



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1576

Introduced 2/8/2023, by Sen. Robert F. Martwick

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Changes the statute of limitations for grooming to provide that when the victim is under 17 years of age at the time of the offense, a prosecution for grooming may be commenced within 10 years after the victim or the person with a disability attains 17 years of age. Changes the name of the offenses of child sexual abuse material to child sexual abuse material. Changes the penalty for grooming from a Class 4 to a Class 3 felony. Deletes references to criminal transmission of HIV in various statutes. In the Sex Offenses Article of the Criminal Code of 2012, provides a definition for "unable to give knowing consent". Provides that a person commits sexual exploitation of a child if in the presence or virtual presence, or both, of a child and with knowledge that a child or one whom he or she believes to be a child would view his or her acts, that person knowingly entices, coerces, or persuades a child to participate in the production of the recording or memorializing a sexual act of persons ages 18 or older. Provides that a violation of this provision of sexual exploitation of a child is a Class 4 felony for a first offense; and a Class 3 felony for a second or subsequent offense, or if the person has been previously convicted of a sex offense. Amends the Code of Criminal Procedure of 1963. Provides that the court may set any conditions it finds just and appropriate on the taking of testimony of a victim or witness who is under 18 years of age or an intellectually disabled person or a person affected by a developmental disability (rather than a victim who is a child under the age of 18 years or a moderately, severely, or profoundly intellectually disabled person or a person affected by a developmental disability) involving the use of a facility dog in any criminal proceeding. Makes other changes concerning the admissibility of evidence in cases involving involuntary servitude, involuntary sexual servitude of a minor, and trafficking in persons. Amends various Acts to change references from "child pornography" to "child sexual abuse material".

LRB103 26117 RLC 52472 b

1 AN ACT concerning criminal law.

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

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

6 (20 ILCS 4026/10)

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

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

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

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

23 (1) indecent solicitation of a child, in violation of

1 Section 11-6 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012;

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

6 (3) public indecency, in violation of Section 11-9 or  
7 11-30 of the Criminal Code of 1961 or the Criminal Code of  
8 2012;

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

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

15 (6) promoting juvenile prostitution or soliciting for  
16 a juvenile prostitute, in violation of Section 11-14.4 or  
17 11-15.1 of the Criminal Code of 1961 or the Criminal Code  
18 of 2012;

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

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

26 (9) promoting juvenile prostitution or juvenile

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

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

6 (11) child sexual abuse material ~~pornography~~, in  
7 violation of Section 11-20.1 of the Criminal Code of 1961  
8 or the Criminal Code of 2012;

9 (11.5) aggravated child pornography, in violation of  
10 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

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

13 (13) criminal sexual assault, in violation of Section  
14 11-1.20 or 12-13 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012;

16 (13.5) grooming, in violation of Section 11-25 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012;

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

21 (14.5) traveling to meet a minor or traveling to meet  
22 a child, in violation of Section 11-26 of the Criminal  
23 Code of 1961 or the Criminal Code of 2012;

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

1           (16) criminal sexual abuse, in violation of Section  
2           11-1.50 or 12-15 of the Criminal Code of 1961 or the  
3           Criminal Code of 2012;

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

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

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

12          (20) any felony offense under Illinois law that is  
13          sexually motivated.

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

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

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

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

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

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

8 Section 10. The Medical School Matriculant Criminal  
9 History Records Check Act is amended by changing Section 5 as  
10 follows:

11 (110 ILCS 57/5)

12 Sec. 5. Definitions.

13 "Matriculant" means an individual who is conditionally  
14 admitted as a student to a medical school located in Illinois,  
15 pending the medical school's consideration of his or her  
16 criminal history records check under this Act.

17 "Sex offender" means any person who is convicted pursuant  
18 to Illinois law or any substantially similar federal, Uniform  
19 Code of Military Justice, sister state, or foreign country law  
20 with any of the following sex offenses set forth in the  
21 Criminal Code of 1961 or the Criminal Code of 2012:

22 (1) Indecent solicitation of a child.

23 (2) Sexual exploitation of a child.

24 (3) Custodial sexual misconduct.

- 1 (4) Exploitation of a child.
- 2 (5) Child sexual abuse material ~~pornography~~.
- 3 (6) Aggravated child ~~pornography~~.

4 "Violent felony" means any of the following offenses, as  
5 defined by the Criminal Code of 1961 or the Criminal Code of  
6 2012:

- 7 (1) First degree murder.
- 8 (2) Second degree murder.
- 9 (3) Predatory criminal sexual assault of a child.
- 10 (4) Aggravated criminal sexual assault.
- 11 (5) Criminal sexual assault.
- 12 (6) Aggravated arson.
- 13 (7) Aggravated kidnapping.
- 14 (8) Kidnapping.
- 15 (9) Aggravated battery resulting in great bodily harm  
16 or permanent disability or disfigurement.

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

18 Section 15. The Child Care Act of 1969 is amended by  
19 changing Section 3.3 as follows:

20 (225 ILCS 10/3.3)

21 Sec. 3.3. Requirements for criminal background checks for  
22 adoption-only homes. In approving an adoption-only home  
23 pursuant to Section 3.2 of this Act, if an adult resident has  
24 an arrest or conviction record, the licensed child welfare

1 agency:

2 (1) shall thoroughly investigate and evaluate the  
3 criminal history of the resident and, in so doing, include  
4 an assessment of the applicant's character and, in the  
5 case of the prospective adoptive parent, the impact that  
6 the criminal history has on his or her ability to parent  
7 the child; the investigation should consider the type of  
8 crime, the number of crimes, the nature of the offense,  
9 the age at time of crime, the length of time that has  
10 elapsed since the last conviction, the relationship of the  
11 crime to the ability to care for children, and any  
12 evidence of rehabilitation;

13 (2) shall not approve the home if the record reveals a  
14 felony conviction for crimes against a child, including,  
15 but not limited to, child abuse or neglect, child sexual  
16 abuse material ~~pornography~~, rape, sexual assault, or  
17 homicide;

18 (3) shall not approve the home if the record reveals a  
19 felony conviction within the last 5 years, including, but  
20 not limited to, for physical assault, battery,  
21 drug-related offenses, or spousal abuse; and

22 (4) shall not approve the home if the record reveals a  
23 felony conviction for homicide, rape, or sexual assault.

24 (Source: P.A. 99-833, eff. 1-1-17.)

25 Section 20. The Abused and Neglected Child Reporting Act



1 is amended by changing Sections 4.5 and 11.1 as follows:

2 (325 ILCS 5/4.5)

3 Sec. 4.5. Electronic and information technology workers;  
4 reporting child sexual abuse material ~~pornography~~.

5 (a) In this Section:

6 "Child sexual abuse material ~~pornography~~" means child  
7 sexual abuse material ~~pornography~~ as described in Section  
8 11-20.1 of the Criminal Code of 2012.

9 "Electronic and information technology equipment" means  
10 equipment used in the creation, manipulation, storage,  
11 display, or transmission of data, including internet and  
12 intranet systems, software applications, operating systems,  
13 video and multimedia, telecommunications products, kiosks,  
14 information transaction machines, copiers, printers, and  
15 desktop and portable computers.

16 "Electronic and information technology equipment worker"  
17 means a person who in the scope and course of his or her  
18 employment or business installs, repairs, or otherwise  
19 services electronic and information technology equipment for a  
20 fee but does not include (i) an employee, independent  
21 contractor, or other agent of a telecommunications carrier or  
22 telephone or telecommunications cooperative, as those terms  
23 are defined in the Public Utilities Act, or (ii) an employee,  
24 independent contractor, or other agent of a provider of  
25 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

1 (b) If an electronic and information technology equipment  
2 worker discovers any depiction of child sexual abuse material  
3 ~~pornography~~ while installing, repairing, or otherwise  
4 servicing an item of electronic and information technology  
5 equipment, that worker or the worker's employer shall  
6 immediately report the discovery to the local law enforcement  
7 agency or to the Cyber Tipline at the National Center for  
8 Missing & Exploited Children.

9 (c) If a report is filed in accordance with the  
10 requirements of 42 U.S.C. 13032, the requirements of this  
11 Section 4.5 will be deemed to have been met.

12 (d) An electronic and information technology equipment  
13 worker or electronic and information technology equipment  
14 worker's employer who reports a discovery of child sexual  
15 abuse material ~~pornography~~ as required under this Section is  
16 immune from any criminal, civil, or administrative liability  
17 in connection with making the report, except for willful or  
18 wanton misconduct.

19 (e) Failure to report a discovery of child sexual abuse  
20 material ~~pornography~~ as required under this Section is a  
21 business offense subject to a fine of \$1,001.

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

23 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

24 Sec. 11.1. Access to records.

25 (a) A person shall have access to the records described in

1 Section 11 only in furtherance of purposes directly connected  
2 with the administration of this Act or the Intergovernmental  
3 Missing Child Recovery Act of 1984. Those persons and purposes  
4 for access include:

5 (1) Department staff in the furtherance of their  
6 responsibilities under this Act, or for the purpose of  
7 completing background investigations on persons or  
8 agencies licensed by the Department or with whom the  
9 Department contracts for the provision of child welfare  
10 services.

11 (2) A law enforcement agency investigating known or  
12 suspected child abuse or neglect, known or suspected  
13 involvement with child sexual abuse material ~~pornography~~,  
14 known or suspected criminal sexual assault, known or  
15 suspected criminal sexual abuse, or any other sexual  
16 offense when a child is alleged to be involved.

17 (3) The Illinois State Police when administering the  
18 provisions of the Intergovernmental Missing Child Recovery  
19 Act of 1984.

20 (4) A physician who has before him a child whom he  
21 reasonably suspects may be abused or neglected.

22 (5) A person authorized under Section 5 of this Act to  
23 place a child in temporary protective custody when such  
24 person requires the information in the report or record to  
25 determine whether to place the child in temporary  
26 protective custody.

1           (6) A person having the legal responsibility or  
2 authorization to care for, treat, or supervise a child, or  
3 a parent, prospective adoptive parent, foster parent,  
4 guardian, or other person responsible for the child's  
5 welfare, who is the subject of a report.

6           (7) Except in regard to harmful or detrimental  
7 information as provided in Section 7.19, any subject of  
8 the report, and if the subject of the report is a minor,  
9 his guardian or guardian ad litem.

10          (8) A court, upon its finding that access to such  
11 records may be necessary for the determination of an issue  
12 before such court; however, such access shall be limited  
13 to in camera inspection, unless the court determines that  
14 public disclosure of the information contained therein is  
15 necessary for the resolution of an issue then pending  
16 before it.

17          (8.1) A probation officer or other authorized  
18 representative of a probation or court services department  
19 conducting an investigation ordered by a court under the  
20 Juvenile Court Act of 1987.

21          (9) A grand jury, upon its determination that access  
22 to such records is necessary in the conduct of its  
23 official business.

24          (10) Any person authorized by the Director, in  
25 writing, for audit or bona fide research purposes.

26          (11) Law enforcement agencies, coroners or medical

1 examiners, physicians, courts, school superintendents and  
2 child welfare agencies in other states who are responsible  
3 for child abuse or neglect investigations or background  
4 investigations.

5 (12) The Department of Professional Regulation, the  
6 State Board of Education and school superintendents in  
7 Illinois, who may use or disclose information from the  
8 records as they deem necessary to conduct investigations  
9 or take disciplinary action, as provided by law.

10 (13) A coroner or medical examiner who has reason to  
11 believe that a child has died as the result of abuse or  
12 neglect.

13 (14) The Director of a State-operated facility when an  
14 employee of that facility is the perpetrator in an  
15 indicated report.

16 (15) The operator of a licensed child care facility or  
17 a facility licensed by the Department of Human Services  
18 (as successor to the Department of Alcoholism and  
19 Substance Abuse) in which children reside when a current  
20 or prospective employee of that facility is the  
21 perpetrator in an indicated child abuse or neglect report,  
22 pursuant to Section 4.3 of the Child Care Act of 1969.

23 (16) Members of a multidisciplinary team in the  
24 furtherance of its responsibilities under subsection (b)  
25 of Section 7.1. All reports concerning child abuse and  
26 neglect made available to members of such

1 multidisciplinary teams and all records generated as a  
2 result of such reports shall be confidential and shall not  
3 be disclosed, except as specifically authorized by this  
4 Act or other applicable law. It is a Class A misdemeanor to  
5 permit, assist or encourage the unauthorized release of  
6 any information contained in such reports or records.  
7 Nothing contained in this Section prevents the sharing of  
8 reports or records relating or pertaining to the death of  
9 a minor under the care of or receiving services from the  
10 Department of Children and Family Services and under the  
11 jurisdiction of the juvenile court with the juvenile  
12 court, the State's Attorney, and the minor's attorney.

13 (17) The Department of Human Services, as provided in  
14 Section 17 of the Rehabilitation of Persons with  
15 Disabilities Act.

16 (18) Any other agency or investigative body, including  
17 the Department of Public Health and a local board of  
18 health, authorized by State law to conduct an  
19 investigation into the quality of care provided to  
20 children in hospitals and other State regulated care  
21 facilities.

22 (19) The person appointed, under Section 2-17 of the  
23 Juvenile Court Act of 1987, as the guardian ad litem of a  
24 minor who is the subject of a report or records under this  
25 Act; or the person appointed, under Section 5-610 of the  
26 Juvenile Court Act of 1987, as the guardian ad litem of a

1 minor who is in the custody or guardianship of the  
2 Department or who has an open intact family services case  
3 with the Department and who is the subject of a report or  
4 records made pursuant to this Act.

5 (20) The Department of Human Services, as provided in  
6 Section 10 of the Early Intervention Services System Act,  
7 and the operator of a facility providing early  
8 intervention services pursuant to that Act, for the  
9 purpose of determining whether a current or prospective  
10 employee who provides or may provide direct services under  
11 that Act is the perpetrator in an indicated report of  
12 child abuse or neglect filed under this Act.

13 (b) Nothing contained in this Act prevents the sharing or  
14 disclosure of information or records relating or pertaining to  
15 juveniles subject to the provisions of the Serious Habitual  
16 Offender Comprehensive Action Program when that information is  
17 used to assist in the early identification and treatment of  
18 habitual juvenile offenders.

19 (c) To the extent that persons or agencies are given  
20 access to information pursuant to this Section, those persons  
21 or agencies may give this information to and receive this  
22 information from each other in order to facilitate an  
23 investigation conducted by those persons or agencies.

24 (Source: P.A. 101-43, eff. 1-1-20; 102-538, eff. 8-20-21.)

25 Section 25. The Abused and Neglected Child Reporting Act

1 is amended by changing Section 3 as follows:

2 (325 ILCS 15/3) (from Ch. 23, par. 2083)

3 Sec. 3. The functions and goals of the programs to be  
4 developed and provided by the Department of Children and  
5 Family Services shall include:

6 (a) Provision of counseling, treatment, rehabilitation and  
7 assistance to sexually abused and exploited children and their  
8 families, particularly to victims of predatory criminal sexual  
9 assault of a child, aggravated criminal sexual assault,  
10 criminal sexual assault, aggravated criminal sexual abuse and  
11 criminal sexual abuse and child sexual abuse material  
12 ~~pornography~~, and provision of training and education and  
13 professional counseling to other persons responsible for the  
14 child's welfare, personnel of the Department responsible for  
15 the licensure of facilities under the Child Care Act of 1969,  
16 and persons required to file reports and conduct  
17 investigations of such reports under the Abused and Neglected  
18 Child Reporting Act;

19 (b) Hastening the process of reconstituting the family and  
20 the marriage, where such would be in the interest of the child;

21 (c) Marshaling and coordinating the services of all  
22 agencies responsible for the detection of a sexually abused  
23 and exploited child and for serving such a child, the child's  
24 family, or others responsible for the child's welfare, as well  
25 as for the development of other resources necessary to ensure



1 a comprehensive program for the prevention of such abuse and  
2 exploitation, supportive case management;

3 (d) Responding to individual physical, emotional, and  
4 social needs of clients so that supportive services are  
5 individually tailored and applied as long as necessary;

6 (e) Informing the public at large and professional  
7 agencies about the problem of child sexual abuse and  
8 exploitation, methods of detecting and responding to such  
9 incidents, including those established under the Abused and  
10 Neglected Child Reporting Act, the availability of State  
11 service and other resources for responding to victims of such  
12 abuse and exploitation, and about the existence and supportive  
13 approach of treatment center programs; and

14 (f) Development of informational and training materials  
15 and seminars to assure the availability of such programs and  
16 services throughout the State, emphasizing the need for  
17 cooperation and coordination with all appropriate elements of  
18 the criminal justice system and law enforcement system.

19 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

20 Section 30. The Intergovernmental Missing Child Recovery  
21 Act of 1984 is amended by changing Section 2 as follows:

22 (325 ILCS 40/2) (from Ch. 23, par. 2252)

23 Sec. 2. As used in this Act:

24 (a) (Blank).

1 (b) "Director" means the Director of the Illinois State  
2 Police.

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

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

9 (e) A "LEADS terminal" is an interactive computerized  
10 communication and processing unit which permits a direct  
11 on-line communication with the Illinois State Police's central  
12 data repository, the Law Enforcement Agencies Data System  
13 (LEADS).

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

18 (g) (Blank).

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

22 (i) "Exploitation" means activities and actions which  
23 include, but are not limited to, child sexual abuse material  
24 ~~pornography~~, aggravated child pornography, child prostitution,  
25 child sexual abuse, drug and substance abuse by children, and  
26 child suicide.

1 (j) (Blank).

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

3 Section 35. The Illinois Child Online Exploitation  
4 Reporting Act is amended by changing Section 10 as follows:

5 (325 ILCS 47/10)

6 Sec. 10. Registration. Any entity, subject to the  
7 reporting requirements of 42 U.S.C. 13032, while engaged in  
8 providing an electronic communications service or a remote  
9 computing service to the public, must provide the following  
10 information to the Cyber Tipline at the National Center for  
11 Missing and Exploited Children in order to facilitate the  
12 required reporting of child sexual abuse material ~~pornography~~  
13 crimes, pursuant to 42 U.S.C. 13032:

14 (a) the agent's name, phone number, and email address; and

15 (b) the name of the agent's employer.

16 (Source: P.A. 95-983, eff. 10-3-08.)

17 Section 40. The Criminal and Traffic Assessment Act is  
18 amended by changing Section 15-70 as follows:

19 (705 ILCS 135/15-70)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 15-70. Conditional assessments. In addition to  
22 payments under one of the Schedule of Assessments 1 through 13

1 of this Act, the court shall also order payment of any of the  
2 following conditional assessment amounts for each sentenced  
3 violation in the case to which a conditional assessment is  
4 applicable, which shall be collected and remitted by the Clerk  
5 of the Circuit Court as provided in this Section:

6 (1) arson, residential arson, or aggravated arson,  
7 \$500 per conviction to the State Treasurer for deposit  
8 into the Fire Prevention Fund;

9 (2) child sexual abuse material ~~pornography~~ under  
10 Section 11-20.1 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012, \$500 per conviction, unless more  
12 than one agency is responsible for the arrest in which  
13 case the amount shall be remitted to each unit of  
14 government equally:

15 (A) if the arresting agency is an agency of a unit  
16 of local government, \$500 to the treasurer of the unit  
17 of local government for deposit into the unit of local  
18 government's General Fund, except that if the Illinois  
19 State Police provides digital or electronic forensic  
20 examination assistance, or both, to the arresting  
21 agency then \$100 to the State Treasurer for deposit  
22 into the State Crime Laboratory Fund; or

23 (B) if the arresting agency is the Illinois State  
24 Police, \$500 to the State Treasurer for deposit into  
25 the State Crime Laboratory Fund;

26 (3) crime laboratory drug analysis for a drug-related

1 offense involving possession or delivery of cannabis or  
2 possession or delivery of a controlled substance as  
3 defined in the Cannabis Control Act, the Illinois  
4 Controlled Substances Act, or the Methamphetamine Control  
5 and Community Protection Act, \$100 reimbursement for  
6 laboratory analysis, as set forth in subsection (f) of  
7 Section 5-9-1.4 of the Unified Code of Corrections;

8 (4) DNA analysis, \$250 on each conviction in which it  
9 was used to the State Treasurer for deposit into the State  
10 Crime Laboratory Fund as set forth in Section 5-9-1.4 of  
11 the Unified Code of Corrections;

12 (5) DUI analysis, \$150 on each sentenced violation in  
13 which it was used as set forth in subsection (f) of Section  
14 5-9-1.9 of the Unified Code of Corrections;

15 (6) drug-related offense involving possession or  
16 delivery of cannabis or possession or delivery of a  
17 controlled substance, other than methamphetamine, as  
18 defined in the Cannabis Control Act or the Illinois  
19 Controlled Substances Act, an amount not less than the  
20 full street value of the cannabis or controlled substance  
21 seized for each conviction to be disbursed as follows:

22 (A) 12.5% of the street value assessment shall be  
23 paid into the Youth Drug Abuse Prevention Fund, to be  
24 used by the Department of Human Services for the  
25 funding of programs and services for drug-abuse  
26 treatment, and prevention and education services;

1 (B) 37.5% to the county in which the charge was  
2 prosecuted, to be deposited into the county General  
3 Fund;

4 (C) 50% to the treasurer of the arresting law  
5 enforcement agency of the municipality or county, or  
6 to the State Treasurer if the arresting agency was a  
7 state agency, to be deposited as provided in  
8 subsection (c) of Section 10-5;

9 (D) if the arrest was made in combination with  
10 multiple law enforcement agencies, the clerk shall  
11 equitably allocate the portion in subparagraph (C) of  
12 this paragraph (6) among the law enforcement agencies  
13 involved in the arrest;

14 (6.5) Kane County or Will County, in felony,  
15 misdemeanor, local or county ordinance, traffic, or  
16 conservation cases, up to \$30 as set by the county board  
17 under Section 5-1101.3 of the Counties Code upon the entry  
18 of a judgment of conviction, an order of supervision, or a  
19 sentence of probation without entry of judgment under  
20 Section 10 of the Cannabis Control Act, Section 410 of the  
21 Illinois Controlled Substances Act, Section 70 of the  
22 Methamphetamine Control and Community Protection Act,  
23 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of  
24 the Criminal Code of 1961 or the Criminal Code of 2012,  
25 Section 10-102 of the Illinois Alcoholism and Other Drug  
26 Dependency Act, or Section 10 of the Steroid Control Act;

1           except in local or county ordinance, traffic, and  
2           conservation cases, if fines are paid in full without a  
3           court appearance, then the assessment shall not be imposed  
4           or collected. Distribution of assessments collected under  
5           this paragraph (6.5) shall be as provided in Section  
6           5-1101.3 of the Counties Code;

7           (7)     methamphetamine-related offense involving  
8           possession or delivery of methamphetamine or any salt of  
9           an optical isomer of methamphetamine or possession of a  
10          methamphetamine manufacturing material as set forth in  
11          Section 10 of the Methamphetamine Control and Community  
12          Protection Act with the intent to manufacture a substance  
13          containing methamphetamine or salt of an optical isomer of  
14          methamphetamine, an amount not less than the full street  
15          value of the methamphetamine or salt of an optical isomer  
16          of methamphetamine or methamphetamine manufacturing  
17          materials seized for each conviction to be disbursed as  
18          follows:

19                 (A) 12.5% of the street value assessment shall be  
20                 paid into the Youth Drug Abuse Prevention Fund, to be  
21                 used by the Department of Human Services for the  
22                 funding of programs and services for drug-abuse  
23                 treatment, and prevention and education services;

24                 (B) 37.5% to the county in which the charge was  
25                 prosecuted, to be deposited into the county General  
26                 Fund;

1 (C) 50% to the treasurer of the arresting law  
2 enforcement agency of the municipality or county, or  
3 to the State Treasurer if the arresting agency was a  
4 state agency, to be deposited as provided in  
5 subsection (c) of Section 10-5;

6 (D) if the arrest was made in combination with  
7 multiple law enforcement agencies, the clerk shall  
8 equitably allocate the portion in subparagraph (C) of  
9 this paragraph (6) among the law enforcement agencies  
10 involved in the arrest;

11 (8) order of protection violation under Section 12-3.4  
12 of the Criminal Code of 2012, \$200 for each conviction to  
13 the county treasurer for deposit into the Probation and  
14 Court Services Fund for implementation of a domestic  
15 violence surveillance program and any other assessments or  
16 fees imposed under Section 5-9-1.16 of the Unified Code of  
17 Corrections;

18 (9) order of protection violation, \$25 for each  
19 violation to the State Treasurer, for deposit into the  
20 Domestic Violence Abuser Services Fund;

21 (10) prosecution by the State's Attorney of a:

22 (A) petty or business offense, \$4 to the county  
23 treasurer of which \$2 deposited into the State's  
24 Attorney Records Automation Fund and \$2 into the  
25 Public Defender Records Automation Fund;

26 (B) conservation or traffic offense, \$2 to the



1 county treasurer for deposit into the State's Attorney  
2 Records Automation Fund;

3 (11) speeding in a construction zone violation, \$250  
4 to the State Treasurer for deposit into the Transportation  
5 Safety Highway Hire-back Fund, unless (i) the violation  
6 occurred on a highway other than an interstate highway and  
7 (ii) a county police officer wrote the ticket for the  
8 violation, in which case to the county treasurer for  
9 deposit into that county's Transportation Safety Highway  
10 Hire-back Fund;

11 (12) supervision disposition on an offense under the  
12 Illinois Vehicle Code or similar provision of a local  
13 ordinance, 50 cents, unless waived by the court, into the  
14 Prisoner Review Board Vehicle and Equipment Fund;

15 (13) victim and offender are family or household  
16 members as defined in Section 103 of the Illinois Domestic  
17 Violence Act of 1986 and offender pleads guilty or no  
18 contest to or is convicted of murder, voluntary  
19 manslaughter, involuntary manslaughter, burglary,  
20 residential burglary, criminal trespass to residence,  
21 criminal trespass to vehicle, criminal trespass to land,  
22 criminal damage to property, telephone harassment,  
23 kidnapping, aggravated kidnaping, unlawful restraint,  
24 forcible detention, child abduction, indecent solicitation  
25 of a child, sexual relations between siblings,  
26 exploitation of a child, child sexual abuse material

1 ~~pornography~~, assault, aggravated assault, battery,  
2 aggravated battery, heinous battery, aggravated battery of  
3 a child, domestic battery, reckless conduct, intimidation,  
4 criminal sexual assault, predatory criminal sexual assault  
5 of a child, aggravated criminal sexual assault, criminal  
6 sexual abuse, aggravated criminal sexual abuse, violation  
7 of an order of protection, disorderly conduct, endangering  
8 the life or health of a child, child abandonment,  
9 contributing to dependency or neglect of child, or cruelty  
10 to children and others, \$200 for each sentenced violation  
11 to the State Treasurer for deposit as follows: (i) for  
12 sexual assault, as defined in Section 5-9-1.7 of the  
13 Unified Code of Corrections, when the offender and victim  
14 are family members, one-half to the Domestic Violence  
15 Shelter and Service Fund, and one-half to the Sexual  
16 Assault Services Fund; (ii) for the remaining offenses to  
17 the Domestic Violence Shelter and Service Fund;

18 (14) violation of Section 11-501 of the Illinois  
19 Vehicle Code, Section 5-7 of the Snowmobile Registration  
20 and Safety Act, Section 5-16 of the Boat Registration and  
21 Safety Act, or a similar provision, whose operation of a  
22 motor vehicle, snowmobile, or watercraft while in  
23 violation of Section 11-501, Section 5-7 of the Snowmobile  
24 Registration and Safety Act, Section 5-16 of the Boat  
25 Registration and Safety Act, or a similar provision  
26 proximately caused an incident resulting in an appropriate

1 emergency response, \$1,000 maximum to the public agency  
2 that provided an emergency response related to the  
3 person's violation, or as provided in subsection (c) of  
4 Section 10-5 if the arresting agency was a State agency,  
5 unless more than one agency was responsible for the  
6 arrest, in which case the amount shall be remitted to each  
7 unit of government equally;

8 (15) violation of Section 401, 407, or 407.2 of the  
9 Illinois Controlled Substances Act that proximately caused  
10 any incident resulting in an appropriate drug-related  
11 emergency response, \$1,000 as reimbursement for the  
12 emergency response to the law enforcement agency that made  
13 the arrest, or as provided in subsection (c) of Section  
14 10-5 if the arresting agency was a State agency, unless  
15 more than one agency was responsible for the arrest, in  
16 which case the amount shall be remitted to each unit of  
17 government equally;

18 (16) violation of reckless driving, aggravated  
19 reckless driving, or driving 26 miles per hour or more in  
20 excess of the speed limit that triggered an emergency  
21 response, \$1,000 maximum reimbursement for the emergency  
22 response to be distributed in its entirety to a public  
23 agency that provided an emergency response related to the  
24 person's violation, or as provided in subsection (c) of  
25 Section 10-5 if the arresting agency was a State agency,  
26 unless more than one agency was responsible for the



1 (v) if more than one of the State agencies in  
2 this subparagraph (B) is the arresting or  
3 investigating agency, then equal shares with the  
4 shares deposited as provided in the applicable  
5 items (i) through (iv) of this subparagraph (B);  
6 and

7 (C) the remainder for deposit into the Specialized  
8 Services for Survivors of Human Trafficking Fund;

9 (18) weapons violation under Section 24-1.1, 24-1.2,  
10 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code  
11 of 2012, \$100 for each conviction to the State Treasurer  
12 for deposit into the Trauma Center Fund; and

13 (19) violation of subsection (c) of Section 11-907 of  
14 the Illinois Vehicle Code, \$250 to the State Treasurer for  
15 deposit into the Scott's Law Fund, unless a county or  
16 municipal police officer wrote the ticket for the  
17 violation, in which case to the county treasurer for  
18 deposit into that county's or municipality's  
19 Transportation Safety Highway Hire-back Fund to be used as  
20 provided in subsection (j) of Section 11-907 of the  
21 Illinois Vehicle Code.

