



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4623

Introduced 1/31/2024, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Provides that a person who is convicted of obscene depiction of a purported child is ineligible to receive a school bus driver permit. Amends the Criminal Code of 2012. Provides that "child pornography" includes the depiction of a part of an actual child under 18 who by manipulation, creation, or modification, appears to be engaged in sexual activity. Creates the offenses of obscene depiction of a purported child and non-consensual dissemination of sexually explicit digitized depictions. Defines offenses and provides criminal penalties for violations. Amends the Code of Criminal Procedure of 1963. Provides for the forfeiture to the State: (1) of any profits or proceeds and any property the person has acquired or maintained in violation of those offenses; (2) any interest in, securities of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise that the person has established, operated, controlled, or conducted in violation of those offenses; and (3) any computer that contains an obscene depiction of a purported child. Amends the Bill of Rights for Children. Provides that under certain conditions, the parent or legal guardian of a child who is the victim of obscene depiction of a purported child may make a victim's impact statement on the impact which the defendant's criminal conduct or the juvenile's delinquent conduct has had upon the child. Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment, or conditional discharge shall not be imposed for specified violations of the offense of obscene depiction of a purported child. Provides for enhanced penalties for specified violations of obscene depiction of a purported child. Provides that the court shall impose a consecutive sentence when the defendant is convicted of specified violations of the offense of obscene depiction of a purported child. Amends the Sex Offender Registration Act to provide that a person convicted of obscene depiction of a purported child must register as a sex offender.

LRB103 37447 RLC 67569 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-106.1 as follows:

6 (625 ILCS 5/6-106.1)

7 Sec. 6-106.1. School bus driver permit.

8 (a) The Secretary of State shall issue a school bus driver
9 permit for the operation of first or second division vehicles
10 being operated as school buses or a permit valid only for the
11 operation of first division vehicles being operated as school
12 buses to those applicants who have met all the requirements of
13 the application and screening process under this Section to
14 insure the welfare and safety of children who are transported
15 on school buses throughout the State of Illinois. Applicants
16 shall obtain the proper application required by the Secretary
17 of State from their prospective or current employer and submit
18 the completed application to the prospective or current
19 employer along with the necessary fingerprint submission as
20 required by the Illinois State Police to conduct
21 fingerprint-based ~~fingerprint-based~~ criminal background checks
22 on current and future information available in the State ~~state~~
23 system and current information available through the Federal

1 Bureau of Investigation's system. Applicants who have
2 completed the fingerprinting requirements shall not be
3 subjected to the fingerprinting process when applying for
4 subsequent permits or submitting proof of successful
5 completion of the annual refresher course. Individuals who on
6 July 1, 1995 (the effective date of Public Act 88-612) possess
7 a valid school bus driver permit that has been previously
8 issued by the appropriate Regional School Superintendent are
9 not subject to the fingerprinting provisions of this Section
10 as long as the permit remains valid and does not lapse. The
11 applicant shall be required to pay all related application and
12 fingerprinting fees as established by rule, including, but not
13 limited to, the amounts established by the Illinois State
14 Police and the Federal Bureau of Investigation to process
15 fingerprint-based ~~fingerprint-based~~ criminal background
16 investigations. All fees paid for fingerprint processing
17 services under this Section shall be deposited into the State
18 Police Services Fund for the cost incurred in processing the
19 fingerprint-based ~~fingerprint-based~~ criminal background
20 investigations. All other fees paid under this Section shall
21 be deposited into the Road Fund for the purpose of defraying
22 the costs of the Secretary of State in administering this
23 Section. All applicants must:

- 24 1. be 21 years of age or older;
- 25 2. possess a valid and properly classified driver's
26 license issued by the Secretary of State;

1 3. possess a valid driver's license, which has not
2 been revoked, suspended, or canceled for 3 years
3 immediately prior to the date of application, or have not
4 had his or her commercial motor vehicle driving privileges
5 disqualified within the 3 years immediately prior to the
6 date of application;

7 4. successfully pass a first division or second
8 division written test, administered by the Secretary of
9 State, on school bus operation, school bus safety, and
10 special traffic laws relating to school buses and submit
11 to a review of the applicant's driving habits by the
12 Secretary of State at the time the written test is given;

13 5. demonstrate ability to exercise reasonable care in
14 the operation of school buses in accordance with rules
15 promulgated by the Secretary of State;

16 6. demonstrate physical fitness to operate school
17 buses by submitting the results of a medical examination,
18 including tests for drug use for each applicant not
19 subject to such testing pursuant to federal law, conducted
20 by a licensed physician, a licensed advanced practice
21 registered nurse, or a licensed physician assistant within
22 90 days of the date of application according to standards
23 promulgated by the Secretary of State;

24 7. affirm under penalties of perjury that he or she
25 has not made a false statement or knowingly concealed a
26 material fact in any application for permit;

1 8. have completed an initial classroom course,
2 including first aid procedures, in school bus driver
3 safety as promulgated by the Secretary of State~~r~~ and~~l~~,
4 after satisfactory completion of said initial course~~l~~, an
5 annual refresher course; such courses and the agency or
6 organization conducting such courses shall be approved by
7 the Secretary of State; failure to complete the annual
8 refresher course~~r~~ shall result in cancellation of the
9 permit until such course is completed;

10 9. not have been under an order of court supervision
11 for or convicted of 2 or more serious traffic offenses, as
12 defined by rule, within one year prior to the date of
13 application that may endanger the life or safety of any of
14 the driver's passengers within the duration of the permit
15 period;

16 10. not have been under an order of court supervision
17 for or convicted of reckless driving, aggravated reckless
18 driving, driving while under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds or
20 any combination thereof, or reckless homicide resulting
21 from the operation of a motor vehicle within 3 years of the
22 date of application;

23 11. not have been convicted of committing or
24 attempting to commit any one or more of the following
25 offenses: (i) those offenses defined in Sections 8-1,
26 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,

1 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
3 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
4 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
5 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
6 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-22,
7 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05,
8 12-3.1, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,
9 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6,
10 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13,
11 12-14, 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33,
12 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
13 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
14 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
15 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,
16 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
17 of Section 24-3, and those offenses contained in Article
18 29D of the Criminal Code of 1961 or the Criminal Code of
19 2012; (ii) those offenses defined in the Cannabis Control
20 Act except those offenses defined in subsections (a) and
21 (b) of Section 4, and subsection (a) of Section 5 of the
22 Cannabis Control Act; (iii) those offenses defined in the
23 Illinois Controlled Substances Act; (iv) those offenses
24 defined in the Methamphetamine Control and Community
25 Protection Act; (v) any offense committed or attempted in
26 any other state or against the laws of the United States,

1 which if committed or attempted in this State would be
2 punishable as one or more of the foregoing offenses; (vi)
3 the offenses defined in Section 4.1 and 5.1 of the Wrongs
4 to Children Act or Section 11-9.1A of the Criminal Code of
5 1961 or the Criminal Code of 2012; (vii) those offenses
6 defined in Section 6-16 of the Liquor Control Act of 1934;
7 and (viii) those offenses defined in the Methamphetamine
8 Precursor Control Act;

9 12. not have been repeatedly involved as a driver in
10 motor vehicle collisions or been repeatedly convicted of
11 offenses against laws and ordinances regulating the
12 movement of traffic, to a degree which indicates lack of
13 ability to exercise ordinary and reasonable care in the
14 safe operation of a motor vehicle or disrespect for the
15 traffic laws and the safety of other persons upon the
16 highway;

17 13. not have, through the unlawful operation of a
18 motor vehicle, caused a crash resulting in the death of
19 any person;

20 14. not have, within the last 5 years, been adjudged
21 to be afflicted with or suffering from any mental
22 disability or disease;

23 15. consent, in writing, to the release of results of
24 reasonable suspicion drug and alcohol testing under
25 Section 6-106.1c of this Code by the employer of the
26 applicant to the Secretary of State; and

1 16. not have been convicted of committing or
2 attempting to commit within the last 20 years: (i) an
3 offense defined in subsection (c) of Section 4, subsection
4 (b) of Section 5, and subsection (a) of Section 8 of the
5 Cannabis Control Act; or (ii) any offenses in any other
6 state or against the laws of the United States that, if
7 committed or attempted in this State, would be punishable
8 as one or more of the foregoing offenses.

9 (a-5) If an applicant's driver's license has been
10 suspended within the 3 years immediately prior to the date of
11 application for the sole reason of failure to pay child
12 support, that suspension shall not bar the applicant from
13 receiving a school bus driver permit.

14 (a-10) ~~(a-5)~~ By January 1, 2024, the Secretary of State,
15 in conjunction with the Illinois State Board of Education,
16 shall develop a separate classroom course and refresher course
17 for operation of vehicles of the first division being operated
18 as school buses. Regional superintendents of schools, working
19 with the Illinois State Board of Education, shall offer the
20 course.

21 (b) A school bus driver permit shall be valid for a period
22 specified by the Secretary of State as set forth by rule. It
23 shall be renewable upon compliance with subsection (a) of this
24 Section.

25 (c) A school bus driver permit shall contain the holder's
26 driver's license number, legal name, residence address, zip

1 code, and date of birth, a brief description of the holder, and
2 a space for signature. The Secretary of State may require a
3 suitable photograph of the holder.

4 (d) The employer shall be responsible for conducting a
5 pre-employment interview with prospective school bus driver
6 candidates, distributing school bus driver applications and
7 medical forms to be completed by the applicant, and submitting
8 the applicant's fingerprint cards to the Illinois State Police
9 that are required for the criminal background investigations.
10 The employer shall certify in writing to the Secretary of
11 State that all pre-employment conditions have been
12 successfully completed including the successful completion of
13 an Illinois specific criminal background investigation through
14 the Illinois State Police and the submission of necessary
15 fingerprints to the Federal Bureau of Investigation for
16 criminal history information available through the Federal
17 Bureau of Investigation system. The applicant shall present
18 the certification to the Secretary of State at the time of
19 submitting the school bus driver permit application.

20 (e) Permits shall initially be provisional upon receiving
21 certification from the employer that all pre-employment
22 conditions have been successfully completed, and upon
23 successful completion of all training and examination
24 requirements for the classification of the vehicle to be
25 operated, the Secretary of State shall provisionally issue a
26 School Bus Driver Permit. The permit shall remain in a

1 provisional status pending the completion of the Federal
2 Bureau of Investigation's criminal background investigation
3 based upon fingerprinting specimens submitted to the Federal
4 Bureau of Investigation by the Illinois State Police. The
5 Federal Bureau of Investigation shall report the findings
6 directly to the Secretary of State. The Secretary of State
7 shall remove the bus driver permit from provisional status
8 upon the applicant's successful completion of the Federal
9 Bureau of Investigation's criminal background investigation.

10 (f) A school bus driver permit holder shall notify the
11 employer and the Secretary of State if he or she is issued an
12 order of court supervision for or convicted in another state
13 of an offense that would make him or her ineligible for a
14 permit under subsection (a) of this Section. The written
15 notification shall be made within 5 days of the entry of the
16 order of court supervision or conviction. Failure of the
17 permit holder to provide the notification is punishable as a
18 petty offense for a first violation and a Class B misdemeanor
19 for a second or subsequent violation.

20 (g) Cancellation; suspension; notice and procedure.

21 (1) The Secretary of State shall cancel a school bus
22 driver permit of an applicant whose criminal background
23 investigation discloses that he or she is not in
24 compliance with the provisions of subsection (a) of this
25 Section.

26 (2) The Secretary of State shall cancel a school bus

1 driver permit when he or she receives notice that the
2 permit holder fails to comply with any provision of this
3 Section or any rule promulgated for the administration of
4 this Section.

5 (3) The Secretary of State shall cancel a school bus
6 driver permit if the permit holder's restricted commercial
7 or commercial driving privileges are withdrawn or
8 otherwise invalidated.

9 (4) The Secretary of State may not issue a school bus
10 driver permit for a period of 3 years to an applicant who
11 fails to obtain a negative result on a drug test as
12 required in item 6 of subsection (a) of this Section or
13 under federal law.

14 (5) The Secretary of State shall forthwith suspend a
15 school bus driver permit for a period of 3 years upon
16 receiving notice that the holder has failed to obtain a
17 negative result on a drug test as required in item 6 of
18 subsection (a) of this Section or under federal law.

19 (6) The Secretary of State shall suspend a school bus
20 driver permit for a period of 3 years upon receiving
21 notice from the employer that the holder failed to perform
22 the inspection procedure set forth in subsection (a) or
23 (b) of Section 12-816 of this Code.

24 (7) The Secretary of State shall suspend a school bus
25 driver permit for a period of 3 years upon receiving
26 notice from the employer that the holder refused to submit

1 to an alcohol or drug test as required by Section 6-106.1c
2 or has submitted to a test required by that Section which
3 disclosed an alcohol concentration of more than 0.00 or
4 disclosed a positive result on a National Institute on
5 Drug Abuse five-drug panel, utilizing federal standards
6 set forth in 49 CFR 40.87.

7 The Secretary of State shall notify the State
8 Superintendent of Education and the permit holder's
9 prospective or current employer that the applicant ~~has~~ (1) has
10 failed a criminal background investigation or (2) is no longer
11 eligible for a school bus driver permit; and of the related
12 cancellation of the applicant's provisional school bus driver
13 permit. The cancellation shall remain in effect pending the
14 outcome of a hearing pursuant to Section 2-118 of this Code.
15 The scope of the hearing shall be limited to the issuance
16 criteria contained in subsection (a) of this Section. A
17 petition requesting a hearing shall be submitted to the
18 Secretary of State and shall contain the reason the individual
19 feels he or she is entitled to a school bus driver permit. The
20 permit holder's employer shall notify in writing to the
21 Secretary of State that the employer has certified the removal
22 of the offending school bus driver from service prior to the
23 start of that school bus driver's next work shift ~~workshift~~.
24 An employing school board that fails to remove the offending
25 school bus driver from service is subject to the penalties
26 defined in Section 3-14.23 of the School Code. A school bus

1 contractor who violates a provision of this Section is subject
2 to the penalties defined in Section 6-106.11.

3 All valid school bus driver permits issued under this
4 Section prior to January 1, 1995, shall remain effective until
5 their expiration date unless otherwise invalidated.

6 (h) When a school bus driver permit holder who is a service
7 member is called to active duty, the employer of the permit
8 holder shall notify the Secretary of State, within 30 days of
9 notification from the permit holder, that the permit holder
10 has been called to active duty. Upon notification pursuant to
11 this subsection, (i) the Secretary of State shall characterize
12 the permit as inactive until a permit holder renews the permit
13 as provided in subsection (i) of this Section, and (ii) if a
14 permit holder fails to comply with the requirements of this
15 Section while called to active duty, the Secretary of State
16 shall not characterize the permit as invalid.

17 (i) A school bus driver permit holder who is a service
18 member returning from active duty must, within 90 days, renew
19 a permit characterized as inactive pursuant to subsection (h)
20 of this Section by complying with the renewal requirements of
21 subsection (b) of this Section.

22 (j) For purposes of subsections (h) and (i) of this
23 Section:

24 "Active duty" means active duty pursuant to an executive
25 order of the President of the United States, an act of the
26 Congress of the United States, or an order of the Governor.

1 "Service member" means a member of the Armed Services or
2 reserve forces of the United States or a member of the Illinois
3 National Guard.

4 (k) A private carrier employer of a school bus driver
5 permit holder, having satisfied the employer requirements of
6 this Section, shall be held to a standard of ordinary care for
7 intentional acts committed in the course of employment by the
8 bus driver permit holder. This subsection (k) shall in no way
9 limit the liability of the private carrier employer for
10 violation of any provision of this Section or for the
11 negligent hiring or retention of a school bus driver permit
12 holder.

13 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;
14 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; 102-726, eff.
15 1-1-23; 102-813, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1130,
16 eff. 7-1-23; revised 9-19-23.)

