           (t) An offender placed on supervision for a sex offense as  
26           defined in the Sex Offender Registration Act committed on or

1 after January 1, 2010 (the effective date of Public Act  
2 96-262) shall refrain from accessing or using a social  
3 networking website as defined in Section 17-0.5 of the  
4 Criminal Code of 2012.

5 (u) Jurisdiction over an offender may be transferred from  
6 the sentencing court to the court of another circuit with the  
7 concurrence of both courts. Further transfers or retransfers  
8 of jurisdiction are also authorized in the same manner. The  
9 court to which jurisdiction has been transferred shall have  
10 the same powers as the sentencing court. The probation  
11 department within the circuit to which jurisdiction has been  
12 transferred may impose probation fees upon receiving the  
13 transferred offender, as provided in subsection (i). The  
14 probation department from the original sentencing court shall  
15 retain all probation fees collected prior to the transfer.

16 (v) Except for restitution, and assessments issued for  
17 adjudications under Section 5-125 of the Juvenile Court Act of  
18 1987, fines and assessments, such as fees or administrative  
19 costs, authorized under this Section shall not be ordered or  
20 imposed on a minor subject to Article III, IV, or V of the  
21 Juvenile Court Act of 1987, or a minor under the age of 18  
22 transferred to adult court or excluded from juvenile court  
23 jurisdiction under Article V of the Juvenile Court Act of  
24 1987, or the minor's parent, guardian, or legal custodian.

25 (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  
26 to, direct crisis intervention through a 24-hour response,

1 medical and legal advocacy, counseling, information and  
2 referral services, training, and community education.

3 (b) (Blank).

4 (c) Sexual Assault Services Fund; administration. There is  
5 created a Sexual Assault Services Fund. Moneys deposited into  
6 the Fund under Section 15-20 and 15-40 of the Criminal and  
7 Traffic Assessment Act shall be appropriated to the Department  
8 of Public Health. Upon appropriation of moneys from the Sexual  
9 Assault Services Fund, the Department of Public Health shall  
10 make grants of these moneys from the Fund to sexual assault  
11 organizations with whom the Department has contracts for the  
12 purpose of providing community-based services to victims of  
13 sexual assault. Grants made under this Section are in addition  
14 to, and are not substitutes for, other grants authorized and  
15 made by the Department.

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

17 Section 160. The Sex Offender Registration Act is amended  
18 by changing Section 2 as follows:

19 (730 ILCS 150/2) (from Ch. 38, par. 222)

20 Sec. 2. Definitions.

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

23 (1) charged pursuant to Illinois law, or any  
24 substantially similar federal, Uniform Code of Military

1 Justice, sister state, or foreign country law, with a sex  
2 offense set forth in subsection (B) of this Section or the  
3 attempt to commit an included sex offense, and:

4 (a) is convicted of such offense or an attempt to  
5 commit such offense; or

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

8 (c) is found not guilty by reason of insanity  
9 pursuant to Section 104-25(c) of the Code of Criminal  
10 Procedure of 1963 of such offense or an attempt to  
11 commit such offense; or

12 (d) is the subject of a finding not resulting in an  
13 acquittal at a hearing conducted pursuant to Section  
14 104-25(a) of the Code of Criminal Procedure of 1963  
15 for the alleged commission or attempted commission of  
16 such offense; or

17 (e) is found not guilty by reason of insanity  
18 following a hearing conducted pursuant to a federal,  
19 Uniform Code of Military Justice, sister state, or  
20 foreign country law substantially similar to Section  
21 104-25(c) of the Code of Criminal Procedure of 1963 of  
22 such offense or of the attempted commission of such  
23 offense; or

24 (f) is the subject of a finding not resulting in an  
25 acquittal at a hearing conducted pursuant to a  
26 federal, Uniform Code of Military Justice, sister



1 state, or foreign country law substantially similar to  
2 Section 104-25(a) of the Code of Criminal Procedure of  
3 1963 for the alleged violation or attempted commission  
4 of such offense; or

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

9 (3) subject to the provisions of Section 2 of the  
10 Interstate Agreements on Sexually Dangerous Persons Act;  
11 or

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

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

1 substantially similar federal, Uniform Code of Military  
2 Justice, sister state, or foreign country law.

