



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1597

Introduced 2/8/2023, by Sen. Jason Plummer

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Police Training Act. Includes, in the minimum curriculum for police training schools, training in investigating domestic minor sex trafficking. Amends the Abused and Neglected Child Reporting Act. Provides that a child shall be considered abused regardless of the perpetrator of the abuse if the child is a human trafficking victim. Amends the Juvenile Court Act of 1987. Provides for immediate expungement of juvenile court and law enforcement records of minors who are human trafficking victims involved in prostitution. Amends the Criminal Code of 2012. Deletes provision that commercial sexual activity and sexually-explicit performances are forms of activities that are "services" under the human trafficking statute. Provides that involuntary sexual servitude of a minor includes purchasing sexual services of the minor whether from the trafficker or minor. Provides that it is not a defense to involuntary sexual servitude of a minor that the accused reasonably believed the trafficking victim to be 18 years of age or over. Eliminates other mistake of age defenses concerning grooming and patronizing a minor engaged in prostitution. Provides that a person who is a victim of involuntary sexual servitude of a minor is deemed a crime victim and is eligible for protections afforded to crime victims. Amends the Code of Criminal Procedure of 1963 to permit a motion to vacate an adjudication of delinquency of a human trafficking victim who engaged in prostitution. Amends the Sex Offender Registration Act. Makes violations concerning trafficking in persons, involuntary servitude, and related offenses registrable offenses under the Act. Amends the Crime Victims Compensation Act to provide that a trafficking victim who is under 18 years of age is not subject to the filing requirements of the Act and is not subject to the eligibility requirements of the Act.

LRB103 25390 RLC 51736 b

1 AN ACT concerning human trafficking.

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

4 Section 5. The Illinois Police Training Act is amended by
5 changing Section 7 as follows:

6 (50 ILCS 705/7)

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

8 Sec. 7. Rules and standards for schools. The Board shall
9 adopt rules and minimum standards for such schools which shall
10 include, but not be limited to, the following:

11 a. The curriculum for probationary law enforcement
12 officers which shall be offered by all certified schools
13 shall include, but not be limited to, courses of
14 procedural justice, arrest and use and control tactics,
15 search and seizure, including temporary questioning, civil
16 rights, human rights, human relations, cultural
17 competency, including implicit bias and racial and ethnic
18 sensitivity, criminal law, law of criminal procedure,
19 constitutional and proper use of law enforcement
20 authority, crisis intervention training, vehicle and
21 traffic law including uniform and non-discriminatory
22 enforcement of the Illinois Vehicle Code, traffic control
23 and accident investigation, techniques of obtaining

1 physical evidence, court testimonies, statements, reports,
2 firearms training, training in the use of electronic
3 control devices, including the psychological and
4 physiological effects of the use of those devices on
5 humans, first-aid (including cardiopulmonary
6 resuscitation), training in the administration of opioid
7 antagonists as defined in paragraph (1) of subsection (e)
8 of Section 5-23 of the Substance Use Disorder Act,
9 handling of juvenile offenders, recognition of mental
10 conditions and crises, including, but not limited to, the
11 disease of addiction, which require immediate assistance
12 and response and methods to safeguard and provide
13 assistance to a person in need of mental treatment,
14 recognition of abuse, neglect, financial exploitation, and
15 self-neglect of adults with disabilities and older adults,
16 as defined in Section 2 of the Adult Protective Services
17 Act, crimes against the elderly, law of evidence, the
18 hazards of high-speed police vehicle chases with an
19 emphasis on alternatives to the high-speed chase, and
20 physical training. The curriculum shall include specific
21 training in techniques for immediate response to and
22 investigation of cases of domestic violence and of sexual
23 assault of adults and children, including cultural
24 perceptions and common myths of sexual assault and sexual
25 abuse as well as interview techniques that are age
26 sensitive and are trauma informed, victim centered, and