17 Section 10. The Criminal Code of 2012 is amended by
18 changing Sections 11-20.1 and 11-23.5 and by adding Sections
19 11-20.4 and 11-23.7 as follows:

20 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

21 Sec. 11-20.1. Child pornography.

22 (a) A person commits child pornography who:

23 (1) films, videotapes, photographs, or otherwise
24 depicts or portrays by means of any similar visual medium

1 or reproduction or depicts by computer any child whom he
2 or she knows or reasonably should know to be under the age
3 of 18 or any person with a severe or profound intellectual
4 disability where such child or person with a severe or
5 profound intellectual disability is:

6 (i) actually or by simulation engaged in any act
7 of sexual penetration or sexual conduct with any
8 person or animal; or

9 (ii) actually or by simulation engaged in any act
10 of sexual penetration or sexual conduct involving the
11 sex organs of the child or person with a severe or
12 profound intellectual disability and the mouth, anus,
13 or sex organs of another person or animal; or which
14 involves the mouth, anus or sex organs of the child or
15 person with a severe or profound intellectual
16 disability and the sex organs of another person or
17 animal; or

18 (iii) actually or by simulation engaged in any act
19 of masturbation; or

20 (iv) actually or by simulation portrayed as being
21 the object of, or otherwise engaged in, any act of lewd
22 fondling, touching, or caressing involving another
23 person or animal; or

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

26 (vi) actually or by simulation portrayed or

1 depicted as bound, fettered, or subject to sadistic,
2 masochistic, or sadomasochistic abuse in any sexual
3 context; or

4 (vii) depicted or portrayed in any pose, posture
5 or setting involving a lewd exhibition of the
6 unclothed or transparently clothed genitals, pubic
7 area, buttocks, or, if such person is female, a fully
8 or partially developed breast of the child or other
9 person; or

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

21 (3) with knowledge of the subject matter or theme
22 thereof, produces any stage play, live performance, film,
23 videotape or other similar visual portrayal or depiction
24 by computer which includes a child whom the person knows
25 or reasonably should know to be under the age of 18 or a
26 person with a severe or profound intellectual disability

1 engaged in any activity described in subparagraphs (i)
2 through (vii) of paragraph (1) of this subsection; or

3 (4) solicits, uses, persuades, induces, entices, or
4 coerces any child whom he or she knows or reasonably
5 should know to be under the age of 18 or a person with a
6 severe or profound intellectual disability to appear in
7 any stage play, live presentation, film, videotape,
8 photograph or other similar visual reproduction or
9 depiction by computer in which the child or person with a
10 severe or profound intellectual disability is or will be
11 depicted, actually or by simulation, in any act, pose or
12 setting described in subparagraphs (i) through (vii) of
13 paragraph (1) of this subsection; or

14 (5) is a parent, step-parent, legal guardian or other
15 person having care or custody of a child whom the person
16 knows or reasonably should know to be under the age of 18
17 or a person with a severe or profound intellectual
18 disability and who knowingly permits, induces, promotes,
19 or arranges for such child or person with a severe or
20 profound intellectual disability to appear in any stage
21 play, live performance, film, videotape, photograph or
22 other similar visual presentation, portrayal or simulation
23 or depiction by computer of any act or activity described
24 in subparagraphs (i) through (vii) of paragraph (1) of
25 this subsection; or

26 (6) with knowledge of the nature or content thereof,

1 possesses any film, videotape, photograph or other similar
2 visual reproduction or depiction by computer of any child
3 or person with a severe or profound intellectual
4 disability whom the person knows or reasonably should know
5 to be under the age of 18 or to be a person with a severe
6 or profound intellectual disability, engaged in any
7 activity described in subparagraphs (i) through (vii) of
8 paragraph (1) of this subsection; or

9 (7) solicits, or knowingly uses, persuades, induces,
10 entices, or coerces, a person to provide a child under the
11 age of 18 or a person with a severe or profound
12 intellectual disability to appear in any videotape,
13 photograph, film, stage play, live presentation, or other
14 similar visual reproduction or depiction by computer in
15 which the child or person with a severe or profound
16 intellectual disability will be depicted, actually or by
17 simulation, in any act, pose, or setting described in
18 subparagraphs (i) through (vii) of paragraph (1) of this
19 subsection.

20 (a-5) The possession of each individual film, videotape,
21 photograph, or other similar visual reproduction or depiction
22 by computer in violation of this Section constitutes a single
23 and separate violation. This subsection (a-5) does not apply
24 to multiple copies of the same film, videotape, photograph, or
25 other similar visual reproduction or depiction by computer
26 that are identical to each other.

1 (b)(1) It shall be an affirmative defense to a charge of
2 child pornography that the defendant reasonably believed,
3 under all of the circumstances, that the child was 18 years of
4 age or older or that the person was not a person with a severe
5 or profound intellectual disability but only where, prior to
6 the act or acts giving rise to a prosecution under this
7 Section, he or she took some affirmative action or made a
8 bonafide inquiry designed to ascertain whether the child was
9 18 years of age or older or that the person was not a person
10 with a severe or profound intellectual disability and his or
11 her reliance upon the information so obtained was clearly
12 reasonable.

13 (1.5) Telecommunications carriers, commercial mobile
14 service providers, and providers of information services,
15 including, but not limited to, Internet service providers and
16 hosting service providers, are not liable under this Section
17 by virtue of the transmission, storage, or caching of
18 electronic communications or messages of others or by virtue
19 of the provision of other related telecommunications,
20 commercial mobile services, or information services used by
21 others in violation of this Section.

22 (2) (Blank).

23 (3) The charge of child pornography shall not apply to the
24 performance of official duties by law enforcement or
25 prosecuting officers or persons employed by law enforcement or
26 prosecuting agencies, court personnel or attorneys, nor to

1 bonafide treatment or professional education programs
2 conducted by licensed physicians, psychologists or social
3 workers. In any criminal proceeding, any property or material
4 that constitutes child pornography shall remain in the care,
5 custody, and control of either the State or the court. A motion
6 to view the evidence shall comply with subsection (e-5) of
7 this Section.

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

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

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

26 (c) If the violation does not involve a film, videotape,

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

1 other moving depiction, a violation of paragraph (6) of
2 subsection (a) is a Class 2 felony with a mandatory minimum
3 fine of \$1000 and a maximum fine of \$100,000.

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

1 (6) of subsection (a) where the defendant has previously been
2 convicted under the laws of this State or any other state of
3 the offense of child pornography, aggravated child
4 pornography, aggravated criminal sexual abuse, aggravated
5 criminal sexual assault, predatory criminal sexual assault of
6 a child, or any of the offenses formerly known as rape, deviate
7 sexual assault, indecent liberties with a child, or aggravated
8 indecent liberties with a child where the victim was under the
9 age of 18 years or an offense that is substantially equivalent
10 to those offenses, is guilty of a Class 1 felony with a
11 mandatory minimum fine of \$1,000 and a maximum fine of
12 \$100,000. The issue of whether the child depicted is under the
13 age of 13 is an element of the offense to be resolved by the
14 trier of fact.

15 (d) If a person is convicted of a second or subsequent
16 violation of this Section within 10 years of a prior
17 conviction, the court shall order a presentence psychiatric
18 examination of the person. The examiner shall report to the
19 court whether treatment of the person is necessary.

20 (e) Any film, videotape, photograph or other similar
21 visual reproduction or depiction by computer which includes a
22 child under the age of 18 or a person with a severe or profound
23 intellectual disability engaged in any activity described in
24 subparagraphs (i) through (vii) or paragraph 1 of subsection
25 (a), and any material or equipment used or intended for use in
26 photographing, filming, printing, producing, reproducing,

1 manufacturing, projecting, exhibiting, depiction by computer,
2 or disseminating such material shall be seized and forfeited
3 in the manner, method and procedure provided by Section 36-1
4 of this Code for the seizure and forfeiture of vessels,
5 vehicles and aircraft.

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

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

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

21 (1) "Disseminate" means (i) to sell, distribute,
22 exchange or transfer possession, whether with or without
23 consideration or (ii) to make a depiction by computer
24 available for distribution or downloading through the
25 facilities of any telecommunications network or through
26 any other means of transferring computer programs or data

1 to a computer.

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

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

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

11 (5) "Depiction by computer" means a computer program
12 or data that, after being processed by a computer either
13 alone or in conjunction with one or more computer
14 programs, results in a visual depiction on a computer
15 monitor, screen, or display.

16 (6) "Computer", "computer program", and "data" have
17 the meanings ascribed to them in Section 17.05 of this
18 Code.

19 (7) For the purposes of this Section, "child
20 pornography" includes a film, videotape, photograph, or
21 other similar visual medium or reproduction or depiction
22 by computer that is, or appears to be, that of a person,
23 either in part, or in total, under the age of 18 or a
24 person with a severe or profound intellectual disability,
25 regardless of the method by which the film, videotape,
26 photograph, or other similar visual medium or reproduction

1 or depiction by computer is created, adopted, or modified
2 to appear as such. "Child pornography" also includes a
3 film, videotape, photograph, or other similar visual
4 medium or reproduction or depiction by computer that is
5 advertised, promoted, presented, described, or distributed
6 in such a manner that conveys the impression that the
7 film, videotape, photograph, or other similar visual
8 medium or reproduction or depiction by computer is of a
9 person under the age of 18 or a person with a severe or
10 profound intellectual disability. "Child pornography"
11 includes the depiction of a part of an actual child under
12 the age of 18 who, by manipulation, creation, or
13 modification, appears to be engaged in any activity
14 described in subparagraphs (i) through (vii) of paragraph
15 (1) of subsection (a).

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

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

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

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

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

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

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

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

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

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

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

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

7 (Source: P.A. 101-87, eff. 1-1-20; 102-567, eff. 1-1-22.)

8 (720 ILCS 5/11-20.4 new)

9 Sec. 11-20.4. Obscene depiction of a purported child.

10 (a) In this Section:

11 "Obscene depiction" means a visual representation of
12 any kind, including an image, video, cartoon, animation,
13 or computer-generated image or video, whether made,
14 produced, or altered by electronic, mechanical, or other
15 means, that:

16 (i) the average person, applying contemporary
17 adult community standards, would find that, taken as a
18 whole, it appeals to the prurient interest;

19 (ii) the average person, applying contemporary
20 adult community standards, would find that it depicts
21 or describes, in a patently offensive way, sexual acts
22 or sadomasochistic sexual acts, whether normal or
23 perverted, actual or simulated, or masturbation,
24 excretory functions, or lewd exhibition of the
25 unclothed or transparently clothed genitals, pubic

1 area, buttocks or, if such person is a female, the
2 fully or partially developed breast of the child or
3 other person; and

4 (iii) taken as a whole, it lacks serious literary,
5 artistic, political, or scientific value.

6 "Purported child" means a visual representation that
7 appears to depict a child under the age of 18 but may or
8 may not depict an actual child under the age of 18.

9 (b) A person commits obscene depiction of a purported
10 child when, with knowledge of the nature or content thereof,
11 the person:

12 (1) receives, possesses, or accesses in any way with
13 the intent to view, any obscene depiction of a purported
14 child;

15 (2) reproduces, disseminates, offers to disseminate,
16 exhibits, or possesses with intent to disseminate, any
17 obscene depiction of a purported child; or

18 (3) produces, generates, or creates, by electronic,
19 mechanical, or other means, any obscene depiction of a
20 purported child.

21 (c) A violation of paragraph (1) of subsection (b) is a
22 Class 3 felony, and a second or subsequent offense is a Class 2
23 felony. A violation of paragraph (2) or (3) of subsection (b)
24 is a Class 1 felony, and a second or subsequent offense is a
25 Class X felony.

26 (d) If the age of the purported child depicted is under the

1 age of 13, a violation of paragraph (1) of subsection (b) is a
2 Class 2 felony, and a second or subsequent offense is a Class 1
3 felony. If the age of the purported child depicted is under the
4 age of 13, a violation of paragraph (2) or (3) of subsection
5 (b) is a Class X felony, and a second or subsequent offense is
6 a Class X felony for which the person shall be sentenced to a
7 term of imprisonment of not less than 9 years.

8 (e) Nothing in this Section shall be construed to impose
9 liability upon the following entities solely as a result of
10 content or information provided by another person:

11 (1) an interactive computer service, as defined in 47
12 U.S.C. 230(f)(2);

13 (2) a provider of public mobile services or private
14 radio services, as defined in Section 13-214 of the Public
15 Utilities Act; or

16 (3) a telecommunications network or broadband
17 provider.

18 (f) A person convicted under this Section is subject to
19 the forfeiture provisions in Article 124B of the Code of
20 Criminal Procedure of 1963.

21 (720 ILCS 5/11-23.5)

22 Sec. 11-23.5. Non-consensual dissemination of private
23 sexual images.

24 (a) Definitions. For the purposes of this Section:

25 "Computer", "computer program", and "data" have the

1 meanings ascribed to them in Section 17-0.5 of this Code.

2 "Image" includes a photograph, film, videotape,
3 digital recording, or other depiction or portrayal of an
4 object, including a human body.

5 "Intimate parts" means the fully unclothed, partially
6 unclothed or transparently clothed genitals, pubic area,
7 anus, or if the person is female, a partially or fully
8 exposed nipple, including exposure through transparent
9 clothing.

10 "Personal identifying information" has the meaning
11 ascribed to the term in Section 16-0.1.

12 "Sexual act" means sexual penetration, masturbation,
13 or sexual activity.

14 "Sexual activity" means any:

15 (1) knowing touching or fondling by the victim or
16 another person or animal, either directly or through
17 clothing, of the sex organs, anus, or breast of the
18 victim or another person or animal for the purpose of
19 sexual gratification or arousal; or

20 (2) any transfer or transmission of semen upon any
21 part of the clothed or unclothed body of the victim,
22 for the purpose of sexual gratification or arousal of
23 the victim or another; or

24 (3) an act of urination within a sexual context;
25 or

26 (4) any bondage, fetter, or sadism masochism; or

1 (5) sadomasochism abuse in any sexual context.

2 (b) A person commits non-consensual dissemination of
3 private sexual images when he or she:

4 (1) intentionally disseminates an image of another
5 person:

6 (A) (blank); and ~~who is at least 18 years of age;~~
7 ~~and~~

8 (B) who is identifiable from the image itself, or
9 whose personal identifying information is ~~or~~
10 ~~information~~ displayed or disseminated in connection
11 with the image, or whose identity is known to the
12 person who disseminated the image; and

13 (C) who is engaged in a sexual act or whose
14 intimate parts are exposed, in whole or in part; and

15 (2) obtains the image under circumstances in which a
16 reasonable person would know or understand that the image
17 was to remain private; and

18 (3) knows or should have known that the person in the
19 image has not consented to the dissemination.

20 (c) The following activities are exempt from the
21 provisions of this Section:

22 (1) The intentional dissemination of an image of
23 another identifiable person who is engaged in a sexual act
24 or whose intimate parts are exposed when the dissemination
25 is made for the purpose of a criminal investigation that
26 is otherwise lawful.

1 (2) The intentional dissemination of an image of
2 another identifiable person who is engaged in a sexual act
3 or whose intimate parts are exposed when the dissemination
4 is for the purpose of, or in connection with, the
5 reporting of unlawful conduct.

6 (3) The intentional dissemination of an image of
7 another identifiable person who is engaged in a sexual act
8 or whose intimate parts are exposed when the images
9 involve voluntary exposure in public or commercial
10 settings.

11 (4) The intentional dissemination of an image of
12 another identifiable person who is engaged in a sexual act
13 or whose intimate parts are exposed when the dissemination
14 serves a lawful public purpose.

15 (d) Nothing in this Section shall be construed to impose
16 liability upon the following entities solely as a result of
17 content or information provided by another person:

18 (1) an interactive computer service, as defined in 47
19 U.S.C. 230(f) (2);

20 (2) a provider of public mobile services or private
21 radio services, as defined in Section 13-214 of the Public
22 Utilities Act; or

23 (3) a telecommunications network or broadband
24 provider.

25 (e) A person convicted under this Section is subject to
26 the forfeiture provisions in Article 124B of the Code of

1 Criminal Procedure of 1963.

2 (f) Sentence. Non-consensual dissemination of private
3 sexual images is a Class 4 felony.