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

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

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

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

13 11-20.1 (child pornography),

14 11-20.1B or 11-20.3 (aggravated child  
15 pornography),

16 11-6 (indecent solicitation of a child),

17 11-9.1 (sexual exploitation of a child),

18 11-9.2 (custodial sexual misconduct),

19 11-9.5 (sexual misconduct with a person with a  
20 disability),

21 11-14.4 (promoting commercial sexual exploitation  
22 of a child ~~juvenile prostitution~~),

23 11-15.1 (soliciting for a sexually exploited child  
24 ~~juvenile prostitute~~),

25 11-18.1 (patronizing a sexually exploited child  
26 ~~juvenile prostitute~~),

1           11-17.1 (keeping a place of commercial sexual  
2           exploitation of a child ~~juvenile prostitution~~),  
3           11-19.1 (juvenile pimping),  
4           11-19.2 (exploitation of a child),  
5           11-25 (grooming),  
6           11-26 (traveling to meet a minor or traveling to  
7           meet a child),  
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          11-1.50 or 12-15 (criminal sexual abuse),  
14          11-1.60 or 12-16 (aggravated criminal sexual  
15          abuse),  
16          12-33 (ritualized abuse of a child).

17          An attempt to commit any of these offenses.

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

25          10-1 (kidnapping),

26          10-2 (aggravated kidnapping),

1           10-3 (unlawful restraint),

2           10-3.1 (aggravated unlawful restraint).

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

8           (1.6) First degree murder under Section 9-1 of the  
9           Criminal Code of 1961 or the Criminal Code of 2012,  
10          provided the offense was sexually motivated as defined in  
11          Section 10 of the Sex Offender Management Board Act.

12          (1.7) (Blank).

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

21          (1.9) Child abduction under paragraph (10) of  
22          subsection (b) of Section 10-5 of the Criminal Code of  
23          1961 or the Criminal Code of 2012 committed by luring or  
24          attempting to lure a child under the age of 16 into a motor  
25          vehicle, building, house trailer, or dwelling place  
26          without the consent of the parent or lawful custodian of

1 the child for other than a lawful purpose and the offense  
2 was committed on or after January 1, 1998, provided the  
3 offense was sexually motivated as defined in Section 10 of  
4 the Sex Offender Management Board Act. If the offense was  
5 committed before January 1, 1998, it is a sex offense  
6 requiring registration only when the person is convicted  
7 of any felony after July 1, 2011, and paragraph (2.1) of  
8 subsection (c) of Section 3 of this Act applies.

9 (1.10) A violation or attempted violation of any of  
10 the following Sections of the Criminal Code of 1961 or the  
11 Criminal Code of 2012 when the offense was committed on or  
12 after July 1, 1999:

13 10-4 (forcible detention, if the victim is under  
14 18 years of age), provided the offense was sexually  
15 motivated as defined in Section 10 of the Sex Offender  
16 Management Board Act,

17 11-6.5 (indecent solicitation of an adult),

18 11-14.3 that involves soliciting for a person  
19 engaged in the sex trade ~~prostitute~~, or 11-15  
20 (soliciting for a person engaged in the sex trade  
21 ~~prostitute~~, if the victim is under 18 years of age),

22 subdivision (a)(2)(A) or (a)(2)(B) of Section  
23 11-14.3, or Section 11-16 (pandering, if the victim is  
24 under 18 years of age),

25 11-18 (patronizing a person engaged in the sex  
26 trade ~~prostitute~~, if the victim is under 18 years of

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

5           If the offense was committed before July 1, 1999, it  
6           is a sex offense requiring registration only when the  
7           person is convicted of any felony after July 1, 2011, and  
8           paragraph (2.1) of subsection (c) of Section 3 of this Act  
9           applies.

10           (1.11) 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 August 22, 2002:

14           11-9 or 11-30 (public indecency for a third or  
15           subsequent conviction).

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

21           (1.12) A violation or attempted violation of Section  
22           5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
23           Criminal Code of 1961 or the Criminal Code of 2012  
24           (permitting sexual abuse) when the offense was committed  
25           on or after August 22, 2002. If the offense was committed  
26           before August 22, 2002, it is a sex offense requiring

1 registration only when the person is convicted of any  
2 felony after July 1, 2011, and paragraph (2.1) of  
3 subsection (c) of Section 3 of this Act applies.

4 (2) A violation of any former law of this State  
5 substantially equivalent to any offense listed in  
6 subsection (B) of this Section.