22 (Source: P.A. 101-173, eff. 1-1-20; 101-636, eff. 6-10-20;  
23 102-145, eff. 7-23-21; 102-505, eff. 8-20-21; 102-538, eff.  
24 8-20-21; 102-813, eff. 5-13-22.)

25 Section 45. The Juvenile Court Act of 1987 is amended by

1 changing Section 3-40 as follows:

2 (705 ILCS 405/3-40)

3 Sec. 3-40. Minors involved in electronic dissemination of  
4 indecent visual depictions in need of supervision.

5 (a) For the purposes of this Section:

6 "Computer" has the meaning ascribed to it in Section  
7 17-0.5 of the Criminal Code of 2012.

8 "Electronic communication device" means an electronic  
9 device, including but not limited to a wireless telephone,  
10 personal digital assistant, or a portable or mobile computer,  
11 that is capable of transmitting images or pictures.

12 "Indecent visual depiction" means a depiction or portrayal  
13 in any pose, posture, or setting involving a lewd exhibition  
14 of the unclothed or transparently clothed genitals, pubic  
15 area, buttocks, or, if such person is female, a fully or  
16 partially developed breast of the person.

17 "Minor" means a person under 18 years of age.

18 (b) A minor shall not distribute or disseminate an  
19 indecent visual depiction of another minor through the use of  
20 a computer or electronic communication device.

21 (c) Adjudication. A minor who violates subsection (b) of  
22 this Section may be subject to a petition for adjudication and  
23 adjudged a minor in need of supervision.

24 (d) Kinds of dispositional orders. A minor found to be in  
25 need of supervision under this Section may be:

1 (1) ordered to obtain counseling or other supportive  
2 services to address the acts that led to the need for  
3 supervision; or

4 (2) ordered to perform community service.

5 (e) Nothing in this Section shall be construed to prohibit  
6 a prosecution for disorderly conduct, public indecency, child  
7 sexual abuse material ~~pornography~~, a violation of Article 26.5  
8 (Harassing and Obscene Communications) of the Criminal Code of  
9 2012, or any other applicable provision of law.

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

11 Section 50. The Criminal Code of 2012 is amended by  
12 changing Sections 3-5, 3-6, 11-0.1, 11-9.1, 11-9.3, 11-20.1,  
13 11-20.2, 11-23, 11-25, 14-3, and 36-1 as follows:

14 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

15 (Text of Section before amendment by P.A. 102-982)

16 Sec. 3-5. General limitations.

17 (a) A prosecution for: (1) first degree murder, attempt to  
18 commit first degree murder, second degree murder, involuntary  
19 manslaughter, reckless homicide, a violation of subparagraph  
20 (F) of paragraph (1) of subsection (d) of Section 11-501 of the  
21 Illinois Vehicle Code for the offense of aggravated driving  
22 under the influence of alcohol, other drug or drugs, or  
23 intoxicating compound or compounds, or any combination thereof  
24 when the violation was a proximate cause of a death, leaving

1 the scene of a motor vehicle accident involving death or  
2 personal injuries under Section 11-401 of the Illinois Vehicle  
3 Code, failing to give information and render aid under Section  
4 11-403 of the Illinois Vehicle Code, concealment of homicidal  
5 death, treason, arson, residential arson, aggravated arson,  
6 forgery, child pornography under paragraph (1) of subsection  
7 (a) of Section 11-20.1, or aggravated child pornography under  
8 paragraph (1) of subsection (a) of Section 11-20.1B, or (2)  
9 any offense involving sexual conduct or sexual penetration, as  
10 defined by Section 11-0.1 of this Code may be commenced at any  
11 time.

12 (a-5) A prosecution for theft of property exceeding  
13 \$100,000 in value under Section 16-1, identity theft under  
14 subsection (a) of Section 16-30, aggravated identity theft  
15 under subsection (b) of Section 16-30, financial exploitation  
16 of an elderly person or a person with a disability under  
17 Section 17-56; theft by deception of a victim 60 years of age  
18 or older or a person with a disability under Section 16-1; or  
19 any offense set forth in Article 16H or Section 17-10.6 may be  
20 commenced within 7 years of the last act committed in  
21 furtherance of the crime.

22 (b) Unless the statute describing the offense provides  
23 otherwise, or the period of limitation is extended by Section  
24 3-6, a prosecution for any offense not designated in  
25 subsection (a) or (a-5) must be commenced within 3 years after  
26 the commission of the offense if it is a felony, or within one



1 year and 6 months after its commission if it is a misdemeanor.

2 (Source: P.A. 101-130, eff. 1-1-20; 102-244, eff. 1-1-22.)

3 (Text of Section after amendment by P.A. 102-982)

4 Sec. 3-5. General limitations.

5 (a) A prosecution for: (1) first degree murder, attempt to  
6 commit first degree murder, second degree murder, involuntary  
7 manslaughter, reckless homicide, a violation of subparagraph  
8 (F) of paragraph (1) of subsection (d) of Section 11-501 of the  
9 Illinois Vehicle Code for the offense of aggravated driving  
10 under the influence of alcohol, other drug or drugs, or  
11 intoxicating compound or compounds, or any combination thereof  
12 when the violation was a proximate cause of a death, leaving  
13 the scene of a motor vehicle crash involving death or personal  
14 injuries under Section 11-401 of the Illinois Vehicle Code,  
15 failing to give information and render aid under Section  
16 11-403 of the Illinois Vehicle Code, concealment of homicidal  
17 death, treason, arson, residential arson, aggravated arson,  
18 forgery, child sexual abuse material or child pornography  
19 under paragraph (1) of subsection (a) of Section 11-20.1, or  
20 aggravated child pornography under paragraph (1) of subsection  
21 (a) of Section 11-20.1B, or (2) any offense involving sexual  
22 conduct or sexual penetration, as defined by Section 11-0.1 of  
23 this Code may be commenced at any time.

24 (a-5) A prosecution for theft of property exceeding  
25 \$100,000 in value under Section 16-1, identity theft under

1 subsection (a) of Section 16-30, aggravated identity theft  
2 under subsection (b) of Section 16-30, financial exploitation  
3 of an elderly person or a person with a disability under  
4 Section 17-56; theft by deception of a victim 60 years of age  
5 or older or a person with a disability under Section 16-1; or  
6 any offense set forth in Article 16H or Section 17-10.6 may be  
7 commenced within 7 years of the last act committed in  
8 furtherance of the crime.

9 (b) Unless the statute describing the offense provides  
10 otherwise, or the period of limitation is extended by Section  
11 3-6, a prosecution for any offense not designated in  
12 subsection (a) or (a-5) must be commenced within 3 years after  
13 the commission of the offense if it is a felony, or within one  
14 year and 6 months after its commission if it is a misdemeanor.

15 (Source: P.A. 101-130, eff. 1-1-20; 102-244, eff. 1-1-22;  
16 102-982, eff. 7-1-23.)

17 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

18 Sec. 3-6. Extended limitations. The period within which a  
19 prosecution must be commenced under the provisions of Section  
20 3-5 or other applicable statute is extended under the  
21 following conditions:

22 (a) A prosecution for theft involving a breach of a  
23 fiduciary obligation to the aggrieved person may be commenced  
24 as follows:

25 (1) If the aggrieved person is a minor or a person

1 under legal disability, then during the minority or legal  
2 disability or within one year after the termination  
3 thereof.

4 (2) In any other instance, within one year after the  
5 discovery of the offense by an aggrieved person, or by a  
6 person who has legal capacity to represent an aggrieved  
7 person or has a legal duty to report the offense, and is  
8 not himself or herself a party to the offense; or in the  
9 absence of such discovery, within one year after the  
10 proper prosecuting officer becomes aware of the offense.  
11 However, in no such case is the period of limitation so  
12 extended more than 3 years beyond the expiration of the  
13 period otherwise applicable.

14 (b) A prosecution for any offense based upon misconduct in  
15 office by a public officer or employee may be commenced within  
16 one year after discovery of the offense by a person having a  
17 legal duty to report such offense, or in the absence of such  
18 discovery, within one year after the proper prosecuting  
19 officer becomes aware of the offense. However, in no such case  
20 is the period of limitation so extended more than 3 years  
21 beyond the expiration of the period otherwise applicable.

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

1 age of 18 years.

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

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

11 (b-8) When the victim is under 17 years of age at the time  
12 of the offense, a prosecution for grooming may be commenced  
13 within 10 years after the victim attains 17 years of age.

14 (c) (Blank).

15 (d) A prosecution for child sexual abuse material  
16 ~~pornography~~, aggravated child pornography, indecent  
17 solicitation of a child, soliciting for a juvenile prostitute,  
18 juvenile pimping, exploitation of a child, or promoting  
19 juvenile prostitution except for keeping a place of juvenile  
20 prostitution may be commenced within one year of the victim  
21 attaining the age of 18 years. However, in no such case shall  
22 the time period for prosecution expire sooner than 3 years  
23 after the commission of the offense.

24 (e) Except as otherwise provided in subdivision (j), a  
25 prosecution for any offense involving sexual conduct or sexual  
26 penetration, as defined in Section 11-0.1 of this Code, where

1 the defendant was within a professional or fiduciary  
2 relationship or a purported professional or fiduciary  
3 relationship with the victim at the time of the commission of  
4 the offense may be commenced within one year after the  
5 discovery of the offense by the victim.

6 (f) A prosecution for any offense set forth in Section 44  
7 of the Environmental Protection Act may be commenced within 5  
8 years after the discovery of such an offense by a person or  
9 agency having the legal duty to report the offense or in the  
10 absence of such discovery, within 5 years after the proper  
11 prosecuting officer becomes aware of the offense.

12 (f-5) A prosecution for any offense set forth in Section  
13 16-30 of this Code may be commenced within 5 years after the  
14 discovery of the offense by the victim of that offense.

15 (g) (Blank).

16 (h) (Blank).

17 (i) Except as otherwise provided in subdivision (j), a  
18 prosecution for criminal sexual assault, aggravated criminal  
19 sexual assault, or aggravated criminal sexual abuse may be  
20 commenced at any time. If the victim consented to the  
21 collection of evidence using an Illinois State Police Sexual  
22 Assault Evidence Collection Kit under the Sexual Assault  
23 Survivors Emergency Treatment Act, it shall constitute  
24 reporting for purposes of this Section.

25 Nothing in this subdivision (i) shall be construed to  
26 shorten a period within which a prosecution must be commenced

1 under any other provision of this Section.

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

7 (j) (1) When the victim is under 18 years of age at the  
8 time of the offense, a prosecution for criminal sexual  
9 assault, aggravated criminal sexual assault, predatory  
10 criminal sexual assault of a child, aggravated criminal sexual  
11 abuse, felony criminal sexual abuse, or female genital  
12 mutilation may be commenced at any time.

13 (2) When in circumstances other than as described in  
14 paragraph (1) of this subsection (j), when the victim is under  
15 18 years of age at the time of the offense, a prosecution for  
16 failure of a person who is required to report an alleged or  
17 suspected commission of criminal sexual assault, aggravated  
18 criminal sexual assault, predatory criminal sexual assault of  
19 a child, aggravated criminal sexual abuse, or felony criminal  
20 sexual abuse under the Abused and Neglected Child Reporting  
21 Act may be commenced within 20 years after the child victim  
22 attains 18 years of age.

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

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

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

9           (k) (Blank).

10          (l) A prosecution for any offense set forth in Section  
11 26-4 of this Code may be commenced within one year after the  
12 discovery of the offense by the victim of that offense.

13          (l-5) A prosecution for any offense involving sexual  
14 conduct or sexual penetration, as defined in Section 11-0.1 of  
15 this Code, in which the victim was 18 years of age or older at  
16 the time of the offense, may be commenced within one year after  
17 the discovery of the offense by the victim when corroborating  
18 physical evidence is available. The charging document shall  
19 state that the statute of limitations is extended under this  
20 subsection (l-5) and shall state the circumstances justifying  
21 the extension. Nothing in this subsection (l-5) shall be  
22 construed to shorten a period within which a prosecution must  
23 be commenced under any other provision of this Section or  
24 Section 3-5 of this Code.

25          (m) The prosecution shall not be required to prove at  
26 trial facts which extend the general limitations in Section

1 3-5 of this Code when the facts supporting extension of the  
2 period of general limitations are properly pled in the  
3 charging document. Any challenge relating to the extension of  
4 the general limitations period as defined in this Section  
5 shall be exclusively conducted under Section 114-1 of the Code  
6 of Criminal Procedure of 1963.

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

14 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;  
15 101-130, eff. 1-1-20; 101-285, eff. 1-1-20; 102-558, eff.  
16 8-20-21.)

17 (720 ILCS 5/11-0.1)

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

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

25 "Adult obscenity or child sexual abuse material



1 ~~pornography~~ Internet site". See Section 11-23.

2 "Advance prostitution" means:

3 (1) Soliciting for a prostitute by performing any of  
4 the following acts when acting other than as a prostitute  
5 or a patron of a prostitute:

6 (A) Soliciting another for the purpose of  
7 prostitution.

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

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

12 (2) Keeping a place of prostitution by controlling or  
13 exercising control over the use of any place that could  
14 offer seclusion or shelter for the practice of  
15 prostitution and performing any of the following acts when  
16 acting other than as a prostitute or a patron of a  
17 prostitute:

18 (A) Knowingly granting or permitting the use of  
19 the place for the purpose of prostitution.

20 (B) Granting or permitting the use of the place  
21 under circumstances from which he or she could  
22 reasonably know that the place is used or is to be used  
23 for purposes of prostitution.

24 (C) Permitting the continued use of the place  
25 after becoming aware of facts or circumstances from  
26 which he or she should reasonably know that the place

1           is being used for purposes of prostitution.

2           "Agency". See Section 11-9.5.

3           "Arranges". See Section 11-6.5.

4           "Bodily harm" means physical harm, and includes, but is  
5 not limited to, sexually transmitted disease, pregnancy, and  
6 impotence.

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

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

9           "Child sexual abuse material ~~pornography~~". See Section  
10 11-20.1.

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

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

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

14          "Consent" means a freely given agreement to the act of  
15 sexual penetration or sexual conduct in question. Lack of  
16 verbal or physical resistance or submission by the victim  
17 resulting from the use of force or threat of force by the  
18 accused shall not constitute consent. The manner of dress of  
19 the victim at the time of the offense shall not constitute  
20 consent.

21          "Custody". See Section 11-9.2.

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

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

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

25          "Disseminate". See Section 11-20.1.

26          "Distribute". See Section 11-21.

1 "Family member" means a parent, grandparent, child, aunt,  
2 uncle, great-aunt, or great-uncle, whether by whole blood,  
3 half-blood, or adoption, and includes a step-grandparent,  
4 step-parent, or step-child. "Family member" also means, if the  
5 victim is a child under 18 years of age, an accused who has  
6 resided in the household with the child continuously for at  
7 least 6 months.

8 "Force or threat of force" means the use of force or  
9 violence or the threat of force or violence, including, but  
10 not limited to, the following situations:

11 (1) when the accused threatens to use force or  
12 violence on the victim or on any other person, and the  
13 victim under the circumstances reasonably believes that  
14 the accused has the ability to execute that threat; or

15 (2) when the accused overcomes the victim by use of  
16 superior strength or size, physical restraint, or physical  
17 confinement.

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

19 "Loiter". See Section 9.3.

20 "Material". See Section 11-21.

21 "Minor". See Section 11-21.

22 "Nudity". See Section 11-21.

23 "Obscene". See Section 11-20.

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

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

26 "Person responsible for the child's welfare". See Section

1 11-9.1A.

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

3 "Playground". See Section 11-9.3.

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

5 "Produce". See Section 11-20.1.

6 "Profit from prostitution" means, when acting other than  
7 as a prostitute, to receive anything of value for personally  
8 rendered prostitution services or to receive anything of value  
9 from a prostitute, if the thing received is not for lawful  
10 consideration and the person knows it was earned in whole or in  
11 part from the practice of prostitution.

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

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

14 "Reproduce". See Section 11-20.1.

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

16 "School". See Section 11-9.3.

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

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

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

20 "Sexual conduct" means any knowing touching or fondling by  
21 the victim or the accused, either directly or through  
22 clothing, of the sex organs, anus, or breast of the victim or  
23 the accused, or any part of the body of a child under 13 years  
24 of age, or any transfer or transmission of semen by the accused  
25 upon any part of the clothed or unclothed body of the victim,  
26 for the purpose of sexual gratification or arousal of the

1 victim or the accused.

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

3 "Sexual penetration" means any contact, however slight,  
4 between the sex organ or anus of one person and an object or  
5 the sex organ, mouth, or anus of another person, or any  
6 intrusion, however slight, of any part of the body of one  
7 person or of any animal or object into the sex organ or anus of  
8 another person, including, but not limited to, cunnilingus,  
9 fellatio, or anal penetration. Evidence of emission of semen  
10 is not required to prove sexual penetration.

11 "Solicit". See Section 11-6.

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

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

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

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

16 "Unable to give knowing consent" includes, but is not  
17 limited to, when the victim was asleep, unconscious, or  
18 surprised such that the victim could not give voluntary,  
19 intelligent, and knowing agreement to the sexual act. "Unable  
20 to give knowing consent" also includes when the accused  
21 administers any intoxicating or anesthetic substance, or any  
22 controlled substance causing the victim to become unconscious  
23 of the nature of the act and this condition was known, or  
24 reasonably should have been known by the accused. "Unable to  
25 give knowing consent" also includes when the victim has taken  
26 an intoxicating substance or any controlled substance causing

1 the victim to become unconscious of the nature of the act, and  
2 this condition was known or reasonably should have been known  
3 by the accused, but the accused did not provide or administer  
4 the intoxicating substance. As used in this paragraph,  
5 "unconscious of the nature of the act" means incapable of  
6 resisting because the victim meets any one of the following  
7 conditions:

8 (1) was unconscious or asleep;

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

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

14 (4) was not aware, knowing, perceiving, or cognizant  
15 of the essential characteristics of the act due to the  
16 perpetrator's fraudulent representation that the sexual  
17 penetration served a professional purpose when it served  
18 no professional purpose.

19 It is inferred that a victim is unable to give knowing  
20 consent ~~A victim is presumed "unable to give knowing consent"~~  
21 when the victim:

22 (1) is committed to the care and custody or  
23 supervision of the Illinois Department of Corrections  
24 (IDOC) and the accused is an employee or volunteer who is  
25 not married to the victim who knows or reasonably should  
26 know that the victim is committed to the care and custody

1 or supervision of such department;

2 (2) is committed to or placed with the Department of  
3 Children and Family Services (DCFS) and in residential  
4 care, and the accused employee is not married to the  
5 victim, and knows or reasonably should know that the  
6 victim is committed to or placed with DCFS and in  
7 residential care;

8 (3) is a client or patient and the accused is a health  
9 care provider or mental health care provider and the  
10 sexual conduct or sexual penetration occurs during a  
11 treatment session, consultation, interview, or  
12 examination;

13 (4) is a resident or inpatient of a residential  
14 facility and the accused is an employee of the facility  
15 who is not married to such resident or inpatient who  
16 provides direct care services, case management services,  
17 medical or other clinical services, habilitative services  
18 or direct supervision of the residents in the facility in  
19 which the resident resides; or an officer or other  
20 employee, consultant, contractor or volunteer of the  
21 residential facility, who knows or reasonably should know  
22 that the person is a resident of such facility; or

23 (5) is detained or otherwise in the custody of a  
24 police officer, peace officer, or other law enforcement  
25 official who: (i) is detaining or maintaining custody of  
26 such person; or (ii) knows, or reasonably should know,

1           that at the time of the offense, such person was detained  
2           or in custody and the police officer, peace officer, or  
3           other law enforcement official is not married to such  
4           detainee.

5           "Victim" means a person alleging to have been subjected to  
6           an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,  
7           11-1.50, or 11-1.60 of this Code.

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

9           (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

10          Sec. 11-9.1. Sexual exploitation of a child.

11          (a) A person commits sexual exploitation of a child if in  
12          the presence or virtual presence, or both, of a child and with  
13          knowledge that a child or one whom he or she believes to be a  
14          child would view his or her acts, that person:

15                 (1) engages in a sexual act; ~~or~~

16                 (2) exposes his or her sex organs, anus or breast for  
17                 the purpose of sexual arousal or gratification of such  
18                 person or the child or one whom he or she believes to be a  
19                 child; or

20                 (3) knowingly entices, coerces, or persuades a child  
21                 to participate in the production of the recording or  
22                 memorializing a sexual act of persons ages 18 or older.

23          (a-5) A person commits sexual exploitation of a child who  
24          knowingly entices, coerces, or persuades a child to remove the  
25          child's clothing for the purpose of sexual arousal or



1 gratification of the person or the child, or both.

2 (b) Definitions. As used in this Section:

3 "Sexual act" means masturbation, sexual conduct or sexual  
4 penetration as defined in Section 11-0.1 of this Code.

5 "Sex offense" means any violation of Article 11 of this  
6 Code.

7 "Child" means a person under 17 years of age.

8 "Virtual presence" means an environment that is created  
9 with software and presented to the user and or receiver via the  
10 Internet, in such a way that the user appears in front of the  
11 receiver on the computer monitor or screen or hand-held  
12 portable electronic device, usually through a web camming  
13 program. "Virtual presence" includes primarily experiencing  
14 through sight or sound, or both, a video image that can be  
15 explored interactively at a personal computer or hand-held  
16 communication device, or both.

17 "Webcam" means a video capturing device connected to a  
18 computer or computer network that is designed to take digital  
19 photographs or live or recorded video which allows for the  
20 live transmission to an end user over the Internet.

21 (c) Sentence.

22 (1) Sexual exploitation of a child is a Class A  
23 misdemeanor. A second or subsequent violation of this  
24 Section or a substantially similar law of another state is  
25 a Class 4 felony.

26 (2) Sexual exploitation of a child is a Class 4 felony

1 if the person has been previously convicted of a sex  
2 offense.

3 (3) Sexual exploitation of a child is a Class 4 felony  
4 if the victim was under 13 years of age at the time of the  
5 commission of the offense.

6 (4) Sexual exploitation of a child is a Class 4 felony  
7 if committed by a person 18 years of age or older who is on  
8 or within 500 feet of elementary or secondary school  
9 grounds when children are present on the grounds.

10 (5) A violation of paragraph (3) of subsection (a) is  
11 a Class 4 felony for a first offense; and a Class 3 felony  
12 for a second or subsequent offense, or if the person has  
13 been previously convicted of a sex offense.

14 (Source: P.A. 102-168, eff. 7-27-21.)

15 (720 ILCS 5/11-9.3)

16 Sec. 11-9.3. Presence within school zone by child sex  
17 offenders prohibited; approaching, contacting, residing with,  
18 or communicating with a child within certain places by child  
19 sex offenders prohibited.

20 (a) It is unlawful for a child sex offender to knowingly be  
21 present in any school building, on real property comprising  
22 any school, or in any conveyance owned, leased, or contracted  
23 by a school to transport students to or from school or a school  
24 related activity when persons under the age of 18 are present  
25 in the building, on the grounds or in the conveyance, unless

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

24 (a-5) It is unlawful for a child sex offender to knowingly  
25 be present within 100 feet of a site posted as a pick-up or  
26 discharge stop for a conveyance owned, leased, or contracted

1 by a school to transport students to or from school or a school  
2 related activity when one or more persons under the age of 18  
3 are present at the site.