4 (Source: P.A. 98-1138, eff. 6-1-15.)

5 (720 ILCS 5/11-23.7 new)

6 Sec. 11-23.7. Non-consensual dissemination of sexually
7 explicit digitized depictions.

8 (a) Definitions. For the purposes of this Section:

9 "Intimate parts" means the fully unclothed, partially
10 unclothed or transparently clothed genitals, pubic area, anus,
11 or if the person is female, a partially or fully exposed
12 nipple, including exposure through transparent clothing.

13 "Personal identifying information" has the meaning
14 ascribed to it in Section 16-0.1.

15 "Sexual activity" means:

16 (1) any knowing touching or fondling by the victim or
17 another person or animal, either directly or through
18 clothing, of the sex organs, anus, or breast of the victim
19 or another person or animal for the purpose of sexual
20 gratification or arousal;

21 (2) any transfer or transmission of semen upon any
22 part of the clothed or unclothed body of the victim, for
23 the purpose of sexual gratification or arousal of the
24 victim or another;

25 (3) an act of urination within a sexual context;

1 (4) any bondage, fetter, or sadism masochism; or

2 (5) sadomasochism abuse in any sexual context.

3 "Sexually explicit digitized depiction" means any image,
4 photograph, film, video, digital recording, or other depiction
5 or portrayal that has been created, altered, or otherwise
6 modified to realistically depict either:

7 (1) the intimate parts of another human being as the
8 intimate parts of the depicted individual or
9 computer-generated intimate parts as the intimate parts of
10 the depicted individual; or

11 (2) the depicted individual engaging in sexual
12 activity in which the depicted individual did not engage.

13 (b) A person commits non-consensual dissemination of
14 sexually explicit digitized depictions when the person:

15 (1) intentionally disseminates a sexually explicit
16 digitized depiction of another person who is identifiable
17 from the image itself, or whose personal identifying
18 information is displayed or disseminated in connection
19 with the image, or whose identify is known to the person
20 who disseminates the image; and

21 (2) knows or should have known that the person in the
22 image has not consented to the dissemination.

23 (c) The following activities are exempt from the
24 provisions of this Section:

25 (1) The intentional dissemination of an image of
26 another identifiable person who is engaged in a sexual act

1 or whose intimate parts are exposed when the dissemination
2 is made for the purpose of a criminal investigation that
3 is otherwise lawful.

4 (2) The intentional dissemination of an image of
5 another identifiable person who is engaged in a sexual act
6 or whose intimate parts are exposed when the dissemination
7 is for the purpose of, or in connection with, the
8 reporting of unlawful conduct.

9 (3) The intentional dissemination of an image of
10 another identifiable person who is engaged in a sexual act
11 or whose intimate parts are exposed when the images
12 involve voluntary exposure in public or commercial
13 settings.

14 (4) The intentional dissemination of an image of
15 another identifiable person who is engaged in a sexual act
16 or whose intimate parts are exposed when the dissemination
17 serves a lawful public purpose.

18 (d) Nothing in this Section shall be construed to impose
19 liability upon the following entities solely as a result of
20 content or information provided by another person:

21 (4) an interactive computer service, as defined in 47
22 U.S.C. 230(f)(2);

23 (5) a provider of public mobile services or private
24 radio services, as defined in Section 13-214 of the Public
25 Utilities Act; or

26 (6) a telecommunications network or broadband

1 provider.

2 (e) A person convicted under this Section is subject to
3 the forfeiture provisions in Article 124B of the Code of
4 Criminal Procedure of 1963.

5 (f) Sentence. Non-consensual dissemination of sexually
6 explicit digitized depictions is a Class 4 felony.

7 Section 15. The Code of Criminal Procedure of 1963 is
8 amended by changing Section 124B-500 as follows:

9 (725 ILCS 5/124B-500)

10 Sec. 124B-500. Persons and property subject to forfeiture.
11 A person who commits child pornography, aggravated child
12 pornography, obscene depiction of a purported child, ~~or~~
13 non-consensual dissemination of private sexual images, or
14 non-consensual dissemination of sexually explicit digitized
15 depictions under Section 11-20.1, 11-20.1B, 11-20.3, 11-20.4,
16 ~~or~~ 11-23.5, or 11-23.7 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 shall forfeit the following property to
18 the State of Illinois:

19 (1) Any profits or proceeds and any property the
20 person has acquired or maintained in violation of Section
21 11-20.1, 11-20.1B, 11-20.3, 11-20.4, ~~or~~ 11-23.5, or
22 11-23.7 of the Criminal Code of 1961 or the Criminal Code
23 of 2012 that the sentencing court determines, after a
24 forfeiture hearing under this Article, to have been

1 acquired or maintained as a result of child pornography,
2 aggravated child pornography, obscene depiction of a
3 purported child, ~~or~~ non-consensual dissemination of
4 private sexual images, or non-consensual dissemination of
5 sexually explicit digitized depictions.

6 (2) Any interest in, securities of, claim against, or
7 property or contractual right of any kind affording a
8 source of influence over any enterprise that the person
9 has established, operated, controlled, or conducted in
10 violation of Section 11-20.1, 11-20.1B, 11-20.3, 11-20.4,
11 ~~or~~ 11-23.5, or 11-23.7 of the Criminal Code of 1961 or the
12 Criminal Code of 2012 that the sentencing court
13 determines, after a forfeiture hearing under this Article,
14 to have been acquired or maintained as a result of child
15 pornography, aggravated child pornography, obscene
16 depiction of a purported child, ~~or~~ non-consensual
17 dissemination of private sexual images, or non-consensual
18 dissemination of sexually explicit digitized depictions.

19 (3) Any computer that contains a depiction of child
20 pornography or an obscene depiction of a purported child
21 in any encoded or decoded format in violation of Section
22 11-20.1, 11-20.1B, ~~or~~ 11-20.3, or 11-20.4 of the Criminal
23 Code of 1961 or the Criminal Code of 2012. For purposes of
24 this paragraph (3), "computer" has the meaning ascribed to
25 it in Section 17-0.5 of the Criminal Code of 2012.

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

1 98-1138, eff. 6-1-15.)

2 Section 20. The Bill of Rights for Children is amended by
3 changing Section 3 as follows:

4 (725 ILCS 115/3) (from Ch. 38, par. 1353)

5 Sec. 3. Rights to present child impact statement.

6 (a) In any case where a defendant has been convicted of a
7 violent crime involving a child or a juvenile has been
8 adjudicated a delinquent for any offense defined in Sections
9 11-6, 11-20.1, 11-20.1B, ~~and~~ 11-20.3, and 11-20.4 and in
10 Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the
11 Criminal Code of 1961 or the Criminal Code of 2012, except
12 those in which both parties have agreed to the imposition of a
13 specific sentence, and a parent or legal guardian of the child
14 involved is present in the courtroom at the time of the
15 sentencing or the disposition hearing, the parent or legal
16 guardian upon his or her request shall have the right to
17 address the court regarding the impact which the defendant's
18 criminal conduct or the juvenile's delinquent conduct has had
19 upon the child. If the parent or legal guardian chooses to
20 exercise this right, the impact statement must have been
21 prepared in writing in conjunction with the Office of the
22 State's Attorney prior to the initial hearing or sentencing,
23 before it can be presented orally at the sentencing hearing.
24 The court shall consider any statements made by the parent or

1 legal guardian, along with all other appropriate factors in
2 determining the sentence of the defendant or disposition of
3 such juvenile.

4 (b) The crime victim has the right to prepare a victim
5 impact statement and present it to the office of the State's
6 Attorney at any time during the proceedings.

7 (c) This Section shall apply to any child victims of any
8 offense defined in Sections 11-1.20 through 11-1.60 or 12-13
9 through 12-16 of the Criminal Code of 1961 or the Criminal Code
10 of 2012 during any dispositional hearing under Section 5-705
11 of the Juvenile Court Act of 1987 which takes place pursuant to
12 an adjudication of delinquency for any such offense.

13 (Source: P.A. 96-292, eff. 1-1-10; 96-1551, eff. 7-1-11;
14 97-1150, eff. 1-25-13.)

15 Section 25. The Unified Code of Corrections is amended by
16 changing Sections 5-5-3, 5-5-3.2, 5-8-1, and 5-8-4 as follows:

17 (730 ILCS 5/5-5-3)

18 Sec. 5-5-3. Disposition.

19 (a) (Blank).

20 (b) (Blank).

21 (c) (1) (Blank).

22 (2) A period of probation, a term of periodic imprisonment
23 or conditional discharge shall not be imposed for the
24 following offenses. The court shall sentence the offender to

1 not less than the minimum term of imprisonment set forth in
2 this Code for the following offenses, and may order a fine or
3 restitution or both in conjunction with such term of
4 imprisonment:

5 (A) First degree murder.

6 (B) Attempted first degree murder.

7 (C) A Class X felony.

8 (D) A violation of Section 401.1 or 407 of the
9 Illinois Controlled Substances Act, or a violation of
10 subdivision (c)(1.5) of Section 401 of that Act which
11 relates to more than 5 grams of a substance containing
12 fentanyl or an analog thereof.

13 (D-5) A violation of subdivision (c)(1) of Section 401
14 of the Illinois Controlled Substances Act which relates to
15 3 or more grams of a substance containing heroin or an
16 analog thereof.

17 (E) (Blank).

18 (F) A Class 1 or greater felony if the offender had
19 been convicted of a Class 1 or greater felony, including
20 any state or federal conviction for an offense that
21 contained, at the time it was committed, the same elements
22 as an offense now (the date of the offense committed after
23 the prior Class 1 or greater felony) classified as a Class
24 1 or greater felony, within 10 years of the date on which
25 the offender committed the offense for which he or she is
26 being sentenced, except as otherwise provided in Section

1 40-10 of the Substance Use Disorder Act.

2 (F-3) A Class 2 or greater felony sex offense or
3 felony firearm offense if the offender had been convicted
4 of a Class 2 or greater felony, including any state or
5 federal conviction for an offense that contained, at the
6 time it was committed, the same elements as an offense now
7 (the date of the offense committed after the prior Class 2
8 or greater felony) classified as a Class 2 or greater
9 felony, within 10 years of the date on which the offender
10 committed the offense for which he or she is being
11 sentenced, except as otherwise provided in Section 40-10
12 of the Substance Use Disorder Act.

13 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
14 of the Criminal Code of 1961 or the Criminal Code of 2012
15 for which imprisonment is prescribed in those Sections.

16 (G) Residential burglary, except as otherwise provided
17 in Section 40-10 of the Substance Use Disorder Act.

18 (H) Criminal sexual assault.

19 (I) Aggravated battery of a senior citizen as
20 described in Section 12-4.6 or subdivision (a)(4) of
21 Section 12-3.05 of the Criminal Code of 1961 or the
22 Criminal Code of 2012.

23 (J) A forcible felony if the offense was related to
24 the activities of an organized gang.

25 Before July 1, 1994, for the purposes of this
26 paragraph, "organized gang" means an association of 5 or

1 more persons, with an established hierarchy, that
2 encourages members of the association to perpetrate crimes
3 or provides support to the members of the association who
4 do commit crimes.

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

9 (K) Vehicular hijacking.

10 (L) A second or subsequent conviction for the offense
11 of hate crime when the underlying offense upon which the
12 hate crime is based is felony aggravated assault or felony
13 mob action.

14 (M) A second or subsequent conviction for the offense
15 of institutional vandalism if the damage to the property
16 exceeds \$300.

17 (N) A Class 3 felony violation of paragraph (1) of
18 subsection (a) of Section 2 of the Firearm Owners
19 Identification Card Act.

20 (O) A violation of Section 12-6.1 or 12-6.5 of the
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 (P) A violation of paragraph (1), (2), (3), (4), (5),
23 or (7) of subsection (a) of Section 11-20.1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012.

25 (P-5) A violation of paragraph (6) of subsection (a)
26 of Section 11-20.1 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 if the victim is a household or
2 family member of the defendant.

3 (P-6) A violation of paragraph (2) or (3) of
4 subsection (b) of Section 11-20.4 of the Criminal Code of
5 2012.

6 (Q) A violation of subsection (b) or (b-5) of Section
7 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
8 Code of 1961 or the Criminal Code of 2012.

9 (R) A violation of Section 24-3A of the Criminal Code
10 of 1961 or the Criminal Code of 2012.

11 (S) (Blank).

12 (T) (Blank).

13 (U) A second or subsequent violation of Section 6-303
14 of the Illinois Vehicle Code committed while his or her
15 driver's license, permit, or privilege was revoked because
16 of a violation of Section 9-3 of the Criminal Code of 1961
17 or the Criminal Code of 2012, relating to the offense of
18 reckless homicide, or a similar provision of a law of
19 another state.

20 (V) A violation of paragraph (4) of subsection (c) of
21 Section 11-20.1B or paragraph (4) of subsection (c) of
22 Section 11-20.3 of the Criminal Code of 1961, or paragraph
23 (6) of subsection (a) of Section 11-20.1 of the Criminal
24 Code of 2012 when the victim is under 13 years of age and
25 the defendant has previously been convicted under the laws
26 of this State or any other state of the offense of child

1 pornography, aggravated child pornography, aggravated
2 criminal sexual abuse, aggravated criminal sexual assault,
3 predatory criminal sexual assault of a child, or any of
4 the offenses formerly known as rape, deviate sexual
5 assault, indecent liberties with a child, or aggravated
6 indecent liberties with a child where the victim was under
7 the age of 18 years or an offense that is substantially
8 equivalent to those offenses.

9 (V-5) A violation of paragraph (1) of subsection (b)
10 of Section 11-20.4 of the Criminal Code of 2012 when the
11 victim is under 13 years of age and the defendant has
12 previously been convicted under the laws of this State or
13 any other state of the offense of child pornography,
14 aggravated child pornography, aggravated criminal sexual
15 abuse, aggravated criminal sexual assault, predatory
16 criminal sexual assault of a child, or any of the offenses
17 formerly known as rape, deviate sexual assault, indecent
18 liberties with a child, or aggravated indecent liberties
19 with a child if the victim was under the age of 18 years or
20 an offense that is substantially equivalent to those
21 offenses.

22 (W) A violation of Section 24-3.5 of the Criminal Code
23 of 1961 or the Criminal Code of 2012.

24 (X) A violation of subsection (a) of Section 31-1a of
25 the Criminal Code of 1961 or the Criminal Code of 2012.

26 (Y) A conviction for unlawful possession of a firearm

1 by a street gang member when the firearm was loaded or
2 contained firearm ammunition.

3 (Z) A Class 1 felony committed while he or she was
4 serving a term of probation or conditional discharge for a
5 felony.

6 (AA) Theft of property exceeding \$500,000 and not
7 exceeding \$1,000,000 in value.

8 (BB) Laundering of criminally derived property of a
9 value exceeding \$500,000.

10 (CC) Knowingly selling, offering for sale, holding for
11 sale, or using 2,000 or more counterfeit items or
12 counterfeit items having a retail value in the aggregate
13 of \$500,000 or more.

14 (DD) A conviction for aggravated assault under
15 paragraph (6) of subsection (c) of Section 12-2 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 if the
17 firearm is aimed toward the person against whom the
18 firearm is being used.

19 (EE) A conviction for a violation of paragraph (2) of
20 subsection (a) of Section 24-3B of the Criminal Code of
21 2012.

22 (3) (Blank).

23 (4) A minimum term of imprisonment of not less than 10
24 consecutive days or 30 days of community service shall be
25 imposed for a violation of paragraph (c) of Section 6-303 of
26 the Illinois Vehicle Code.

1 (4.1) (Blank).

2 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
3 this subsection (c), a minimum of 100 hours of community
4 service shall be imposed for a second violation of Section
5 6-303 of the Illinois Vehicle Code.

6 (4.3) A minimum term of imprisonment of 30 days or 300
7 hours of community service, as determined by the court, shall
8 be imposed for a second violation of subsection (c) of Section
9 6-303 of the Illinois Vehicle Code.