1 victim sensitive. The curriculum shall include training in
2 techniques designed to promote effective communication at
3 the initial contact with crime victims and ways to
4 comprehensively explain to victims and witnesses their
5 rights under the Rights of Crime Victims and Witnesses Act
6 and the Crime Victims Compensation Act. The curriculum
7 shall also include training in effective recognition of
8 and responses to stress, trauma, and post-traumatic stress
9 experienced by law enforcement officers that is consistent
10 with Section 25 of the Illinois Mental Health First Aid
11 Training Act in a peer setting, including recognizing
12 signs and symptoms of work-related cumulative stress,
13 issues that may lead to suicide, and solutions for
14 intervention with peer support resources. The curriculum
15 shall include a block of instruction addressing the
16 mandatory reporting requirements under the Abused and
17 Neglected Child Reporting Act. The curriculum shall also
18 include a block of instruction aimed at identifying and
19 interacting with persons with autism and other
20 developmental or physical disabilities, reducing barriers
21 to reporting crimes against persons with autism, and
22 addressing the unique challenges presented by cases
23 involving victims or witnesses with autism and other
24 developmental disabilities. The curriculum shall include
25 training in the detection and investigation of all forms
26 of human trafficking. The curriculum shall also include

1 instruction in trauma-informed responses designed to
2 ensure the physical safety and well-being of a child of an
3 arrested parent or immediate family member; this
4 instruction must include, but is not limited to: (1)
5 understanding the trauma experienced by the child while
6 maintaining the integrity of the arrest and safety of
7 officers, suspects, and other involved individuals; (2)
8 de-escalation tactics that would include the use of force
9 when reasonably necessary; and (3) inquiring whether a
10 child will require supervision and care. The curriculum
11 for probationary law enforcement officers shall include:
12 (1) at least 12 hours of hands-on, scenario-based
13 role-playing; (2) at least 6 hours of instruction on use
14 of force techniques, including the use of de-escalation
15 techniques to prevent or reduce the need for force
16 whenever safe and feasible; (3) specific training on
17 officer safety techniques, including cover, concealment,
18 and time; and (4) at least 6 hours of training focused on
19 high-risk traffic stops. The curriculum for permanent law
20 enforcement officers shall include, but not be limited to:
21 (1) refresher and in-service training in any of the
22 courses listed above in this subparagraph, (2) advanced
23 courses in any of the subjects listed above in this
24 subparagraph, (3) training for supervisory personnel, and
25 (4) specialized training in subjects and fields to be
26 selected by the board. The training in the use of

1 electronic control devices shall be conducted for
2 probationary law enforcement officers, including
3 University police officers. The curriculum shall also
4 include training on the use of a firearms restraining
5 order by providing instruction on the process used to file
6 a firearms restraining order and how to identify
7 situations in which a firearms restraining order is
8 appropriate.

9 b. Minimum courses of study, attendance requirements
10 and equipment requirements.

11 c. Minimum requirements for instructors.

12 d. Minimum basic training requirements, which a
13 probationary law enforcement officer must satisfactorily
14 complete before being eligible for permanent employment as
15 a local law enforcement officer for a participating local
16 governmental or State governmental agency. Those
17 requirements shall include training in first aid
18 (including cardiopulmonary resuscitation).

19 e. Minimum basic training requirements, which a
20 probationary county corrections officer must
21 satisfactorily complete before being eligible for
22 permanent employment as a county corrections officer for a
23 participating local governmental agency.

24 f. Minimum basic training requirements which a
25 probationary court security officer must satisfactorily
26 complete before being eligible for permanent employment as

1 a court security officer for a participating local
2 governmental agency. The Board shall establish those
3 training requirements which it considers appropriate for
4 court security officers and shall certify schools to
5 conduct that training.

6 A person hired to serve as a court security officer
7 must obtain from the Board a certificate (i) attesting to
8 the officer's successful completion of the training
9 course; (ii) attesting to the officer's satisfactory
10 completion of a training program of similar content and
11 number of hours that has been found acceptable by the
12 Board under the provisions of this Act; or (iii) attesting
13 to the Board's determination that the training course is
14 unnecessary because of the person's extensive prior law
15 enforcement experience.