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

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

1 has permission to be present from the superintendent or the  
2 school board or in the case of a private school from the  
3 principal. In the case of a public school, if permission is  
4 granted, the superintendent or school board president must  
5 inform the principal of the school where the sex offender will  
6 be present. Notification includes the nature of the sex  
7 offender's visit and the hours in which the sex offender will  
8 be present in the school. The sex offender is responsible for  
9 notifying the principal's office when he or she arrives on  
10 school property and when he or she departs from school  
11 property. If the sex offender is to be present in the vicinity  
12 of children, the sex offender has the duty to remain under the  
13 direct supervision of a school official.

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

22 (b-5) It is unlawful for a child sex offender to knowingly  
23 reside within 500 feet of a school building or the real  
24 property comprising any school that persons under the age of  
25 18 attend. Nothing in this subsection (b-5) prohibits a child  
26 sex offender from residing within 500 feet of a school

1 building or the real property comprising any school that  
2 persons under 18 attend if the property is owned by the child  
3 sex offender and was purchased before July 7, 2000 (the  
4 effective date of Public Act 91-911).

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

25 (b-15) It is unlawful for a child sex offender to  
26 knowingly reside within 500 feet of the victim of the sex

1 offense. Nothing in this subsection (b-15) prohibits a child  
2 sex offender from residing within 500 feet of the victim if the  
3 property in which the child sex offender resides is owned by  
4 the child sex offender and was purchased before August 22,  
5 2002.

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

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

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

1 school programs for children under 18 years of age is located,  
2 provided the child sex offender refrains from being present on  
3 the premises for the hours during which: (1) the programs or  
4 services are being offered or (2) the day care center, part day  
5 child care facility, child care institution, or school  
6 providing before and after school programs for children under  
7 18 years of age, day care home, or group day care home is  
8 operated.

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

24 (c-5) It is unlawful for a child sex offender to knowingly  
25 operate, manage, be employed by, or be associated with any  
26 carnival, amusement enterprise, or county or State fair when



1 persons under the age of 18 are present.

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

9 (c-7) It is unlawful for a child sex offender to knowingly  
10 offer or provide any programs or services to persons under 18  
11 years of age in his or her residence or the residence of  
12 another or in any facility for the purpose of offering or  
13 providing such programs or services, whether such programs or  
14 services are offered or provided by contract, agreement,  
15 arrangement, or on a volunteer basis.

16 (c-8) It is unlawful for a child sex offender to knowingly  
17 operate, whether authorized to do so or not, any of the  
18 following vehicles: (1) a vehicle which is specifically  
19 designed, constructed or modified and equipped to be used for  
20 the retail sale of food or beverages, including but not  
21 limited to an ice cream truck; (2) an authorized emergency  
22 vehicle; or (3) a rescue vehicle.

23 (d) Definitions. In this Section:

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

25 (i) has been charged under Illinois law, or any  
26 substantially similar federal law or law of another

1 state, with a sex offense set forth in paragraph (2) of  
2 this subsection (d) or the attempt to commit an  
3 included sex offense, and the victim is a person under  
4 18 years of age at the time of the offense; and:

5 (A) is convicted of such offense or an attempt  
6 to commit such offense; or

7 (B) is found not guilty by reason of insanity  
8 of such offense or an attempt to commit such  
9 offense; or

10 (C) is found not guilty by reason of insanity  
11 pursuant to subsection (c) of Section 104-25 of  
12 the Code of Criminal Procedure of 1963 of such  
13 offense or an attempt to commit such offense; or

14 (D) is the subject of a finding not resulting  
15 in an acquittal at a hearing conducted pursuant to  
16 subsection (a) of Section 104-25 of the Code of  
17 Criminal Procedure of 1963 for the alleged  
18 commission or attempted commission of such  
19 offense; or

20 (E) is found not guilty by reason of insanity  
21 following a hearing conducted pursuant to a  
22 federal law or the law of another state  
23 substantially similar to subsection (c) of Section  
24 104-25 of the Code of Criminal Procedure of 1963  
25 of such offense or of the attempted commission of  
26 such offense; or

1 (F) is the subject of a finding not resulting  
2 in an acquittal at a hearing conducted pursuant to  
3 a federal law or the law of another state  
4 substantially similar to subsection (a) of Section  
5 104-25 of the Code of Criminal Procedure of 1963  
6 for the alleged violation or attempted commission  
7 of such offense; or

8 (ii) is certified as a sexually dangerous person  
9 pursuant to the Illinois Sexually Dangerous Persons  
10 Act, or any substantially similar federal law or the  
11 law of another state, when any conduct giving rise to  
12 such certification is committed or attempted against a  
13 person less than 18 years of age; or

14 (iii) is subject to the provisions of Section 2 of  
15 the Interstate Agreements on Sexually Dangerous  
16 Persons Act.

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

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

24 (i) A violation of any of the following Sections  
25 of the Criminal Code of 1961 or the Criminal Code of  
26 2012: 10-4 (forcible detention), 10-7 (aiding or

1 abetting child abduction under Section 10-5(b)(10)),  
2 10-5(b)(10) (child luring), 11-1.40 (predatory  
3 criminal sexual assault of a child), 11-6 (indecent  
4 solicitation of a child), 11-6.5 (indecent  
5 solicitation of an adult), 11-9.1 (sexual exploitation  
6 of a child), 11-9.2 (custodial sexual misconduct),  
7 11-9.5 (sexual misconduct with a person with a  
8 disability), 11-11 (sexual relations within families),  
9 11-14.3(a)(1) (promoting prostitution by advancing  
10 prostitution), 11-14.3(a)(2)(A) (promoting  
11 prostitution by profiting from prostitution by  
12 compelling a person to be a prostitute),  
13 11-14.3(a)(2)(C) (promoting prostitution by profiting  
14 from prostitution by means other than as described in  
15 subparagraphs (A) and (B) of paragraph (2) of  
16 subsection (a) of Section 11-14.3), 11-14.4 (promoting  
17 juvenile prostitution), 11-18.1 (patronizing a  
18 juvenile prostitute), 11-20.1 (child sexual abuse  
19 material ~~pornography~~), 11-20.1B (aggravated child  
20 pornography), 11-21 (harmful material), 11-25  
21 (grooming), 11-26 (traveling to meet a minor or  
22 traveling to meet a child), 12-33 (ritualized abuse of  
23 a child), 11-20 (obscenity) (when that offense was  
24 committed in any school, on real property comprising  
25 any school, in any conveyance owned, leased, or  
26 contracted by a school to transport students to or

1 from school or a school related activity, or in a  
2 public park), 11-30 (public indecency) (when committed  
3 in a school, on real property comprising a school, in  
4 any conveyance owned, leased, or contracted by a  
5 school to transport students to or from school or a  
6 school related activity, or in a public park). An  
7 attempt to commit any of these offenses.

8 (ii) A violation of any of the following Sections  
9 of the Criminal Code of 1961 or the Criminal Code of  
10 2012, when the victim is a person under 18 years of  
11 age: 11-1.20 (criminal sexual assault), 11-1.30  
12 (aggravated criminal sexual assault), 11-1.50  
13 (criminal sexual abuse), 11-1.60 (aggravated criminal  
14 sexual abuse). An attempt to commit any of these  
15 offenses.

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

20 10-1 (kidnapping),

21 10-2 (aggravated kidnapping),

22 10-3 (unlawful restraint),

23 10-3.1 (aggravated unlawful restraint),

24 11-9.1(A) (permitting sexual abuse of a child).

25 An attempt to commit any of these offenses.

26 (iv) A violation of any former law of this State

1 substantially equivalent to any offense listed in  
2 clause (2)(i) or (2)(ii) of subsection (d) of this  
3 Section.

4 (2.5) For the purposes of subsections (b-5) and (b-10)  
5 only, a sex offense means:

6 (i) A violation of any of the following Sections  
7 of the Criminal Code of 1961 or the Criminal Code of  
8 2012:

9 10-5(b)(10) (child luring), 10-7 (aiding or  
10 abetting child abduction under Section 10-5(b)(10)),  
11 11-1.40 (predatory criminal sexual assault of a  
12 child), 11-6 (indecent solicitation of a child),  
13 11-6.5 (indecent solicitation of an adult), 11-9.2  
14 (custodial sexual misconduct), 11-9.5 (sexual  
15 misconduct with a person with a disability), 11-11  
16 (sexual relations within families), 11-14.3(a)(1)  
17 (promoting prostitution by advancing prostitution),  
18 11-14.3(a)(2)(A) (promoting prostitution by profiting  
19 from prostitution by compelling a person to be a  
20 prostitute), 11-14.3(a)(2)(C) (promoting prostitution  
21 by profiting from prostitution by means other than as  
22 described in subparagraphs (A) and (B) of paragraph  
23 (2) of subsection (a) of Section 11-14.3), 11-14.4  
24 (promoting juvenile prostitution), 11-18.1  
25 (patronizing a juvenile prostitute), 11-20.1 (child  
26 sexual abuse material ~~pornography~~), 11-20.1B

1 (aggravated child pornography), 11-25 (grooming),  
2 11-26 (traveling to meet a minor or traveling to meet a  
3 child), or 12-33 (ritualized abuse of a child). An  
4 attempt to commit any of these offenses.

5 (ii) A violation of any of the following Sections  
6 of the Criminal Code of 1961 or the Criminal Code of  
7 2012, when the victim is a person under 18 years of  
8 age: 11-1.20 (criminal sexual assault), 11-1.30  
9 (aggravated criminal sexual assault), 11-1.60  
10 (aggravated criminal sexual abuse), and subsection (a)  
11 of Section 11-1.50 (criminal sexual abuse). An attempt  
12 to commit any of these offenses.

13 (iii) A violation of any of the following Sections  
14 of the Criminal Code of 1961 or the Criminal Code of  
15 2012, when the victim is a person under 18 years of age  
16 and the defendant is not a parent of the victim:

17 10-1 (kidnapping),  
18 10-2 (aggravated kidnapping),  
19 10-3 (unlawful restraint),  
20 10-3.1 (aggravated unlawful restraint),  
21 11-9.1(A) (permitting sexual abuse of a child).

22 An attempt to commit any of these offenses.

23 (iv) A violation of any former law of this State  
24 substantially equivalent to any offense listed in this  
25 paragraph (2.5) of this subsection.

26 (3) A conviction for an offense of federal law or the

1 law of another state that is substantially equivalent to  
2 any offense listed in paragraph (2) of subsection (d) of  
3 this Section shall constitute a conviction for the purpose  
4 of this Section. A finding or adjudication as a sexually  
5 dangerous person under any federal law or law of another  
6 state that is substantially equivalent to the Sexually  
7 Dangerous Persons Act shall constitute an adjudication for  
8 the purposes of this Section.

9 (4) "Authorized emergency vehicle", "rescue vehicle",  
10 and "vehicle" have the meanings ascribed to them in  
11 Sections 1-105, 1-171.8 and 1-217, respectively, of the  
12 Illinois Vehicle Code.

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

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

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

19 (8) "Facility providing programs or services directed  
20 towards persons under the age of 18" means any facility  
21 providing programs or services exclusively directed  
22 towards persons under the age of 18.

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

25 (10) "Internet" has the meaning set forth in Section  
26 16-0.1 of this Code.



1 (11) "Loiter" means:

2 (i) Standing, sitting idly, whether or not the  
3 person is in a vehicle, or remaining in or around  
4 school or public park property.

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

9 (iii) Entering or remaining in a building in or  
10 around school property, other than the offender's  
11 residence.

12 (12) "Part day child care facility" has the meaning  
13 ascribed to it in Section 2.10 of the Child Care Act of  
14 1969.

15 (13) "Playground" means a piece of land owned or  
16 controlled by a unit of local government that is  
17 designated by the unit of local government for use solely  
18 or primarily for children's recreation.

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

22 (15) "School" means a public or private preschool or  
23 elementary or secondary school.

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

1 (e) For the purposes of this Section, the 500 feet  
2 distance shall be measured from: (1) the edge of the property  
3 of the school building or the real property comprising the  
4 school that is closest to the edge of the property of the child  
5 sex offender's residence or where he or she is loitering, and  
6 (2) the edge of the property comprising the public park  
7 building or the real property comprising the public park,  
8 playground, child care institution, day care center, part day  
9 child care facility, or facility providing programs or  
10 services exclusively directed toward persons under 18 years of  
11 age, or a victim of the sex offense who is under 21 years of  
12 age, to the edge of the child sex offender's place of residence  
13 or place where he or she is loitering.

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

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

17 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

18 Sec. 11-20.1. Child sexual abuse material ~~pornography~~.

19 (a) Recognizing the enormous negative societal impact that  
20 sexually explicit visual depictions of children engaged in  
21 sexual abuse activities have on the children who are abused,  
22 and the overarching broader impact these materials and imagery  
23 have at various levels to the public, especially when this  
24 material is disseminated, we are changing all references in  
25 Illinois statutes from "child pornography" to "child sexual

1 abuse material". It is important that the statutes of the  
2 State of Illinois reflect the content and realities of these  
3 materials as the sexual abuse and exploitation of children.  
4 The word "pornography" implied legality involving "consent" of  
5 which this imagery is not, as children can never "consent" to  
6 sexual abuse and sexual exploitation. This name change is not  
7 a change in meaning, definitions, statutes or application of  
8 the laws of this State and all previous references to "child  
9 pornography" are now encapsulated in "child sexual abuse  
10 materials".

11 A person commits child sexual abuse material pornography  
12 who:

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

20 (i) actually or by simulation engaged in any act  
21 of sexual penetration or sexual conduct with any  
22 person or animal; or

23 (ii) actually or by simulation engaged in any act  
24 of sexual penetration or sexual conduct involving the  
25 sex organs of the child or person with a severe or  
26 profound intellectual disability and the mouth, anus,

1 or sex organs of another person or animal; or which  
2 involves the mouth, anus or sex organs of the child or  
3 person with a severe or profound intellectual  
4 disability and the sex organs of another person or  
5 animal; or

6 (iii) actually or by simulation engaged in any act  
7 of masturbation; or

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

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

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

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

24 (2) with the knowledge of the nature or content  
25 thereof, reproduces, disseminates, offers to disseminate,  
26 exhibits or possesses with intent to disseminate any film,

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

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

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

1 paragraph (1) of this subsection; or

2 (5) is a parent, step-parent, legal guardian or other  
3 person having care or custody of a child whom the person  
4 knows or reasonably should know to be under the age of 18  
5 or a person with a severe or profound intellectual  
6 disability and who knowingly permits, induces, promotes,  
7 or arranges for such child or person with a severe or  
8 profound intellectual disability to appear in any stage  
9 play, live performance, film, videotape, photograph or  
10 other similar visual presentation, portrayal or simulation  
11 or depiction by computer of any act or activity described  
12 in subparagraphs (i) through (vii) of paragraph (1) of  
13 this subsection; or

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

23 (7) solicits, or knowingly uses, persuades, induces,  
24 entices, or coerces, a person to provide a child under the  
25 age of 18 or a person with a severe or profound  
26 intellectual disability to appear in any videotape,

1 photograph, film, stage play, live presentation, or other  
2 similar visual reproduction or depiction by computer in  
3 which the child or person with a severe or profound  
4 intellectual disability will be depicted, actually or by  
5 simulation, in any act, pose, or setting described in  
6 subparagraphs (i) through (vii) of paragraph (1) of this  
7 subsection.

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

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

1 (1.5) Telecommunications carriers, commercial mobile  
2 service providers, and providers of information services,  
3 including, but not limited to, Internet service providers and  
4 hosting service providers, are not liable under this Section  
5 by virtue of the transmission, storage, or caching of  
6 electronic communications or messages of others or by virtue  
7 of the provision of other related telecommunications,  
8 commercial mobile services, or information services used by  
9 others in violation of this Section.

10 (2) (Blank).

11 (3) The charge of child sexual abuse material ~~pornography~~  
12 shall not apply to the performance of official duties by law  
13 enforcement or prosecuting officers or persons employed by law  
14 enforcement or prosecuting agencies, court personnel or  
15 attorneys, nor to bonafide treatment or professional education  
16 programs conducted by licensed physicians, psychologists or  
17 social workers. In any criminal proceeding, any property or  
18 material that constitutes child sexual abuse material  
19 ~~pornography~~ shall remain in the care, custody, and control of  
20 either the State or the court. A motion to view the evidence  
21 shall comply with subsection (e-5) of this Section.

22 (4) If the defendant possessed more than one of the same  
23 film, videotape or visual reproduction or depiction by  
24 computer in which child sexual abuse material ~~pornography~~ is  
25 depicted, then the trier of fact may infer that the defendant  
26 possessed such materials with the intent to disseminate them.



1           (5) The charge of child sexual abuse material ~~pornography~~  
2 does not apply to a person who does not voluntarily possess a  
3 film, videotape, or visual reproduction or depiction by  
4 computer in which child sexual abuse material ~~pornography~~ is  
5 depicted. Possession is voluntary if the defendant knowingly  
6 procures or receives a film, videotape, or visual reproduction  
7 or depiction for a sufficient time to be able to terminate his  
8 or her possession.

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

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

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

19 (c-5) Where the child depicted is under the age of 13, a  
20 violation of paragraph (1), (2), (3), (4), (5), or (7) of  
21 subsection (a) is a Class X felony with a mandatory minimum  
22 fine of \$2,000 and a maximum fine of \$100,000. Where the child  
23 depicted is under the age of 13, a violation of paragraph (6)  
24 of subsection (a) is a Class 2 felony with a mandatory minimum  
25 fine of \$1,000 and a maximum fine of \$100,000. Where the child  
26 depicted is under the age of 13, a person who commits a

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

1 Class 1 felony with a mandatory minimum fine of \$1,000 and a  
2 maximum fine of \$100,000. The issue of whether the child  
3 depicted is under the age of 13 is an element of the offense to  
4 be resolved by the trier of fact.

5 (d) If a person is convicted of a second or subsequent  
6 violation of this Section within 10 years of a prior  
7 conviction, the court shall order a presentence psychiatric  
8 examination of the person. The examiner shall report to the  
9 court whether treatment of the person is necessary.

10 (e) Any film, videotape, photograph or other similar  
11 visual reproduction or depiction by computer which includes a  
12 child under the age of 18 or a person with a severe or profound  
13 intellectual disability engaged in any activity described in  
14 subparagraphs (i) through (vii) of ~~or~~ paragraph (1) ~~±~~ of  
15 subsection (a), and any material or equipment used or intended  
16 for use in photographing, filming, printing, producing,  
17 reproducing, manufacturing, projecting, exhibiting, depiction  
18 by computer, or disseminating such material shall be seized  
19 and forfeited in the manner, method and procedure provided by  
20 Section 36-1 of this Code for the seizure and forfeiture of  
21 vessels, vehicles and aircraft.

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

25 (e-5) Upon the conclusion of a case brought under this  
26 Section, the court shall seal all evidence depicting a victim

1 or witness that is sexually explicit. The evidence may be  
2 unsealed and viewed, on a motion of the party seeking to unseal  
3 and view the evidence, only for good cause shown and in the  
4 discretion of the court. The motion must expressly set forth  
5 the purpose for viewing the material. The State's Attorney  
6 ~~attorney~~ and the victim, if possible, shall be provided  
7 reasonable notice of the hearing on the motion to unseal the  
8 evidence. Any person entitled to notice of a hearing under  
9 this subsection (e-5) may object to the motion.

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

11 (1) "Disseminate" means (i) to sell, distribute,  
12 exchange or transfer possession, whether with or without  
13 consideration or (ii) to make a depiction by computer  
14 available for distribution or downloading through the  
15 facilities of any telecommunications network or through  
16 any other means of transferring computer programs or data  
17 to a computer.

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

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

21 (4) "Depict by computer" means to generate or create,  
22 or cause to be created or generated, a computer program or  
23 data that, after being processed by a computer either  
24 alone or in conjunction with one or more computer  
25 programs, results in a visual depiction on a computer  
26 monitor, screen, or display.

1           (5) "Depiction by computer" means a computer program  
2           or data that, after being processed by a computer either  
3           alone or in conjunction with one or more computer  
4           programs, results in a visual depiction on a computer  
5           monitor, screen, or display.

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

9           (7) For the purposes of this Section, "child sexual  
10          abuse material ~~pornography~~" includes a film, videotape,  
11          photograph, or other similar visual medium or reproduction  
12          or depiction by computer that is, or appears to be, that of  
13          a person, either in part, or in total, under the age of 18  
14          or a person with a severe or profound intellectual  
15          disability, regardless of the method by which the film,  
16          videotape, photograph, or other similar visual medium or  
17          reproduction or depiction by computer is created, adopted,  
18          or modified to appear as such. "Child sexual abuse  
19          material ~~pornography~~" also includes a film, videotape,  
20          photograph, or other similar visual medium or reproduction  
21          or depiction by computer that is advertised, promoted,  
22          presented, described, or distributed in such a manner that  
23          conveys the impression that the film, videotape,  
24          photograph, or other similar visual medium or reproduction  
25          or depiction by computer is of a person under the age of 18  
26          or a person with a severe or profound intellectual

1 disability.

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

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

4 (i) Section 50-5 of Public Act 88-680, effective  
5 January 1, 1995, contained provisions amending the  
6 child sexual abuse material ~~pornography~~ statute,  
7 Section 11-20.1 of the Criminal Code of 1961. Section  
8 50-5 also contained other provisions.

9 (ii) In addition, Public Act 88-680 was entitled  
10 "AN ACT to create a Safe Neighborhoods Law". (A)  
11 Article 5 was entitled JUVENILE JUSTICE and amended  
12 the Juvenile Court Act of 1987. (B) Article 15 was  
13 entitled GANGS and amended various provisions of the  
14 Criminal Code of 1961 and the Unified Code of  
15 Corrections. (C) Article 20 was entitled ALCOHOL ABUSE  
16 and amended various provisions of the Illinois Vehicle  
17 Code. (D) Article 25 was entitled DRUG ABUSE and  
18 amended the Cannabis Control Act and the Illinois  
19 Controlled Substances Act. (E) Article 30 was entitled  
20 FIREARMS and amended the Criminal Code of 1961 and the  
21 Code of Criminal Procedure of 1963. (F) Article 35  
22 amended the Criminal Code of 1961, the Rights of Crime  
23 Victims and Witnesses Act, and the Unified Code of  
24 Corrections. (G) Article 40 amended the Criminal Code  
25 of 1961 to increase the penalty for compelling  
26 organization membership of persons. (H) Article 45

1 created the Secure Residential Youth Care Facility  
2 Licensing Act and amended the State Finance Act, the  
3 Juvenile Court Act of 1987, the Unified Code of  
4 Corrections, and the Private Correctional Facility  
5 Moratorium Act. (I) Article 50 amended the WIC Vendor  
6 Management Act, the Firearm Owners Identification Card  
7 Act, the Juvenile Court Act of 1987, the Criminal Code  
8 of 1961, the Wrongs to Children Act, and the Unified  
9 Code of Corrections.

10 (iii) On September 22, 1998, the Third District  
11 Appellate Court in People v. Dainty, 701 N.E. 2d 118,  
12 ruled that Public Act 88-680 violates the single  
13 subject clause of the Illinois Constitution (Article  
14 IV, Section 8 (d)) and was unconstitutional in its  
15 entirety. As of the time this amendatory Act of 1999  
16 was prepared, People v. Dainty was still subject to  
17 appeal.

18 (iv) Child sexual abuse material ~~pornography~~ is a  
19 vital concern to the people of this State and the  
20 validity of future prosecutions under the child sexual  
21 abuse material ~~pornography~~ statute of the Criminal  
22 Code of 1961 is in grave doubt.

23 (2) It is the purpose of this amendatory Act of 1999 to  
24 prevent or minimize any problems relating to prosecutions  
25 for child sexual abuse material ~~pornography~~ that may  
26 result from challenges to the constitutional validity of



1 Public Act 88-680 by re-enacting the Section relating to  
2 child sexual abuse material ~~pornography~~ that was included  
3 in Public Act 88-680.

4 (3) This amendatory Act of 1999 re-enacts Section  
5 11-20.1 of the Criminal Code of 1961, as it has been  
6 amended. This re-enactment is intended to remove any  
7 question as to the validity or content of that Section; it  
8 is not intended to supersede any other Public Act that  
9 amends the text of the Section as set forth in this  
10 amendatory Act of 1999. The material is shown as existing  
11 text (i.e., without underscoring) because, as of the time  
12 this amendatory Act of 1999 was prepared, People v. Dainty  
13 was subject to appeal to the Illinois Supreme Court.

14 (4) The re-enactment by this amendatory Act of 1999 of  
15 Section 11-20.1 of the Criminal Code of 1961 relating to  
16 child sexual abuse material ~~pornography~~ that was amended  
17 by Public Act 88-680 is not intended, and shall not be  
18 construed, to imply that Public Act 88-680 is invalid or  
19 to limit or impair any legal argument concerning whether  
20 those provisions were substantially re-enacted by other  
21 Public Acts.

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

23 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

24 Sec. 11-20.2. Duty of commercial film and photographic  
25 print processors or computer technicians to report sexual

1 depiction of children.

2 (a) Any commercial film and photographic print processor  
3 or computer technician who has knowledge of or observes,  
4 within the scope of his professional capacity or employment,  
5 any film, photograph, videotape, negative, slide, computer  
6 hard drive or any other magnetic or optical media which  
7 depicts a child whom the processor or computer technician  
8 knows or reasonably should know to be under the age of 18 where  
9 such child is:

10 (i) actually or by simulation engaged in any act of  
11 sexual penetration or sexual conduct with any person or  
12 animal; or

13 (ii) actually or by simulation engaged in any act of  
14 sexual penetration or sexual conduct involving the sex  
15 organs of the child and the mouth, anus, or sex organs of  
16 another person or animal; or which involves the mouth,  
17 anus or sex organs of the child and the sex organs of  
18 another person or animal; or

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

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

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

1 (vi) actually or by simulation portrayed or depicted  
2 as bound, fettered, or subject to sadistic, masochistic,  
3 or sadomasochistic abuse in any sexual context; or

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

9 shall report or cause a report to be made pursuant to  
10 subsections (b) and (c) as soon as reasonably possible.  
11 Failure to make such report shall be a business offense with a  
12 fine of \$1,000.

13 (b) Commercial film and photographic film processors shall  
14 report or cause a report to be made to the local law  
15 enforcement agency of the jurisdiction in which the image or  
16 images described in subsection (a) are discovered.

17 (c) Computer technicians shall report or cause the report  
18 to be made to the local law enforcement agency of the  
19 jurisdiction in which the image or images described in  
20 subsection (a) are discovered or to the Illinois Child  
21 Exploitation e-Tipline at [reportchildporn@atg.state.il.us](mailto:reportchildporn@atg.state.il.us).