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

19 (C-5) A person at least 17 years of age at the time of the  
20 commission of the offense who is convicted of first degree  
21 murder under Section 9-1 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012, against a person under 18 years of age,  
23 shall be required to register for natural life. A conviction  
24 for an offense of federal, Uniform Code of Military Justice,  
25 sister state, or foreign country law that is substantially  
26 equivalent to any offense listed in subsection (C-5) of this

1 Section shall constitute a conviction for the purpose of this  
2 Article. This subsection (C-5) applies to a person who  
3 committed the offense before June 1, 1996 if: (i) the person is  
4 incarcerated in an Illinois Department of Corrections facility  
5 on August 20, 2004 (the effective date of Public Act 93-977),  
6 or (ii) subparagraph (i) does not apply and the person is  
7 convicted of any felony after July 1, 2011, and paragraph  
8 (2.1) of subsection (c) of Section 3 of this Act applies.

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

21 (D) As used in this Article, "law enforcement agency  
22 having jurisdiction" means the Chief of Police in each of the  
23 municipalities in which the sex offender expects to reside,  
24 work, or attend school (1) upon his or her discharge, parole or  
25 release or (2) during the service of his or her sentence of  
26 probation or conditional discharge, or the Sheriff of the



1 county, in the event no Police Chief exists or if the offender  
2 intends to reside, work, or attend school in an unincorporated  
3 area. "Law enforcement agency having jurisdiction" includes  
4 the location where out-of-state students attend school and  
5 where out-of-state employees are employed or are otherwise  
6 required to register.

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

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

12 (1) Convicted for an offense of federal, Uniform Code  
13 of Military Justice, sister state, or foreign country law  
14 that is substantially equivalent to any offense listed in  
15 subsection (E) or (E-5) of this Section shall constitute a  
16 conviction for the purpose of this Article. Convicted of a  
17 violation or attempted violation of any of the following  
18 Sections of the Criminal Code of 1961 or the Criminal Code  
19 of 2012:

20 10-5.1 (luring of a minor),

21 11-14.4 that involves keeping a place of  
22 commercial sexual exploitation of a child ~~juvenile~~  
23 ~~prostitution~~, or 11-17.1 (keeping a place of  
24 commercial sexual exploitation of a child ~~juvenile~~  
25 ~~prostitution~~),

26 subdivision (a) (2) or (a) (3) of Section 11-14.4,

1           or Section 11-19.1 (juvenile pimping),  
2                 subdivision (a)(4) of Section 11-14.4, or Section  
3           11-19.2 (exploitation of a child),  
4                 11-20.1 (child pornography),  
5                 11-20.1B     or     11-20.3     (aggravated     child  
6           pornography),  
7                 11-1.20 or 12-13 (criminal sexual assault),  
8                 11-1.30   or   12-14   (aggravated   criminal   sexual  
9           assault),  
10                11-1.40   or   12-14.1   (predatory   criminal   sexual  
11           assault of a child),  
12                11-1.60   or   12-16   (aggravated   criminal   sexual  
13           abuse),  
14                12-33 (ritualized abuse of a child);  
15           (2) (blank);  
16           (3) declared as a sexually dangerous person pursuant  
17           to the Sexually Dangerous Persons Act or any substantially  
18           similar federal, Uniform Code of Military Justice, sister  
19           state, or foreign country law;  
20           (4) found to be a sexually violent person pursuant to  
21           the Sexually Violent Persons Commitment Act or any  
22           substantially similar federal, Uniform Code of Military  
23           Justice, sister state, or foreign country law;  
24           (5) convicted of a second or subsequent offense which  
25           requires registration pursuant to this Act. For purposes  
26           of this paragraph (5), "convicted" shall include a

1 conviction under any substantially similar Illinois,  
2 federal, Uniform Code of Military Justice, sister state,  
3 or foreign country law;

4 (6) (blank); or

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

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

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

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

23 (3) when the victim is a person under 18 years of age,  
24 the defendant is not a parent of the victim, the offense  
25 was sexually motivated as defined in Section 10 of the Sex  
26 Offender Management Board Act, and the offense was

1 committed on or after January 1, 1996: (A) Section 10-1  
2 (kidnapping), (B) Section 10-2 (aggravated kidnapping),  
3 (C) Section 10-3 (unlawful restraint), and (D) Section  
4 10-3.1 (aggravated unlawful restraint); and

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

13 (E-10) As used in this Article, "sexual predator" also  
14 means a person required to register in another State due to a  
15 conviction, adjudication or other action of any court  
16 triggering an obligation to register as a sex offender, sexual  
17 predator, or substantially similar status under the laws of  
18 that State.