16 Individuals who currently serve as court security
17 officers shall be deemed qualified to continue to serve in
18 that capacity so long as they are certified as provided by
19 this Act within 24 months of June 1, 1997 (the effective
20 date of Public Act 89-685). Failure to be so certified,
21 absent a waiver from the Board, shall cause the officer to
22 forfeit his or her position.

23 All individuals hired as court security officers on or
24 after June 1, 1997 (the effective date of Public Act
25 89-685) shall be certified within 12 months of the date of
26 their hire, unless a waiver has been obtained by the

1 Board, or they shall forfeit their positions.

2 The Sheriff's Merit Commission, if one exists, or the
3 Sheriff's Office if there is no Sheriff's Merit
4 Commission, shall maintain a list of all individuals who
5 have filed applications to become court security officers
6 and who meet the eligibility requirements established
7 under this Act. Either the Sheriff's Merit Commission, or
8 the Sheriff's Office if no Sheriff's Merit Commission
9 exists, shall establish a schedule of reasonable intervals
10 for verification of the applicants' qualifications under
11 this Act and as established by the Board.

12 g. Minimum in-service training requirements, which a
13 law enforcement officer must satisfactorily complete every
14 3 years. Those requirements shall include constitutional
15 and proper use of law enforcement authority, procedural
16 justice, civil rights, human rights, reporting child abuse
17 and neglect, and cultural competency, including implicit
18 bias and racial and ethnic sensitivity. These trainings
19 shall consist of at least 30 hours of training every 3
20 years.

21 h. Minimum in-service training requirements, which a
22 law enforcement officer must satisfactorily complete at
23 least annually. Those requirements shall include law
24 updates, emergency medical response training and
25 certification, crisis intervention training, and officer
26 wellness and mental health.

1 i. Minimum in-service training requirements as set
2 forth in Section 10.6.

3 The amendatory changes to this Section made by Public Act
4 101-652 shall take effect January 1, 2022.

5 Notwithstanding any provision of law to the contrary, the
6 changes made to this Section by this amendatory Act of the
7 102nd General Assembly, Public Act 101-652, and Public Act
8 102-28 take effect July 1, 2022.

9 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
10 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
11 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
12 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
13 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
14 eff. 8-20-21; 102-694, eff. 1-7-22; revised 8-11-22.)

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

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4 traffic law including uniform and non-discriminatory
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6 and crash investigation, techniques of obtaining physical
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19 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
20 eff. 8-20-21; 102-694, eff. 1-7-22; 102-982, eff. 7-1-23;
21 revised 8-11-22.)

22 Section 10. The Abused and Neglected Child Reporting Act
23 is amended by changing Section 3 as follows:

24 (325 ILCS 5/3) (from Ch. 23, par. 2053)

1 Sec. 3. As used in this Act unless the context otherwise
2 requires:

3 "Adult resident" means any person between 18 and 22 years
4 of age who resides in any facility licensed by the Department
5 under the Child Care Act of 1969. For purposes of this Act, the
6 criteria set forth in the definitions of "abused child" and
7 "neglected child" shall be used in determining whether an
8 adult resident is abused or neglected.

9 "Agency" means a child care facility licensed under
10 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
11 includes a transitional living program that accepts children
12 and adult residents for placement who are in the guardianship
13 of the Department.

14 "Blatant disregard" means an incident where the real,
15 significant, and imminent risk of harm would be so obvious to a
16 reasonable parent or caretaker that it is unlikely that a
17 reasonable parent or caretaker would have exposed the child to
18 the danger without exercising precautionary measures to
19 protect the child from harm. With respect to a person working
20 at an agency in his or her professional capacity with a child
21 or adult resident, "blatant disregard" includes a failure by
22 the person to perform job responsibilities intended to protect
23 the child's or adult resident's health, physical well-being,
24 or welfare, and, when viewed in light of the surrounding
25 circumstances, evidence exists that would cause a reasonable
26 person to believe that the child was neglected. With respect

1 to an agency, "blatant disregard" includes a failure to
2 implement practices that ensure the health, physical
3 well-being, or welfare of the children and adult residents
4 residing in the facility.