22 (d) Reports required by this Act shall include the  
23 following information: (i) name, address, and telephone number  
24 of the person filing the report; (ii) the employer of the  
25 person filing the report, if any; (iii) the name, address and  
26 telephone number of the person whose property is the subject

1 of the report, if known; (iv) the circumstances which led to  
2 the filing of the report, including a description of the  
3 reported content.

4 (e) If a report is filed with the Cyber Tipline at the  
5 National Center for Missing and Exploited Children or in  
6 accordance with the requirements of 42 U.S.C. 13032, the  
7 requirements of this Act will be deemed to have been met.

8 (f) A computer technician or an employer caused to report  
9 child sexual abuse material ~~pornography~~ under this Section is  
10 immune from any criminal, civil, or administrative liability  
11 in connection with making the report, except for willful or  
12 wanton misconduct.

13 (g) For the purposes of this Section, a "computer  
14 technician" is a person who installs, maintains,  
15 troubleshoots, repairs or upgrades computer hardware,  
16 software, computer networks, peripheral equipment, electronic  
17 mail systems, or provides user assistance for any of the  
18 aforementioned tasks.

19 (Source: P.A. 95-983, eff. 6-1-09; 96-1551, eff. 7-1-11.)

20 (720 ILCS 5/11-23)

21 Sec. 11-23. Posting of identifying or graphic information  
22 on a pornographic Internet site or possessing graphic  
23 information with pornographic material.

24 (a) A person at least 17 years of age who knowingly  
25 discloses on an adult obscenity or child sexual abuse material

1 ~~pornography~~ Internet site the name, address, telephone number,  
2 or e-mail address of a person under 17 years of age at the time  
3 of the commission of the offense or of a person at least 17  
4 years of age without the consent of the person at least 17  
5 years of age is guilty of posting of identifying information  
6 on a pornographic Internet site.

7 (a-5) Any person who knowingly places, posts, reproduces,  
8 or maintains on an adult obscenity or child sexual abuse  
9 material ~~pornography~~ Internet site a photograph, video, or  
10 digital image of a person under 18 years of age that is not  
11 child sexual abuse material ~~pornography~~ under Section 11-20.1,  
12 without the knowledge and consent of the person under 18 years  
13 of age, is guilty of posting of graphic information on a  
14 pornographic Internet site. This provision applies even if the  
15 person under 18 years of age is fully or properly clothed in  
16 the photograph, video, or digital image.

17 (a-10) Any person who knowingly places, posts, reproduces,  
18 or maintains on an adult obscenity or child sexual abuse  
19 material ~~pornography~~ Internet site, or possesses with obscene  
20 or child pornographic material a photograph, video, or digital  
21 image of a person under 18 years of age in which the child is  
22 posed in a suggestive manner with the focus or concentration  
23 of the image on the child's clothed genitals, clothed pubic  
24 area, clothed buttocks area, or if the child is female, the  
25 breast exposed through transparent clothing, and the  
26 photograph, video, or digital image is not child sexual abuse

1 ~~material pornography~~ under Section 11-20.1, is guilty of  
2 posting of graphic information on a pornographic Internet site  
3 or possessing graphic information with pornographic material.

4 (b) Sentence. A person who violates subsection (a) of this  
5 Section is guilty of a Class 4 felony if the victim is at least  
6 17 years of age at the time of the offense and a Class 3 felony  
7 if the victim is under 17 years of age at the time of the  
8 offense. A person who violates subsection (a-5) of this  
9 Section is guilty of a Class 4 felony. A person who violates  
10 subsection (a-10) of this Section is guilty of a Class 3  
11 felony.

12 (c) Definitions. For purposes of this Section:

13 (1) "Adult obscenity or child sexual abuse material  
14 ~~pornography~~ Internet site" means a site on the Internet  
15 that contains material that is obscene as defined in  
16 Section 11-20 of this Code or that is child sexual abuse  
17 material ~~pornography~~ as defined in Section 11-20.1 of this  
18 Code.

19 (2) "Internet" has the meaning set forth in Section  
20 16-0.1 of this Code.

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

22 (720 ILCS 5/11-25)

23 Sec. 11-25. Grooming.

24 (a) A person commits grooming when he or she knowingly:

25 (1) uses a computer on-line service, Internet service,

1 local bulletin board service, or any other device capable  
2 of electronic data storage or transmission, performs an  
3 act in person or by conduct through a third party, or uses  
4 written communication to seduce, solicit, lure, or entice,  
5 or attempt to seduce, solicit, lure, or entice, a child, a  
6 child's guardian, or another person believed by the person  
7 to be a child or a child's guardian, to commit any sex  
8 offense ~~as defined in Section 2 of the Sex Offender~~  
9 ~~Registration Act~~, to distribute photographs depicting the  
10 sex organs of the child, or to otherwise engage in any  
11 unlawful sexual conduct with a child or with another  
12 person believed by the person to be a child; or-

13 (2) engages in a pattern of conduct that seduces,  
14 solicits, lures, or entices, or attempts to seduce,  
15 solicit, lure, or entice, a child to engage or participate  
16 in unlawful sexual conduct that is for the purpose of  
17 sexual gratification or arousal of the victim, the  
18 accused, or another.

19 (a-5) As used in this Section:-

20 "Child" "child" means a person under 17 years of age.

21 "Pattern" means 2 or more instances of conduct.

22 "Sex offense" means any violation of Article 11 of this  
23 Code.

24 "Sexual conduct" means masturbation, sexual conduct, or  
25 sexual penetration as defined in Section 11-0.1 of this Code.

26 (a-6) Illinois has a compelling interest in effective

1 education and "grooming" does not include conduct that serves  
2 a legitimate educational purpose pursuant to Section 27-9.1a  
3 of the School Code.

4 (b) Sentence. Grooming is a Class 3 4 felony.

5 (Source: P.A. 102-676, eff. 6-1-22.)

6 (720 ILCS 5/14-3)

7 Sec. 14-3. Exemptions. The following activities shall be  
8 exempt from the provisions of this Article:

9 (a) Listening to radio, wireless electronic  
10 communications, and television communications of any sort  
11 where the same are publicly made;

12 (b) Hearing conversation when heard by employees of  
13 any common carrier by wire incidental to the normal course  
14 of their employment in the operation, maintenance or  
15 repair of the equipment of such common carrier by wire so  
16 long as no information obtained thereby is used or  
17 divulged by the hearer;

18 (c) Any broadcast by radio, television or otherwise  
19 whether it be a broadcast or recorded for the purpose of  
20 later broadcasts of any function where the public is in  
21 attendance and the conversations are overheard incidental  
22 to the main purpose for which such broadcasts are then  
23 being made;

24 (d) Recording or listening with the aid of any device  
25 to any emergency communication made in the normal course



1 of operations by any federal, state or local law  
2 enforcement agency or institutions dealing in emergency  
3 services, including, but not limited to, hospitals,  
4 clinics, ambulance services, fire fighting agencies, any  
5 public utility, emergency repair facility, civilian  
6 defense establishment or military installation;

7 (e) Recording the proceedings of any meeting required  
8 to be open by the Open Meetings Act, as amended;

9 (f) Recording or listening with the aid of any device  
10 to incoming telephone calls of phone lines publicly listed  
11 or advertised as consumer "hotlines" by manufacturers or  
12 retailers of food and drug products. Such recordings must  
13 be destroyed, erased or turned over to local law  
14 enforcement authorities within 24 hours from the time of  
15 such recording and shall not be otherwise disseminated.  
16 Failure on the part of the individual or business  
17 operating any such recording or listening device to comply  
18 with the requirements of this subsection shall eliminate  
19 any civil or criminal immunity conferred upon that  
20 individual or business by the operation of this Section;

21 (g) With prior notification to the State's Attorney of  
22 the county in which it is to occur, recording or listening  
23 with the aid of any device to any conversation where a law  
24 enforcement officer, or any person acting at the direction  
25 of law enforcement, is a party to the conversation and has  
26 consented to it being intercepted or recorded under

1 circumstances where the use of the device is necessary for  
2 the protection of the law enforcement officer or any  
3 person acting at the direction of law enforcement, in the  
4 course of an investigation of a forcible felony, a felony  
5 offense of involuntary servitude, involuntary sexual  
6 servitude of a minor, or trafficking in persons under  
7 Section 10-9 of this Code, an offense involving  
8 prostitution, solicitation of a sexual act, or pandering,  
9 a felony violation of the Illinois Controlled Substances  
10 Act, a felony violation of the Cannabis Control Act, a  
11 felony violation of the Methamphetamine Control and  
12 Community Protection Act, any "streetgang related" or  
13 "gang-related" felony as those terms are defined in the  
14 Illinois Streetgang Terrorism Omnibus Prevention Act, or  
15 any felony offense involving any weapon listed in  
16 paragraphs (1) through (11) of subsection (a) of Section  
17 24-1 of this Code. Any recording or evidence derived as  
18 the result of this exemption shall be inadmissible in any  
19 proceeding, criminal, civil or administrative, except (i)  
20 where a party to the conversation suffers great bodily  
21 injury or is killed during such conversation, or (ii) when  
22 used as direct impeachment of a witness concerning matters  
23 contained in the interception or recording. The Director  
24 of the Illinois State Police shall issue regulations as  
25 are necessary concerning the use of devices, retention of  
26 tape recordings, and reports regarding their use;

1 (g-5) (Blank);

2 (g-6) With approval of the State's Attorney of the  
3 county in which it is to occur, recording or listening  
4 with the aid of any device to any conversation where a law  
5 enforcement officer, or any person acting at the direction  
6 of law enforcement, is a party to the conversation and has  
7 consented to it being intercepted or recorded in the  
8 course of an investigation of child sexual abuse material  
9 ~~pornography~~, aggravated child sexual abuse material  
10 ~~pornography~~, indecent solicitation of a child, luring of a  
11 minor, sexual exploitation of a child, aggravated criminal  
12 sexual abuse in which the victim of the offense was at the  
13 time of the commission of the offense under 18 years of  
14 age, or criminal sexual abuse by force or threat of force  
15 in which the victim of the offense was at the time of the  
16 commission of the offense under 18 years of age. In all  
17 such cases, an application for an order approving the  
18 previous or continuing use of an eavesdropping device must  
19 be made within 48 hours of the commencement of such use. In  
20 the absence of such an order, or upon its denial, any  
21 continuing use shall immediately terminate. The Director  
22 of the Illinois State Police shall issue rules as are  
23 necessary concerning the use of devices, retention of  
24 recordings, and reports regarding their use. Any recording  
25 or evidence obtained or derived in the course of an  
26 investigation of child sexual abuse material ~~pornography~~,

1 aggravated child pornography, indecent solicitation of a  
2 child, luring of a minor, sexual exploitation of a child,  
3 aggravated criminal sexual abuse in which the victim of  
4 the offense was at the time of the commission of the  
5 offense under 18 years of age, or criminal sexual abuse by  
6 force or threat of force in which the victim of the offense  
7 was at the time of the commission of the offense under 18  
8 years of age shall, upon motion of the State's Attorney or  
9 Attorney General prosecuting any case involving child  
10 sexual abuse material ~~pornography~~, aggravated child  
11 pornography, indecent solicitation of a child, luring of a  
12 minor, sexual exploitation of a child, aggravated criminal  
13 sexual abuse in which the victim of the offense was at the  
14 time of the commission of the offense under 18 years of  
15 age, or criminal sexual abuse by force or threat of force  
16 in which the victim of the offense was at the time of the  
17 commission of the offense under 18 years of age be  
18 reviewed in camera with notice to all parties present by  
19 the court presiding over the criminal case, and, if ruled  
20 by the court to be relevant and otherwise admissible, it  
21 shall be admissible at the trial of the criminal case.  
22 Absent such a ruling, any such recording or evidence shall  
23 not be admissible at the trial of the criminal case;

24 (h) Recordings made simultaneously with the use of an  
25 in-car video camera recording of an oral conversation  
26 between a uniformed peace officer, who has identified his

1 or her office, and a person in the presence of the peace  
2 officer whenever (i) an officer assigned a patrol vehicle  
3 is conducting an enforcement stop; or (ii) patrol vehicle  
4 emergency lights are activated or would otherwise be  
5 activated if not for the need to conceal the presence of  
6 law enforcement.

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

15 (h-5) Recordings of utterances made by a person while  
16 in the presence of a uniformed peace officer and while an  
17 occupant of a police vehicle including, but not limited  
18 to, (i) recordings made simultaneously with the use of an  
19 in-car video camera and (ii) recordings made in the  
20 presence of the peace officer utilizing video or audio  
21 systems, or both, authorized by the law enforcement  
22 agency;

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

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

14          (i) Recording of a conversation made by or at the  
15          request of a person, not a law enforcement officer or  
16          agent of a law enforcement officer, who is a party to the  
17          conversation, under reasonable suspicion that another  
18          party to the conversation is committing, is about to  
19          commit, or has committed a criminal offense against the  
20          person or a member of his or her immediate household, and  
21          there is reason to believe that evidence of the criminal  
22          offense may be obtained by the recording;

23          (j) The use of a telephone monitoring device by either  
24          (1) a corporation or other business entity engaged in  
25          marketing or opinion research or (2) a corporation or  
26          other business entity engaged in telephone solicitation,

1 as defined in this subsection, to record or listen to oral  
2 telephone solicitation conversations or marketing or  
3 opinion research conversations by an employee of the  
4 corporation or other business entity when:

5 (i) the monitoring is used for the purpose of  
6 service quality control of marketing or opinion  
7 research or telephone solicitation, the education or  
8 training of employees or contractors engaged in  
9 marketing or opinion research or telephone  
10 solicitation, or internal research related to  
11 marketing or opinion research or telephone  
12 solicitation; and

13 (ii) the monitoring is used with the consent of at  
14 least one person who is an active party to the  
15 marketing or opinion research conversation or  
16 telephone solicitation conversation being monitored.

17 No communication or conversation or any part, portion,  
18 or aspect of the communication or conversation made,  
19 acquired, or obtained, directly or indirectly, under this  
20 exemption (j), may be, directly or indirectly, furnished  
21 to any law enforcement officer, agency, or official for  
22 any purpose or used in any inquiry or investigation, or  
23 used, directly or indirectly, in any administrative,  
24 judicial, or other proceeding, or divulged to any third  
25 party.

26 When recording or listening authorized by this

1 subsection (j) on telephone lines used for marketing or  
2 opinion research or telephone solicitation purposes  
3 results in recording or listening to a conversation that  
4 does not relate to marketing or opinion research or  
5 telephone solicitation; the person recording or listening  
6 shall, immediately upon determining that the conversation  
7 does not relate to marketing or opinion research or  
8 telephone solicitation, terminate the recording or  
9 listening and destroy any such recording as soon as is  
10 practicable.

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

17 Business entities that use a telephone monitoring or  
18 telephone recording system pursuant to this exemption (j)  
19 shall provide their employees or agents with access to  
20 personal-only telephone lines, which may be pay  
21 telephones, that are not subject to telephone monitoring  
22 or telephone recording.

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

26 (i) soliciting the sale of goods or services;



1           (ii) receiving orders for the sale of goods or  
2           services;

3           (iii) assisting in the use of goods or services;  
4           or

5           (iv) engaging in the solicitation, administration,  
6           or collection of bank or retail credit accounts.

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

15          (k) Electronic recordings, including but not limited  
16          to, a motion picture, videotape, digital, or other visual  
17          or audio recording, made of a custodial interrogation of  
18          an individual at a police station or other place of  
19          detention by a law enforcement officer under Section  
20          5-401.5 of the Juvenile Court Act of 1987 or Section  
21          103-2.1 of the Code of Criminal Procedure of 1963;

22          (l) Recording the interview or statement of any person  
23          when the person knows that the interview is being  
24          conducted by a law enforcement officer or prosecutor and  
25          the interview takes place at a police station that is  
26          currently participating in the Custodial Interview Pilot

1 Program established under the Illinois Criminal Justice  
2 Information Act;

3 (m) An electronic recording, including but not limited  
4 to, a motion picture, videotape, digital, or other visual  
5 or audio recording, made of the interior of a school bus  
6 while the school bus is being used in the transportation  
7 of students to and from school and school-sponsored  
8 activities, when the school board has adopted a policy  
9 authorizing such recording, notice of such recording  
10 policy is included in student handbooks and other  
11 documents including the policies of the school, notice of  
12 the policy regarding recording is provided to parents of  
13 students, and notice of such recording is clearly posted  
14 on the door of and inside the school bus.

15 Recordings made pursuant to this subsection (m) shall  
16 be confidential records and may only be used by school  
17 officials (or their designees) and law enforcement  
18 personnel for investigations, school disciplinary actions  
19 and hearings, proceedings under the Juvenile Court Act of  
20 1987, and criminal prosecutions, related to incidents  
21 occurring in or around the school bus;

22 (n) Recording or listening to an audio transmission  
23 from a microphone placed by a person under the authority  
24 of a law enforcement agency inside a bait car surveillance  
25 vehicle while simultaneously capturing a photographic or  
26 video image;

1           (o) The use of an eavesdropping camera or audio device  
2 during an ongoing hostage or barricade situation by a law  
3 enforcement officer or individual acting on behalf of a  
4 law enforcement officer when the use of such device is  
5 necessary to protect the safety of the general public,  
6 hostages, or law enforcement officers or anyone acting on  
7 their behalf;

8           (p) Recording or listening with the aid of any device  
9 to incoming telephone calls of phone lines publicly listed  
10 or advertised as the "CPS Violence Prevention Hotline",  
11 but only where the notice of recording is given at the  
12 beginning of each call as required by Section 34-21.8 of  
13 the School Code. The recordings may be retained only by  
14 the Chicago Police Department or other law enforcement  
15 authorities, and shall not be otherwise retained or  
16 disseminated;

17           (q) (1) With prior request to and written or verbal  
18 approval of the State's Attorney of the county in which  
19 the conversation is anticipated to occur, recording or  
20 listening with the aid of an eavesdropping device to a  
21 conversation in which a law enforcement officer, or any  
22 person acting at the direction of a law enforcement  
23 officer, is a party to the conversation and has consented  
24 to the conversation being intercepted or recorded in the  
25 course of an investigation of a qualified offense. The  
26 State's Attorney may grant this approval only after

1           determining that reasonable cause exists to believe that  
2           inculpatory conversations concerning a qualified offense  
3           will occur with a specified individual or individuals  
4           within a designated period of time.

5           (2) Request for approval. To invoke the exception  
6           contained in this subsection (q), a law enforcement  
7           officer shall make a request for approval to the  
8           appropriate State's Attorney. The request may be written  
9           or verbal; however, a written memorialization of the  
10          request must be made by the State's Attorney. This request  
11          for approval shall include whatever information is deemed  
12          necessary by the State's Attorney but shall include, at a  
13          minimum, the following information about each specified  
14          individual whom the law enforcement officer believes will  
15          commit a qualified offense:

16                 (A) his or her full or partial name, nickname or  
17                 alias;

18                 (B) a physical description; or

19                 (C) failing either (A) or (B) of this paragraph  
20          (2), any other supporting information known to the law  
21          enforcement officer at the time of the request that  
22          gives rise to reasonable cause to believe that the  
23          specified individual will participate in an  
24          inculpatory conversation concerning a qualified  
25          offense.

26          (3) Limitations on approval. Each written approval by

1 the State's Attorney under this subsection (q) shall be  
2 limited to:

3 (A) a recording or interception conducted by a  
4 specified law enforcement officer or person acting at  
5 the direction of a law enforcement officer;

6 (B) recording or intercepting conversations with  
7 the individuals specified in the request for approval,  
8 provided that the verbal approval shall be deemed to  
9 include the recording or intercepting of conversations  
10 with other individuals, unknown to the law enforcement  
11 officer at the time of the request for approval, who  
12 are acting in conjunction with or as co-conspirators  
13 with the individuals specified in the request for  
14 approval in the commission of a qualified offense;

15 (C) a reasonable period of time but in no event  
16 longer than 24 consecutive hours;

17 (D) the written request for approval, if  
18 applicable, or the written memorialization must be  
19 filed, along with the written approval, with the  
20 circuit clerk of the jurisdiction on the next business  
21 day following the expiration of the authorized period  
22 of time, and shall be subject to review by the Chief  
23 Judge or his or her designee as deemed appropriate by  
24 the court.

25 (3.5) The written memorialization of the request for  
26 approval and the written approval by the State's Attorney

1           may be in any format, including via facsimile, email, or  
2           otherwise, so long as it is capable of being filed with the  
3           circuit clerk.

4           (3.10) Beginning March 1, 2015, each State's Attorney  
5           shall annually submit a report to the General Assembly  
6           disclosing:

7                   (A) the number of requests for each qualified  
8                   offense for approval under this subsection; and

9                   (B) the number of approvals for each qualified  
10                  offense given by the State's Attorney.

11           (4) Admissibility of evidence. No part of the contents  
12           of any wire, electronic, or oral communication that has  
13           been recorded or intercepted as a result of this exception  
14           may be received in evidence in any trial, hearing, or  
15           other proceeding in or before any court, grand jury,  
16           department, officer, agency, regulatory body, legislative  
17           committee, or other authority of this State, or a  
18           political subdivision of the State, other than in a  
19           prosecution of:

20                   (A) the qualified offense for which approval was  
21                   given to record or intercept a conversation under this  
22                   subsection (q);

23                   (B) a forcible felony committed directly in the  
24                   course of the investigation of the qualified offense  
25                   for which approval was given to record or intercept a  
26                   conversation under this subsection (q); or

1 (C) any other forcible felony committed while the  
2 recording or interception was approved in accordance  
3 with this subsection (q), but for this specific  
4 category of prosecutions, only if the law enforcement  
5 officer or person acting at the direction of a law  
6 enforcement officer who has consented to the  
7 conversation being intercepted or recorded suffers  
8 great bodily injury or is killed during the commission  
9 of the charged forcible felony.

10 (5) Compliance with the provisions of this subsection  
11 is a prerequisite to the admissibility in evidence of any  
12 part of the contents of any wire, electronic or oral  
13 communication that has been intercepted as a result of  
14 this exception, but nothing in this subsection shall be  
15 deemed to prevent a court from otherwise excluding the  
16 evidence on any other ground recognized by State or  
17 federal law, nor shall anything in this subsection be  
18 deemed to prevent a court from independently reviewing the  
19 admissibility of the evidence for compliance with the  
20 Fourth Amendment to the U.S. Constitution or with Article  
21 I, Section 6 of the Illinois Constitution.

22 (6) Use of recordings or intercepts unrelated to  
23 qualified offenses. Whenever any private conversation or  
24 private electronic communication has been recorded or  
25 intercepted as a result of this exception that is not  
26 related to an offense for which the recording or intercept

1 is admissible under paragraph (4) of this subsection (q),  
2 no part of the contents of the communication and evidence  
3 derived from the communication may be received in evidence  
4 in any trial, hearing, or other proceeding in or before  
5 any court, grand jury, department, officer, agency,  
6 regulatory body, legislative committee, or other authority  
7 of this State, or a political subdivision of the State,  
8 nor may it be publicly disclosed in any way.

9 (6.5) The Illinois State Police shall adopt rules as  
10 are necessary concerning the use of devices, retention of  
11 recordings, and reports regarding their use under this  
12 subsection (q).

13 (7) Definitions. For the purposes of this subsection  
14 (q) only:

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

21 "Qualified offense" means and is limited to:

22 (A) a felony violation of the Cannabis Control  
23 Act, the Illinois Controlled Substances Act, or  
24 the Methamphetamine Control and Community  
25 Protection Act, except for violations of:

26 (i) Section 4 of the Cannabis Control Act;



1 (ii) Section 402 of the Illinois  
2 Controlled Substances Act; and

3 (iii) Section 60 of the Methamphetamine  
4 Control and Community Protection Act; and

5 (B) first degree murder, solicitation of  
6 murder for hire, predatory criminal sexual assault  
7 of a child, criminal sexual assault, aggravated  
8 criminal sexual assault, aggravated arson,  
9 kidnapping, aggravated kidnapping, child  
10 abduction, trafficking in persons, involuntary  
11 servitude, involuntary sexual servitude of a  
12 minor, or gunrunning.

13 "State's Attorney" includes and is limited to the  
14 State's Attorney or an assistant State's Attorney  
15 designated by the State's Attorney to provide verbal  
16 approval to record or intercept conversations under  
17 this subsection (q).

18 (8) Sunset. This subsection (q) is inoperative on and  
19 after January 1, 2027. No conversations intercepted  
20 pursuant to this subsection (q), while operative, shall be  
21 inadmissible in a court of law by virtue of the  
22 inoperability of this subsection (q) on January 1, 2027.

23 (9) Recordings, records, and custody. Any private  
24 conversation or private electronic communication  
25 intercepted by a law enforcement officer or a person  
26 acting at the direction of law enforcement shall, if

1 practicable, be recorded in such a way as will protect the  
2 recording from editing or other alteration. Any and all  
3 original recordings made under this subsection (q) shall  
4 be inventoried without unnecessary delay pursuant to the  
5 law enforcement agency's policies for inventorying  
6 evidence. The original recordings shall not be destroyed  
7 except upon an order of a court of competent jurisdiction;  
8 and

9 (r) Electronic recordings, including but not limited  
10 to, motion picture, videotape, digital, or other visual or  
11 audio recording, made of a lineup under Section 107A-2 of  
12 the Code of Criminal Procedure of 1963.

13 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
14 102-918, eff. 5-27-22.)