10 (4.4) Except as provided in paragraphs (4.5), (4.6), and
11 (4.9) of this subsection (c), a minimum term of imprisonment
12 of 30 days or 300 hours of community service, as determined by
13 the court, shall be imposed for a third or subsequent
14 violation of Section 6-303 of the Illinois Vehicle Code. The
15 court may give credit toward the fulfillment of community
16 service hours for participation in activities and treatment as
17 determined by court services.

18 (4.5) A minimum term of imprisonment of 30 days shall be
19 imposed for a third violation of subsection (c) of Section
20 6-303 of the Illinois Vehicle Code.

21 (4.6) Except as provided in paragraph (4.10) of this
22 subsection (c), a minimum term of imprisonment of 180 days
23 shall be imposed for a fourth or subsequent violation of
24 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

25 (4.7) A minimum term of imprisonment of not less than 30
26 consecutive days, or 300 hours of community service, shall be

1 imposed for a violation of subsection (a-5) of Section 6-303
2 of the Illinois Vehicle Code, as provided in subsection (b-5)
3 of that Section.

4 (4.8) A mandatory prison sentence shall be imposed for a
5 second violation of subsection (a-5) of Section 6-303 of the
6 Illinois Vehicle Code, as provided in subsection (c-5) of that
7 Section. The person's driving privileges shall be revoked for
8 a period of not less than 5 years from the date of his or her
9 release from prison.

10 (4.9) A mandatory prison sentence of not less than 4 and
11 not more than 15 years shall be imposed for a third violation
12 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
13 Code, as provided in subsection (d-2.5) of that Section. The
14 person's driving privileges shall be revoked for the remainder
15 of his or her life.

16 (4.10) A mandatory prison sentence for a Class 1 felony
17 shall be imposed, and the person shall be eligible for an
18 extended term sentence, for a fourth or subsequent violation
19 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
20 Code, as provided in subsection (d-3.5) of that Section. The
21 person's driving privileges shall be revoked for the remainder
22 of his or her life.

23 (5) The court may sentence a corporation or unincorporated
24 association convicted of any offense to:

25 (A) a period of conditional discharge;

26 (B) a fine;

1 (C) make restitution to the victim under Section 5-5-6
2 of this Code.

3 (5.1) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.2) or (5.3), a person
5 convicted of violating subsection (c) of Section 11-907 of the
6 Illinois Vehicle Code shall have his or her driver's license,
7 permit, or privileges suspended for at least 90 days but not
8 more than one year, if the violation resulted in damage to the
9 property of another person.

10 (5.2) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.3), a person convicted of
12 violating subsection (c) of Section 11-907 of the Illinois
13 Vehicle Code shall have his or her driver's license, permit,
14 or privileges suspended for at least 180 days but not more than
15 2 years, if the violation resulted in injury to another
16 person.

17 (5.3) In addition to any other penalties imposed, a person
18 convicted of violating subsection (c) of Section 11-907 of the
19 Illinois Vehicle Code shall have his or her driver's license,
20 permit, or privileges suspended for 2 years, if the violation
21 resulted in the death of another person.

22 (5.4) In addition to any other penalties imposed, a person
23 convicted of violating Section 3-707 of the Illinois Vehicle
24 Code shall have his or her driver's license, permit, or
25 privileges suspended for 3 months and until he or she has paid
26 a reinstatement fee of \$100.

1 (5.5) In addition to any other penalties imposed, a person
2 convicted of violating Section 3-707 of the Illinois Vehicle
3 Code during a period in which his or her driver's license,
4 permit, or privileges were suspended for a previous violation
5 of that Section shall have his or her driver's license,
6 permit, or privileges suspended for an additional 6 months
7 after the expiration of the original 3-month suspension and
8 until he or she has paid a reinstatement fee of \$100.

9 (6) (Blank).

10 (7) (Blank).

11 (8) (Blank).

12 (9) A defendant convicted of a second or subsequent
13 offense of ritualized abuse of a child may be sentenced to a
14 term of natural life imprisonment.

15 (10) (Blank).

16 (11) The court shall impose a minimum fine of \$1,000 for a
17 first offense and \$2,000 for a second or subsequent offense
18 upon a person convicted of or placed on supervision for
19 battery when the individual harmed was a sports official or
20 coach at any level of competition and the act causing harm to
21 the sports official or coach occurred within an athletic
22 facility or within the immediate vicinity of the athletic
23 facility at which the sports official or coach was an active
24 participant of the athletic contest held at the athletic
25 facility. For the purposes of this paragraph (11), "sports
26 official" means a person at an athletic contest who enforces

1 the rules of the contest, such as an umpire or referee;
2 "athletic facility" means an indoor or outdoor playing field
3 or recreational area where sports activities are conducted;
4 and "coach" means a person recognized as a coach by the
5 sanctioning authority that conducted the sporting event.

6 (12) A person may not receive a disposition of court
7 supervision for a violation of Section 5-16 of the Boat
8 Registration and Safety Act if that person has previously
9 received a disposition of court supervision for a violation of
10 that Section.

11 (13) A person convicted of or placed on court supervision
12 for an assault or aggravated assault when the victim and the
13 offender are family or household members as defined in Section
14 103 of the Illinois Domestic Violence Act of 1986 or convicted
15 of domestic battery or aggravated domestic battery may be
16 required to attend a Partner Abuse Intervention Program under
17 protocols set forth by the Illinois Department of Human
18 Services under such terms and conditions imposed by the court.
19 The costs of such classes shall be paid by the offender.

20 (d) In any case in which a sentence originally imposed is
21 vacated, the case shall be remanded to the trial court. The
22 trial court shall hold a hearing under Section 5-4-1 of this
23 Code which may include evidence of the defendant's life, moral
24 character and occupation during the time since the original
25 sentence was passed. The trial court shall then impose
26 sentence upon the defendant. The trial court may impose any

1 sentence which could have been imposed at the original trial
2 subject to Section 5-5-4 of this Code. If a sentence is vacated
3 on appeal or on collateral attack due to the failure of the
4 trier of fact at trial to determine beyond a reasonable doubt
5 the existence of a fact (other than a prior conviction)
6 necessary to increase the punishment for the offense beyond
7 the statutory maximum otherwise applicable, either the
8 defendant may be re-sentenced to a term within the range
9 otherwise provided or, if the State files notice of its
10 intention to again seek the extended sentence, the defendant
11 shall be afforded a new trial.

12 (e) In cases where prosecution for aggravated criminal
13 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
14 Code of 1961 or the Criminal Code of 2012 results in conviction
15 of a defendant who was a family member of the victim at the
16 time of the commission of the offense, the court shall
17 consider the safety and welfare of the victim and may impose a
18 sentence of probation only where:

19 (1) the court finds (A) or (B) or both are
20 appropriate:

21 (A) the defendant is willing to undergo a court
22 approved counseling program for a minimum duration of
23 2 years; or

24 (B) the defendant is willing to participate in a
25 court approved plan, including, but not limited to,
26 the defendant's:

- 1 (i) removal from the household;
2 (ii) restricted contact with the victim;
3 (iii) continued financial support of the
4 family;
5 (iv) restitution for harm done to the victim;
6 and
7 (v) compliance with any other measures that
8 the court may deem appropriate; and

9 (2) the court orders the defendant to pay for the
10 victim's counseling services, to the extent that the court
11 finds, after considering the defendant's income and
12 assets, that the defendant is financially capable of
13 paying for such services, if the victim was under 18 years
14 of age at the time the offense was committed and requires
15 counseling as a result of the offense.

16 Probation may be revoked or modified pursuant to Section
17 5-6-4; except where the court determines at the hearing that
18 the defendant violated a condition of his or her probation
19 restricting contact with the victim or other family members or
20 commits another offense with the victim or other family
21 members, the court shall revoke the defendant's probation and
22 impose a term of imprisonment.

23 For the purposes of this Section, "family member" and
24 "victim" shall have the meanings ascribed to them in Section
25 11-0.1 of the Criminal Code of 2012.

26 (f) (Blank).

1 (g) Whenever a defendant is convicted of an offense under
2 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
3 11-14.3, 11-14.4 except for an offense that involves keeping a
4 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
5 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
6 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, the defendant shall undergo medical
8 testing to determine whether the defendant has any sexually
9 transmissible disease, including a test for infection with
10 human immunodeficiency virus (HIV) or any other identified
11 causative agent of acquired immunodeficiency syndrome (AIDS).
12 Any such medical test shall be performed only by appropriately
13 licensed medical practitioners and may include an analysis of
14 any bodily fluids as well as an examination of the defendant's
15 person. Except as otherwise provided by law, the results of
16 such test shall be kept strictly confidential by all medical
17 personnel involved in the testing and must be personally
18 delivered in a sealed envelope to the judge of the court in
19 which the conviction was entered for the judge's inspection in
20 camera. Acting in accordance with the best interests of the
21 victim and the public, the judge shall have the discretion to
22 determine to whom, if anyone, the results of the testing may be
23 revealed. The court shall notify the defendant of the test
24 results. The court shall also notify the victim if requested
25 by the victim, and if the victim is under the age of 15 and if
26 requested by the victim's parents or legal guardian, the court

1 shall notify the victim's parents or legal guardian of the
2 test results. The court shall provide information on the
3 availability of HIV testing and counseling at Department of
4 Public Health facilities to all parties to whom the results of
5 the testing are revealed and shall direct the State's Attorney
6 to provide the information to the victim when possible. The
7 court shall order that the cost of any such test shall be paid
8 by the county and may be taxed as costs against the convicted
9 defendant.

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

21 (h) Whenever a defendant is convicted of an offense under
22 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
23 defendant shall undergo medical testing to determine whether
24 the defendant has been exposed to human immunodeficiency virus
25 (HIV) or any other identified causative agent of acquired
26 immunodeficiency syndrome (AIDS). Except as otherwise provided

1 by law, the results of such test shall be kept strictly
2 confidential by all medical personnel involved in the testing
3 and must be personally delivered in a sealed envelope to the
4 judge of the court in which the conviction was entered for the
5 judge's inspection in camera. Acting in accordance with the
6 best interests of the public, the judge shall have the
7 discretion to determine to whom, if anyone, the results of the
8 testing may be revealed. The court shall notify the defendant
9 of a positive test showing an infection with the human
10 immunodeficiency virus (HIV). The court shall provide
11 information on the availability of HIV testing and counseling
12 at Department of Public Health facilities to all parties to
13 whom the results of the testing are revealed and shall direct
14 the State's Attorney to provide the information to the victim
15 when possible. The court shall order that the cost of any such
16 test shall be paid by the county and may be taxed as costs
17 against the convicted defendant.

18 (i) All fines and penalties imposed under this Section for
19 any violation of Chapters 3, 4, 6, and 11 of the Illinois
20 Vehicle Code, or a similar provision of a local ordinance, and
21 any violation of the Child Passenger Protection Act, or a
22 similar provision of a local ordinance, shall be collected and
23 disbursed by the circuit clerk as provided under the Criminal
24 and Traffic Assessment Act.

25 (j) In cases when prosecution for any violation of Section
26 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,

1 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
2 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
3 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-30, 11-40, 12-13, 12-14,
4 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, any violation of the Illinois
6 Controlled Substances Act, any violation of the Cannabis
7 Control Act, or any violation of the Methamphetamine Control
8 and Community Protection Act results in conviction, a
9 disposition of court supervision, or an order of probation
10 granted under Section 10 of the Cannabis Control Act, Section
11 410 of the Illinois Controlled Substances Act, or Section 70
12 of the Methamphetamine Control and Community Protection Act of
13 a defendant, the court shall determine whether the defendant
14 is employed by a facility or center as defined under the Child
15 Care Act of 1969, a public or private elementary or secondary
16 school, or otherwise works with children under 18 years of age
17 on a daily basis. When a defendant is so employed, the court
18 shall order the Clerk of the Court to send a copy of the
19 judgment of conviction or order of supervision or probation to
20 the defendant's employer by certified mail. If the employer of
21 the defendant is a school, the Clerk of the Court shall direct
22 the mailing of a copy of the judgment of conviction or order of
23 supervision or probation to the appropriate regional
24 superintendent of schools. The regional superintendent of
25 schools shall notify the State Board of Education of any
26 notification under this subsection.

1 (j-5) A defendant at least 17 years of age who is convicted
2 of a felony and who has not been previously convicted of a
3 misdemeanor or felony and who is sentenced to a term of
4 imprisonment in the Illinois Department of Corrections shall
5 as a condition of his or her sentence be required by the court
6 to attend educational courses designed to prepare the
7 defendant for a high school diploma and to work toward a high
8 school diploma or to work toward passing high school
9 equivalency testing or to work toward completing a vocational
10 training program offered by the Department of Corrections. If
11 a defendant fails to complete the educational training
12 required by his or her sentence during the term of
13 incarceration, the Prisoner Review Board shall, as a condition
14 of mandatory supervised release, require the defendant, at his
15 or her own expense, to pursue a course of study toward a high
16 school diploma or passage of high school equivalency testing.
17 The Prisoner Review Board shall revoke the mandatory
18 supervised release of a defendant who wilfully fails to comply
19 with this subsection (j-5) upon his or her release from
20 confinement in a penal institution while serving a mandatory
21 supervised release term; however, the inability of the
22 defendant after making a good faith effort to obtain financial
23 aid or pay for the educational training shall not be deemed a
24 wilful failure to comply. The Prisoner Review Board shall
25 recommit the defendant whose mandatory supervised release term
26 has been revoked under this subsection (j-5) as provided in

1 Section 3-3-9. This subsection (j-5) does not apply to a
2 defendant who has a high school diploma or has successfully
3 passed high school equivalency testing. This subsection (j-5)
4 does not apply to a defendant who is determined by the court to
5 be a person with a developmental disability or otherwise
6 mentally incapable of completing the educational or vocational
7 program.

8 (k) (Blank).

9 (l) (A) Except as provided in paragraph (C) of subsection
10 (l), whenever a defendant, who is not a citizen or national of
11 the United States, is convicted of any felony or misdemeanor
12 offense, the court after sentencing the defendant may, upon
13 motion of the State's Attorney, hold sentence in abeyance and
14 remand the defendant to the custody of the Attorney General of
15 the United States or his or her designated agent to be deported
16 when:

17 (1) a final order of deportation has been issued
18 against the defendant pursuant to proceedings under the
19 Immigration and Nationality Act, and

20 (2) the deportation of the defendant would not
21 deprecate the seriousness of the defendant's conduct and
22 would not be inconsistent with the ends of justice.

23 Otherwise, the defendant shall be sentenced as provided in
24 this Chapter V.

25 (B) If the defendant has already been sentenced for a
26 felony or misdemeanor offense, or has been placed on probation

1 under Section 10 of the Cannabis Control Act, Section 410 of
2 the Illinois Controlled Substances Act, or Section 70 of the
3 Methamphetamine Control and Community Protection Act, the
4 court may, upon motion of the State's Attorney to suspend the
5 sentence imposed, commit the defendant to the custody of the
6 Attorney General of the United States or his or her designated
7 agent when:

8 (1) a final order of deportation has been issued
9 against the defendant pursuant to proceedings under the
10 Immigration and Nationality Act, and

11 (2) the deportation of the defendant would not
12 deprecate the seriousness of the defendant's conduct and
13 would not be inconsistent with the ends of justice.

14 (C) This subsection (1) does not apply to offenders who
15 are subject to the provisions of paragraph (2) of subsection
16 (a) of Section 3-6-3.

17 (D) Upon motion of the State's Attorney, if a defendant
18 sentenced under this Section returns to the jurisdiction of
19 the United States, the defendant shall be recommitted to the
20 custody of the county from which he or she was sentenced.
21 Thereafter, the defendant shall be brought before the
22 sentencing court, which may impose any sentence that was
23 available under Section 5-5-3 at the time of initial
24 sentencing. In addition, the defendant shall not be eligible
25 for additional earned sentence credit as provided under
26 Section 3-6-3.

1 (m) A person convicted of criminal defacement of property
2 under Section 21-1.3 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, in which the property damage exceeds
4 \$300 and the property damaged is a school building, shall be
5 ordered to perform community service that may include cleanup,
6 removal, or painting over the defacement.