5 "Child" means any person under the age of 18 years, unless
6 legally emancipated by reason of marriage or entry into a
7 branch of the United States armed services.

8 "Department" means Department of Children and Family
9 Services.

10 "Local law enforcement agency" means the police of a city,
11 town, village or other incorporated area or the sheriff of an
12 unincorporated area or any sworn officer of the Illinois State
13 Police.

14 "Abused child" means a child whose parent or immediate
15 family member, or any person responsible for the child's
16 welfare, or any individual residing in the same home as the
17 child, or a paramour of the child's parent:

18 (a) inflicts, causes to be inflicted, or allows to be
19 inflicted upon such child physical injury, by other than
20 accidental means, which causes death, disfigurement,
21 impairment of physical or emotional health, or loss or
22 impairment of any bodily function;

23 (b) creates a substantial risk of physical injury to
24 such child by other than accidental means which would be
25 likely to cause death, disfigurement, impairment of
26 physical or emotional health, or loss or impairment of any

1 bodily function;

2 (c) commits or allows to be committed any sex offense
3 against such child, as such sex offenses are defined in
4 the Criminal Code of 2012 or in the Wrongs to Children Act,
5 and extending those definitions of sex offenses to include
6 children under 18 years of age;

7 (d) commits or allows to be committed an act or acts of
8 torture upon such child;

9 (e) inflicts excessive corporal punishment or, in the
10 case of a person working for an agency who is prohibited
11 from using corporal punishment, inflicts corporal
12 punishment upon a child or adult resident with whom the
13 person is working in his or her professional capacity;

14 (f) commits or allows to be committed the offense of
15 female genital mutilation, as defined in Section 12-34 of
16 the Criminal Code of 2012, against the child;

17 (g) causes to be sold, transferred, distributed, or
18 given to such child under 18 years of age, a controlled
19 substance as defined in Section 102 of the Illinois
20 Controlled Substances Act in violation of Article IV of
21 the Illinois Controlled Substances Act or in violation of
22 the Methamphetamine Control and Community Protection Act,
23 except for controlled substances that are prescribed in
24 accordance with Article III of the Illinois Controlled
25 Substances Act and are dispensed to such child in a manner
26 that substantially complies with the prescription;

1 (h) commits or allows to be committed the offense of
2 involuntary servitude, involuntary sexual servitude of a
3 minor, or trafficking in persons as defined in Section
4 10-9 of the Criminal Code of 2012 against the child. A
5 child shall be considered abused regardless of the
6 perpetrator of the abuse if the child is a human
7 trafficking victim as defined in Section 10-9 of the
8 Criminal Code of 2012; or

9 (i) commits the offense of grooming, as defined in
10 Section 11-25 of the Criminal Code of 2012, against the
11 child.

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

15 "Neglected child" means any child who is not receiving the
16 proper or necessary nourishment or medically indicated
17 treatment including food or care not provided solely on the
18 basis of the present or anticipated mental or physical
19 impairment as determined by a physician acting alone or in
20 consultation with other physicians or otherwise is not
21 receiving the proper or necessary support or medical or other
22 remedial care recognized under State law as necessary for a
23 child's well-being, or other care necessary for his or her
24 well-being, including adequate food, clothing and shelter; or
25 who is subjected to an environment which is injurious insofar
26 as (i) the child's environment creates a likelihood of harm to