15 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

16 (Text of Section before amendment by P.A. 102-982)

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

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

23 (1) an offense prohibited by Section 9-1 (first degree  
24 murder), Section 9-3 (involuntary manslaughter and  
25 reckless homicide), Section 10-2 (aggravated kidnaping),

1 Section 11-1.20 (criminal sexual assault), Section 11-1.30  
2 (aggravated criminal sexual assault), Section 11-1.40  
3 (predatory criminal sexual assault of a child), subsection  
4 (a) of Section 11-1.50 (criminal sexual abuse), subsection  
5 (a), (c), or (d) of Section 11-1.60 (aggravated criminal  
6 sexual abuse), Section 11-6 (indecent solicitation of a  
7 child), Section 11-14.4 (promoting juvenile prostitution  
8 except for keeping a place of juvenile prostitution),  
9 Section 11-20.1 (child pornography), paragraph (a)(1),  
10 (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),  
11 (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05  
12 (aggravated battery), Section 12-7.3 (stalking), Section  
13 12-7.4 (aggravated stalking), Section 16-1 (theft if the  
14 theft is of precious metal or of scrap metal), subdivision  
15 (f)(2) or (f)(3) of Section 16-25 (retail theft), Section  
16 18-2 (armed robbery), Section 19-1 (burglary), Section  
17 19-2 (possession of burglary tools), Section 19-3  
18 (residential burglary), Section 20-1 (arson; residential  
19 arson; place of worship arson), Section 20-2 (possession  
20 of explosives or explosive or incendiary devices),  
21 subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful use  
22 of weapons), Section 24-1.2 (aggravated discharge of a  
23 firearm), Section 24-1.2-5 (aggravated discharge of a  
24 machine gun or a firearm equipped with a device designed  
25 or used for silencing the report of a firearm), Section  
26 24-1.5 (reckless discharge of a firearm), Section 28-1

1 (gambling), or Section 29D-15.2 (possession of a deadly  
2 substance) of this Code;

3 (2) an offense prohibited by Section 21, 22, 23, 24 or  
4 26 of the Cigarette Tax Act if the vessel or watercraft,  
5 vehicle, or aircraft contains more than 10 cartons of such  
6 cigarettes;

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

11 (4) an offense prohibited by Section 44 of the  
12 Environmental Protection Act;

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

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

21 (A) during a period in which his or her driving  
22 privileges are revoked or suspended if the revocation  
23 or suspension was for:

24 (i) Section 11-501 (driving under the  
25 influence of alcohol or other drug or drugs,  
26 intoxicating compound or compounds or any

1 combination thereof),  
2 (ii) Section 11-501.1 (statutory summary  
3 suspension or revocation),  
4 (iii) paragraph (b) of Section 11-401 (motor  
5 vehicle accidents involving death or personal  
6 injuries), or  
7 (iv) reckless homicide as defined in Section  
8 9-3 of this Code;  
9 (B) has been previously convicted of reckless  
10 homicide or a similar provision of a law of another  
11 state relating to reckless homicide in which the  
12 person was determined to have been under the influence  
13 of alcohol, other drug or drugs, or intoxicating  
14 compound or compounds as an element of the offense or  
15 the person has previously been convicted of committing  
16 a violation of driving under the influence of alcohol  
17 or other drug or drugs, intoxicating compound or  
18 compounds or any combination thereof and was involved  
19 in a motor vehicle accident that resulted in death,  
20 great bodily harm, or permanent disability or  
21 disfigurement to another, when the violation was a  
22 proximate cause of the death or injuries;  
23 (C) the person committed a violation of driving  
24 under the influence of alcohol or other drug or drugs,  
25 intoxicating compound or compounds or any combination  
26 thereof under Section 11-501 of the Illinois Vehicle

1 Code or a similar provision for the third or  
2 subsequent time;

3 (D) he or she did not possess a valid driver's  
4 license or permit or a valid restricted driving permit  
5 or a valid judicial driving permit or a valid  
6 monitoring device driving permit; or

7 (E) he or she knew or should have known that the  
8 vehicle he or she was driving was not covered by a  
9 liability insurance policy;

10 (7) an offense described in subsection (g) of Section  
11 6-303 of the Illinois Vehicle Code;

12 (8) an offense described in subsection (e) of Section  
13 6-101 of the Illinois Vehicle Code; or

14 (9) (A) operating a watercraft under the influence of  
15 alcohol, other drug or drugs, intoxicating compound or  
16 compounds, or combination thereof under Section 5-16 of  
17 the Boat Registration and Safety Act during a period in  
18 which his or her privileges to operate a watercraft are  
19 revoked or suspended and the revocation or suspension was  
20 for operating a watercraft under the influence of alcohol,  
21 other drug or drugs, intoxicating compound or compounds,  
22 or combination thereof; (B) operating a watercraft under  
23 the influence of alcohol, other drug or drugs,  
24 intoxicating compound or compounds, or combination thereof  
25 and has been previously convicted of reckless homicide or  
26 a similar provision of a law in another state relating to

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

17          (b) In addition, any mobile or portable equipment used in  
18          the commission of an act which is in violation of Section 7g of  
19          the Metropolitan Water Reclamation District Act shall be  
20          subject to seizure and forfeiture under the same procedures  
21          provided in this Article for the seizure and forfeiture of  
22          vessels or watercraft, vehicles, and aircraft, and any such  
23          equipment shall be deemed a vessel or watercraft, vehicle, or  
24          aircraft for purposes of this Article.

25          (c) In addition, when a person discharges a firearm at  
26          another individual from a vehicle with the knowledge and

1 consent of the owner of the vehicle and with the intent to  
2 cause death or great bodily harm to that individual and as a  
3 result causes death or great bodily harm to that individual,  
4 the vehicle shall be subject to seizure and forfeiture under  
5 the same procedures provided in this Article for the seizure  
6 and forfeiture of vehicles used in violations of clauses (1),  
7 (2), (3), or (4) of subsection (a) of this Section.

8 (d) If the spouse of the owner of a vehicle seized for an  
9 offense described in subsection (g) of Section 6-303 of the  
10 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),  
11 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section  
12 11-501 of the Illinois Vehicle Code, or Section 9-3 of this  
13 Code makes a showing that the seized vehicle is the only source  
14 of transportation and it is determined that the financial  
15 hardship to the family as a result of the seizure outweighs the  
16 benefit to the State from the seizure, the vehicle may be  
17 forfeited to the spouse or family member and the title to the  
18 vehicle shall be transferred to the spouse or family member  
19 who is properly licensed and who requires the use of the  
20 vehicle for employment or family transportation purposes. A  
21 written declaration of forfeiture of a vehicle under this  
22 Section shall be sufficient cause for the title to be  
23 transferred to the spouse or family member. The provisions of  
24 this paragraph shall apply only to one forfeiture per vehicle.  
25 If the vehicle is the subject of a subsequent forfeiture  
26 proceeding by virtue of a subsequent conviction of either



1 spouse or the family member, the spouse or family member to  
2 whom the vehicle was forfeited under the first forfeiture  
3 proceeding may not utilize the provisions of this paragraph in  
4 another forfeiture proceeding. If the owner of the vehicle  
5 seized owns more than one vehicle, the procedure set out in  
6 this paragraph may be used for only one vehicle.

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

10 (Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18.)

11 (Text of Section after amendment by P.A. 102-982)

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

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

18 (1) an offense prohibited by Section 9-1 (first degree  
19 murder), Section 9-3 (involuntary manslaughter and  
20 reckless homicide), Section 10-2 (aggravated kidnaping),  
21 Section 11-1.20 (criminal sexual assault), Section 11-1.30  
22 (aggravated criminal sexual assault), Section 11-1.40  
23 (predatory criminal sexual assault of a child), subsection  
24 (a) of Section 11-1.50 (criminal sexual abuse), subsection  
25 (a), (c), or (d) of Section 11-1.60 (aggravated criminal

1 sexual abuse), Section 11-6 (indecent solicitation of a  
2 child), Section 11-14.4 (promoting juvenile prostitution  
3 except for keeping a place of juvenile prostitution),  
4 Section 11-20.1 (child sexual abuse material ~~pornography~~),  
5 paragraph (a) (1), (a) (2), (a) (4), (b) (1), (b) (2), (e) (1),  
6 (e) (2), (e) (3), (e) (4), (e) (5), (e) (6), or (e) (7) of  
7 Section 12-3.05 (aggravated battery), Section 12-7.3  
8 (stalking), Section 12-7.4 (aggravated stalking), Section  
9 16-1 (theft if the theft is of precious metal or of scrap  
10 metal), subdivision (f) (2) or (f) (3) of Section 16-25  
11 (retail theft), Section 18-2 (armed robbery), Section 19-1  
12 (burglary), Section 19-2 (possession of burglary tools),  
13 Section 19-3 (residential burglary), Section 20-1 (arson;  
14 residential arson; place of worship arson), Section 20-2  
15 (possession of explosives or explosive or incendiary  
16 devices), subdivision (a) (6) or (a) (7) of Section 24-1  
17 (unlawful use of weapons), Section 24-1.2 (aggravated  
18 discharge of a firearm), Section 24-1.2-5 (aggravated  
19 discharge of a machine gun or a firearm equipped with a  
20 device designed or used for silencing the report of a  
21 firearm), Section 24-1.5 (reckless discharge of a  
22 firearm), Section 28-1 (gambling), or Section 29D-15.2  
23 (possession of a deadly substance) of this Code;

24 (2) an offense prohibited by Section 21, 22, 23, 24 or  
25 26 of the Cigarette Tax Act if the vessel or watercraft,  
26 vehicle, or aircraft contains more than 10 cartons of such

1 cigarettes;

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

6 (4) an offense prohibited by Section 44 of the  
7 Environmental Protection Act;

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

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

16 (A) during a period in which his or her driving  
17 privileges are revoked or suspended if the revocation  
18 or suspension was for:

19 (i) Section 11-501 (driving under the  
20 influence of alcohol or other drug or drugs,  
21 intoxicating compound or compounds or any  
22 combination thereof),

23 (ii) Section 11-501.1 (statutory summary  
24 suspension or revocation),

25 (iii) paragraph (b) of Section 11-401 (motor  
26 vehicle crashes involving death or personal

1 injuries), or

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

4 (B) has been previously convicted of reckless  
5 homicide or a similar provision of a law of another  
6 state relating to reckless homicide in which the  
7 person was determined to have been under the influence  
8 of alcohol, other drug or drugs, or intoxicating  
9 compound or compounds as an element of the offense or  
10 the person has previously been convicted of committing  
11 a violation of driving under the influence of alcohol  
12 or other drug or drugs, intoxicating compound or  
13 compounds or any combination thereof and was involved  
14 in a motor vehicle crash that resulted in death, great  
15 bodily harm, or permanent disability or disfigurement  
16 to another, when the violation was a proximate cause  
17 of the death or injuries;

18 (C) the person committed a violation of driving  
19 under the influence of alcohol or other drug or drugs,  
20 intoxicating compound or compounds or any combination  
21 thereof under Section 11-501 of the Illinois Vehicle  
22 Code or a similar provision for the third or  
23 subsequent time;

24 (D) he or she did not possess a valid driver's  
25 license or permit or a valid restricted driving permit  
26 or a valid judicial driving permit or a valid

1 monitoring device driving permit; or

2 (E) he or she knew or should have known that the  
3 vehicle he or she was driving was not covered by a  
4 liability insurance policy;

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

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

9 (9) (A) operating a watercraft under the influence of  
10 alcohol, other drug or drugs, intoxicating compound or  
11 compounds, or combination thereof under Section 5-16 of  
12 the Boat Registration and Safety Act during a period in  
13 which his or her privileges to operate a watercraft are  
14 revoked or suspended and the revocation or suspension was  
15 for operating a watercraft under the influence of alcohol,  
16 other drug or drugs, intoxicating compound or compounds,  
17 or combination thereof; (B) operating a watercraft under  
18 the influence of alcohol, other drug or drugs,  
19 intoxicating compound or compounds, or combination thereof  
20 and has been previously convicted of reckless homicide or  
21 a similar provision of a law in another state relating to  
22 reckless homicide in which the person was determined to  
23 have been under the influence of alcohol, other drug or  
24 drugs, intoxicating compound or compounds, or combination  
25 thereof as an element of the offense or the person has  
26 previously been convicted of committing a violation of

1 operating a watercraft under the influence of alcohol,  
2 other drug or drugs, intoxicating compound or compounds,  
3 or combination thereof and was involved in an accident  
4 that resulted in death, great bodily harm, or permanent  
5 disability or disfigurement to another, when the violation  
6 was a proximate cause of the death or injuries; or (C) the  
7 person committed a violation of operating a watercraft  
8 under the influence of alcohol, other drug or drugs,  
9 intoxicating compound or compounds, or combination thereof  
10 under Section 5-16 of the Boat Registration and Safety Act  
11 or a similar provision for the third or subsequent time.

12 (b) In addition, any mobile or portable equipment used in  
13 the commission of an act which is in violation of Section 7g of  
14 the Metropolitan Water Reclamation District Act shall be  
15 subject to seizure and forfeiture under the same procedures  
16 provided in this Article for the seizure and forfeiture of  
17 vessels or watercraft, vehicles, and aircraft, and any such  
18 equipment shall be deemed a vessel or watercraft, vehicle, or  
19 aircraft for purposes of this Article.

20 (c) In addition, when a person discharges a firearm at  
21 another individual from a vehicle with the knowledge and  
22 consent of the owner of the vehicle and with the intent to  
23 cause death or great bodily harm to that individual and as a  
24 result causes death or great bodily harm to that individual,  
25 the vehicle shall be subject to seizure and forfeiture under  
26 the same procedures provided in this Article for the seizure

1 and forfeiture of vehicles used in violations of clauses (1),  
2 (2), (3), or (4) of subsection (a) of this Section.

3 (d) If the spouse of the owner of a vehicle seized for an  
4 offense described in subsection (g) of Section 6-303 of the  
5 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),  
6 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section  
7 11-501 of the Illinois Vehicle Code, or Section 9-3 of this  
8 Code makes a showing that the seized vehicle is the only source  
9 of transportation and it is determined that the financial  
10 hardship to the family as a result of the seizure outweighs the  
11 benefit to the State from the seizure, the vehicle may be  
12 forfeited to the spouse or family member and the title to the  
13 vehicle shall be transferred to the spouse or family member  
14 who is properly licensed and who requires the use of the  
15 vehicle for employment or family transportation purposes. A  
16 written declaration of forfeiture of a vehicle under this  
17 Section shall be sufficient cause for the title to be  
18 transferred to the spouse or family member. The provisions of  
19 this paragraph shall apply only to one forfeiture per vehicle.  
20 If the vehicle is the subject of a subsequent forfeiture  
21 proceeding by virtue of a subsequent conviction of either  
22 spouse or the family member, the spouse or family member to  
23 whom the vehicle was forfeited under the first forfeiture  
24 proceeding may not utilize the provisions of this paragraph in  
25 another forfeiture proceeding. If the owner of the vehicle  
26 seized owns more than one vehicle, the procedure set out in

1 this paragraph may be used for only one vehicle.

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

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

6 Section 55. The Code of Criminal Procedure of 1963 is  
7 amended by changing Sections 106B-10, 115-7, 115-7.3, 124B-10,  
8 124B-100, 124B-420, and 124B-500 as follows:

9 (725 ILCS 5/106B-10)

10 Sec. 106B-10. Conditions for testimony by a victim or  
11 witness who is under 18 years of age or an ~~a child or a~~  
12 ~~moderately, severely, or profoundly~~ intellectually disabled  
13 person or a person affected by a developmental disability. The  
14 ~~In a prosecution of criminal sexual assault, predatory~~  
15 ~~criminal sexual assault of a child, aggravated criminal sexual~~  
16 ~~assault, criminal sexual abuse, aggravated criminal sexual~~  
17 ~~abuse, or any violent crime as defined in subsection (c) of~~  
18 ~~Section 3 of the Rights of Crime Victims and Witnesses Act, the~~  
19 court may set any conditions it finds just and appropriate on  
20 the taking of testimony of a victim or witness who is under 18  
21 years of age or an intellectually disabled person or a person  
22 affected by a developmental disability ~~victim who is a child~~  
23 ~~under the age of 18 years or a moderately, severely, or~~  
24 ~~profoundly intellectually disabled person or a person affected~~



1 ~~by a developmental disability,~~ involving the use of a facility  
2 dog in any criminal proceeding ~~involving that offense~~. When  
3 deciding whether to permit the child or person to testify with  
4 the assistance of a facility dog, the court shall take into  
5 consideration the age of the child or person, the rights of the  
6 parties to the litigation, and any other relevant factor that  
7 would facilitate the giving of testimony ~~by the child or the~~  
8 ~~person~~. As used in this Section, "facility dog" means a dog  
9 that is a graduate of an assistance dog organization that is a  
10 member of Assistance Dogs International.

11 (Source: P.A. 102-22, eff. 6-25-21.)

12 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

13 Sec. 115-7. a. In prosecutions for predatory criminal  
14 sexual assault of a child, aggravated criminal sexual assault,  
15 criminal sexual assault, aggravated criminal sexual abuse,  
16 criminal sexual abuse, involuntary servitude, involuntary  
17 sexual servitude of a minor, or trafficking in persons ~~or~~  
18 ~~criminal transmission of HIV~~; and in prosecutions for battery  
19 and aggravated battery, when the commission of the offense  
20 involves sexual penetration or sexual conduct as defined in  
21 Section 11-0.1 of the Criminal Code of 2012; and with the trial  
22 or retrial of the offenses formerly known as rape, deviate  
23 sexual assault, indecent liberties with a child, and  
24 aggravated indecent liberties with a child, the prior sexual  
25 activity or the reputation of the alleged victim or

1 corroborating witness under Section 115-7.3 of this Code is  
2 inadmissible except (1) as evidence concerning the past sexual  
3 conduct of the alleged victim or corroborating witness under  
4 Section 115-7.3 of this Code with the accused when this  
5 evidence is offered by the accused upon the issue of whether  
6 the alleged victim or corroborating witness under Section  
7 115-7.3 of this Code consented to the sexual conduct with  
8 respect to which the offense is alleged; or (2) when  
9 constitutionally required to be admitted.

10 b. No evidence admissible under this Section shall be  
11 introduced unless ruled admissible by the trial judge after an  
12 offer of proof has been made at a hearing to be held in camera  
13 in order to determine whether the defense has evidence to  
14 impeach the witness in the event that prior sexual activity  
15 with the defendant is denied. Such offer of proof shall  
16 include reasonably specific information as to the date, time  
17 and place of the past sexual conduct between the alleged  
18 victim or corroborating witness under Section 115-7.3 of this  
19 Code and the defendant. Unless the court finds that reasonably  
20 specific information as to date, time or place, or some  
21 combination thereof, has been offered as to prior sexual  
22 activity with the defendant, counsel for the defendant shall  
23 be ordered to refrain from inquiring into prior sexual  
24 activity between the alleged victim or corroborating witness  
25 under Section 115-7.3 of this Code and the defendant. The  
26 court shall not admit evidence under this Section unless it

1 determines at the hearing that the evidence is relevant and  
2 the probative value of the evidence outweighs the danger of  
3 unfair prejudice. The evidence shall be admissible at trial to  
4 the extent an order made by the court specifies the evidence  
5 that may be admitted and areas with respect to which the  
6 alleged victim or corroborating witness under Section 115-7.3  
7 of this Code may be examined or cross examined.

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

9 (725 ILCS 5/115-7.3)

10 Sec. 115-7.3. Evidence in certain cases.

11 (a) This Section applies to criminal cases in which:

12 (1) the defendant is accused of predatory criminal  
13 sexual assault of a child, aggravated criminal sexual  
14 assault, criminal sexual assault, aggravated criminal  
15 sexual abuse, criminal sexual abuse, child sexual abuse  
16 material pornography, aggravated child pornography,  
17 involuntary servitude, involuntary sexual servitude of a  
18 minor, trafficking in persons, ~~criminal transmission of~~  
19 ~~HIV~~, or child abduction as defined in paragraph (10) of  
20 subsection (b) of Section 10-5 of the Criminal Code of  
21 1961 or the Criminal Code of 2012;

22 (2) the defendant is accused of battery, aggravated  
23 battery, first degree murder, or second degree murder when  
24 the commission of the offense involves sexual penetration  
25 or sexual conduct as defined in Section 11-0.1 of the

1 Criminal Code of 2012; or

2 (3) the defendant is tried or retried for any of the  
3 offenses formerly known as rape, deviate sexual assault,  
4 indecent liberties with a child, or aggravated indecent  
5 liberties with a child.

6 (b) If the defendant is accused of an offense set forth in  
7 paragraph (1) or (2) of subsection (a) or the defendant is  
8 tried or retried for any of the offenses set forth in paragraph  
9 (3) of subsection (a), evidence of the defendant's commission  
10 of another offense or offenses set forth in paragraph (1),  
11 (2), or (3) of subsection (a), or evidence to rebut that proof  
12 or an inference from that proof, may be admissible (if that  
13 evidence is otherwise admissible under the rules of evidence)  
14 and may be considered for its bearing on any matter to which it  
15 is relevant.

16 (c) In weighing the probative value of the evidence  
17 against undue prejudice to the defendant, the court may  
18 consider:

19 (1) the proximity in time to the charged or predicate  
20 offense;

21 (2) the degree of factual similarity to the charged or  
22 predicate offense; or

23 (3) other relevant facts and circumstances.

24 (d) In a criminal case in which the prosecution intends to  
25 offer evidence under this Section, it must disclose the  
26 evidence, including statements of witnesses or a summary of

1 the substance of any testimony, at a reasonable time in  
2 advance of trial, or during trial if the court excuses  
3 pretrial notice on good cause shown.

4 (e) In a criminal case in which evidence is offered under  
5 this Section, proof may be made by specific instances of  
6 conduct, testimony as to reputation, or testimony in the form  
7 of an expert opinion, except that the prosecution may offer  
8 reputation testimony only after the opposing party has offered  
9 that testimony.

10 (f) In prosecutions for a violation of Section 10-2,  
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.05, 12-4,  
12 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of the Criminal  
13 Code of 1961 or the Criminal Code of 2012, involving the  
14 involuntary delivery of a controlled substance to a victim, no  
15 inference may be made about the fact that a victim did not  
16 consent to a test for the presence of controlled substances.

17 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;  
18 98-160, eff. 1-1-14.)

19 (725 ILCS 5/124B-10)

20 Sec. 124B-10. Applicability; offenses. This Article  
21 applies to forfeiture of property in connection with the  
22 following:

23 (1) A violation of Section 10-9 or 10A-10 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012  
25 (involuntary servitude; involuntary servitude of a minor;

1 or trafficking in persons).

2 (2) A violation of subdivision (a)(1) of Section  
3 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
4 of 2012 (promoting juvenile prostitution) or a violation  
5 of Section 11-17.1 of the Criminal Code of 1961 (keeping a  
6 place of juvenile prostitution).

7 (3) A violation of subdivision (a)(4) of Section  
8 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
9 of 2012 (promoting juvenile prostitution) or a violation  
10 of Section 11-19.2 of the Criminal Code of 1961  
11 (exploitation of a child).

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

15 (5) A violation of Section 11-20.1 of the Criminal  
16 Code of 1961 or the Criminal Code of 2012 (child sexual  
17 abuse material ~~pornography~~).

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

20 (6.5) A violation of Section 11-23.5 of the Criminal  
21 Code of 2012.

22 (7) A violation of Section 12C-65 of the Criminal Code  
23 of 2012 or Article 44 of the Criminal Code of 1961  
24 (unlawful transfer of a telecommunications device to a  
25 minor).

26 (8) A violation of Section 17-50 or Section 16D-5 of

1 the Criminal Code of 2012 or the Criminal Code of 1961  
2 (computer fraud).

3 (9) A felony violation of Section 17-6.3 or Article  
4 17B of the Criminal Code of 2012 or the Criminal Code of  
5 1961 (WIC fraud).

6 (10) A felony violation of Section 48-1 of the  
7 Criminal Code of 2012 or Section 26-5 of the Criminal Code  
8 of 1961 (dog fighting).

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

11 (12) A felony violation of Section 4.01 of the Humane  
12 Care for Animals Act (animals in entertainment).

13 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;  
14 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.  
15 6-1-15.)

16 (725 ILCS 5/124B-100)

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

19 (1) In the case of forfeiture authorized under Section  
20 10A-15 of the Criminal Code of 1961 or Section 10-9 of the  
21 Criminal Code of 2012, "offense" means the offense of  
22 involuntary servitude, involuntary servitude of a minor,  
23 or trafficking in persons in violation of Section 10-9 or  
24 10A-10 of those Codes.

25 (2) In the case of forfeiture authorized under

1 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,  
2 of the Criminal Code of 1961 or the Criminal Code of 2012,  
3 "offense" means the offense of promoting juvenile  
4 prostitution or keeping a place of juvenile prostitution  
5 in violation of subdivision (a) (1) of Section 11-14.4, or  
6 Section 11-17.1, of those Codes.

7 (3) In the case of forfeiture authorized under  
8 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,  
9 of the Criminal Code of 1961 or the Criminal Code of 2012,  
10 "offense" means the offense of promoting juvenile  
11 prostitution or exploitation of a child in violation of  
12 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,  
13 of those Codes.

14 (4) In the case of forfeiture authorized under Section  
15 11-20 of the Criminal Code of 1961 or the Criminal Code of  
16 2012, "offense" means the offense of obscenity in  
17 violation of that Section.

18 (5) In the case of forfeiture authorized under Section  
19 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
20 of 2012, "offense" means the offense of child sexual abuse  
21 material ~~pornography~~ in violation of Section 11-20.1 of  
22 that Code.

23 (6) In the case of forfeiture authorized under Section  
24 11-20.1B or 11-20.3 of the Criminal Code of 1961,  
25 "offense" means the offense of aggravated child  
26 pornography in violation of Section 11-20.1B or 11-20.3 of



1           that Code.

2           (7) In the case of forfeiture authorized under Section  
3           12C-65 of the Criminal Code of 2012 or Article 44 of the  
4           Criminal Code of 1961, "offense" means the offense of  
5           unlawful transfer of a telecommunications device to a  
6           minor in violation of Section 12C-65 or Article 44 of  
7           those Codes.

8           (8) In the case of forfeiture authorized under Section  
9           17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal  
10          Code of 2012, "offense" means the offense of computer  
11          fraud in violation of Section 17-50 or 16D-5 of those  
12          Codes.

13          (9) In the case of forfeiture authorized under Section  
14          17-6.3 or Article 17B of the Criminal Code of 1961 or the  
15          Criminal Code of 2012, "offense" means any felony  
16          violation of Section 17-6.3 or Article 17B of those Codes.

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

21          (11) In the case of forfeiture authorized under  
22          Section 4.01 of the Humane Care for Animals Act, Section  
23          26-5 of the Criminal Code of 1961, or Section 48-1 of the  
24          Criminal Code of 2012, "offense" means any felony offense  
25          under either of those Sections.

26          (12) In the case of forfeiture authorized under

1 Section 124B-1000(b) of the Code of Criminal Procedure of  
2 1963, "offense" means an offense in violation of the  
3 Criminal Code of 1961, the Criminal Code of 2012, the  
4 Illinois Controlled Substances Act, the Cannabis Control  
5 Act, or the Methamphetamine Control and Community  
6 Protection Act, or an offense involving a  
7 telecommunications device possessed by a person on the  
8 real property of any elementary or secondary school  
9 without authority of the school principal.

10 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;  
11 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.  
12 1-1-13; 97-1150, eff. 1-25-13.)