19 (F) As used in this Article, "out-of-state student" means  
20 any sex offender, as defined in this Section, or sexual  
21 predator who is enrolled in Illinois, on a full-time or  
22 part-time basis, in any public or private educational  
23 institution, including, but not limited to, any secondary  
24 school, trade or professional institution, or institution of  
25 higher learning.

26 (G) As used in this Article, "out-of-state employee" means

1 any sex offender, as defined in this Section, or sexual  
2 predator who works in Illinois, regardless of whether the  
3 individual receives payment for services performed, for a  
4 period of time of 10 or more days or for an aggregate period of  
5 time of 30 or more days during any calendar year. Persons who  
6 operate motor vehicles in the State accrue one day of  
7 employment time for any portion of a day spent in Illinois.

8 (H) As used in this Article, "school" means any public or  
9 private educational institution, including, but not limited  
10 to, any elementary or secondary school, trade or professional  
11 institution, or institution of higher education.

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

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

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

20 Section 165. The Code of Civil Procedure is amended by  
21 changing Section 8-802.1 as follows:

22 (735 ILCS 5/8-802.1) (from Ch. 110, par. 8-802.1)

23 Sec. 8-802.1. Confidentiality of statements made to rape  
24 crisis personnel.

1           (a) Purpose. This Section is intended to protect victims  
2 of rape from public disclosure of statements they make in  
3 confidence to counselors of organizations established to help  
4 them. On or after July 1, 1984, "rape" means an act of forced  
5 sexual penetration or sexual conduct, as defined in Section  
6 11-0.1 of the Criminal Code of 2012, including acts prohibited  
7 under Sections 11-1.20 through 11-1.60 or 12-13 through 12-16  
8 of the Criminal Code of 1961 or the Criminal Code of 2012.  
9 Because of the fear and stigma that often results from those  
10 crimes, many victims hesitate to seek help even where it is  
11 available at no cost to them. As a result they not only fail to  
12 receive needed medical care and emergency counseling, but may  
13 lack the psychological support necessary to report the crime  
14 and aid police in preventing future crimes.

15           (b) Definitions. As used in this Act:

16           (1) "Rape crisis organization" means any organization  
17 or association a major purpose of which is providing  
18 information, counseling, and psychological support to  
19 victims of any or all of the crimes of aggravated criminal  
20 sexual assault, predatory criminal sexual assault of a  
21 child, criminal sexual assault, sexual relations between  
22 siblings, criminal sexual abuse and aggravated criminal  
23 sexual abuse. "Rape crisis organization" includes, but is  
24 not limited to, rape crisis centers certified by a  
25 statewide sexual assault coalition.

26           (2) "Rape crisis counselor" means a person who is a

1 psychologist, social worker, employee, or volunteer in any  
2 organization or association defined as a rape crisis  
3 organization under this Section, who has undergone 40  
4 hours of training and is under the control of a direct  
5 services supervisor of a rape crisis organization.

6 (3) "Victim" means a person who is the subject of, or  
7 who seeks information, counseling, or advocacy services as  
8 a result of an aggravated criminal sexual assault,  
9 predatory criminal sexual assault of a child, criminal  
10 sexual assault, sexual relations within families, criminal  
11 sexual abuse, aggravated criminal sexual abuse, sexual  
12 exploitation of a child, indecent solicitation of a child,  
13 public indecency, exploitation of a child, promoting  
14 commercial sexual exploitation of a child ~~juvenile~~  
15 ~~prostitution~~ as described in subdivision (a) (4) of Section  
16 11-14.4, or an attempt to commit any of these offenses.

17 (4) "Confidential communication" means any  
18 communication between a victim and a rape crisis counselor  
19 in the course of providing information, counseling, and  
20 advocacy. The term includes all records kept by the  
21 counselor or by the organization in the course of  
22 providing services to an alleged victim concerning the  
23 alleged victim and the services provided.

24 (c) Waiver of privilege.

25 (1) The confidential nature of the communication is  
26 not waived by: the presence of a third person who further

1 expresses the interests of the victim at the time of the  
2 communication; group counseling; or disclosure to a third  
3 person with the consent of the victim when reasonably  
4 necessary to accomplish the purpose for which the  
5 counselor is consulted.

6 (2) The confidential nature of counseling records is  
7 not waived when: the victim inspects the records; or in  
8 the case of a minor child less than 12 years of age, a  
9 parent or guardian whose interests are not adverse to the  
10 minor inspects the records; or in the case of a minor  
11 victim 12 years or older, a parent or guardian whose  
12 interests are not adverse to the minor inspects the  
13 records with the victim's consent, or in the case of an  
14 adult who has a guardian of his or her person, the guardian  
15 inspects the records with the victim's consent.