1 the child's health, physical well-being, or welfare and (ii)
2 the likely harm to the child is the result of a blatant
3 disregard of parent, caretaker, person responsible for the
4 child's welfare, or agency responsibilities; or who is
5 abandoned by his or her parents or other person responsible
6 for the child's welfare without a proper plan of care; or who
7 has been provided with interim crisis intervention services
8 under Section 3-5 of the Juvenile Court Act of 1987 and whose
9 parent, guardian, or custodian refuses to permit the child to
10 return home and no other living arrangement agreeable to the
11 parent, guardian, or custodian can be made, and the parent,
12 guardian, or custodian has not made any other appropriate
13 living arrangement for the child; or who is a newborn infant
14 whose blood, urine, or meconium contains any amount of a
15 controlled substance as defined in subsection (f) of Section
16 102 of the Illinois Controlled Substances Act or a metabolite
17 thereof, with the exception of a controlled substance or
18 metabolite thereof whose presence in the newborn infant is the
19 result of medical treatment administered to the mother or the
20 newborn infant. A child shall not be considered neglected for
21 the sole reason that the child's parent or other person
22 responsible for his or her welfare has left the child in the
23 care of an adult relative for any period of time. A child shall
24 not be considered neglected for the sole reason that the child
25 has been relinquished in accordance with the Abandoned Newborn
26 Infant Protection Act. A child shall not be considered

1 neglected or abused for the sole reason that such child's
2 parent or other person responsible for his or her welfare
3 depends upon spiritual means through prayer alone for the
4 treatment or cure of disease or remedial care as provided
5 under Section 4 of this Act. A child shall not be considered
6 neglected or abused solely because the child is not attending
7 school in accordance with the requirements of Article 26 of
8 The School Code, as amended.

9 "Child Protective Service Unit" means certain specialized
10 State employees of the Department assigned by the Director to
11 perform the duties and responsibilities as provided under
12 Section 7.2 of this Act.

13 "Near fatality" means an act that, as certified by a
14 physician, places the child in serious or critical condition,
15 including acts of great bodily harm inflicted upon children
16 under 13 years of age, and as otherwise defined by Department
17 rule.

18 "Great bodily harm" includes bodily injury which creates a
19 high probability of death, or which causes serious permanent
20 disfigurement, or which causes a permanent or protracted loss
21 or impairment of the function of any bodily member or organ, or
22 other serious bodily harm.

23 "Person responsible for the child's welfare" means the
24 child's parent; guardian; foster parent; relative caregiver;
25 any person responsible for the child's welfare in a public or
26 private residential agency or institution; any person

1 responsible for the child's welfare within a public or private
2 profit or not for profit child care facility; or any other
3 person responsible for the child's welfare at the time of the
4 alleged abuse or neglect, including any person who commits or
5 allows to be committed, against the child, the offense of
6 involuntary servitude, involuntary sexual servitude of a
7 minor, or trafficking in persons for forced labor or services,
8 as provided in Section 10-9 of the Criminal Code of 2012,
9 including, but not limited to, the custodian of the minor, or
10 any person who came to know the child through an official
11 capacity or position of trust, including, but not limited to,
12 health care professionals, educational personnel, recreational
13 supervisors, members of the clergy, and volunteers or support
14 personnel in any setting where children may be subject to
15 abuse or neglect.

16 "Temporary protective custody" means custody within a
17 hospital or other medical facility or a place previously
18 designated for such custody by the Department, subject to
19 review by the Court, including a licensed foster home, group
20 home, or other institution; but such place shall not be a jail
21 or other place for the detention of criminal or juvenile
22 offenders.

23 "An unfounded report" means any report made under this Act
24 for which it is determined after an investigation that no
25 credible evidence of abuse or neglect exists.

26 "An indicated report" means a report made under this Act

1 if an investigation determines that credible evidence of the
2 alleged abuse or neglect exists.

3 "An undetermined report" means any report made under this
4 Act in which it was not possible to initiate or complete an
5 investigation on the basis of information provided to the
6 Department.