13 (725 ILCS 5/124B-420)

14 Sec. 124B-420. Distribution of property and sale proceeds.

15 (a) All moneys and the sale proceeds of all other property  
16 forfeited and seized under this Part 400 shall be distributed  
17 as follows:

18 (1) 50% shall be distributed to the unit of local  
19 government whose officers or employees conducted the  
20 investigation into the offense and caused the arrest or  
21 arrests and prosecution leading to the forfeiture, except  
22 that if the investigation, arrest or arrests, and  
23 prosecution leading to the forfeiture were undertaken by  
24 the sheriff, this portion shall be distributed to the  
25 county for deposit into a special fund in the county

1 treasury appropriated to the sheriff. Amounts distributed  
2 to the county for the sheriff or to units of local  
3 government under this paragraph shall be used for  
4 enforcement of laws or ordinances governing obscenity and  
5 child sexual abuse material ~~pornography~~. If the  
6 investigation, arrest or arrests, and prosecution leading  
7 to the forfeiture were undertaken solely by a State  
8 agency, however, the portion designated in this paragraph  
9 shall be paid into the State treasury to be used for  
10 enforcement of laws governing obscenity and child sexual  
11 abuse material ~~pornography~~.

12 (2) 25% shall be distributed to the county in which  
13 the prosecution resulting in the forfeiture was  
14 instituted, deposited into a special fund in the county  
15 treasury, and appropriated to the State's Attorney for use  
16 in the enforcement of laws governing obscenity and child  
17 sexual abuse material ~~pornography~~.

18 (3) 25% shall be distributed to the Office of the  
19 State's Attorneys Appellate Prosecutor and deposited into  
20 the Obscenity Profits Forfeiture Fund, which is hereby  
21 created in the State treasury, to be used by the Office of  
22 the State's Attorneys Appellate Prosecutor for additional  
23 expenses incurred in prosecuting appeals arising under  
24 Sections 11-20, 11-20.1, 11-20.1B, and 11-20.3 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012. Any  
26 amounts remaining in the Fund after all additional

1 expenses have been paid shall be used by the Office to  
2 reduce the participating county contributions to the  
3 Office on a pro-rated basis as determined by the board of  
4 governors of the Office of the State's Attorneys Appellate  
5 Prosecutor based on the populations of the participating  
6 counties.

7 (b) Before any distribution under subsection (a), the  
8 Attorney General or State's Attorney shall retain from the  
9 forfeited moneys or sale proceeds, or both, sufficient moneys  
10 to cover expenses related to the administration and sale of  
11 the forfeited property.

12 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;  
13 97-1150, eff. 1-25-13.)

14 (725 ILCS 5/124B-500)

15 Sec. 124B-500. Persons and property subject to forfeiture.  
16 A person who commits child sexual abuse material ~~pornography~~,  
17 aggravated child pornography, or non-consensual dissemination  
18 of private sexual images under Section 11-20.1, 11-20.1B,  
19 11-20.3, or 11-23.5 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012 shall forfeit the following property to  
21 the State of Illinois:

22 (1) Any profits or proceeds and any property the  
23 person has acquired or maintained in violation of Section  
24 11-20.1, 11-20.1B, 11-20.3, or 11-23.5 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012 that the

1 sentencing court determines, after a forfeiture hearing  
2 under this Article, to have been acquired or maintained as  
3 a result of child sexual abuse material ~~pornography~~,  
4 aggravated child pornography, or non-consensual  
5 dissemination of private sexual images.

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, or  
11 11-23.5 of the Criminal Code of 1961 or the Criminal Code  
12 of 2012 that the sentencing court determines, after a  
13 forfeiture hearing under this Article, to have been  
14 acquired or maintained as a result of child sexual abuse  
15 material ~~pornography~~, aggravated child pornography, or  
16 non-consensual dissemination of private sexual images.

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

24 (Source: P.A. 97-1150, eff. 1-25-13; 98-1013, eff. 1-1-15;  
25 98-1138, eff. 6-1-15.)

1           Section 60. The Statewide Grand Jury Act is amended by  
2 changing Sections 2 and 3 as follows:

3           (725 ILCS 215/2) (from Ch. 38, par. 1702)

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

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

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

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

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

2 (725 ILCS 215/3) (from Ch. 38, par. 1703)

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

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

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

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



1           (2) if one or more of the State's Attorneys having  
2 jurisdiction over an offense or offenses to be  
3 investigated fails to consent to the impaneling of the  
4 Statewide Grand Jury, the Attorney General shall set forth  
5 good cause for impaneling the Statewide Grand Jury.

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

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

24           (a-5) For violations facilitated by the use of a  
25 computer, including the use of the Internet, the World  
26 Wide Web, electronic mail, message board, newsgroup, or

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

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

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

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

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

1 Section 65. The Unified Code of Corrections is amended by  
2 changing Sections 3-1-2, 3-12.5-10, 5-5-3, 5-5-3.2, 5-8-1,  
3 5-8-4, 5-9-1.7, and 5-9-1.8 as follows:

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

5 Sec. 3-1-2. Definitions.

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

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

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

20 (i) A violation of any of the following Sections of  
21 the Criminal Code of 1961 or the Criminal Code of 2012:  
22 10-7 (aiding or abetting child abduction under Section  
23 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent  
24 solicitation of a child), 11-6.5 (indecent solicitation of  
25 an adult), 11-14.4 (promoting juvenile prostitution),

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

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

18 (iii) A violation of any of the following Sections of  
19 the Criminal Code of 1961 or the Criminal Code of 2012 when  
20 the defendant is not a parent of the victim:

21 10-1 (kidnapping),

22 10-2 (aggravated kidnapping),

23 10-3 (unlawful restraint),

24 10-3.1 (aggravated unlawful restraint).

25 An attempt to commit any of these offenses.

26 (iv) A violation of any former law of this State

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

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

12 (b) "Commitment" means a judicially determined placement  
13 in the custody of the Department of Corrections on the basis of  
14 delinquency or conviction.

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

21 (c-5) "Computer scrub software" means any third-party  
22 added software, designed to delete information from the  
23 computer unit, the hard drive, or other software, which would  
24 eliminate and prevent discovery of browser activity,  
25 including, but not limited to, Internet history, address bar  
26 or bars, cache or caches, and/or cookies, and which would

1 over-write files in a way so as to make previous computer  
2 activity, including, but not limited to, website access, more  
3 difficult to discover.

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

7 (d) "Correctional institution or facility" means any  
8 building or part of a building where committed persons are  
9 kept in a secured manner.

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

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

19 (f) "Director" means both the Director of Corrections and  
20 the Director of Juvenile Justice, unless the context is  
21 specific to either the Director of Corrections or the Director  
22 of Juvenile Justice.

23 (f-5) (Blank).

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

26 (h) "Discipline" means the rules and regulations for the

1 maintenance of order and the protection of persons and  
2 property within the institutions and facilities of the  
3 Department and their enforcement.

4 (i) "Escape" means the intentional and unauthorized  
5 absence of a committed person from the custody of the  
6 Department.

7 (j) "Furlough" means an authorized leave of absence from  
8 the Department of Corrections for a designated purpose and  
9 period of time.

10 (k) "Parole" means the conditional and revocable release  
11 of a person committed to the Department of Corrections under  
12 the supervision of a parole officer.

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

1 conditions justify revocation of parole or release, and to  
2 assume all other functions previously exercised by the  
3 Illinois Parole and Pardon Board.

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

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

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

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

19 (2) a certificate of innocence from the Circuit Court  
20 as provided in Section 2-702 of the Code of Civil  
21 Procedure.

22 (Source: P.A. 102-558, eff. 8-20-21; 102-616, eff. 1-1-22.)

23 (730 ILCS 5/3-12.5-10)

24 (Section scheduled to be repealed on August 24, 2022)

25 Sec. 3-12.5-10. Selection. Inmates may be selected to



1 participate in the pre-release Prisoner Entrepreneur Education  
2 Program only if all of the following conditions are met:

3 (1) the inmate is within 3 years of being released  
4 from custody of the Department of Corrections;

5 (2) the inmate has not been disciplined by the  
6 Department of Corrections within the past year;

7 (3) the inmate has a high school diploma or GED;

8 (4) the inmate has never been convicted of an offense  
9 described in Subdivision 5 of Article 11 of the Criminal  
10 Code of 2012 (major sex offenses), Subdivision 10 of  
11 Article 11 of the Criminal Code of 2012 (vulnerable victim  
12 sex offenses), Section 11-20.1 of Subdivision 20 of  
13 Article 11 of the Criminal Code of 2012 (child sexual  
14 abuse material ~~pornography~~ offenses), or similar offenses  
15 under the Criminal Code of 1961;

16 (5) the inmate is not currently affiliated with a  
17 gang; and

18 (6) the inmate is committed to personal change.

19 (Source: P.A. 100-283, eff. 8-24-17.)

20 (730 ILCS 5/5-5-3)

21 Sec. 5-5-3. Disposition.

22 (a) (Blank).

23 (b) (Blank).

24 (c) (1) (Blank).

25 (2) A period of probation, a term of periodic imprisonment

1 or conditional discharge shall not be imposed for the  
2 following offenses. The court shall sentence the offender to  
3 not less than the minimum term of imprisonment set forth in  
4 this Code for the following offenses, and may order a fine or  
5 restitution or both in conjunction with such term of  
6 imprisonment:

7 (A) First degree murder where the death penalty is not  
8 imposed.

9 (B) Attempted first degree murder.

10 (C) A Class X felony.

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

16 (D-5) A violation of subdivision (c)(1) of Section 401  
17 of the Illinois Controlled Substances Act which relates to  
18 3 or more grams of a substance containing heroin or an  
19 analog thereof.

20 (E) (Blank).

21 (F) A Class 1 or greater felony if the offender had  
22 been convicted of a Class 1 or greater felony, including  
23 any state or federal conviction for an offense that  
24 contained, at the time it was committed, the same elements  
25 as an offense now (the date of the offense committed after  
26 the prior Class 1 or greater felony) classified as a Class

1 1 or greater felony, within 10 years of the date on which  
2 the offender committed the offense for which he or she is  
3 being sentenced, except as otherwise provided in Section  
4 40-10 of the Substance Use Disorder Act.

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

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

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

21 (H) Criminal sexual assault.

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

26 (J) A forcible felony if the offense was related to

1 the activities of an organized gang.

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

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

12 (K) Vehicular hijacking.

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

17 (M) A second or subsequent conviction for the offense  
18 of institutional vandalism if the damage to the property  
19 exceeds \$300.

20 (N) A Class 3 felony violation of paragraph (1) of  
21 subsection (a) of Section 2 of the Firearm Owners  
22 Identification Card Act.

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

25 (P) A violation of paragraph (1), (2), (3), (4), (5),  
26 or (7) of subsection (a) of Section 11-20.1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 (P-5) A violation of paragraph (6) of subsection (a)  
3 of Section 11-20.1 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012 if the victim is a household or  
5 family member of the defendant.

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

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

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

13           (Y) A conviction for unlawful possession of a firearm  
14        by a street gang member when the firearm was loaded or  
15        contained firearm ammunition.

16           (Z) A Class 1 felony committed while he or she was  
17        serving a term of probation or conditional discharge for a  
18        felony.

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

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

23           (CC) Knowingly selling, offering for sale, holding for  
24        sale, or using 2,000 or more counterfeit items or  
25        counterfeit items having a retail value in the aggregate  
26        of \$500,000 or more.

1 (DD) A conviction for aggravated assault under  
2 paragraph (6) of subsection (c) of Section 12-2 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012 if the  
4 firearm is aimed toward the person against whom the  
5 firearm is being used.

6 (EE) A conviction for a violation of paragraph (2) of  
7 subsection (a) of Section 24-3B of the Criminal Code of  
8 2012.

9 (3) (Blank).

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

14 (4.1) (Blank).

15 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
16 this subsection (c), a minimum of 100 hours of community  
17 service shall be imposed for a second violation of Section  
18 6-303 of the Illinois Vehicle Code.

19 (4.3) A minimum term of imprisonment of 30 days or 300  
20 hours of community service, as determined by the court, shall  
21 be imposed for a second violation of subsection (c) of Section  
22 6-303 of the Illinois Vehicle Code.

23 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
24 (4.9) of this subsection (c), a minimum term of imprisonment  
25 of 30 days or 300 hours of community service, as determined by  
26 the court, shall be imposed for a third or subsequent

1 violation of Section 6-303 of the Illinois Vehicle Code. The  
2 court may give credit toward the fulfillment of community  
3 service hours for participation in activities and treatment as  
4 determined by court services.

5 (4.5) A minimum term of imprisonment of 30 days shall be  
6 imposed for a third violation of subsection (c) of Section  
7 6-303 of the Illinois Vehicle Code.

8 (4.6) Except as provided in paragraph (4.10) of this  
9 subsection (c), a minimum term of imprisonment of 180 days  
10 shall be imposed for a fourth or subsequent violation of  
11 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

12 (4.7) A minimum term of imprisonment of not less than 30  
13 consecutive days, or 300 hours of community service, shall be  
14 imposed for a violation of subsection (a-5) of Section 6-303  
15 of the Illinois Vehicle Code, as provided in subsection (b-5)  
16 of that Section.

17 (4.8) A mandatory prison sentence shall be imposed for a  
18 second violation of subsection (a-5) of Section 6-303 of the  
19 Illinois Vehicle Code, as provided in subsection (c-5) of that  
20 Section. The person's driving privileges shall be revoked for  
21 a period of not less than 5 years from the date of his or her  
22 release from prison.

23 (4.9) A mandatory prison sentence of not less than 4 and  
24 not more than 15 years shall be imposed for a third violation  
25 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
26 Code, as provided in subsection (d-2.5) of that Section. The



1 person's driving privileges shall be revoked for the remainder  
2 of his or her life.

3 (4.10) A mandatory prison sentence for a Class 1 felony  
4 shall be imposed, and the person shall be eligible for an  
5 extended term sentence, for a fourth or subsequent violation  
6 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
7 Code, as provided in subsection (d-3.5) of that Section. The  
8 person's driving privileges shall be revoked for the remainder  
9 of his or her life.

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

12 (A) a period of conditional discharge;

13 (B) a fine;

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

16 (5.1) In addition to any other penalties imposed, and  
17 except as provided in paragraph (5.2) or (5.3), 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 at least 90 days but not  
21 more than one year, if the violation resulted in damage to the  
22 property of another person.

23 (5.2) In addition to any other penalties imposed, and  
24 except as provided in paragraph (5.3), a person convicted of  
25 violating subsection (c) of Section 11-907 of the Illinois  
26 Vehicle Code shall have his or her driver's license, permit,

1 or privileges suspended for at least 180 days but not more than  
2 2 years, if the violation resulted in injury to another  
3 person.

4 (5.3) In addition to any other penalties imposed, 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 2 years, if the violation  
8 resulted in the death of another person.

9 (5.4) In addition to any other penalties imposed, a person  
10 convicted of violating Section 3-707 of the Illinois Vehicle  
11 Code shall have his or her driver's license, permit, or  
12 privileges suspended for 3 months and until he or she has paid  
13 a reinstatement fee of \$100.

14 (5.5) In addition to any other penalties imposed, a person  
15 convicted of violating Section 3-707 of the Illinois Vehicle  
16 Code during a period in which his or her driver's license,  
17 permit, or privileges were suspended for a previous violation  
18 of that Section shall have his or her driver's license,  
19 permit, or privileges suspended for an additional 6 months  
20 after the expiration of the original 3-month suspension and  
21 until he or she has paid a reinstatement fee of \$100.

22 (6) (Blank).

23 (7) (Blank).

24 (8) (Blank).

25 (9) A defendant convicted of a second or subsequent  
26 offense of ritualized abuse of a child may be sentenced to a

1 term of natural life imprisonment.

2 (10) (Blank).

3 (11) The court shall impose a minimum fine of \$1,000 for a  
4 first offense and \$2,000 for a second or subsequent offense  
5 upon a person convicted of or placed on supervision for  
6 battery when the individual harmed was a sports official or  
7 coach at any level of competition and the act causing harm to  
8 the sports official or coach occurred within an athletic  
9 facility or within the immediate vicinity of the athletic  
10 facility at which the sports official or coach was an active  
11 participant of the athletic contest held at the athletic  
12 facility. For the purposes of this paragraph (11), "sports  
13 official" means a person at an athletic contest who enforces  
14 the rules of the contest, such as an umpire or referee;  
15 "athletic facility" means an indoor or outdoor playing field  
16 or recreational area where sports activities are conducted;  
17 and "coach" means a person recognized as a coach by the  
18 sanctioning authority that conducted the sporting event.

19 (12) A person may not receive a disposition of court  
20 supervision for a violation of Section 5-16 of the Boat  
21 Registration and Safety Act if that person has previously  
22 received a disposition of court supervision for a violation of  
23 that Section.

24 (13) A person convicted of or placed on court supervision  
25 for an assault or aggravated assault when the victim and the  
26 offender are family or household members as defined in Section

1 103 of the Illinois Domestic Violence Act of 1986 or convicted  
2 of domestic battery or aggravated domestic battery may be  
3 required to attend a Partner Abuse Intervention Program under  
4 protocols set forth by the Illinois Department of Human  
5 Services under such terms and conditions imposed by the court.  
6 The costs of such classes shall be paid by the offender.

7 (d) In any case in which a sentence originally imposed is  
8 vacated, the case shall be remanded to the trial court. The  
9 trial court shall hold a hearing under Section 5-4-1 of this  
10 Code which may include evidence of the defendant's life, moral  
11 character and occupation during the time since the original  
12 sentence was passed. The trial court shall then impose  
13 sentence upon the defendant. The trial court may impose any  
14 sentence which could have been imposed at the original trial  
15 subject to Section 5-5-4 of this Code. If a sentence is vacated  
16 on appeal or on collateral attack due to the failure of the  
17 trier of fact at trial to determine beyond a reasonable doubt  
18 the existence of a fact (other than a prior conviction)  
19 necessary to increase the punishment for the offense beyond  
20 the statutory maximum otherwise applicable, either the  
21 defendant may be re-sentenced to a term within the range  
22 otherwise provided or, if the State files notice of its  
23 intention to again seek the extended sentence, the defendant  
24 shall be afforded a new trial.

25 (e) In cases where prosecution for aggravated criminal  
26 sexual abuse under Section 11-1.60 or 12-16 of the Criminal

1 Code of 1961 or the Criminal Code of 2012 results in conviction  
2 of a defendant who was a family member of the victim at the  
3 time of the commission of the offense, the court shall  
4 consider the safety and welfare of the victim and may impose a  
5 sentence of probation only where:

6 (1) the court finds (A) or (B) or both are  
7 appropriate:

8 (A) the defendant is willing to undergo a court  
9 approved counseling program for a minimum duration of  
10 2 years; or

11 (B) the defendant is willing to participate in a  
12 court approved plan, including, but not limited to,  
13 the defendant's:

14 (i) removal from the household;

15 (ii) restricted contact with the victim;

16 (iii) continued financial support of the  
17 family;

18 (iv) restitution for harm done to the victim;

19 and

20 (v) compliance with any other measures that  
21 the court may deem appropriate; and

22 (2) the court orders the defendant to pay for the  
23 victim's counseling services, to the extent that the court  
24 finds, after considering the defendant's income and  
25 assets, that the defendant is financially capable of  
26 paying for such services, if the victim was under 18 years

1 of age at the time the offense was committed and requires  
2 counseling as a result of the offense.

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

10 For the purposes of this Section, "family member" and  
11 "victim" shall have the meanings ascribed to them in Section  
12 11-0.1 of the Criminal Code of 2012.

13 (f) (Blank).

14 (g) Whenever a defendant is convicted of an offense under  
15 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
16 11-14.3, 11-14.4 except for an offense that involves keeping a  
17 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
18 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
19 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, the defendant shall undergo medical  
21 testing to determine whether the defendant has any sexually  
22 transmissible disease, including a test for infection with  
23 human immunodeficiency virus (HIV) or any other identified  
24 causative agent of acquired immunodeficiency syndrome (AIDS).  
25 Any such medical test shall be performed only by appropriately  
26 licensed medical practitioners and may include an analysis of

1 any bodily fluids as well as an examination of the defendant's  
2 person. Except as otherwise provided by law, the results of  
3 such test shall be kept strictly confidential by all medical  
4 personnel involved in the testing and must be personally  
5 delivered in a sealed envelope to the judge of the court in  
6 which the conviction was entered for the judge's inspection in  
7 camera. Acting in accordance with the best interests of the  
8 victim and the public, the judge shall have the discretion to  
9 determine to whom, if anyone, the results of the testing may be  
10 revealed. The court shall notify the defendant of the test  
11 results. The court shall also notify the victim if requested  
12 by the victim, and if the victim is under the age of 15 and if  
13 requested by the victim's parents or legal guardian, the court  
14 shall notify the victim's parents or legal guardian of the  
15 test results. The court shall provide information on the  
16 availability of HIV testing and counseling at Department of  
17 Public Health facilities to all parties to whom the results of  
18 the testing are revealed and shall direct the State's Attorney  
19 to provide the information to the victim when possible. The  
20 court shall order that the cost of any such test shall be paid  
21 by the county and may be taxed as costs against the convicted  
22 defendant.

23 (g-5) When an inmate is tested for an airborne  
24 communicable disease, as determined by the Illinois Department  
25 of Public Health, including, but not limited to, tuberculosis,  
26 the results of the test shall be personally delivered by the

1 warden or his or her designee in a sealed envelope to the judge  
2 of the court in which the inmate must appear for the judge's  
3 inspection in camera if requested by the judge. Acting in  
4 accordance with the best interests of those in the courtroom,  
5 the judge shall have the discretion to determine what if any  
6 precautions need to be taken to prevent transmission of the  
7 disease in the courtroom.

8 (h) Whenever a defendant is convicted of an offense under  
9 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
10 defendant shall undergo medical testing to determine whether  
11 the defendant has been exposed to human immunodeficiency virus  
12 (HIV) or any other identified causative agent of acquired  
13 immunodeficiency syndrome (AIDS). Except as otherwise provided  
14 by law, the results of such test shall be kept strictly  
15 confidential by all medical personnel involved in the testing  
16 and must be personally delivered in a sealed envelope to the  
17 judge of the court in which the conviction was entered for the  
18 judge's inspection in camera. Acting in accordance with the  
19 best interests of the public, the judge shall have the  
20 discretion to determine to whom, if anyone, the results of the  
21 testing may be revealed. The court shall notify the defendant  
22 of a positive test showing an infection with the human  
23 immunodeficiency virus (HIV). The court shall provide  
24 information on the availability of HIV testing and counseling  
25 at Department of Public Health facilities to all parties to  
26 whom the results of the testing are revealed and shall direct



1 the State's Attorney to provide the information to the victim  
2 when possible. The court shall order that the cost of any such  
3 test shall be paid by the county and may be taxed as costs  
4 against the convicted defendant.

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

12 (j) In cases when prosecution for any violation of Section  
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
14 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
15 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
16 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
17 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
18 Code of 2012, any violation of the Illinois Controlled  
19 Substances Act, any violation of the Cannabis Control Act, or  
20 any violation of the Methamphetamine Control and Community  
21 Protection Act results in conviction, a disposition of court  
22 supervision, or an order of probation granted under Section 10  
23 of the Cannabis Control Act, Section 410 of the Illinois  
24 Controlled Substances Act, or Section 70 of the  
25 Methamphetamine Control and Community Protection Act of a  
26 defendant, the court shall determine whether the defendant is

1 employed by a facility or center as defined under the Child  
2 Care Act of 1969, a public or private elementary or secondary  
3 school, or otherwise works with children under 18 years of age  
4 on a daily basis. When a defendant is so employed, the court  
5 shall order the Clerk of the Court to send a copy of the  
6 judgment of conviction or order of supervision or probation to  
7 the defendant's employer by certified mail. If the employer of  
8 the defendant is a school, the Clerk of the Court shall direct  
9 the mailing of a copy of the judgment of conviction or order of  
10 supervision or probation to the appropriate regional  
11 superintendent of schools. The regional superintendent of  
12 schools shall notify the State Board of Education of any  
13 notification under this subsection.

14 (j-5) A defendant at least 17 years of age who is convicted  
15 of a felony and who has not been previously convicted of a  
16 misdemeanor or felony and who is sentenced to a term of  
17 imprisonment in the Illinois Department of Corrections shall  
18 as a condition of his or her sentence be required by the court  
19 to attend educational courses designed to prepare the  
20 defendant for a high school diploma and to work toward a high  
21 school diploma or to work toward passing high school  
22 equivalency testing or to work toward completing a vocational  
23 training program offered by the Department of Corrections. If  
24 a defendant fails to complete the educational training  
25 required by his or her sentence during the term of  
26 incarceration, the Prisoner Review Board shall, as a condition

1 of mandatory supervised release, require the defendant, at his  
2 or her own expense, to pursue a course of study toward a high  
3 school diploma or passage of high school equivalency testing.  
4 The Prisoner Review Board shall revoke the mandatory  
5 supervised release of a defendant who wilfully fails to comply  
6 with this subsection (j-5) upon his or her release from  
7 confinement in a penal institution while serving a mandatory  
8 supervised release term; however, the inability of the  
9 defendant after making a good faith effort to obtain financial  
10 aid or pay for the educational training shall not be deemed a  
11 wilful failure to comply. The Prisoner Review Board shall  
12 recommit the defendant whose mandatory supervised release term  
13 has been revoked under this subsection (j-5) as provided in  
14 Section 3-3-9. This subsection (j-5) does not apply to a  
15 defendant who has a high school diploma or has successfully  
16 passed high school equivalency testing. This subsection (j-5)  
17 does not apply to a defendant who is determined by the court to  
18 be a person with a developmental disability or otherwise  
19 mentally incapable of completing the educational or vocational  
20 program.

21 (k) (Blank).

22 (l) (A) Except as provided in paragraph (C) of subsection  
23 (l), whenever a defendant, who is not a citizen or national of  
24 the United States, is convicted of any felony or misdemeanor  
25 offense, the court after sentencing the defendant may, upon  
26 motion of the State's Attorney, hold sentence in abeyance and

1 remand the defendant to the custody of the Attorney General of  
2 the United States or his or her designated agent to be deported  
3 when:

4 (1) a final order of deportation has been issued  
5 against the defendant pursuant to proceedings under the  
6 Immigration and Nationality Act, and

7 (2) the deportation of the defendant would not  
8 deprecate the seriousness of the defendant's conduct and  
9 would not be inconsistent with the ends of justice.

10 Otherwise, the defendant shall be sentenced as provided in  
11 this Chapter V.

12 (B) If the defendant has already been sentenced for a  
13 felony or misdemeanor offense, or has been placed on probation  
14 under Section 10 of the Cannabis Control Act, Section 410 of  
15 the Illinois Controlled Substances Act, or Section 70 of the  
16 Methamphetamine Control and Community Protection Act, the  
17 court may, upon motion of the State's Attorney to suspend the  
18 sentence imposed, commit the defendant to the custody of the  
19 Attorney General of the United States or his or her designated  
20 agent when:

21 (1) a final order of deportation has been issued  
22 against the defendant pursuant to proceedings under the  
23 Immigration and Nationality Act, and

24 (2) the deportation of the defendant would not  
25 deprecate the seriousness of the defendant's conduct and  
26 would not be inconsistent with the ends of justice.