7 (n) The court may sentence a person convicted of a
8 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
9 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
10 of 1961 or the Criminal Code of 2012 (i) to an impact
11 incarceration program if the person is otherwise eligible for
12 that program under Section 5-8-1.1, (ii) to community service,
13 or (iii) if the person has a substance use disorder, as defined
14 in the Substance Use Disorder Act, to a treatment program
15 licensed under that Act.

16 (o) Whenever a person is convicted of a sex offense as
17 defined in Section 2 of the Sex Offender Registration Act, the
18 defendant's driver's license or permit shall be subject to
19 renewal on an annual basis in accordance with the provisions
20 of license renewal established by the Secretary of State.

21 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
22 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
23 1-1-24.)

24 (730 ILCS 5/5-5-3.2)

25 Sec. 5-5-3.2. Factors in aggravation and extended-term

1 sentencing.

2 (a) The following factors shall be accorded weight in
3 favor of imposing a term of imprisonment or may be considered
4 by the court as reasons to impose a more severe sentence under
5 Section 5-8-1 or Article 4.5 of Chapter V:

6 (1) the defendant's conduct caused or threatened
7 serious harm;

8 (2) the defendant received compensation for committing
9 the offense;

10 (3) the defendant has a history of prior delinquency
11 or criminal activity;

12 (4) the defendant, by the duties of his office or by
13 his position, was obliged to prevent the particular
14 offense committed or to bring the offenders committing it
15 to justice;

16 (5) the defendant held public office at the time of
17 the offense, and the offense related to the conduct of
18 that office;

19 (6) the defendant utilized his professional reputation
20 or position in the community to commit the offense, or to
21 afford him an easier means of committing it;

22 (7) the sentence is necessary to deter others from
23 committing the same crime;

24 (8) the defendant committed the offense against a
25 person 60 years of age or older or such person's property;

26 (9) the defendant committed the offense against a

1 person who has a physical disability or such person's
2 property;

3 (10) by reason of another individual's actual or
4 perceived race, color, creed, religion, ancestry, gender,
5 sexual orientation, physical or mental disability, or
6 national origin, the defendant committed the offense
7 against (i) the person or property of that individual;
8 (ii) the person or property of a person who has an
9 association with, is married to, or has a friendship with
10 the other individual; or (iii) the person or property of a
11 relative (by blood or marriage) of a person described in
12 clause (i) or (ii). For the purposes of this Section,
13 "sexual orientation" has the meaning ascribed to it in
14 paragraph (O-1) of Section 1-103 of the Illinois Human
15 Rights Act;

16 (11) the offense took place in a place of worship or on
17 the grounds of a place of worship, immediately prior to,
18 during or immediately following worship services. For
19 purposes of this subparagraph, "place of worship" shall
20 mean any church, synagogue or other building, structure or
21 place used primarily for religious worship;

22 (12) the defendant was convicted of a felony committed
23 while he was on pretrial release or his own recognizance
24 pending trial for a prior felony and was convicted of such
25 prior felony, or the defendant was convicted of a felony
26 committed while he was serving a period of probation,

1 conditional discharge, or mandatory supervised release
2 under subsection (d) of Section 5-8-1 for a prior felony;

3 (13) the defendant committed or attempted to commit a
4 felony while he was wearing a bulletproof vest. For the
5 purposes of this paragraph (13), a bulletproof vest is any
6 device which is designed for the purpose of protecting the
7 wearer from bullets, shot or other lethal projectiles;

8 (14) the defendant held a position of trust or
9 supervision such as, but not limited to, family member as
10 defined in Section 11-0.1 of the Criminal Code of 2012,
11 teacher, scout leader, baby sitter, or day care worker, in
12 relation to a victim under 18 years of age, and the
13 defendant committed an offense in violation of Section
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
15 11-14.4 except for an offense that involves keeping a
16 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
17 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
18 or 12-16 of the Criminal Code of 1961 or the Criminal Code
19 of 2012 against that victim;

20 (15) the defendant committed an offense related to the
21 activities of an organized gang. For the purposes of this
22 factor, "organized gang" has the meaning ascribed to it in
23 Section 10 of the Streetgang Terrorism Omnibus Prevention
24 Act;

25 (16) the defendant committed an offense in violation
26 of one of the following Sections while in a school,

1 regardless of the time of day or time of year; on any
2 conveyance owned, leased, or contracted by a school to
3 transport students to or from school or a school related
4 activity; on the real property of a school; or on a public
5 way within 1,000 feet of the real property comprising any
6 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
7 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
8 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
9 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
10 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
11 for subdivision (a)(4) or (g)(1), of the Criminal Code of
12 1961 or the Criminal Code of 2012;

13 (16.5) the defendant committed an offense in violation
14 of one of the following Sections while in a day care
15 center, regardless of the time of day or time of year; on
16 the real property of a day care center, regardless of the
17 time of day or time of year; or on a public way within
18 1,000 feet of the real property comprising any day care
19 center, regardless of the time of day or time of year:
20 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
21 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
22 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
23 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
24 18-2, or 33A-2, or Section 12-3.05 except for subdivision
25 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
26 Criminal Code of 2012;

1 (17) the defendant committed the offense by reason of
2 any person's activity as a community policing volunteer or
3 to prevent any person from engaging in activity as a
4 community policing volunteer. For the purpose of this
5 Section, "community policing volunteer" has the meaning
6 ascribed to it in Section 2-3.5 of the Criminal Code of
7 2012;

8 (18) the defendant committed the offense in a nursing
9 home or on the real property comprising a nursing home.
10 For the purposes of this paragraph (18), "nursing home"
11 means a skilled nursing or intermediate long term care
12 facility that is subject to license by the Illinois
13 Department of Public Health under the Nursing Home Care
14 Act, the Specialized Mental Health Rehabilitation Act of
15 2013, the ID/DD Community Care Act, or the MC/DD Act;

16 (19) the defendant was a federally licensed firearm
17 dealer and was previously convicted of a violation of
18 subsection (a) of Section 3 of the Firearm Owners
19 Identification Card Act and has now committed either a
20 felony violation of the Firearm Owners Identification Card
21 Act or an act of armed violence while armed with a firearm;

22 (20) the defendant (i) committed the offense of
23 reckless homicide under Section 9-3 of the Criminal Code
24 of 1961 or the Criminal Code of 2012 or the offense of
25 driving under the influence of alcohol, other drug or
26 drugs, intoxicating compound or compounds or any

1 combination thereof under Section 11-501 of the Illinois
2 Vehicle Code or a similar provision of a local ordinance
3 and (ii) was operating a motor vehicle in excess of 20
4 miles per hour over the posted speed limit as provided in
5 Article VI of Chapter 11 of the Illinois Vehicle Code;

6 (21) the defendant (i) committed the offense of
7 reckless driving or aggravated reckless driving under
8 Section 11-503 of the Illinois Vehicle Code and (ii) was
9 operating a motor vehicle in excess of 20 miles per hour
10 over the posted speed limit as provided in Article VI of
11 Chapter 11 of the Illinois Vehicle Code;

12 (22) the defendant committed the offense against a
13 person that the defendant knew, or reasonably should have
14 known, was a member of the Armed Forces of the United
15 States serving on active duty. For purposes of this clause
16 (22), the term "Armed Forces" means any of the Armed
17 Forces of the United States, including a member of any
18 reserve component thereof or National Guard unit called to
19 active duty;

20 (23) the defendant committed the offense against a
21 person who was elderly or infirm or who was a person with a
22 disability by taking advantage of a family or fiduciary
23 relationship with the elderly or infirm person or person
24 with a disability;

25 (24) the defendant committed any offense under Section
26 11-20.1 of the Criminal Code of 1961 or the Criminal Code

1 of 2012 and possessed 100 or more images;

2 (25) the defendant committed the offense while the
3 defendant or the victim was in a train, bus, or other
4 vehicle used for public transportation;

5 (26) the defendant committed the offense of child
6 pornography or aggravated child pornography, specifically
7 including paragraph (1), (2), (3), (4), (5), or (7) of
8 subsection (a) of Section 11-20.1 of the Criminal Code of
9 1961 or the Criminal Code of 2012 where a child engaged in,
10 solicited for, depicted in, or posed in any act of sexual
11 penetration or bound, fettered, or subject to sadistic,
12 masochistic, or sadomasochistic abuse in a sexual context
13 and specifically including paragraph (1), (2), (3), (4),
14 (5), or (7) of subsection (a) of Section 11-20.1B or
15 Section 11-20.3 of the Criminal Code of 1961 where a child
16 engaged in, solicited for, depicted in, or posed in any
17 act of sexual penetration or bound, fettered, or subject
18 to sadistic, masochistic, or sadomasochistic abuse in a
19 sexual context;

20 (26.5) the defendant committed the offense of obscene
21 depiction of a purported child, specifically including
22 paragraph (2) or (3) of subsection (b) of Section 11-20.4
23 of the Criminal Code of 2012 if a child engaged in,
24 solicited for, depicted in, or posed in any act of sexual
25 penetration or bound, fettered, or subject to sadistic,
26 masochistic, or sadomasochistic abuse in a sexual context;

1 (27) the defendant committed the offense of first
2 degree murder, assault, aggravated assault, battery,
3 aggravated battery, robbery, armed robbery, or aggravated
4 robbery against a person who was a veteran and the
5 defendant knew, or reasonably should have known, that the
6 person was a veteran performing duties as a representative
7 of a veterans' organization. For the purposes of this
8 paragraph (27), "veteran" means an Illinois resident who
9 has served as a member of the United States Armed Forces, a
10 member of the Illinois National Guard, or a member of the
11 United States Reserve Forces; and "veterans' organization"
12 means an organization comprised of members of which
13 substantially all are individuals who are veterans or
14 spouses, widows, or widowers of veterans, the primary
15 purpose of which is to promote the welfare of its members
16 and to provide assistance to the general public in such a
17 way as to confer a public benefit;

18 (28) the defendant committed the offense of assault,
19 aggravated assault, battery, aggravated battery, robbery,
20 armed robbery, or aggravated robbery against a person that
21 the defendant knew or reasonably should have known was a
22 letter carrier or postal worker while that person was
23 performing his or her duties delivering mail for the
24 United States Postal Service;

25 (29) the defendant committed the offense of criminal
26 sexual assault, aggravated criminal sexual assault,

1 criminal sexual abuse, or aggravated criminal sexual abuse
2 against a victim with an intellectual disability, and the
3 defendant holds a position of trust, authority, or
4 supervision in relation to the victim;

5 (30) the defendant committed the offense of promoting
6 juvenile prostitution, patronizing a prostitute, or
7 patronizing a minor engaged in prostitution and at the
8 time of the commission of the offense knew that the
9 prostitute or minor engaged in prostitution was in the
10 custody or guardianship of the Department of Children and
11 Family Services;

12 (31) the defendant (i) committed the offense of
13 driving while under the influence of alcohol, other drug
14 or drugs, intoxicating compound or compounds or any
15 combination thereof in violation of Section 11-501 of the
16 Illinois Vehicle Code or a similar provision of a local
17 ordinance and (ii) the defendant during the commission of
18 the offense was driving his or her vehicle upon a roadway
19 designated for one-way traffic in the opposite direction
20 of the direction indicated by official traffic control
21 devices;

22 (32) the defendant committed the offense of reckless
23 homicide while committing a violation of Section 11-907 of
24 the Illinois Vehicle Code;

25 (33) the defendant was found guilty of an
26 administrative infraction related to an act or acts of

1 public indecency or sexual misconduct in the penal
2 institution. In this paragraph (33), "penal institution"
3 has the same meaning as in Section 2-14 of the Criminal
4 Code of 2012; or

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

16 For the purposes of this Section:

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

19 "Day care center" means a public or private State
20 certified and licensed day care center as defined in Section
21 2.09 of the Child Care Act of 1969 that displays a sign in
22 plain view stating that the property is a day care center.

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

26 "Public transportation" means the transportation or

1 conveyance of persons by means available to the general
2 public, and includes paratransit services.

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

8 (b) The following factors, related to all felonies, may be
9 considered by the court as reasons to impose an extended term
10 sentence under Section 5-8-2 upon any offender:

11 (1) When a defendant is convicted of any felony, after
12 having been previously convicted in Illinois or any other
13 jurisdiction of the same or similar class felony or
14 greater class felony, when such conviction has occurred
15 within 10 years after the previous conviction, excluding
16 time spent in custody, and such charges are separately
17 brought and tried and arise out of different series of
18 acts; or

19 (2) When a defendant is convicted of any felony and
20 the court finds that the offense was accompanied by
21 exceptionally brutal or heinous behavior indicative of
22 wanton cruelty; or

23 (3) When a defendant is convicted of any felony
24 committed against:

25 (i) a person under 12 years of age at the time of
26 the offense or such person's property;

1 (ii) a person 60 years of age or older at the time
2 of the offense or such person's property; or

3 (iii) a person who had a physical disability at
4 the time of the offense or such person's property; or

5 (4) When a defendant is convicted of any felony and
6 the offense involved any of the following types of
7 specific misconduct committed as part of a ceremony, rite,
8 initiation, observance, performance, practice or activity
9 of any actual or ostensible religious, fraternal, or
10 social group:

11 (i) the brutalizing or torturing of humans or
12 animals;

13 (ii) the theft of human corpses;

14 (iii) the kidnapping of humans;

15 (iv) the desecration of any cemetery, religious,
16 fraternal, business, governmental, educational, or
17 other building or property; or

18 (v) ritualized abuse of a child; or

19 (5) When a defendant is convicted of a felony other
20 than conspiracy and the court finds that the felony was
21 committed under an agreement with 2 or more other persons
22 to commit that offense and the defendant, with respect to
23 the other individuals, occupied a position of organizer,
24 supervisor, financier, or any other position of management
25 or leadership, and the court further finds that the felony
26 committed was related to or in furtherance of the criminal

1 activities of an organized gang or was motivated by the
2 defendant's leadership in an organized gang; or

3 (6) When a defendant is convicted of an offense
4 committed while using a firearm with a laser sight
5 attached to it. For purposes of this paragraph, "laser
6 sight" has the meaning ascribed to it in Section 26-7 of
7 the Criminal Code of 2012; or

8 (7) When a defendant who was at least 17 years of age
9 at the time of the commission of the offense is convicted
10 of a felony and has been previously adjudicated a
11 delinquent minor under the Juvenile Court Act of 1987 for
12 an act that if committed by an adult would be a Class X or
13 Class 1 felony when the conviction has occurred within 10
14 years after the previous adjudication, excluding time
15 spent in custody; or

16 (8) When a defendant commits any felony and the
17 defendant used, possessed, exercised control over, or
18 otherwise directed an animal to assault a law enforcement
19 officer engaged in the execution of his or her official
20 duties or in furtherance of the criminal activities of an
21 organized gang in which the defendant is engaged; or

22 (9) When a defendant commits any felony and the
23 defendant knowingly video or audio records the offense
24 with the intent to disseminate the recording.

25 (c) The following factors may be considered by the court
26 as reasons to impose an extended term sentence under Section

1 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
2 offenses:

3 (1) When a defendant is convicted of first degree
4 murder, after having been previously convicted in Illinois
5 of any offense listed under paragraph (c)(2) of Section
6 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
7 occurred within 10 years after the previous conviction,
8 excluding time spent in custody, and the charges are
9 separately brought and tried and arise out of different
10 series of acts.

11 (1.5) When a defendant is convicted of first degree
12 murder, after having been previously convicted of domestic
13 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
14 (720 ILCS 5/12-3.3) committed on the same victim or after
15 having been previously convicted of violation of an order
16 of protection (720 ILCS 5/12-30) in which the same victim
17 was the protected person.

18 (2) When a defendant is convicted of voluntary
19 manslaughter, second degree murder, involuntary
20 manslaughter, or reckless homicide in which the defendant
21 has been convicted of causing the death of more than one
22 individual.