16 (3) When a victim is deceased, the executor or  
17 administrator of the victim's estate may waive the  
18 privilege established by this Section, unless the executor  
19 or administrator has an interest adverse to the victim.

20 (4) A minor victim 12 years of age or older may  
21 knowingly waive the privilege established in this Section.  
22 When a minor is, in the opinion of the Court, incapable of  
23 knowingly waiving the privilege, the parent or guardian of  
24 the minor may waive the privilege on behalf of the minor,  
25 unless the parent or guardian has been charged with a  
26 violent crime against the victim or otherwise has any



1 interest adverse to that of the minor with respect to the  
2 waiver of the privilege.

3 (5) An adult victim who has a guardian of his or her  
4 person may knowingly waive the privilege established in  
5 this Section. When the victim is, in the opinion of the  
6 court, incapable of knowingly waiving the privilege, the  
7 guardian of the adult victim may waive the privilege on  
8 behalf of the victim, unless the guardian has been charged  
9 with a violent crime against the victim or otherwise has  
10 any interest adverse to the victim with respect to the  
11 privilege.

12 (d) Confidentiality. Except as provided in this Act, no  
13 rape crisis counselor shall disclose any confidential  
14 communication or be examined as a witness in any civil or  
15 criminal proceeding as to any confidential communication  
16 without the written consent of the victim or a representative  
17 of the victim as provided in subparagraph (c).

18 (e) A rape crisis counselor may disclose a confidential  
19 communication without the consent of the victim if failure to  
20 disclose is likely to result in a clear, imminent risk of  
21 serious physical injury or death of the victim or another  
22 person. Any rape crisis counselor or rape crisis organization  
23 participating in good faith in the disclosing of records and  
24 communications under this Act shall have immunity from any  
25 liability, civil, criminal, or otherwise that might result  
26 from the action. In any proceeding, civil or criminal, arising

1 out of a disclosure under this Section, the good faith of any  
2 rape crisis counselor or rape crisis organization who  
3 disclosed the confidential communication shall be presumed.

4 (f) Any rape crisis counselor who knowingly discloses any  
5 confidential communication in violation of this Act commits a  
6 Class C misdemeanor.

7 (Source: P.A. 102-469, eff. 1-1-22.)

8 Section 170. The Trafficking Victims Protection Act is  
9 amended by changing Section 10 as follows:

10 (740 ILCS 128/10)

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

12 "Human trafficking" means a violation or attempted  
13 violation of subsection (d) of Section 10-9 of the Criminal  
14 Code of 2012.

15 "Involuntary servitude" means a violation or attempted  
16 violation of subsection (b) of Section 10-9 of the Criminal  
17 Code of 2012.

18 "Sex trade" means a violation or attempted violation of  
19 any of the following Sections of the Criminal Code of 1961 or  
20 the Criminal Code of 2012: 11-14.3 (promoting prostitution);  
21 11-14.4 (promoting commercial sexual exploitation of a child  
22 ~~juvenile prostitution~~); 11-15 (soliciting for a person engaged  
23 in the sex trade ~~prostitute~~); 11-15.1 (soliciting for a  
24 sexually exploited child ~~juvenile prostitute~~); 11-16

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

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

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

13 (1) soliciting for a person engaged in the sex trade  
14 ~~prostitute~~: the person engaged in the sex trade ~~prostitute~~  
15 who is the object of the solicitation;

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

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

26 (4) keeping a place of prostitution: any person

1 intended or compelled to act as a person engaged in the sex  
2 trade prostitute, while present at the place, during the  
3 time period in question;

4 (5) keeping a place of commercial sexual exploitation  
5 of a child juvenile prostitution: any juvenile intended or  
6 compelled to act as a person engaged in the sex trade  
7 prostitute, while present at the place, during the time  
8 period in question;

9 (6) promoting prostitution as described in subdivision  
10 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961  
11 or the Criminal Code of 2012, or pimping: the person  
12 engaged in the sex trade prostitute from whom anything of  
13 value is received;

14 (7) promoting commercial sexual exploitation of a  
15 child juvenile prostitution as described in subdivision  
16 (a) (2) or (a) (3) of Section 11-14.4 of the Criminal Code  
17 of 1961 or the Criminal Code of 2012, or juvenile pimping  
18 and aggravated juvenile pimping: the juvenile, or person  
19 with a severe or profound intellectual disability, from  
20 whom anything of value is received for that person's act  
21 of prostitution;