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

4 (D) Upon motion of the State's Attorney, if a defendant  
5 sentenced under this Section returns to the jurisdiction of  
6 the United States, the defendant shall be recommitted to the  
7 custody of the county from which he or she was sentenced.  
8 Thereafter, the defendant shall be brought before the  
9 sentencing court, which may impose any sentence that was  
10 available under Section 5-5-3 at the time of initial  
11 sentencing. In addition, the defendant shall not be eligible  
12 for additional earned sentence credit as provided under  
13 Section 3-6-3.

14 (m) A person convicted of criminal defacement of property  
15 under Section 21-1.3 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012, in which the property damage exceeds  
17 \$300 and the property damaged is a school building, shall be  
18 ordered to perform community service that may include cleanup,  
19 removal, or painting over the defacement.

20 (n) The court may sentence a person convicted of a  
21 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
22 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
23 of 1961 or the Criminal Code of 2012 (i) to an impact  
24 incarceration program if the person is otherwise eligible for  
25 that program under Section 5-8-1.1, (ii) to community service,  
26 or (iii) if the person has a substance use disorder, as defined

1 in the Substance Use Disorder Act, to a treatment program  
2 licensed under that Act.

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

8 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;  
9 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
10 5-27-22.)

11 (730 ILCS 5/5-5-3.2)

12 (Text of Section before amendment by P.A. 102-982)

13 Sec. 5-5-3.2. Factors in aggravation and extended-term  
14 sentencing.

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

19 (1) the defendant's conduct caused or threatened  
20 serious harm;

21 (2) the defendant received compensation for committing  
22 the offense;

23 (3) the defendant has a history of prior delinquency  
24 or criminal activity;

25 (4) the defendant, by the duties of his office or by

1 his position, was obliged to prevent the particular  
2 offense committed or to bring the offenders committing it  
3 to justice;

4 (5) the defendant held public office at the time of  
5 the offense, and the offense related to the conduct of  
6 that office;

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

10 (7) the sentence is necessary to deter others from  
11 committing the same crime;

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

14 (9) the defendant committed the offense against a  
15 person who has a physical disability or such person's  
16 property;

17 (10) by reason of another individual's actual or  
18 perceived race, color, creed, religion, ancestry, gender,  
19 sexual orientation, physical or mental disability, or  
20 national origin, the defendant committed the offense  
21 against (i) the person or property of that individual;  
22 (ii) the person or property of a person who has an  
23 association with, is married to, or has a friendship with  
24 the other individual; or (iii) the person or property of a  
25 relative (by blood or marriage) of a person described in  
26 clause (i) or (ii). For the purposes of this Section,

1 "sexual orientation" has the meaning ascribed to it in  
2 paragraph (O-1) of Section 1-103 of the Illinois Human  
3 Rights Act;

4 (11) the offense took place in a place of worship or on  
5 the grounds of a place of worship, immediately prior to,  
6 during or immediately following worship services. For  
7 purposes of this subparagraph, "place of worship" shall  
8 mean any church, synagogue or other building, structure or  
9 place used primarily for religious worship;

10 (12) the defendant was convicted of a felony committed  
11 while he was on pretrial release or his own recognizance  
12 pending trial for a prior felony and was convicted of such  
13 prior felony, or the defendant was convicted of a felony  
14 committed while he was serving a period of probation,  
15 conditional discharge, or mandatory supervised release  
16 under subsection (d) of Section 5-8-1 for a prior felony;

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

22 (14) the defendant held a position of trust or  
23 supervision such as, but not limited to, family member as  
24 defined in Section 11-0.1 of the Criminal Code of 2012,  
25 teacher, scout leader, baby sitter, or day care worker, in  
26 relation to a victim under 18 years of age, and the



1 defendant committed an offense in violation of Section  
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
3 11-14.4 except for an offense that involves keeping a  
4 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
5 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
6 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
7 of 2012 against that victim;

8 (15) the defendant committed an offense related to the  
9 activities of an organized gang. For the purposes of this  
10 factor, "organized gang" has the meaning ascribed to it in  
11 Section 10 of the Streetgang Terrorism Omnibus Prevention  
12 Act;

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

1           (16.5) the defendant committed an offense in violation  
2           of one of the following Sections while in a day care  
3           center, regardless of the time of day or time of year; on  
4           the real property of a day care center, regardless of the  
5           time of day or time of year; or on a public way within  
6           1,000 feet of the real property comprising any day care  
7           center, regardless of the time of day or time of year:  
8           Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
9           11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
10          11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
11          12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
12          18-2, or 33A-2, or Section 12-3.05 except for subdivision  
13          (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
14          Criminal Code of 2012;

15          (17) the defendant committed the offense by reason of  
16          any person's activity as a community policing volunteer or  
17          to prevent any person from engaging in activity as a  
18          community policing volunteer. For the purpose of this  
19          Section, "community policing volunteer" has the meaning  
20          ascribed to it in Section 2-3.5 of the Criminal Code of  
21          2012;

22          (18) the defendant committed the offense in a nursing  
23          home or on the real property comprising a nursing home.  
24          For the purposes of this paragraph (18), "nursing home"  
25          means a skilled nursing or intermediate long term care  
26          facility that is subject to license by the Illinois

1 Department of Public Health under the Nursing Home Care  
2 Act, the Specialized Mental Health Rehabilitation Act of  
3 2013, the ID/DD Community Care Act, or the MC/DD Act;

4 (19) the defendant was a federally licensed firearm  
5 dealer and was previously convicted of a violation of  
6 subsection (a) of Section 3 of the Firearm Owners  
7 Identification Card Act and has now committed either a  
8 felony violation of the Firearm Owners Identification Card  
9 Act or an act of armed violence while armed with a firearm;

10 (20) the defendant (i) committed the offense of  
11 reckless homicide under Section 9-3 of the Criminal Code  
12 of 1961 or the Criminal Code of 2012 or the offense of  
13 driving under the influence of alcohol, other drug or  
14 drugs, intoxicating compound or compounds or any  
15 combination thereof under Section 11-501 of the Illinois  
16 Vehicle Code or a similar provision of a local ordinance  
17 and (ii) was operating a motor vehicle in excess of 20  
18 miles per hour over the posted speed limit as provided in  
19 Article VI of Chapter 11 of the Illinois Vehicle Code;

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

26 (22) the defendant committed the offense against a

1 person that the defendant knew, or reasonably should have  
2 known, was a member of the Armed Forces of the United  
3 States serving on active duty. For purposes of this clause  
4 (22), the term "Armed Forces" means any of the Armed  
5 Forces of the United States, including a member of any  
6 reserve component thereof or National Guard unit called to  
7 active duty;

8 (23) the defendant committed the offense against a  
9 person who was elderly or infirm or who was a person with a  
10 disability by taking advantage of a family or fiduciary  
11 relationship with the elderly or infirm person or person  
12 with a disability;

13 (24) the defendant committed any offense under Section  
14 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
15 of 2012 and possessed 100 or more images;

16 (25) the defendant committed the offense while the  
17 defendant or the victim was in a train, bus, or other  
18 vehicle used for public transportation;

19 (26) the defendant committed the offense of child  
20 pornography or aggravated child pornography, specifically  
21 including paragraph (1), (2), (3), (4), (5), or (7) of  
22 subsection (a) of Section 11-20.1 of the Criminal Code of  
23 1961 or the Criminal Code of 2012 where 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 and specifically including paragraph (1), (2), (3), (4),  
2 (5), or (7) of subsection (a) of Section 11-20.1B or  
3 Section 11-20.3 of the Criminal Code of 1961 where a child  
4 engaged in, solicited for, depicted in, or posed in any  
5 act of sexual penetration or bound, fettered, or subject  
6 to sadistic, masochistic, or sadomasochistic abuse in a  
7 sexual context;

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

25 (28) the defendant committed the offense of assault,  
26 aggravated assault, battery, aggravated battery, robbery,

1 armed robbery, or aggravated robbery against a person that  
2 the defendant knew or reasonably should have known was a  
3 letter carrier or postal worker while that person was  
4 performing his or her duties delivering mail for the  
5 United States Postal Service;

6 (29) the defendant committed the offense of criminal  
7 sexual assault, aggravated criminal sexual assault,  
8 criminal sexual abuse, or aggravated criminal sexual abuse  
9 against a victim with an intellectual disability, and the  
10 defendant holds a position of trust, authority, or  
11 supervision in relation to the victim;

12 (30) the defendant committed the offense of promoting  
13 juvenile prostitution, patronizing a prostitute, or  
14 patronizing a minor engaged in prostitution and at the  
15 time of the commission of the offense knew that the  
16 prostitute or minor engaged in prostitution was in the  
17 custody or guardianship of the Department of Children and  
18 Family Services;

19 (31) the defendant (i) committed the offense of  
20 driving while under the influence of alcohol, other drug  
21 or drugs, intoxicating compound or compounds or any  
22 combination thereof in violation of Section 11-501 of the  
23 Illinois Vehicle Code or a similar provision of a local  
24 ordinance and (ii) the defendant during the commission of  
25 the offense was driving his or her vehicle upon a roadway  
26 designated for one-way traffic in the opposite direction

1 of the direction indicated by official traffic control  
2 devices;

3 (32) the defendant committed the offense of reckless  
4 homicide while committing a violation of Section 11-907 of  
5 the Illinois Vehicle Code;

6 (33) the defendant was found guilty of an  
7 administrative infraction related to an act or acts of  
8 public indecency or sexual misconduct in the penal  
9 institution. In this paragraph (33), "penal institution"  
10 has the same meaning as in Section 2-14 of the Criminal  
11 Code of 2012; or

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

23 For the purposes of this Section:

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

26 "Day care center" means a public or private State

1 certified and licensed day care center as defined in Section  
2 2.09 of the Child Care Act of 1969 that displays a sign in  
3 plain view stating that the property is a day care center.

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

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

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

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

18 (1) When a defendant is convicted of any felony, after  
19 having been previously convicted in Illinois or any other  
20 jurisdiction of the same or similar class felony or  
21 greater class felony, when such conviction has occurred  
22 within 10 years after the previous conviction, excluding  
23 time spent in custody, and such charges are separately  
24 brought and tried and arise out of different series of  
25 acts; or

26 (2) When a defendant is convicted of any felony and



1 the court finds that the offense was accompanied by  
2 exceptionally brutal or heinous behavior indicative of  
3 wanton cruelty; or

4 (3) When a defendant is convicted of any felony  
5 committed against:

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

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

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

12 (4) When a defendant is convicted of any felony and  
13 the offense involved any of the following types of  
14 specific misconduct committed as part of a ceremony, rite,  
15 initiation, observance, performance, practice or activity  
16 of any actual or ostensible religious, fraternal, or  
17 social group:

18 (i) the brutalizing or torturing of humans or  
19 animals;

20 (ii) the theft of human corpses;

21 (iii) the kidnapping of humans;

22 (iv) the desecration of any cemetery, religious,  
23 fraternal, business, governmental, educational, or  
24 other building or property; or

25 (v) ritualized abuse of a child; or

26 (5) When a defendant is convicted of a felony other

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

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

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

23 (8) When a defendant commits any felony and the  
24 defendant used, possessed, exercised control over, or  
25 otherwise directed an animal to assault a law enforcement  
26 officer engaged in the execution of his or her official

1 duties or in furtherance of the criminal activities of an  
2 organized gang in which the defendant is engaged; or

3 (9) When a defendant commits any felony and the  
4 defendant knowingly video or audio records the offense  
5 with the intent to disseminate the recording.

6 (c) The following factors may be considered by the court  
7 as reasons to impose an extended term sentence under Section  
8 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
9 offenses:

10 (1) When a defendant is convicted of first degree  
11 murder, after having been previously convicted in Illinois  
12 of any offense listed under paragraph (c)(2) of Section  
13 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
14 occurred within 10 years after the previous conviction,  
15 excluding time spent in custody, and the charges are  
16 separately brought and tried and arise out of different  
17 series of acts.

18 (1.5) When a defendant is convicted of first degree  
19 murder, after having been previously convicted of domestic  
20 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
21 (720 ILCS 5/12-3.3) committed on the same victim or after  
22 having been previously convicted of violation of an order  
23 of protection (720 ILCS 5/12-30) in which the same victim  
24 was the protected person.

25 (2) When a defendant is convicted of voluntary  
26 manslaughter, second degree murder, involuntary

1           manslaughter, or reckless homicide in which the defendant  
2           has been convicted of causing the death of more than one  
3           individual.

4           (3) When a defendant is convicted of aggravated  
5           criminal sexual assault or criminal sexual assault, when  
6           there is a finding that aggravated criminal sexual assault  
7           or criminal sexual assault was also committed on the same  
8           victim by one or more other individuals, and the defendant  
9           voluntarily participated in the crime with the knowledge  
10          of the participation of the others in the crime, and the  
11          commission of the crime was part of a single course of  
12          conduct during which there was no substantial change in  
13          the nature of the criminal objective.

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

21          (5) When a defendant is convicted of a felony  
22          violation of Section 24-1 of the Criminal Code of 1961 or  
23          the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
24          finding that the defendant is a member of an organized  
25          gang.

26          (6) When a defendant was convicted of unlawful use of

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

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

25 (8) When the defendant is convicted of attempted mob  
26 action, solicitation to commit mob action, or conspiracy

1 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
2 Criminal Code of 2012, where the criminal object is a  
3 violation of Section 25-1 of the Criminal Code of 2012,  
4 and an electronic communication is used in the commission  
5 of the offense. For the purposes of this paragraph (8),  
6 "electronic communication" shall have the meaning provided  
7 in Section 26.5-0.1 of the Criminal Code of 2012.

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

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

23 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
24 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
25 8-20-21.)

1 (Text of Section after amendment by P.A. 102-982)

2 Sec. 5-5-3.2. Factors in aggravation and extended-term  
3 sentencing.

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

8 (1) the defendant's conduct caused or threatened  
9 serious harm;

10 (2) the defendant received compensation for committing  
11 the offense;

12 (3) the defendant has a history of prior delinquency  
13 or criminal activity;

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

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

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

24 (7) the sentence is necessary to deter others from  
25 committing the same crime;

26 (8) the defendant committed the offense against a

1 person 60 years of age or older or such person's property;

2 (9) the defendant committed the offense against a  
3 person who has a physical disability or such person's  
4 property;

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

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

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



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

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

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

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

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

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

1 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
2 Criminal Code of 2012;

3 (17) the defendant committed the offense by reason of  
4 any person's activity as a community policing volunteer or  
5 to prevent any person from engaging in activity as a  
6 community policing volunteer. For the purpose of this  
7 Section, "community policing volunteer" has the meaning  
8 ascribed to it in Section 2-3.5 of the Criminal Code of  
9 2012;

10 (18) the defendant committed the offense in a nursing  
11 home or on the real property comprising a nursing home.  
12 For the purposes of this paragraph (18), "nursing home"  
13 means a skilled nursing or intermediate long term care  
14 facility that is subject to license by the Illinois  
15 Department of Public Health under the Nursing Home Care  
16 Act, the Specialized Mental Health Rehabilitation Act of  
17 2013, the ID/DD Community Care Act, or the MC/DD Act;

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

24 (20) the defendant (i) committed the offense of  
25 reckless homicide under Section 9-3 of the Criminal Code  
26 of 1961 or the Criminal Code of 2012 or the offense of

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

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

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

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

1 (24) the defendant committed any offense under Section  
2 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
3 of 2012 and possessed 100 or more images;

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

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

22 (27) the defendant committed the offense of first  
23 degree murder, assault, aggravated assault, battery,  
24 aggravated battery, robbery, armed robbery, or aggravated  
25 robbery against a person who was a veteran and the  
26 defendant knew, or reasonably should have known, that the

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

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

20 (29) the defendant committed the offense of criminal  
21 sexual assault, aggravated criminal sexual assault,  
22 criminal sexual abuse, or aggravated criminal sexual abuse  
23 against a victim with an intellectual disability, and the  
24 defendant holds a position of trust, authority, or  
25 supervision in relation to the victim;

26 (30) the defendant committed the offense of promoting

1 juvenile prostitution, patronizing a prostitute, or  
2 patronizing a minor engaged in prostitution and at the  
3 time of the commission of the offense knew that the  
4 prostitute or minor engaged in prostitution was in the  
5 custody or guardianship of the Department of Children and  
6 Family Services;

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

17 (32) the defendant committed the offense of reckless  
18 homicide while committing a violation of Section 11-907 of  
19 the Illinois Vehicle Code;

20 (33) the defendant was found guilty of an  
21 administrative infraction related to an act or acts of  
22 public indecency or sexual misconduct in the penal  
23 institution. In this paragraph (33), "penal institution"  
24 has the same meaning as in Section 2-14 of the Criminal  
25 Code of 2012; or

26 (34) the defendant committed the offense of leaving

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

11 For the purposes of this Section:

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

14 "Day care center" means a public or private State  
15 certified and licensed day care center as defined in Section  
16 2.09 of the Child Care Act of 1969 that displays a sign in  
17 plain view stating that the property is a day care center.

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

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

24 "Traffic control devices" means all signs, signals,  
25 markings, and devices that conform to the Illinois Manual on  
26 Uniform Traffic Control Devices, placed or erected by



1 authority of a public body or official having jurisdiction,  
2 for the purpose of regulating, warning, or guiding traffic.

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

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

14 (2) When a defendant is convicted of any felony and  
15 the court finds that the offense was accompanied by  
16 exceptionally brutal or heinous behavior indicative of  
17 wanton cruelty; or

18 (3) When a defendant is convicted of any felony  
19 committed against:

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

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

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

26 (4) When a defendant is convicted of any felony and

1 the offense involved any of the following types of  
2 specific misconduct committed as part of a ceremony, rite,  
3 initiation, observance, performance, practice or activity  
4 of any actual or ostensible religious, fraternal, or  
5 social group:

6 (i) the brutalizing or torturing of humans or  
7 animals;

8 (ii) the theft of human corpses;

9 (iii) the kidnapping of humans;

10 (iv) the desecration of any cemetery, religious,  
11 fraternal, business, governmental, educational, or  
12 other building or property; or

13 (v) ritualized abuse of a child; or

14 (5) When a defendant is convicted of a felony other  
15 than conspiracy and the court finds that the felony was  
16 committed under an agreement with 2 or more other persons  
17 to commit that offense and the defendant, with respect to  
18 the other individuals, occupied a position of organizer,  
19 supervisor, financier, or any other position of management  
20 or leadership, and the court further finds that the felony  
21 committed was related to or in furtherance of the criminal  
22 activities of an organized gang or was motivated by the  
23 defendant's leadership in an organized gang; or

24 (6) When a defendant is convicted of an offense  
25 committed while using a firearm with a laser sight  
26 attached to it. For purposes of this paragraph, "laser

1 sight" has the meaning ascribed to it in Section 26-7 of  
2 the Criminal Code of 2012; or

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

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

17 (9) When a defendant commits any felony and the  
18 defendant knowingly video or audio records the offense  
19 with the intent to disseminate the recording.

20 (c) The following factors may be considered by the court  
21 as reasons to impose an extended term sentence under Section  
22 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
23 offenses:

24 (1) When a defendant is convicted of first degree  
25 murder, after having been previously convicted in Illinois  
26 of any offense listed under paragraph (c)(2) of Section

1 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
2 occurred within 10 years after the previous conviction,  
3 excluding time spent in custody, and the charges are  
4 separately brought and tried and arise out of different  
5 series of acts.

6 (1.5) When a defendant is convicted of first degree  
7 murder, after having been previously convicted of domestic  
8 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
9 (720 ILCS 5/12-3.3) committed on the same victim or after  
10 having been previously convicted of violation of an order  
11 of protection (720 ILCS 5/12-30) in which the same victim  
12 was the protected person.

13 (2) When a defendant is convicted of voluntary  
14 manslaughter, second degree murder, involuntary  
15 manslaughter, or reckless homicide in which the defendant  
16 has been convicted of causing the death of more than one  
17 individual.

18 (3) When a defendant is convicted of aggravated  
19 criminal sexual assault or criminal sexual assault, when  
20 there is a finding that aggravated criminal sexual assault  
21 or criminal sexual assault was also committed on the same  
22 victim by one or more other individuals, and the defendant  
23 voluntarily participated in the crime with the knowledge  
24 of the participation of the others in the crime, and the  
25 commission of the crime was part of a single course of  
26 conduct during which there was no substantial change in

1 the nature of the criminal objective.

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

9 (5) When a defendant is convicted of a felony  
10 violation of Section 24-1 of the Criminal Code of 1961 or  
11 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
12 finding that the defendant is a member of an organized  
13 gang.

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

20 (7) When a defendant is convicted of an offense  
21 involving the illegal manufacture of a controlled  
22 substance under Section 401 of the Illinois Controlled  
23 Substances Act (720 ILCS 570/401), the illegal manufacture  
24 of methamphetamine under Section 25 of the Methamphetamine  
25 Control and Community Protection Act (720 ILCS 646/25), or  
26 the illegal possession of explosives and an emergency

1 response officer in the performance of his or her duties  
2 is killed or injured at the scene of the offense while  
3 responding to the emergency caused by the commission of  
4 the offense. In this paragraph, "emergency" means a  
5 situation in which a person's life, health, or safety is  
6 in jeopardy; and "emergency response officer" means a  
7 peace officer, community policing volunteer, fireman,  
8 emergency medical technician-ambulance, emergency medical  
9 technician-intermediate, emergency medical  
10 technician-paramedic, ambulance driver, other medical  
11 assistance or first aid personnel, or hospital emergency  
12 room personnel.

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

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

25 (e) The court may impose an extended term sentence under  
26 Article 4.5 of Chapter V upon an offender who has been

1 convicted of a felony violation of Section 11-1.20, 11-1.30,  
2 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
3 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
4 when the victim of the offense is under 18 years of age at the  
5 time of the commission of the offense and, during the  
6 commission of the offense, the victim was under the influence  
7 of alcohol, regardless of whether or not the alcohol was  
8 supplied by the offender; and the offender, at the time of the  
9 commission of the offense, knew or should have known that the  
10 victim had consumed alcohol.

11 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
12 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
13 8-20-21; 102-982, eff. 7-1-23.)

14 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

17 (a) Except as otherwise provided in the statute defining  
18 the offense or in Article 4.5 of Chapter V, a sentence of  
19 imprisonment for a felony shall be a determinate sentence set  
20 by the court under this Section, subject to Section 5-4.5-115  
21 of this Code, according to the following limitations:

22 (1) for first degree murder,

23 (a) (blank),

24 (b) if a trier of fact finds beyond a reasonable  
25 doubt that the murder was accompanied by exceptionally

1 brutal or heinous behavior indicative of wanton  
2 cruelty or, except as set forth in subsection  
3 (a) (1) (c) of this Section, that any of the aggravating  
4 factors listed in subsection (b) or (b-5) of Section  
5 9-1 of the Criminal Code of 1961 or the Criminal Code  
6 of 2012 are present, the court may sentence the  
7 defendant, subject to Section 5-4.5-105, to a term of  
8 natural life imprisonment, or

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

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

15 (ii) is found guilty of murdering more than  
16 one victim, or

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



1 murdered individual was a peace officer, fireman,  
2 or emergency management worker, or

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

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

1                   (vi) (blank), or  
2                   (vii) is found guilty of first degree murder  
3                   and the murder was committed by reason of any  
4                   person's activity as a community policing  
5                   volunteer or to prevent any person from engaging  
6                   in activity as a community policing volunteer. For  
7                   the purpose of this Section, "community policing  
8                   volunteer" has the meaning ascribed to it in  
9                   Section 2-3.5 of the Criminal Code of 2012.

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

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

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

22                   (iii) if, during the commission of the offense,  
23                   the person personally discharged a firearm that  
24                   proximately caused great bodily harm, permanent  
25                   disability, permanent disfigurement, or death to  
26                   another person, 25 years or up to a term of natural

1           life shall be added to the term of imprisonment  
2           imposed by the court.

3           (2) (blank);

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

16          (b) (Blank).

17          (c) (Blank).

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

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

26                 (1.5) except as provided in paragraph (7) of this

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

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

21 (3) except as provided in paragraph (4), (6), or (7)  
22 of this subsection (d), for a Class 3 felony or a Class 4  
23 felony, 6 months; no later than 45 days after the onset of  
24 the term of mandatory supervised release, the Prisoner  
25 Review Board shall conduct a discretionary discharge  
26 review pursuant to the provisions of Section 3-3-8, which

1 shall include the results of a standardized risk and needs  
2 assessment tool administered by the Department of  
3 Corrections; the changes to this paragraph (3) made by  
4 this amendatory Act of the 102nd General Assembly apply to  
5 all individuals released on mandatory supervised release  
6 on or after the effective date of this amendatory Act of  
7 the 102nd General Assembly, including those individuals  
8 whose sentences were imposed prior to the effective date  
9 of this amendatory Act of the 102nd General Assembly;

10 (4) for defendants who commit the offense of predatory  
11 criminal sexual assault of a child, aggravated criminal  
12 sexual assault, or criminal sexual assault, on or after  
13 December 13, 2005 (the effective date of Public Act  
14 94-715), or who commit the offense of aggravated child  
15 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
16 with sentencing under subsection (c-5) of Section 11-20.1  
17 of the Criminal Code of 1961 or the Criminal Code of 2012,  
18 manufacture of child sexual abuse material ~~pornography~~, or  
19 dissemination of child sexual abuse material ~~pornography~~  
20 after January 1, 2009, the term of mandatory supervised  
21 release shall range from a minimum of 3 years to a maximum  
22 of the natural life of the defendant;

23 (5) if the victim is under 18 years of age, for a  
24 second or subsequent offense of aggravated criminal sexual  
25 abuse or felony criminal sexual abuse, 4 years, at least  
26 the first 2 years of which the defendant shall serve in an

1 electronic monitoring or home detention program under  
2 Article 8A of Chapter V of this Code;

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

6 (7) for any felony described in paragraph (a)(2)(ii),  
7 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),  
8 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section  
9 3-6-3 of the Unified Code of Corrections requiring an  
10 inmate to serve a minimum of 85% of their court-imposed  
11 sentence, except for the offenses of predatory criminal  
12 sexual assault of a child, aggravated criminal sexual  
13 assault, and criminal sexual assault if committed on or  
14 after December 13, 2005 (the effective date of Public Act  
15 94-715) and except for the offense of aggravated child  
16 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
17 with sentencing under subsection (c-5) of Section 11-20.1  
18 of the Criminal Code of 1961 or the Criminal Code of 2012,  
19 if committed on or after January 1, 2009 and except as  
20 provided in paragraph (4) or paragraph (6) of this  
21 subsection (d), the term of mandatory supervised release  
22 shall be as follows:

23 (A) Class X felony, 3 years;

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

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

26 (e) (Blank).