7 "Subject of report" means any child reported to the
8 central register of child abuse and neglect established under
9 Section 7.7 of this Act as an alleged victim of child abuse or
10 neglect and the parent or guardian of the alleged victim or
11 other person responsible for the alleged victim's welfare who
12 is named in the report or added to the report as an alleged
13 perpetrator of child abuse or neglect.

14 "Perpetrator" means a person who, as a result of
15 investigation, has been determined by the Department to have
16 caused child abuse or neglect.

17 "Member of the clergy" means a clergyman or practitioner
18 of any religious denomination accredited by the religious body
19 to which he or she belongs.

20 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
21 102-813, eff. 5-13-22.)

22 Section 15. The Juvenile Court Act of 1987 is amended by
23 changing Section 5-915 as follows:

24 (705 ILCS 405/5-915)

1 Sec. 5-915. Expungement of juvenile law enforcement and
2 juvenile court records.

3 (0.05) (Blank).

4 (0.1) (a) The Illinois State Police and all law
5 enforcement agencies within the State shall automatically
6 expunge, on or before January 1 of each year, except as
7 described in paragraph (c) of subsection (0.1), all juvenile
8 law enforcement records relating to events occurring before an
9 individual's 18th birthday if:

10 (1) one year or more has elapsed since the date of the
11 arrest or law enforcement interaction documented in the
12 records;

13 (2) no petition for delinquency or criminal charges
14 were filed with the clerk of the circuit court relating to
15 the arrest or law enforcement interaction documented in
16 the records; and

17 (3) 6 months have elapsed since the date of the arrest
18 without an additional subsequent arrest or filing of a
19 petition for delinquency or criminal charges whether
20 related or not to the arrest or law enforcement
21 interaction documented in the records.

22 (b) If the law enforcement agency is unable to verify
23 satisfaction of conditions (2) and (3) of this subsection
24 (0.1), records that satisfy condition (1) of this subsection
25 (0.1) shall be automatically expunged if the records relate to
26 an offense that if committed by an adult would not be an

1 offense classified as a Class 2 felony or higher, an offense
2 under Article 11 of the Criminal Code of 1961 or Criminal Code
3 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
4 12-15, or 12-16 of the Criminal Code of 1961.

5 (c) If the juvenile law enforcement record was received
6 through a public submission to a statewide student
7 confidential reporting system administered by the Illinois
8 State Police, the record will be maintained for a period of 5
9 years according to all other provisions in subsection (0.1).

10 (0.15) If a juvenile law enforcement record meets
11 paragraph (a) of subsection (0.1) of this Section, a juvenile
12 law enforcement record created:

13 (1) prior to January 1, 2018, but on or after January
14 1, 2013 shall be automatically expunged prior to January
15 1, 2020;

16 (2) prior to January 1, 2013, but on or after January
17 1, 2000, shall be automatically expunged prior to January
18 1, 2023; and

19 (3) prior to January 1, 2000 shall not be subject to
20 the automatic expungement provisions of this Act.

21 Nothing in this subsection (0.15) shall be construed to
22 restrict or modify an individual's right to have his or her
23 juvenile law enforcement records expunged except as otherwise
24 may be provided in this Act.

25 (0.2) (a) Upon dismissal of a petition alleging
26 delinquency or upon a finding of not delinquent, the

1 successful termination of an order of supervision, or the
2 successful termination of an adjudication for an offense which
3 would be a Class B misdemeanor, Class C misdemeanor, or a petty
4 or business offense if committed by an adult, the court shall
5 automatically order the expungement of the juvenile court
6 records and juvenile law enforcement records. The clerk shall
7 deliver a certified copy of the expungement order to the
8 Illinois State Police and the arresting agency. Upon request,
9 the State's Attorney shall furnish the name of the arresting
10 agency. The expungement shall be completed within 60 business
11 days after the receipt of the expungement order.