23 (3) When a defendant is convicted of aggravated
24 criminal sexual assault or criminal sexual assault, when
25 there is a finding that aggravated criminal sexual assault
26 or criminal sexual assault was also committed on the same

1 victim by one or more other individuals, and the defendant
2 voluntarily participated in the crime with the knowledge
3 of the participation of the others in the crime, and the
4 commission of the crime was part of a single course of
5 conduct during which there was no substantial change in
6 the nature of the criminal objective.

7 (4) If the victim was under 18 years of age at the time
8 of the commission of the offense, when a defendant is
9 convicted of aggravated criminal sexual assault or
10 predatory criminal sexual assault of a child under
11 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
12 of Section 12-14.1 of the Criminal Code of 1961 or the
13 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

14 (5) When a defendant is convicted of a felony
15 violation of Section 24-1 of the Criminal Code of 1961 or
16 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
17 finding that the defendant is a member of an organized
18 gang.

19 (6) When a defendant was convicted of unlawful use of
20 weapons under Section 24-1 of the Criminal Code of 1961 or
21 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
22 a weapon that is not readily distinguishable as one of the
23 weapons enumerated in Section 24-1 of the Criminal Code of
24 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

25 (7) When a defendant is convicted of an offense
26 involving the illegal manufacture of a controlled

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

18 (8) When the defendant is convicted of attempted mob
19 action, solicitation to commit mob action, or conspiracy
20 to commit mob action under Section 8-1, 8-2, or 8-4 of the
21 Criminal Code of 2012, where the criminal object is a
22 violation of Section 25-1 of the Criminal Code of 2012,
23 and an electronic communication is used in the commission
24 of the offense. For the purposes of this paragraph (8),
25 "electronic communication" shall have the meaning provided
26 in Section 26.5-0.1 of the Criminal Code of 2012.

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

4 (e) The court may impose an extended term sentence under
5 Article 4.5 of Chapter V upon an offender who has been
6 convicted of a felony violation of Section 11-1.20, 11-1.30,
7 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
8 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
9 when the victim of the offense is under 18 years of age at the
10 time of the commission of the offense and, during the
11 commission of the offense, the victim was under the influence
12 of alcohol, regardless of whether or not the alcohol was
13 supplied by the offender; and the offender, at the time of the
14 commission of the offense, knew or should have known that the
15 victim had consumed alcohol.

16 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
17 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
18 8-20-21; 102-982, eff. 7-1-23.)

19 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

20 Sec. 5-8-1. Natural life imprisonment; enhancements for
21 use of a firearm; mandatory supervised release terms.

22 (a) Except as otherwise provided in the statute defining
23 the offense or in Article 4.5 of Chapter V, a sentence of
24 imprisonment for a felony shall be a determinate sentence set
25 by the court under this Section, subject to Section 5-4.5-115

1 of this Code, according to the following limitations:

2 (1) for first degree murder,

3 (a) (blank),

4 (b) if a trier of fact finds beyond a reasonable
5 doubt that the murder was accompanied by exceptionally
6 brutal or heinous behavior indicative of wanton
7 cruelty or, except as set forth in subsection
8 (a) (1) (c) of this Section, that any of the aggravating
9 factors listed in subparagraph (b-5) are present, the
10 court may sentence the defendant, subject to Section
11 5-4.5-105, to a term of natural life imprisonment, or

12 (b-5) A defendant who at the time of the
13 commission of the offense has attained the age of 18 or
14 more and who has been found guilty of first degree
15 murder may be sentenced to a term of natural life
16 imprisonment if:

17 (1) the murdered individual was an inmate at
18 an institution or facility of the Department of
19 Corrections, or any similar local correctional
20 agency and was killed on the grounds thereof, or
21 the murdered individual was otherwise present in
22 such institution or facility with the knowledge
23 and approval of the chief administrative officer
24 thereof;

25 (2) the murdered individual was killed as a
26 result of the hijacking of an airplane, train,

1 ship, bus, or other public conveyance;

2 (3) the defendant committed the murder
3 pursuant to a contract, agreement, or
4 understanding by which he or she was to receive
5 money or anything of value in return for
6 committing the murder or procured another to
7 commit the murder for money or anything of value;

8 (4) the murdered individual was killed in the
9 course of another felony if:

10 (A) the murdered individual:

11 (i) was actually killed by the
12 defendant, or

13 (ii) received physical injuries
14 personally inflicted by the defendant
15 substantially contemporaneously with
16 physical injuries caused by one or more
17 persons for whose conduct the defendant is
18 legally accountable under Section 5-2 of
19 this Code, and the physical injuries
20 inflicted by either the defendant or the
21 other person or persons for whose conduct
22 he is legally accountable caused the death
23 of the murdered individual; and (B) in
24 performing the acts which caused the death
25 of the murdered individual or which
26 resulted in physical injuries personally

1 inflicted by the defendant on the murdered
2 individual under the circumstances of
3 subdivision (ii) of clause (A) of this
4 clause (4), the defendant acted with the
5 intent to kill the murdered individual or
6 with the knowledge that his or her acts
7 created a strong probability of death or
8 great bodily harm to the murdered
9 individual or another; and

10 (B) in performing the acts which caused
11 the death of the murdered individual or which
12 resulted in physical injuries personally
13 inflicted by the defendant on the murdered
14 individual under the circumstances of
15 subdivision (ii) of clause (A) of this clause
16 (4), the defendant acted with the intent to
17 kill the murdered individual or with the
18 knowledge that his or her acts created a
19 strong probability of death or great bodily
20 harm to the murdered individual or another;
21 and

22 (C) the other felony was an inherently
23 violent crime or the attempt to commit an
24 inherently violent crime. In this clause (C),
25 "inherently violent crime" includes, but is
26 not limited to, armed robbery, robbery,

1 predatory criminal sexual assault of a child,
2 aggravated criminal sexual assault, aggravated
3 kidnapping, aggravated vehicular hijacking,
4 aggravated arson, aggravated stalking,
5 residential burglary, and home invasion;

6 (5) the defendant committed the murder with
7 intent to prevent the murdered individual from
8 testifying or participating in any criminal
9 investigation or prosecution or giving material
10 assistance to the State in any investigation or
11 prosecution, either against the defendant or
12 another; or the defendant committed the murder
13 because the murdered individual was a witness in
14 any prosecution or gave material assistance to the
15 State in any investigation or prosecution, either
16 against the defendant or another; for purposes of
17 this clause (5), "participating in any criminal
18 investigation or prosecution" is intended to
19 include those appearing in the proceedings in any
20 capacity such as trial judges, prosecutors,
21 defense attorneys, investigators, witnesses, or
22 jurors;

23 (6) the defendant, while committing an offense
24 punishable under Section 401, 401.1, 401.2, 405,
25 405.2, 407 or 407.1 or subsection (b) of Section
26 404 of the Illinois Controlled Substances Act, or

1 while engaged in a conspiracy or solicitation to
2 commit such offense, intentionally killed an
3 individual or counseled, commanded, induced,
4 procured or caused the intentional killing of the
5 murdered individual;

6 (7) the defendant was incarcerated in an
7 institution or facility of the Department of
8 Corrections at the time of the murder, and while
9 committing an offense punishable as a felony under
10 Illinois law, or while engaged in a conspiracy or
11 solicitation to commit such offense, intentionally
12 killed an individual or counseled, commanded,
13 induced, procured or caused the intentional
14 killing of the murdered individual;

15 (8) the murder was committed in a cold,
16 calculated and premeditated manner pursuant to a
17 preconceived plan, scheme or design to take a
18 human life by unlawful means, and the conduct of
19 the defendant created a reasonable expectation
20 that the death of a human being would result
21 therefrom;

22 (9) the defendant was a principal
23 administrator, organizer, or leader of a
24 calculated criminal drug conspiracy consisting of
25 a hierarchical position of authority superior to
26 that of all other members of the conspiracy, and

1 the defendant counseled, commanded, induced,
2 procured, or caused the intentional killing of the
3 murdered person;

4 (10) the murder was intentional and involved
5 the infliction of torture. For the purpose of this
6 clause (10), torture means the infliction of or
7 subjection to extreme physical pain, motivated by
8 an intent to increase or prolong the pain,
9 suffering or agony of the victim;

10 (11) the murder was committed as a result of
11 the intentional discharge of a firearm by the
12 defendant from a motor vehicle and the victim was
13 not present within the motor vehicle;

14 (12) the murdered individual was a person with
15 a disability and the defendant knew or should have
16 known that the murdered individual was a person
17 with a disability. For purposes of this clause
18 (12), "person with a disability" means a person
19 who suffers from a permanent physical or mental
20 impairment resulting from disease, an injury, a
21 functional disorder, or a congenital condition
22 that renders the person incapable of adequately
23 providing for his or her own health or personal
24 care;

25 (13) the murdered individual was subject to an
26 order of protection and the murder was committed

1 by a person against whom the same order of
2 protection was issued under the Illinois Domestic
3 Violence Act of 1986;

4 (14) the murdered individual was known by the
5 defendant to be a teacher or other person employed
6 in any school and the teacher or other employee is
7 upon the grounds of a school or grounds adjacent
8 to a school, or is in any part of a building used
9 for school purposes;

10 (15) the murder was committed by the defendant
11 in connection with or as a result of the offense of
12 terrorism as defined in Section 29D-14.9 of this
13 Code;

14 (16) the murdered individual was a member of a
15 congregation engaged in prayer or other religious
16 activities at a church, synagogue, mosque, or
17 other building, structure, or place used for
18 religious worship; or

19 (17)(i) the murdered individual was a
20 physician, physician assistant, psychologist,
21 nurse, or advanced practice registered nurse;

22 (ii) the defendant knew or should have known
23 that the murdered individual was a physician,
24 physician assistant, psychologist, nurse, or
25 advanced practice registered nurse; and

26 (iii) the murdered individual was killed in

1 the course of acting in his or her capacity as a
2 physician, physician assistant, psychologist,
3 nurse, or advanced practice registered nurse, or
4 to prevent him or her from acting in that
5 capacity, or in retaliation for his or her acting
6 in that capacity.

7 (c) the court shall sentence the defendant to a
8 term of natural life imprisonment if the defendant, at
9 the time of the commission of the murder, had attained
10 the age of 18, and:

11 (i) has previously been convicted of first
12 degree murder under any state or federal law, or

13 (ii) is found guilty of murdering more than
14 one victim, or

15 (iii) is found guilty of murdering a peace
16 officer, fireman, or emergency management worker
17 when the peace officer, fireman, or emergency
18 management worker was killed in the course of
19 performing his official duties, or to prevent the
20 peace officer or fireman from performing his
21 official duties, or in retaliation for the peace
22 officer, fireman, or emergency management worker
23 from performing his official duties, and the
24 defendant knew or should have known that the
25 murdered individual was a peace officer, fireman,
26 or emergency management worker, or

1 (iv) is found guilty of murdering an employee
2 of an institution or facility of the Department of
3 Corrections, or any similar local correctional
4 agency, when the employee was killed in the course
5 of performing his official duties, or to prevent
6 the employee from performing his official duties,
7 or in retaliation for the employee performing his
8 official duties, or

9 (v) is found guilty of murdering an emergency
10 medical technician - ambulance, emergency medical
11 technician - intermediate, emergency medical
12 technician - paramedic, ambulance driver or other
13 medical assistance or first aid person while
14 employed by a municipality or other governmental
15 unit when the person was killed in the course of
16 performing official duties or to prevent the
17 person from performing official duties or in
18 retaliation for performing official duties and the
19 defendant knew or should have known that the
20 murdered individual was an emergency medical
21 technician - ambulance, emergency medical
22 technician - intermediate, emergency medical
23 technician - paramedic, ambulance driver, or other
24 medical assistant or first aid personnel, or

25 (vi) (blank), or

26 (vii) is found guilty of first degree murder

1 and the murder was committed by reason of any
2 person's activity as a community policing
3 volunteer or to prevent any person from engaging
4 in activity as a community policing volunteer. For
5 the purpose of this Section, "community policing
6 volunteer" has the meaning ascribed to it in
7 Section 2-3.5 of the Criminal Code of 2012.

8 For purposes of clause (v), "emergency medical
9 technician - ambulance", "emergency medical technician
10 - intermediate", "emergency medical technician -
11 paramedic", have the meanings ascribed to them in the
12 Emergency Medical Services (EMS) Systems Act.

13 (d) (i) if the person committed the offense while
14 armed with a firearm, 15 years shall be added to
15 the term of imprisonment imposed by the court;

16 (ii) if, during the commission of the offense, the
17 person personally discharged a firearm, 20 years shall
18 be added to the term of imprisonment imposed by the
19 court;

20 (iii) if, during the commission of the offense,
21 the person personally discharged a firearm that
22 proximately caused great bodily harm, permanent
23 disability, permanent disfigurement, or death to
24 another person, 25 years or up to a term of natural
25 life shall be added to the term of imprisonment
26 imposed by the court.

1 (2) (blank);

2 (2.5) for a person who has attained the age of 18 years
3 at the time of the commission of the offense and who is
4 convicted under the circumstances described in subdivision
5 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
6 subsection (b) of Section 12-13, subdivision (d)(2) of
7 Section 11-1.30 or paragraph (2) of subsection (d) of
8 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
9 paragraph (1.2) of subsection (b) of Section 12-14.1,
10 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
11 subsection (b) of Section 12-14.1 of the Criminal Code of
12 1961 or the Criminal Code of 2012, the sentence shall be a
13 term of natural life imprisonment.

14 (b) (Blank).

15 (c) (Blank).

16 (d) Subject to earlier termination under Section 3-3-8,
17 the parole or mandatory supervised release term shall be
18 written as part of the sentencing order and shall be as
19 follows:

20 (1) for first degree murder or for the offenses of
21 predatory criminal sexual assault of a child, aggravated
22 criminal sexual assault, and criminal sexual assault if
23 committed on or before December 12, 2005, 3 years;

24 (1.5) except as provided in paragraph (7) of this
25 subsection (d), for a Class X felony except for the
26 offenses of predatory criminal sexual assault of a child,

1 aggravated criminal sexual assault, and criminal sexual
2 assault if committed on or after December 13, 2005 (the
3 effective date of Public Act 94-715) and except for the
4 offense of aggravated child pornography under Section
5 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
6 subsection (c-5) of Section 11-20.1 of the Criminal Code
7 of 1961 or the Criminal Code of 2012, if committed on or
8 after January 1, 2009, and except for the offense of
9 obscene depiction of a purported child with sentencing
10 under subsection (d) of Section 11-20.4 of the Criminal
11 Code of 2012, 18 months;

12 (2) except as provided in paragraph (7) of this
13 subsection (d), for a Class 1 felony or a Class 2 felony
14 except for the offense of criminal sexual assault if
15 committed on or after December 13, 2005 (the effective
16 date of Public Act 94-715) and except for the offenses of
17 manufacture and dissemination of child pornography under
18 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, if
20 committed on or after January 1, 2009, and except for the
21 offense of obscene depiction of a purported child under
22 paragraph (2) or (3) of subsection (b) of Section 11-20.4
23 of the Criminal Code of 2012, 12 months;

24 (3) except as provided in paragraph (4), (6), or (7)
25 of this subsection (d), for a Class 3 felony or a Class 4
26 felony, 6 months; no later than 45 days after the onset of

1 the term of mandatory supervised release, the Prisoner
2 Review Board shall conduct a discretionary discharge
3 review pursuant to the provisions of Section 3-3-8, which
4 shall include the results of a standardized risk and needs
5 assessment tool administered by the Department of
6 Corrections; the changes to this paragraph (3) made by
7 this amendatory Act of the 102nd General Assembly apply to
8 all individuals released on mandatory supervised release
9 on or after the effective date of this amendatory Act of
10 the 102nd General Assembly, including those individuals
11 whose sentences were imposed prior to the effective date
12 of this amendatory Act of the 102nd General Assembly;

13 (4) for defendants who commit the offense of predatory
14 criminal sexual assault of a child, aggravated criminal
15 sexual assault, or criminal sexual assault, on or after
16 December 13, 2005 (the effective date of Public Act
17 94-715), or who commit the offense of aggravated child
18 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
19 with sentencing under subsection (c-5) of Section 11-20.1
20 of the Criminal Code of 1961 or the Criminal Code of 2012,
21 manufacture of child pornography, or dissemination of
22 child pornography after January 1, 2009, or who commit the
23 offense of obscene depiction of a purported child under
24 paragraph (2) or (3) of subsection (b) of Section 11-20.4
25 of the Criminal Code of 2012 or who commit the offense of
26 obscene depiction of a purported child with sentencing

1 under subsection (d) of Section 11-20.4 of the Criminal
2 Code of 2012, the term of mandatory supervised release
3 shall range from a minimum of 3 years to a maximum of the
4 natural life of the defendant;

5 (5) if the victim is under 18 years of age, for a
6 second or subsequent offense of aggravated criminal sexual
7 abuse or felony criminal sexual abuse, 4 years, at least
8 the first 2 years of which the defendant shall serve in an
9 electronic monitoring or home detention program under
10 Article 8A of Chapter V of this Code;

11 (6) for a felony domestic battery, aggravated domestic
12 battery, stalking, aggravated stalking, and a felony
13 violation of an order of protection, 4 years;

14 (7) for any felony described in paragraph (a)(2)(ii),
15 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
16 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
17 3-6-3 of the Unified Code of Corrections requiring an
18 inmate to serve a minimum of 85% of their court-imposed
19 sentence, except for the offenses of predatory criminal
20 sexual assault of a child, aggravated criminal sexual
21 assault, and criminal sexual assault if committed on or
22 after December 13, 2005 (the effective date of Public Act
23 94-715) and except for the offense of aggravated child
24 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
25 with sentencing under subsection (c-5) of Section 11-20.1
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 if committed on or after January 1, 2009, and except for
2 the offense of obscene depiction of a purported child with
3 sentencing under subsection (d) of Section 11-20.4 of the
4 Criminal Code of 2012, and except as provided in paragraph
5 (4) or paragraph (6) of this subsection (d), the term of
6 mandatory supervised release shall be as follows:

7 (A) Class X felony, 3 years;

8 (B) Class 1 or Class 2 felonies, 2 years;

9 (C) Class 3 or Class 4 felonies, 1 year.