22 (8) promoting commercial sexual exploitation of a  
23 child juvenile prostitution as described in subdivision  
24 (a) (4) of Section 11-14.4 of the Criminal Code of 1961 or  
25 the Criminal Code of 2012, or exploitation of a child: the  
26 juvenile, or person with a severe or profound intellectual

1           disability, intended or compelled to act as a person  
2           engaged in the sex trade ~~prostitute~~ or from whom anything  
3           of value is received for that person's act of  
4           prostitution;

5           (9) obscenity: any person who appears in or is  
6           described or depicted in the offending conduct or  
7           material;

8           (10) child pornography or aggravated child  
9           pornography: any child, or person with a severe or  
10          profound intellectual disability, who appears in or is  
11          described or depicted in the offending conduct or  
12          material; or

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

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

17          Section 175. The Illinois Securities Law of 1953 is  
18          amended by changing Section 7a as follows:

19                 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

20                 Sec. 7a. (a) Except as provided in subsection (b) of this  
21                 Section, no securities, issued by an issuer engaged in or  
22                 deriving revenues from the conduct of any business or  
23                 profession, the conduct of which would violate Section 11-14,  
24                 11-14.3, 11-14.4 as described in subdivision (a)(1), (a)(2),

1 or (a) (3) or that involves soliciting for a sexually exploited  
2 child ~~juvenile prostitute~~, 11-15, 11-15.1, 11-16, 11-17, 11-19  
3 or 11-19.1 of the Criminal Code of 1961 or the Criminal Code of  
4 2012, if conducted in this State, shall be sold or registered  
5 pursuant to Section 5, 6 or 7 of this Act nor sold pursuant to  
6 the provisions of Section 3 or 4 of this Act.

7 (b) Notwithstanding the provisions of subsection (a)  
8 hereof, such securities issued prior to the effective date of  
9 this amendatory Act of 1989 may be sold by a resident of this  
10 State in transactions which qualify for an exemption from the  
11 registration requirements of this Act pursuant to subsection A  
12 of Section 4 of this Act.

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

1	INDEX	
2	Statutes amended in order of appearance	
3	New Act	
4	5 ILCS 70/1.45 new	
5	20 ILCS 2630/5.2	
6	20 ILCS 4026/10	
7	55 ILCS 5/5-10008	from Ch. 34, par. 5-10008
8	225 ILCS 515/10	from Ch. 111, par. 910
9	235 ILCS 5/6-2	from Ch. 43, par. 120
10	325 ILCS 40/2	from Ch. 23, par. 2252
11	625 ILCS 5/6-206	
12	720 ILCS 5/3-6	from Ch. 38, par. 3-6
13	720 ILCS 5/8-2	from Ch. 38, par. 8-2
14	720 ILCS 5/11-0.1	
15	720 ILCS 5/11-9.3	
16	720 ILCS 5/11-14.3	
17	720 ILCS 5/11-14.4	
18	720 ILCS 5/11-18	from Ch. 38, par. 11-18
19	720 ILCS 5/11-18.1	from Ch. 38, par. 11-18.1
20	720 ILCS 5/33G-3	
21	720 ILCS 5/36-1	from Ch. 38, par. 36-1
22	725 ILCS 5/108B-3	from Ch. 38, par. 108B-3
23	725 ILCS 5/111-8	from Ch. 38, par. 111-8
24	725 ILCS 5/124B-10	
25	725 ILCS 5/124B-100	

1	725 ILCS 5/124B-300	
2	725 ILCS 207/40	
3	725 ILCS 215/2	from Ch. 38, par. 1702
4	725 ILCS 215/3	from Ch. 38, par. 1703
5	730 ILCS 5/3-1-2	from Ch. 38, par. 1003-1-2
6	730 ILCS 5/3-2.5-95	
7	730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
8	730 ILCS 5/5-5-3	
9	730 ILCS 5/5-5-3.2	
10	730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
11	730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1
12	730 ILCS 5/5-9-1.7	from Ch. 38, par. 1005-9-1.7
13	730 ILCS 150/2	from Ch. 38, par. 222
14	735 ILCS 5/8-802.1	from Ch. 110, par. 8-802.1
15	740 ILCS 128/10	
16	815 ILCS 5/7a	from Ch. 121 1/2, par. 137.7a