1 (f) (Blank).

2 (g) Notwithstanding any other provisions of this Act and  
3 of Public Act 101-652: (i) the provisions of paragraph (3) of  
4 subsection (d) are effective on July 1, 2022 and shall apply to  
5 all individuals convicted on or after the effective date of  
6 paragraph (3) of subsection (d); and (ii) the provisions of  
7 paragraphs (1.5) and (2) of subsection (d) are effective on  
8 July 1, 2021 and shall apply to all individuals convicted on or  
9 after the effective date of paragraphs (1.5) and (2) of  
10 subsection (d).

11 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;  
12 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.  
13 1-7-22; 102-1104, eff. 12-6-22.)

14 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

15 (Text of Section before amendment by P.A. 102-982)

16 Sec. 5-8-4. Concurrent and consecutive terms of  
17 imprisonment.

18 (a) Concurrent terms; multiple or additional sentences.  
19 When an Illinois court (i) imposes multiple sentences of  
20 imprisonment on a defendant at the same time or (ii) imposes a  
21 sentence of imprisonment on a defendant who is already subject  
22 to a sentence of imprisonment imposed by an Illinois court, a  
23 court of another state, or a federal court, then the sentences  
24 shall run concurrently unless otherwise determined by the  
25 Illinois court under this Section.

1 (b) Concurrent terms; misdemeanor and felony. A defendant  
2 serving a sentence for a misdemeanor who is convicted of a  
3 felony and sentenced to imprisonment shall be transferred to  
4 the Department of Corrections, and the misdemeanor sentence  
5 shall be merged in and run concurrently with the felony  
6 sentence.

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

9 (1) If, having regard to the nature and circumstances  
10 of the offense and the history and character of the  
11 defendant, it is the opinion of the court that consecutive  
12 sentences are required to protect the public from further  
13 criminal conduct by the defendant, the basis for which the  
14 court shall set forth in the record.

15 (2) If one of the offenses for which a defendant was  
16 convicted was a violation of Section 32-5.2 (aggravated  
17 false personation of a peace officer) of the Criminal Code  
18 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
19 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of  
20 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the  
21 offense was committed in attempting or committing a  
22 forcible felony.

23 (3) If a person charged with a felony commits a  
24 separate felony while on pretrial release or in pretrial  
25 detention in a county jail facility or county detention  
26 facility, then the sentences imposed upon conviction of



1           these felonies may be served consecutively regardless of  
2           the order in which the judgments of conviction are  
3           entered.

4           (4) If a person commits a battery against a county  
5           correctional officer or sheriff's employee while serving a  
6           sentence or in pretrial detention in a county jail  
7           facility, then the sentence imposed upon conviction of the  
8           battery may be served consecutively with the sentence  
9           imposed upon conviction of the earlier misdemeanor or  
10          felony, regardless of the order in which the judgments of  
11          conviction are entered.

12          (5) If a person admitted to pretrial release following  
13          conviction of a felony commits a separate felony while  
14          released pretrial or if a person detained in a county jail  
15          facility or county detention facility following conviction  
16          of a felony commits a separate felony while in detention,  
17          then any sentence following conviction of the separate  
18          felony may be consecutive to that of the original sentence  
19          for which the defendant was released pretrial or detained.

20          (6) If a person is found to be in possession of an item  
21          of contraband, as defined in Section 31A-0.1 of the  
22          Criminal Code of 2012, while serving a sentence in a  
23          county jail or while in pretrial detention in a county  
24          jail, the sentence imposed upon conviction for the offense  
25          of possessing contraband in a penal institution may be  
26          served consecutively to the sentence imposed for the

1 offense for which the person is serving a sentence in the  
2 county jail or while in pretrial detention, regardless of  
3 the order in which the judgments of conviction are  
4 entered.

5 (7) If a person is sentenced for a violation of a  
6 condition of pretrial release under Section 32-10 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012, any  
8 sentence imposed for that violation may be served  
9 consecutive to the sentence imposed for the charge for  
10 which pretrial release had been granted and with respect  
11 to which the defendant has been convicted.

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

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

17 (2) The defendant was convicted of a violation of  
18 Section 11-1.20 or 12-13 (criminal sexual assault),  
19 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
20 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
21 child) of the Criminal Code of 1961 or the Criminal Code of  
22 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
23 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
24 5/12-14.1).

25 (2.5) The defendant was convicted of a violation of  
26 paragraph (1), (2), (3), (4), (5), or (7) of subsection

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

11 (3) The defendant was convicted of armed violence  
12 based upon the predicate offense of any of the following:  
13 solicitation of murder, solicitation of murder for hire,  
14 heinous battery as described in Section 12-4.1 or  
15 subdivision (a)(2) of Section 12-3.05, aggravated battery  
16 of a senior citizen as described in Section 12-4.6 or  
17 subdivision (a)(4) of Section 12-3.05, criminal sexual  
18 assault, a violation of subsection (g) of Section 5 of the  
19 Cannabis Control Act (720 ILCS 550/5), cannabis  
20 trafficking, a violation of subsection (a) of Section 401  
21 of the Illinois Controlled Substances Act (720 ILCS  
22 570/401), controlled substance trafficking involving a  
23 Class X felony amount of controlled substance under  
24 Section 401 of the Illinois Controlled Substances Act (720  
25 ILCS 570/401), a violation of the Methamphetamine Control  
26 and Community Protection Act (720 ILCS 646/), calculated

1 criminal drug conspiracy, or streetgang criminal drug  
2 conspiracy.

3 (4) The defendant was convicted of the offense of  
4 leaving the scene of a motor vehicle accident involving  
5 death or personal injuries under Section 11-401 of the  
6 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
7 aggravated driving under the influence of alcohol, other  
8 drug or drugs, or intoxicating compound or compounds, or  
9 any combination thereof under Section 11-501 of the  
10 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
11 homicide under Section 9-3 of the Criminal Code of 1961 or  
12 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an  
13 offense described in item (A) and an offense described in  
14 item (B).

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

20 (5.5) The defendant was convicted of a violation of  
21 Section 24-3.7 (use of a stolen firearm in the commission  
22 of an offense) of the Criminal Code of 1961 or the Criminal  
23 Code of 2012.

24 (6) If the defendant was in the custody of the  
25 Department of Corrections at the time of the commission of  
26 the offense, the sentence shall be served consecutive to

1 the sentence under which the defendant is held by the  
2 Department of Corrections.

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

7 (8) (Blank).

8 (8.5) (Blank).

9 (9) (Blank).

10 (10) (Blank).

11 (11) (Blank).

12 (e) Consecutive terms; subsequent non-Illinois term. If an  
13 Illinois court has imposed a sentence of imprisonment on a  
14 defendant and the defendant is subsequently sentenced to a  
15 term of imprisonment by a court of another state or a federal  
16 court, then the Illinois sentence shall run consecutively to  
17 the sentence imposed by the court of the other state or the  
18 federal court. That same Illinois court, however, may order  
19 that the Illinois sentence run concurrently with the sentence  
20 imposed by the court of the other state or the federal court,  
21 but only if the defendant applies to that same Illinois court  
22 within 30 days after the sentence imposed by the court of the  
23 other state or the federal court is finalized.

24 (f) Consecutive terms; aggregate maximums and minimums.  
25 The aggregate maximum and aggregate minimum of consecutive  
26 sentences shall be determined as follows:

1           (1) For sentences imposed under law in effect prior to  
2 February 1, 1978, the aggregate maximum of consecutive  
3 sentences shall not exceed the maximum term authorized  
4 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
5 Chapter V for the 2 most serious felonies involved. The  
6 aggregate minimum period of consecutive sentences shall  
7 not exceed the highest minimum term authorized under  
8 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
9 V for the 2 most serious felonies involved. When sentenced  
10 only for misdemeanors, a defendant shall not be  
11 consecutively sentenced to more than the maximum for one  
12 Class A misdemeanor.

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

1 (g) Consecutive terms; manner served. In determining the  
2 manner in which consecutive sentences of imprisonment, one or  
3 more of which is for a felony, will be served, the Department  
4 of Corrections shall treat the defendant as though he or she  
5 had been committed for a single term subject to each of the  
6 following:

7 (1) The maximum period of a term of imprisonment shall  
8 consist of the aggregate of the maximums of the imposed  
9 indeterminate terms, if any, plus the aggregate of the  
10 imposed determinate sentences for felonies, plus the  
11 aggregate of the imposed determinate sentences for  
12 misdemeanors, subject to subsection (f) of this Section.

13 (2) The parole or mandatory supervised release term  
14 shall be as provided in paragraph (e) of Section 5-4.5-50  
15 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
16 involved.

17 (3) The minimum period of imprisonment shall be the  
18 aggregate of the minimum and determinate periods of  
19 imprisonment imposed by the court, subject to subsection  
20 (f) of this Section.

21 (4) The defendant shall be awarded credit against the  
22 aggregate maximum term and the aggregate minimum term of  
23 imprisonment for all time served in an institution since  
24 the commission of the offense or offenses and as a  
25 consequence thereof at the rate specified in Section 3-6-3  
26 (730 ILCS 5/3-6-3).

1 (h) Notwithstanding any other provisions of this Section,  
2 all sentences imposed by an Illinois court under this Code  
3 shall run concurrent to any and all sentences imposed under  
4 the Juvenile Court Act of 1987.

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

6 (Text of Section after amendment by P.A. 102-982)

7 Sec. 5-8-4. Concurrent and consecutive terms of  
8 imprisonment.

9 (a) Concurrent terms; multiple or additional sentences.  
10 When an Illinois court (i) imposes multiple sentences of  
11 imprisonment on a defendant at the same time or (ii) imposes a  
12 sentence of imprisonment on a defendant who is already subject  
13 to a sentence of imprisonment imposed by an Illinois court, a  
14 court of another state, or a federal court, then the sentences  
15 shall run concurrently unless otherwise determined by the  
16 Illinois court under this Section.

17 (b) Concurrent terms; misdemeanor and felony. A defendant  
18 serving a sentence for a misdemeanor who is convicted of a  
19 felony and sentenced to imprisonment shall be transferred to  
20 the Department of Corrections, and the misdemeanor sentence  
21 shall be merged in and run concurrently with the felony  
22 sentence.

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

25 (1) If, having regard to the nature and circumstances



1 of the offense and the history and character of the  
2 defendant, it is the opinion of the court that consecutive  
3 sentences are required to protect the public from further  
4 criminal conduct by the defendant, the basis for which the  
5 court shall set forth in the record.

6 (2) If one of the offenses for which a defendant was  
7 convicted was a violation of Section 32-5.2 (aggravated  
8 false personation of a peace officer) of the Criminal Code  
9 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
10 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of  
11 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the  
12 offense was committed in attempting or committing a  
13 forcible felony.

14 (3) If a person charged with a felony commits a  
15 separate felony while on pretrial release or in pretrial  
16 detention in a county jail facility or county detention  
17 facility, then the sentences imposed upon conviction of  
18 these felonies may be served consecutively regardless of  
19 the order in which the judgments of conviction are  
20 entered.

21 (4) If a person commits a battery against a county  
22 correctional officer or sheriff's employee while serving a  
23 sentence or in pretrial detention in a county jail  
24 facility, then the sentence imposed upon conviction of the  
25 battery may be served consecutively with the sentence  
26 imposed upon conviction of the earlier misdemeanor or

1 felony, regardless of the order in which the judgments of  
2 conviction are entered.

3 (5) If a person admitted to pretrial release following  
4 conviction of a felony commits a separate felony while  
5 released pretrial or if a person detained in a county jail  
6 facility or county detention facility following conviction  
7 of a felony commits a separate felony while in detention,  
8 then any sentence following conviction of the separate  
9 felony may be consecutive to that of the original sentence  
10 for which the defendant was released pretrial or detained.

11 (6) If a person is found to be in possession of an item  
12 of contraband, as defined in Section 31A-0.1 of the  
13 Criminal Code of 2012, while serving a sentence in a  
14 county jail or while in pretrial detention in a county  
15 jail, the sentence imposed upon conviction for the offense  
16 of possessing contraband in a penal institution may be  
17 served consecutively to the sentence imposed for the  
18 offense for which the person is serving a sentence in the  
19 county jail or while in pretrial detention, regardless of  
20 the order in which the judgments of conviction are  
21 entered.

22 (7) If a person is sentenced for a violation of a  
23 condition of pretrial release under Section 32-10 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012, any  
25 sentence imposed for that violation may be served  
26 consecutive to the sentence imposed for the charge for

1           which pretrial release had been granted and with respect  
2           to which the defendant has been convicted.

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

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

8                 (2) The defendant was convicted of a violation of  
9                 Section 11-1.20 or 12-13 (criminal sexual assault),  
10                11-1.30 or 12-14 (aggravated criminal sexual assault), or  
11                11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
12                child) of the Criminal Code of 1961 or the Criminal Code of  
13                2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
14                5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
15                5/12-14.1).

16                (2.5) The defendant was convicted of a violation of  
17                paragraph (1), (2), (3), (4), (5), or (7) of subsection  
18                (a) of Section 11-20.1 (child sexual abuse material  
19                ~~pornography~~) or of paragraph (1), (2), (3), (4), (5), or  
20                (7) of subsection (a) of Section 11-20.1B or 11-20.3  
21                (aggravated child pornography) of the Criminal Code of  
22                1961 or the Criminal Code of 2012; or the defendant was  
23                convicted of a violation of paragraph (6) of subsection  
24                (a) of Section 11-20.1 (child sexual abuse material  
25                ~~pornography~~) or of paragraph (6) of subsection (a) of  
26                Section 11-20.1B or 11-20.3 (aggravated child pornography)

1 of the Criminal Code of 1961 or the Criminal Code of 2012,  
2 when the child depicted is under the age of 13.

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

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

1 any combination thereof under Section 11-501 of the  
2 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
3 homicide under Section 9-3 of the Criminal Code of 1961 or  
4 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an  
5 offense described in item (A) and an offense described in  
6 item (B).

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

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

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

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

25 (8) (Blank).

26 (8.5) (Blank).

1 (9) (Blank).

2 (10) (Blank).

3 (11) (Blank).

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

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

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

1 V for the 2 most serious felonies involved. When sentenced  
2 only for misdemeanors, a defendant shall not be  
3 consecutively sentenced to more than the maximum for one  
4 Class A misdemeanor.

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

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

25 (1) The maximum period of a term of imprisonment shall  
26 consist of the aggregate of the maximums of the imposed

1 indeterminate terms, if any, plus the aggregate of the  
2 imposed determinate sentences for felonies, plus the  
3 aggregate of the imposed determinate sentences for  
4 misdemeanors, subject to subsection (f) of this Section.

5 (2) The parole or mandatory supervised release term  
6 shall be as provided in paragraph (e) of Section 5-4.5-50  
7 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
8 involved.

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

13 (4) The defendant shall be awarded credit against the  
14 aggregate maximum term and the aggregate minimum term of  
15 imprisonment for all time served in an institution since  
16 the commission of the offense or offenses and as a  
17 consequence thereof at the rate specified in Section 3-6-3  
18 (730 ILCS 5/3-6-3).

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

23 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;  
24 102-1104, eff. 12-6-22.)

25 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)



1           Sec. 5-9-1.7. Sexual assault fines.

2           (a) Definitions. The terms used in this Section shall have  
3 the following meanings ascribed to them:

4           (1) "Sexual assault" means the commission or attempted  
5 commission of the following: sexual exploitation of a  
6 child, criminal sexual assault, predatory criminal sexual  
7 assault of a child, aggravated criminal sexual assault,  
8 criminal sexual abuse, aggravated criminal sexual abuse,  
9 indecent solicitation of a child, public indecency, sexual  
10 relations within families, promoting juvenile  
11 prostitution, soliciting for a juvenile prostitute,  
12 keeping a place of juvenile prostitution, patronizing a  
13 juvenile prostitute, juvenile pimping, exploitation of a  
14 child, obscenity, child sexual abuse material ~~pornography~~,  
15 aggravated child pornography, harmful material, or  
16 ritualized abuse of a child, as those offenses are defined  
17 in the Criminal Code of 1961 or the Criminal Code of 2012.

18           (2) (Blank).

19           (3) "Sexual assault organization" means any  
20 not-for-profit organization providing comprehensive,  
21 community-based services to victims of sexual assault.  
22 "Community-based services" include, but are not limited  
23 to, direct crisis intervention through a 24-hour response,  
24 medical and legal advocacy, counseling, information and  
25 referral services, training, and community education.

26           (b) (Blank).

1 (c) Sexual Assault Services Fund; administration. There is  
2 created a Sexual Assault Services Fund. Moneys deposited into  
3 the Fund under Section 15-20 and 15-40 of the Criminal and  
4 Traffic Assessment Act shall be appropriated to the Department  
5 of Public Health. Upon appropriation of moneys from the Sexual  
6 Assault Services Fund, the Department of Public Health shall  
7 make grants of these moneys from the Fund to sexual assault  
8 organizations with whom the Department has contracts for the  
9 purpose of providing community-based services to victims of  
10 sexual assault. Grants made under this Section are in addition  
11 to, and are not substitutes for, other grants authorized and  
12 made by the Department.

13 (Source: P.A. 100-987, eff. 7-1-19.)

14 (730 ILCS 5/5-9-1.8)

15 Sec. 5-9-1.8. Child sexual abuse material ~~pornography~~  
16 fines. Beginning July 1, 2006, 100% of the fines in excess of  
17 \$10,000 collected for violations of Section 11-20.1 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012 shall be  
19 deposited into the Child Abuse Prevention Fund. Moneys in the  
20 Fund resulting from the fines shall be for the use of the  
21 Department of Children and Family Services for grants to  
22 private entities giving treatment and counseling to victims of  
23 child sexual abuse.

24 (Source: P.A. 102-1071, eff. 6-10-22.)

1 Section 70. The Sex Offender Registration Act is amended  
2 by changing Section 2 as follows:

3 (730 ILCS 150/2) (from Ch. 38, par. 222)

4 Sec. 2. Definitions.

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

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

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

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

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

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

25 (e) is found not guilty by reason of insanity

1 following a hearing conducted pursuant to a federal,  
2 Uniform Code of Military Justice, sister state, or  
3 foreign country law substantially similar to Section  
4 104-25(c) of the Code of Criminal Procedure of 1963 of  
5 such offense or of the attempted commission of such  
6 offense; or

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

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

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

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

25 (5) adjudicated a juvenile delinquent as the result of  
26 committing or attempting to commit an act which, if

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

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

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

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

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

22 11-20.1 (child sexual abuse material pornography),

23 11-20.1B or 11-20.3 (aggravated child  
24 pornography),

25 11-6 (indecent solicitation of a child),

26 11-9.1 (sexual exploitation of a child),

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

23           An attempt to commit any of these offenses.

24           (1.5) A violation of any of the following Sections of  
25           the Criminal Code of 1961 or the Criminal Code of 2012,  
26           when the victim is a person under 18 years of age, the

1 defendant is not a parent of the victim, the offense was  
2 sexually motivated as defined in Section 10 of the Sex  
3 Offender Evaluation and Treatment Act, and the offense was  
4 committed on or after January 1, 1996:

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint).

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

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

18 (1.7) (Blank).

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

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

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

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

23                 11-6.5 (indecent solicitation of an adult),

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



1 subdivision (a)(2)(A) or (a)(2)(B) of Section  
2 11-14.3, or Section 11-16 (pandering, if the victim is  
3 under 18 years of age),

4 11-18 (patronizing a prostitute, if the victim is  
5 under 18 years of age),

6 subdivision (a)(2)(C) of Section 11-14.3, or  
7 Section 11-19 (pimping, if the victim is under 18  
8 years of age).

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

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

18 11-9 or 11-30 (public indecency for a third or  
19 subsequent conviction).

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

25 (1.12) A violation or attempted violation of Section  
26 5.1 of the Wrongs to Children Act or Section 11-9.1A of the

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

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

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

23 (C-5) A person at least 17 years of age at the time of the  
24 commission of the offense who is convicted of first degree  
25 murder under Section 9-1 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012, against a person under 18 years of age,

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

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

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

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

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

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

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

24 10-5.1 (luring of a minor),

25 11-14.4 that involves keeping a place of juvenile  
26 prostitution, or 11-17.1 (keeping a place of juvenile

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

1 requires registration pursuant to this Act. For purposes  
2 of this paragraph (5), "convicted" shall include a  
3 conviction under any substantially similar Illinois,  
4 federal, Uniform Code of Military Justice, sister state,  
5 or foreign country law;

6 (6) (blank); or

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

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

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

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

25 (3) when the victim is a person under 18 years of age,  
26 the defendant is not a parent of the victim, the offense

1 was sexually motivated as defined in Section 10 of the Sex  
2 Offender Management Board Act, and the offense was  
3 committed on or after January 1, 1996: (A) Section 10-1  
4 (kidnapping), (B) Section 10-2 (aggravated kidnapping),  
5 (C) Section 10-3 (unlawful restraint), and (D) Section  
6 10-3.1 (aggravated unlawful restraint); and

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

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

21 (F) As used in this Article, "out-of-state student" means  
22 any sex offender, as defined in this Section, or sexual  
23 predator who is enrolled in Illinois, on a full-time or  
24 part-time basis, in any public or private educational  
25 institution, including, but not limited to, any secondary  
26 school, trade or professional institution, or institution of

1 higher learning.

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

10 (H) As used in this Article, "school" means any public or  
11 private educational institution, including, but not limited  
12 to, any elementary or secondary school, trade or professional  
13 institution, or institution of higher education.

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

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

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

22 Section 75. The Trafficking Victims Protection Act is  
23 amended by changing Section 10 as follows:

24 (740 ILCS 128/10)



1           Sec. 10. Definitions. As used in this Act:

2           "Human trafficking" means a violation or attempted  
3 violation of subsection (d) of Section 10-9 of the Criminal  
4 Code of 2012.

5           "Involuntary servitude" means a violation or attempted  
6 violation of subsection (b) of Section 10-9 of the Criminal  
7 Code of 2012.

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

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

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

25           (1) soliciting for a prostitute: the prostitute who is  
26           the object of the solicitation;

1           (2) soliciting for a juvenile prostitute: the juvenile  
2 prostitute, or person with a severe or profound  
3 intellectual disability, who is the object of the  
4 solicitation;

5           (3) promoting prostitution as described in subdivision  
6 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal  
7 Code of 1961 or the Criminal Code of 2012, or pandering:  
8 the person intended or compelled to act as a prostitute;

9           (4) keeping a place of prostitution: any person  
10 intended or compelled to act as a prostitute, while  
11 present at the place, during the time period in question;

12           (5) keeping a place of juvenile prostitution: any  
13 juvenile intended or compelled to act as a prostitute,  
14 while present at the place, during the time period in  
15 question;

16           (6) promoting prostitution as described in subdivision  
17 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961  
18 or the Criminal Code of 2012, or pimping: the prostitute  
19 from whom anything of value is received;

20           (7) promoting juvenile prostitution as described in  
21 subdivision (a) (2) or (a) (3) of Section 11-14.4 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012, or  
23 juvenile pimping and aggravated juvenile pimping: the  
24 juvenile, or person with a severe or profound intellectual  
25 disability, from whom anything of value is received for  
26 that person's act of prostitution;

1 (8) promoting juvenile prostitution as described in  
2 subdivision (a) (4) of Section 11-14.4 of the Criminal Code  
3 of 1961 or the Criminal Code of 2012, or exploitation of a  
4 child: the juvenile, or person with a severe or profound  
5 intellectual disability, intended or compelled to act as a  
6 prostitute or from whom anything of value is received for  
7 that person's act of prostitution;

8 (9) obscenity: any person who appears in or is  
9 described or depicted in the offending conduct or  
10 material;

11 (10) child sexual abuse material ~~pornography~~ or  
12 aggravated child pornography: any child, or person with a  
13 severe or profound intellectual disability, who appears in  
14 or is described or depicted in the offending conduct or  
15 material; or

16 (11) involuntary sexual servitude of a minor as  
17 defined in subsection (c) of Section 10-9 of the Criminal  
18 Code of 1961 or the Criminal Code of 2012.

19 (Source: P.A. 99-143, eff. 7-27-15; 100-939, eff. 1-1-19.)

20 Section 95. No acceleration or delay. Where this Act makes  
21 changes in a statute that is represented in this Act by text  
22 that is not yet or no longer in effect (for example, a Section  
23 represented by multiple versions), the use of that text does  
24 not accelerate or delay the taking effect of (i) the changes  
25 made by this Act or (ii) provisions derived from any other

1 Public Act.

1	INDEX	
2	Statutes amended in order of appearance	
3	20 ILCS 4026/10	
4	110 ILCS 57/5	
5	225 ILCS 10/3.3	
6	325 ILCS 5/4.5	
7	325 ILCS 5/11.1	from Ch. 23, par. 2061.1
8	325 ILCS 15/3	from Ch. 23, par. 2083
9	325 ILCS 40/2	from Ch. 23, par. 2252
10	325 ILCS 47/10	
11	705 ILCS 135/15-70	
12	705 ILCS 405/3-40	
13	720 ILCS 5/3-5	from Ch. 38, par. 3-5
14	720 ILCS 5/3-6	from Ch. 38, par. 3-6
15	720 ILCS 5/11-0.1	
16	720 ILCS 5/11-9.1	from Ch. 38, par. 11-9.1
17	720 ILCS 5/11-9.3	
18	720 ILCS 5/11-20.1	from Ch. 38, par. 11-20.1
19	720 ILCS 5/11-20.2	from Ch. 38, par. 11-20.2
20	720 ILCS 5/11-23	
21	720 ILCS 5/11-25	
22	720 ILCS 5/14-3	
23	720 ILCS 5/36-1	from Ch. 38, par. 36-1
24	725 ILCS 5/106B-10	
25	725 ILCS 5/115-7	from Ch. 38, par. 115-7

1	725 ILCS 5/115-7.3	
2	725 ILCS 5/124B-10	
3	725 ILCS 5/124B-100	
4	725 ILCS 5/124B-420	
5	725 ILCS 5/124B-500	
6	725 ILCS 215/2	from Ch. 38, par. 1702
7	725 ILCS 215/3	from Ch. 38, par. 1703
8	730 ILCS 5/3-1-2	from Ch. 38, par. 1003-1-2
9	730 ILCS 5/3-12.5-10	
10	730 ILCS 5/5-5-3	
11	730 ILCS 5/5-5-3.2	
12	730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1
13	730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4
14	730 ILCS 5/5-9-1.7	from Ch. 38, par. 1005-9-1.7
15	730 ILCS 5/5-9-1.8	
16	730 ILCS 150/2	from Ch. 38, par. 222
17	740 ILCS 128/10	