10 (e) (Blank).

11 (f) (Blank).

12 (g) Notwithstanding any other provisions of this Act and
13 of Public Act 101-652: (i) the provisions of paragraph (3) of
14 subsection (d) are effective on July 1, 2022 and shall apply to
15 all individuals convicted on or after the effective date of
16 paragraph (3) of subsection (d); and (ii) the provisions of
17 paragraphs (1.5) and (2) of subsection (d) are effective on
18 July 1, 2021 and shall apply to all individuals convicted on or
19 after the effective date of paragraphs (1.5) and (2) of
20 subsection (d).

21 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
22 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.
23 1-1-24.)

24 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

25 Sec. 5-8-4. Concurrent and consecutive terms of

1 imprisonment.

2 (a) Concurrent terms; multiple or additional sentences.
3 When an Illinois court (i) imposes multiple sentences of
4 imprisonment on a defendant at the same time or (ii) imposes a
5 sentence of imprisonment on a defendant who is already subject
6 to a sentence of imprisonment imposed by an Illinois court, a
7 court of another state, or a federal court, then the sentences
8 shall run concurrently unless otherwise determined by the
9 Illinois court under this Section.

10 (b) Concurrent terms; misdemeanor and felony. A defendant
11 serving a sentence for a misdemeanor who is convicted of a
12 felony and sentenced to imprisonment shall be transferred to
13 the Department of Corrections, and the misdemeanor sentence
14 shall be merged in and run concurrently with the felony
15 sentence.

16 (c) Consecutive terms; permissive. The court may impose
17 consecutive sentences in any of the following circumstances:

18 (1) If, having regard to the nature and circumstances
19 of the offense and the history and character of the
20 defendant, it is the opinion of the court that consecutive
21 sentences are required to protect the public from further
22 criminal conduct by the defendant, the basis for which the
23 court shall set forth in the record.

24 (2) If one of the offenses for which a defendant was
25 convicted was a violation of Section 32-5.2 (aggravated
26 false personation of a peace officer) of the Criminal Code

1 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
2 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
3 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
4 offense was committed in attempting or committing a
5 forcible felony.

6 (3) If a person charged with a felony commits a
7 separate felony while on pretrial release or in pretrial
8 detention in a county jail facility or county detention
9 facility, then the sentences imposed upon conviction of
10 these felonies may be served consecutively regardless of
11 the order in which the judgments of conviction are
12 entered.

13 (4) If a person commits a battery against a county
14 correctional officer or sheriff's employee while serving a
15 sentence or in pretrial detention in a county jail
16 facility, then the sentence imposed upon conviction of the
17 battery may be served consecutively with the sentence
18 imposed upon conviction of the earlier misdemeanor or
19 felony, regardless of the order in which the judgments of
20 conviction are entered.

21 (5) If a person admitted to pretrial release following
22 conviction of a felony commits a separate felony while
23 released pretrial or if a person detained in a county jail
24 facility or county detention facility following conviction
25 of a felony commits a separate felony while in detention,
26 then any sentence following conviction of the separate

1 felony may be consecutive to that of the original sentence
2 for which the defendant was released pretrial or detained.

3 (6) If a person is found to be in possession of an item
4 of contraband, as defined in Section 31A-0.1 of the
5 Criminal Code of 2012, while serving a sentence in a
6 county jail or while in pretrial detention in a county
7 jail, the sentence imposed upon conviction for the offense
8 of possessing contraband in a penal institution may be
9 served consecutively to the sentence imposed for the
10 offense for which the person is serving a sentence in the
11 county jail or while in pretrial detention, regardless of
12 the order in which the judgments of conviction are
13 entered.

14 (7) If a person is sentenced for a violation of a
15 condition of pretrial release under Section 32-10 of the
16 Criminal Code of 1961 or the Criminal Code of 2012, any
17 sentence imposed for that violation may be served
18 consecutive to the sentence imposed for the charge for
19 which pretrial release had been granted and with respect
20 to which the defendant has been convicted.

21 (d) Consecutive terms; mandatory. The court shall impose
22 consecutive sentences in each of the following circumstances:

23 (1) One of the offenses for which the defendant was
24 convicted was first degree murder or a Class X or Class 1
25 felony and the defendant inflicted severe bodily injury.

26 (2) The defendant was convicted of a violation of

1 Section 11-1.20 or 12-13 (criminal sexual assault),
2 11-1.30 or 12-14 (aggravated criminal sexual assault), or
3 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
4 child) of the Criminal Code of 1961 or the Criminal Code of
5 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
6 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
7 5/12-14.1).

8 (2.5) The defendant was convicted of a violation of
9 paragraph (1), (2), (3), (4), (5), or (7) of subsection
10 (a) of Section 11-20.1 (child pornography) or of paragraph
11 (1), (2), (3), (4), (5), or (7) of subsection (a) of
12 Section 11-20.1B or 11-20.3 (aggravated child pornography)
13 of the Criminal Code of 1961 or the Criminal Code of 2012;
14 or the defendant was convicted of a violation of paragraph
15 (6) of subsection (a) of Section 11-20.1 (child
16 pornography) or of paragraph (6) of subsection (a) of
17 Section 11-20.1B or 11-20.3 (aggravated child pornography)
18 of the Criminal Code of 1961 or the Criminal Code of 2012,
19 when the child depicted is under the age of 13.

20 (2.6) The defendant was convicted of:

21 (A) a violation of paragraph (2) or (3) of
22 subsection (b) of Section 11-20.4 of the Criminal Code
23 of 2012; or

24 (B) a violation of paragraph (1) of Section
25 11-20.4 of the Criminal Code of 2012 when the
26 purported child depicted is under the age of 13.

1 (3) The defendant was convicted of armed violence
2 based upon the predicate offense of any of the following:
3 solicitation of murder, solicitation of murder for hire,
4 heinous battery as described in Section 12-4.1 or
5 subdivision (a)(2) of Section 12-3.05, aggravated battery
6 of a senior citizen as described in Section 12-4.6 or
7 subdivision (a)(4) of Section 12-3.05, criminal sexual
8 assault, a violation of subsection (g) of Section 5 of the
9 Cannabis Control Act (720 ILCS 550/5), cannabis
10 trafficking, a violation of subsection (a) of Section 401
11 of the Illinois Controlled Substances Act (720 ILCS
12 570/401), controlled substance trafficking involving a
13 Class X felony amount of controlled substance under
14 Section 401 of the Illinois Controlled Substances Act (720
15 ILCS 570/401), a violation of the Methamphetamine Control
16 and Community Protection Act (720 ILCS 646/), calculated
17 criminal drug conspiracy, or streetgang criminal drug
18 conspiracy.

19 (4) The defendant was convicted of the offense of
20 leaving the scene of a motor vehicle crash involving death
21 or personal injuries under Section 11-401 of the Illinois
22 Vehicle Code (625 ILCS 5/11-401) and either: (A)
23 aggravated driving under the influence of alcohol, other
24 drug or drugs, or intoxicating compound or compounds, or
25 any combination thereof under Section 11-501 of the
26 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless

1 homicide under Section 9-3 of the Criminal Code of 1961 or
2 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
3 offense described in item (A) and an offense described in
4 item (B).

5 (5) The defendant was convicted of a violation of
6 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
7 death) or Section 12-20.5 (dismembering a human body) of
8 the Criminal Code of 1961 or the Criminal Code of 2012 (720
9 ILCS 5/9-3.1 or 5/12-20.5).

10 (5.5) The defendant was convicted of a violation of
11 Section 24-3.7 (use of a stolen firearm in the commission
12 of an offense) of the Criminal Code of 1961 or the Criminal
13 Code of 2012.

14 (6) If the defendant was in the custody of the
15 Department of Corrections at the time of the commission of
16 the offense, the sentence shall be served consecutive to
17 the sentence under which the defendant is held by the
18 Department of Corrections.

19 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
20 for escape or attempted escape shall be served consecutive
21 to the terms under which the offender is held by the
22 Department of Corrections.

23 (8) (Blank).

24 (8.5) (Blank).

25 (9) (Blank).

26 (10) (Blank).

1 (11) (Blank).

2 (e) Consecutive terms; subsequent non-Illinois term. If an
3 Illinois court has imposed a sentence of imprisonment on a
4 defendant and the defendant is subsequently sentenced to a
5 term of imprisonment by a court of another state or a federal
6 court, then the Illinois sentence shall run consecutively to
7 the sentence imposed by the court of the other state or the
8 federal court. That same Illinois court, however, may order
9 that the Illinois sentence run concurrently with the sentence
10 imposed by the court of the other state or the federal court,
11 but only if the defendant applies to that same Illinois court
12 within 30 days after the sentence imposed by the court of the
13 other state or the federal court is finalized.

14 (f) Consecutive terms; aggregate maximums and minimums.
15 The aggregate maximum and aggregate minimum of consecutive
16 sentences shall be determined as follows:

17 (1) For sentences imposed under law in effect prior to
18 February 1, 1978, the aggregate maximum of consecutive
19 sentences shall not exceed the maximum term authorized
20 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
21 Chapter V for the 2 most serious felonies involved. The
22 aggregate minimum period of consecutive sentences shall
23 not exceed the highest minimum term authorized under
24 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
25 V for the 2 most serious felonies involved. When sentenced
26 only for misdemeanors, a defendant shall not be

1 consecutively sentenced to more than the maximum for one
2 Class A misdemeanor.

3 (2) For sentences imposed under the law in effect on
4 or after February 1, 1978, the aggregate of consecutive
5 sentences for offenses that were committed as part of a
6 single course of conduct during which there was no
7 substantial change in the nature of the criminal objective
8 shall not exceed the sum of the maximum terms authorized
9 under Article 4.5 of Chapter V for the 2 most serious
10 felonies involved, but no such limitation shall apply for
11 offenses that were not committed as part of a single
12 course of conduct during which there was no substantial
13 change in the nature of the criminal objective. When
14 sentenced only for misdemeanors, a defendant shall not be
15 consecutively sentenced to more than the maximum for one
16 Class A misdemeanor.

17 (g) Consecutive terms; manner served. In determining the
18 manner in which consecutive sentences of imprisonment, one or
19 more of which is for a felony, will be served, the Department
20 of Corrections shall treat the defendant as though he or she
21 had been committed for a single term subject to each of the
22 following:

23 (1) The maximum period of a term of imprisonment shall
24 consist of the aggregate of the maximums of the imposed
25 indeterminate terms, if any, plus the aggregate of the
26 imposed determinate sentences for felonies, plus the

1 aggregate of the imposed determinate sentences for
2 misdemeanors, subject to subsection (f) of this Section.

3 (2) The parole or mandatory supervised release term
4 shall be as provided in paragraph (e) of Section 5-4.5-50
5 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
6 involved.

7 (3) The minimum period of imprisonment shall be the
8 aggregate of the minimum and determinate periods of
9 imprisonment imposed by the court, subject to subsection
10 (f) of this Section.

11 (4) The defendant shall be awarded credit against the
12 aggregate maximum term and the aggregate minimum term of
13 imprisonment for all time served in an institution since
14 the commission of the offense or offenses and as a
15 consequence thereof at the rate specified in Section 3-6-3
16 (730 ILCS 5/3-6-3).

17 (h) Notwithstanding any other provisions of this Section,
18 all sentences imposed by an Illinois court under this Code
19 shall run concurrent to any and all sentences imposed under
20 the Juvenile Court Act of 1987.

21 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;
22 102-1104, eff. 12-6-22.)

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

1 (730 ILCS 150/2) (from Ch. 38, par. 222)

2 Sec. 2. Definitions.

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

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

10 (a) is convicted of such offense or an attempt to
11 commit such offense; or

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

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

18 (d) is the subject of a finding not resulting in an
19 acquittal at a hearing conducted pursuant to Section
20 104-25(a) of the Code of Criminal Procedure of 1963
21 for the alleged commission or attempted commission of
22 such offense; or

23 (e) is found not guilty by reason of insanity
24 following a hearing conducted pursuant to a federal,
25 Uniform Code of Military Justice, sister state, or
26 foreign country law substantially similar to Section

1 104-25(c) of the Code of Criminal Procedure of 1963 of
2 such offense or of the attempted commission of such
3 offense; or

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

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

15 (3) subject to the provisions of Section 2 of the
16 Interstate Agreements on Sexually Dangerous Persons Act;
17 or

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

22 (5) adjudicated a juvenile delinquent as the result of
23 committing or attempting to commit an act which, if
24 committed by an adult, would constitute any of the
25 offenses specified in item (B), (C), or (C-5) of this
26 Section or a violation of any substantially similar

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

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

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

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

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

- 19 11-20.1 (child pornography),
20 11-20.1B or 11-20.3 (aggravated child
21 pornography),
22 11-6 (indecent solicitation of a child),
23 11-9.1 (sexual exploitation of a child),
24 11-9.2 (custodial sexual misconduct),
25 11-9.5 (sexual misconduct with a person with a
26 disability),

1 11-14.4 (promoting juvenile prostitution),
2 11-15.1 (soliciting for a juvenile prostitute),
3 11-18.1 (patronizing a juvenile prostitute),
4 11-17.1 (keeping a place of juvenile
5 prostitution),
6 11-19.1 (juvenile pimping),
7 11-19.2 (exploitation of a child),
8 11-25 (grooming),
9 11-26 (traveling to meet a minor or traveling to
10 meet a child),
11 11-1.20 or 12-13 (criminal sexual assault),
12 11-20.4 (obscene depiction of a purported child),
13 11-1.30 or 12-14 (aggravated criminal sexual
14 assault),
15 11-1.40 or 12-14.1 (predatory criminal sexual
16 assault of a child),
17 11-1.50 or 12-15 (criminal sexual abuse),
18 11-1.60 or 12-16 (aggravated criminal sexual
19 abuse),
20 12-33 (ritualized abuse of a child).

21 An attempt to commit any of these offenses.

22 (1.5) A violation of any of the following Sections of
23 the Criminal Code of 1961 or the Criminal Code of 2012,
24 when the victim is a person under 18 years of age, the
25 defendant is not a parent of the victim, the offense was
26 sexually motivated as defined in Section 10 of the Sex

1 Offender Evaluation and Treatment Act, and the offense was
2 committed on or after January 1, 1996:

3 10-1 (kidnapping),

4 10-2 (aggravated kidnapping),

5 10-3 (unlawful restraint),

6 10-3.1 (aggravated unlawful restraint).

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

12 (1.6) First degree murder under Section 9-1 of the
13 Criminal Code of 1961 or the Criminal Code of 2012,
14 provided the offense was sexually motivated as defined in
15 Section 10 of the Sex Offender Management Board Act.

16 (1.7) (Blank).

17 (1.8) A violation or attempted violation of Section
18 11-11 (sexual relations within families) of the Criminal
19 Code of 1961 or the Criminal Code of 2012, and the offense
20 was committed on or after June 1, 1997. If the offense was
21 committed before June 1, 1997, it is a sex offense
22 requiring registration only when the person is convicted
23 of any felony after July 1, 2011, and paragraph (2.1) of
24 subsection (c) of Section 3 of this Act applies.

25 (1.9) Child abduction under paragraph (10) of
26 subsection (b) of Section 10-5 of the Criminal Code of

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

13 (1.10) A violation or attempted violation of any of
14 the following Sections of the Criminal Code of 1961 or the
15 Criminal Code of 2012 when the offense was committed on or
16 after July 1, 1999:

17 10-4 (forcible detention, if the victim is under
18 18 years of age), provided the offense was sexually
19 motivated as defined in Section 10 of the Sex Offender
20 Management Board Act,

21 11-6.5 (indecent solicitation of an adult),

22 11-14.3 that involves soliciting for a prostitute,
23 or 11-15 (soliciting for a prostitute, if the victim
24 is under 18 years of age),

25 subdivision (a)(2)(A) or (a)(2)(B) of Section
26 11-14.3, or Section 11-16 (pandering, if the victim is

1 under 18 years of age),
2 11-18 (patronizing a prostitute, if the victim is
3 under 18 years of age),
4 subdivision (a)(2)(C) of Section 11-14.3, or
5 Section 11-19 (pimping, if the victim is under 18
6 years of age).

7 If the offense was committed before July 1, 1999, it
8 is a sex offense requiring registration only when the
9 person is convicted of any felony after July 1, 2011, and
10 paragraph (2.1) of subsection (c) of Section 3 of this Act
11 applies.

12 (1.11) A violation or attempted violation of any of
13 the following Sections of the Criminal Code of 1961 or the
14 Criminal Code of 2012 when the offense was committed on or
15 after August 22, 2002:

16 11-9 or 11-30 (public indecency for a third or
17 subsequent conviction).

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

23 (1.12) A violation or attempted violation of Section
24 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
25 Criminal Code of 1961 or the Criminal Code of 2012
26 (permitting sexual abuse) when the offense was committed

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

6 (2) A violation of any former law of this State
7 substantially equivalent to any offense listed in
8 subsection (B) of this Section.

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

21 (C-5) A person at least 17 years of age at the time of the
22 commission of the offense who is convicted of first degree
23 murder under Section 9-1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, against a person under 18 years of age,
25 shall be required to register for natural life. A conviction
26 for an offense of federal, Uniform Code of Military Justice,

1 sister state, or foreign country law that is substantially
2 equivalent to any offense listed in subsection (C-5) of this
3 Section shall constitute a conviction for the purpose of this
4 Article. This subsection (C-5) applies to a person who
5 committed the offense before June 1, 1996 if: (i) the person is
6 incarcerated in an Illinois Department of Corrections facility
7 on August 20, 2004 (the effective date of Public Act 93-977),
8 or (ii) subparagraph (i) does not apply and the person is
9 convicted of any felony after July 1, 2011, and paragraph
10 (2.1) of subsection (c) of Section 3 of this Act applies.

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

23 (D) As used in this Article, "law enforcement agency
24 having jurisdiction" means the Chief of Police in each of the
25 municipalities in which the sex offender expects to reside,
26 work, or attend school (1) upon his or her discharge, parole or

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

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

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

14 (1) Convicted for an offense of federal, Uniform Code
15 of Military Justice, sister state, or foreign country law
16 that is substantially equivalent to any offense listed in
17 subsection (E) or (E-5) of this Section shall constitute a
18 conviction for the purpose of this Article. Convicted of a
19 violation or attempted violation of any of the following
20 Sections of the Criminal Code of 1961 or the Criminal Code
21 of 2012:

22 10-5.1 (luring of a minor),

23 11-14.4 that involves keeping a place of juvenile
24 prostitution, or 11-17.1 (keeping a place of 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 (730 ILCS 150/3)

21 Sec. 3. Duty to register.

22 (a) A sex offender, as defined in Section 2 of this Act, or
23 sexual predator shall, within the time period prescribed in
24 subsections (b) and (c), register in person and provide
25 accurate information as required by the Illinois State Police.

1 Such information shall include a current photograph, current
2 address, current place of employment, the sex offender's or
3 sexual predator's telephone number, including cellular
4 telephone number, the employer's telephone number, school
5 attended, all e-mail addresses, instant messaging identities,
6 chat room identities, and other Internet communications
7 identities that the sex offender uses or plans to use, all
8 Uniform Resource Locators (URLs) registered or used by the sex
9 offender, all blogs and other Internet sites maintained by the
10 sex offender or to which the sex offender has uploaded any
11 content or posted any messages or information, extensions of
12 the time period for registering as provided in this Article
13 and, if an extension was granted, the reason why the extension
14 was granted and the date the sex offender was notified of the
15 extension. The information shall also include a copy of the
16 terms and conditions of parole or release signed by the sex
17 offender and given to the sex offender by his or her
18 supervising officer or aftercare specialist, the county of
19 conviction, license plate numbers for every vehicle registered
20 in the name of the sex offender, the age of the sex offender at
21 the time of the commission of the offense, the age of the
22 victim at the time of the commission of the offense, and any
23 distinguishing marks located on the body of the sex offender.
24 A sex offender convicted under Section 11-6, 11-20.1,
25 11-20.1B, 11-20.3, 11-20.4, or 11-21 of the Criminal Code of
26 1961 or the Criminal Code of 2012 shall provide all Internet

1 protocol (IP) addresses in his or her residence, registered in
2 his or her name, accessible at his or her place of employment,
3 or otherwise under his or her control or custody. If the sex
4 offender is a child sex offender as defined in Section 11-9.3
5 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of
6 2012, the sex offender shall report to the registering agency
7 whether he or she is living in a household with a child under
8 18 years of age who is not his or her own child, provided that
9 his or her own child is not the victim of the sex offense. The
10 sex offender or sexual predator shall register:

11 (1) with the chief of police in the municipality in
12 which he or she resides or is temporarily domiciled for a
13 period of time of 3 or more days, unless the municipality
14 is the City of Chicago, in which case he or she shall
15 register at a fixed location designated by the
16 Superintendent of the Chicago Police Department; or

17 (2) with the sheriff in the county in which he or she
18 resides or is temporarily domiciled for a period of time
19 of 3 or more days in an unincorporated area or, if
20 incorporated, no police chief exists.

21 If the sex offender or sexual predator is employed at or
22 attends an institution of higher education, he or she shall
23 also register:

24 (i) with:

25 (A) the chief of police in the municipality in
26 which he or she is employed at or attends an

1 institution of higher education, unless the
2 municipality is the City of Chicago, in which case he
3 or she shall register at a fixed location designated
4 by the Superintendent of the Chicago Police
5 Department; or

6 (B) the sheriff in the county in which he or she is
7 employed or attends an institution of higher education
8 located in an unincorporated area, or if incorporated,
9 no police chief exists; and

10 (ii) with the public safety or security director of
11 the institution of higher education which he or she is
12 employed at or attends.

13 The registration fees shall only apply to the municipality
14 or county of primary registration, and not to campus
15 registration.

16 For purposes of this Article, the place of residence or
17 temporary domicile is defined as any and all places where the
18 sex offender resides for an aggregate period of time of 3 or
19 more days during any calendar year. Any person required to
20 register under this Article who lacks a fixed address or
21 temporary domicile must notify, in person, the agency of
22 jurisdiction of his or her last known address within 3 days
23 after ceasing to have a fixed residence.

24 A sex offender or sexual predator who is temporarily
25 absent from his or her current address of registration for 3 or
26 more days shall notify the law enforcement agency having

1 jurisdiction of his or her current registration, including the
2 itinerary for travel, in the manner provided in Section 6 of
3 this Act for notification to the law enforcement agency having
4 jurisdiction of change of address.

5 Any person who lacks a fixed residence must report weekly,
6 in person, with the sheriff's office of the county in which he
7 or she is located in an unincorporated area, or with the chief
8 of police in the municipality in which he or she is located.
9 The agency of jurisdiction will document each weekly
10 registration to include all the locations where the person has
11 stayed during the past 7 days.

12 The sex offender or sexual predator shall provide accurate
13 information as required by the Illinois State Police. That
14 information shall include the sex offender's or sexual
15 predator's current place of employment.

16 (a-5) An out-of-state student or out-of-state employee
17 shall, within 3 days after beginning school or employment in
18 this State, register in person and provide accurate
19 information as required by the Illinois State Police. Such
20 information will include current place of employment, school
21 attended, and address in state of residence. A sex offender
22 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3,
23 11-20.4, or 11-21 of the Criminal Code of 1961 or the Criminal
24 Code of 2012 shall provide all Internet protocol (IP)
25 addresses in his or her residence, registered in his or her
26 name, accessible at his or her place of employment, or

1 otherwise under his or her control or custody. The
2 out-of-state student or out-of-state employee shall register:

3 (1) with:

4 (A) the chief of police in the municipality in
5 which he or she attends school or is employed for a
6 period of time of 5 or more days or for an aggregate
7 period of time of more than 30 days during any calendar
8 year, unless the municipality is the City of Chicago,
9 in which case he or she shall register at a fixed
10 location designated by the Superintendent of the
11 Chicago Police Department; or

12 (B) the sheriff in the county in which he or she
13 attends school or is employed for a period of time of 5
14 or more days or for an aggregate period of time of more
15 than 30 days during any calendar year in an
16 unincorporated area or, if incorporated, no police
17 chief exists; and

18 (2) with the public safety or security director of the
19 institution of higher education he or she is employed at
20 or attends for a period of time of 5 or more days or for an
21 aggregate period of time of more than 30 days during a
22 calendar year.

23 The registration fees shall only apply to the municipality
24 or county of primary registration, and not to campus
25 registration.

26 The out-of-state student or out-of-state employee shall

1 provide accurate information as required by the Illinois State
2 Police. That information shall include the out-of-state
3 student's current place of school attendance or the
4 out-of-state employee's current place of employment.

5 (a-10) Any law enforcement agency registering sex
6 offenders or sexual predators in accordance with subsections
7 (a) or (a-5) of this Section shall forward to the Attorney
8 General a copy of sex offender registration forms from persons
9 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3,
10 11-20.4, or 11-21 of the Criminal Code of 1961 or the Criminal
11 Code of 2012, including periodic and annual registrations
12 under Section 6 of this Act.

13 (b) Any sex offender, as defined in Section 2 of this Act,
14 or sexual predator, regardless of any initial, prior, or other
15 registration, shall, within 3 days of beginning school, or
16 establishing a residence, place of employment, or temporary
17 domicile in any county, register in person as set forth in
18 subsection (a) or (a-5).

19 (c) The registration for any person required to register
20 under this Article shall be as follows:

21 (1) Any person registered under the Habitual Child Sex
22 Offender Registration Act or the Child Sex Offender
23 Registration Act prior to January 1, 1996, shall be deemed
24 initially registered as of January 1, 1996; however, this
25 shall not be construed to extend the duration of
26 registration set forth in Section 7.

1 (2) Except as provided in subsection (c)(2.1) or
2 (c)(4), any person convicted or adjudicated prior to
3 January 1, 1996, whose liability for registration under
4 Section 7 has not expired, shall register in person prior
5 to January 31, 1996.

6 (2.1) A sex offender or sexual predator, who has never
7 previously been required to register under this Act, has a
8 duty to register if the person has been convicted of any
9 felony offense after July 1, 2011. A person who previously
10 was required to register under this Act for a period of 10
11 years and successfully completed that registration period
12 has a duty to register if: (i) the person has been
13 convicted of any felony offense after July 1, 2011, and
14 (ii) the offense for which the 10 year registration was
15 served currently requires a registration period of more
16 than 10 years. Notification of an offender's duty to
17 register under this subsection shall be pursuant to
18 Section 5-7 of this Act.

19 (2.5) Except as provided in subsection (c)(4), any
20 person who has not been notified of his or her
21 responsibility to register shall be notified by a criminal
22 justice entity of his or her responsibility to register.
23 Upon notification the person must then register within 3
24 days of notification of his or her requirement to
25 register. Except as provided in subsection (c)(2.1), if
26 notification is not made within the offender's 10 year

1 registration requirement, and the Illinois State Police
2 determines no evidence exists or indicates the offender
3 attempted to avoid registration, the offender will no
4 longer be required to register under this Act.

5 (3) Except as provided in subsection (c)(4), any
6 person convicted on or after January 1, 1996, shall
7 register in person within 3 days after the entry of the
8 sentencing order based upon his or her conviction.

9 (4) Any person unable to comply with the registration
10 requirements of this Article because he or she is
11 confined, institutionalized, or imprisoned in Illinois on
12 or after January 1, 1996, shall register in person within
13 3 days of discharge, parole or release.

14 (5) The person shall provide positive identification
15 and documentation that substantiates proof of residence at
16 the registering address.

17 (6) The person shall pay a \$100 initial registration
18 fee and a \$100 annual renewal fee to the registering law
19 enforcement agency having jurisdiction. The registering
20 agency may waive the registration fee if it determines
21 that the person is indigent and unable to pay the
22 registration fee. Thirty-five dollars for the initial
23 registration fee and \$35 of the annual renewal fee shall
24 be retained and used by the registering agency for
25 official purposes. Having retained \$35 of the initial
26 registration fee and \$35 of the annual renewal fee, the

1 registering agency shall remit the remainder of the fee to
2 State agencies within 30 days of receipt for deposit into
3 the State funds as follows:

4 (A) Five dollars of the initial registration fee
5 and \$5 of the annual fee shall be remitted to the State
6 Treasurer who shall deposit the moneys into the Sex
7 Offender Management Board Fund under Section 19 of the
8 Sex Offender Management Board Act. Money deposited
9 into the Sex Offender Management Board Fund shall be
10 administered by the Sex Offender Management Board and
11 shall be used by the Board to comply with the
12 provisions of the Sex Offender Management Board Act.

13 (B) Thirty dollars of the initial registration fee
14 and \$30 of the annual renewal fee shall be remitted to
15 the Illinois State Police which shall deposit the
16 moneys into the Offender Registration Fund.

17 (C) Thirty dollars of the initial registration fee
18 and \$30 of the annual renewal fee shall be remitted to
19 the Attorney General who shall deposit the moneys into
20 the Attorney General Sex Offender Awareness, Training,
21 and Education Fund. Moneys deposited into the Fund
22 shall be used by the Attorney General to administer
23 the I-SORT program and to alert and educate the
24 public, victims, and witnesses of their rights under
25 various victim notification laws and for training law
26 enforcement agencies, State's Attorneys, and medical

1 providers of their legal duties concerning the
2 prosecution and investigation of sex offenses.

3 The registering agency shall establish procedures to
4 document the receipt and remittance of the \$100 initial
5 registration fee and \$100 annual renewal fee.

6 (d) Within 3 days after obtaining or changing employment
7 and, if employed on January 1, 2000, within 5 days after that
8 date, a person required to register under this Section must
9 report, in person to the law enforcement agency having
10 jurisdiction, the business name and address where he or she is
11 employed. If the person has multiple businesses or work
12 locations, every business and work location must be reported
13 to the law enforcement agency having jurisdiction.

14 (Source: P.A. 101-571, eff. 8-23-19; 102-538, eff. 8-20-21.)

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