12 (b) If the chief law enforcement officer of the agency, or
13 his or her designee, certifies in writing that certain
14 information is needed for a pending investigation involving
15 the commission of a felony, that information, and information
16 identifying the juvenile, may be retained until the statute of
17 limitations for the felony has run. If the chief law
18 enforcement officer of the agency, or his or her designee,
19 certifies in writing that certain information is needed with
20 respect to an internal investigation of any law enforcement
21 office, that information and information identifying the
22 juvenile may be retained within an intelligence file until the
23 investigation is terminated or the disciplinary action,
24 including appeals, has been completed, whichever is later.
25 Retention of a portion of a juvenile's law enforcement record
26 does not disqualify the remainder of his or her record from

1 immediate automatic expungement.

2 (0.3) (a) Upon an adjudication of delinquency based on any
3 offense except a disqualified offense, the juvenile court
4 shall automatically order the expungement of the juvenile
5 court and law enforcement records 2 years or, in the case of a
6 human trafficking victim as defined in Section 10-9 of the
7 Criminal Code of 2012 adjudicated delinquent for prostitution,
8 immediately after the juvenile's case was closed if no
9 delinquency or criminal proceeding is pending and the person
10 has had no subsequent delinquency adjudication or criminal
11 conviction. The clerk shall deliver a certified copy of the
12 expungement order to the Illinois State Police and the
13 arresting agency. Upon request, the State's Attorney shall
14 furnish the name of the arresting agency. The expungement
15 shall be completed within 60 business days after the receipt
16 of the expungement order. In this subsection (0.3),
17 "disqualified offense" means any of the following offenses:
18 Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2,
19 10-3, 10-3.1, 10-4, 10-5, 10-9, if the minor was not a human
20 trafficking victim as defined in that Section, 11-1.20,
21 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2,
22 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1,
23 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2,
24 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5,
25 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9,
26 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal Code of

1 2012, or subsection (b) of Section 8-1, paragraph (4) of
2 subsection (a) of Section 11-14.4, subsection (a-5) of Section
3 12-3.1, paragraph (1), (2), or (3) of subsection (a) of
4 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
5 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
6 subparagraph (i) of paragraph (1) of subsection (a) of Section
7 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
8 Section 24-1.6, paragraph (1) of subsection (a) of Section
9 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
10 of 2012.

11 (b) If the chief law enforcement officer of the agency, or
12 his or her designee, certifies in writing that certain
13 information is needed for a pending investigation involving
14 the commission of a felony, that information, and information
15 identifying the juvenile, may be retained in an intelligence
16 file until the investigation is terminated or for one
17 additional year, whichever is sooner. Retention of a portion
18 of a juvenile's juvenile law enforcement record does not
19 disqualify the remainder of his or her record from immediate
20 automatic expungement.

21 (0.4) Automatic expungement for the purposes of this
22 Section shall not require law enforcement agencies to
23 obliterate or otherwise destroy juvenile law enforcement
24 records that would otherwise need to be automatically expunged
25 under this Act, except after 2 years following the subject
26 arrest for purposes of use in civil litigation against a

1 governmental entity or its law enforcement agency or personnel
2 which created, maintained, or used the records. However, these
3 juvenile law enforcement records shall be considered expunged
4 for all other purposes during this period and the offense,
5 which the records or files concern, shall be treated as if it
6 never occurred as required under Section 5-923.

7 (0.5) Subsection (0.1) or (0.2) of this Section does not
8 apply to violations of traffic, boating, fish and game laws,
9 or county or municipal ordinances.

10 (0.6) Juvenile law enforcement records of a plaintiff who
11 has filed civil litigation against the governmental entity or
12 its law enforcement agency or personnel that created,
13 maintained, or used the records, or juvenile law enforcement
14 records that contain information related to the allegations
15 set forth in the civil litigation may not be expunged until
16 after 2 years have elapsed after the conclusion of the
17 lawsuit, including any appeal.

18 (0.7) Officer-worn body camera recordings shall not be
19 automatically expunged except as otherwise authorized by the
20 Law Enforcement Officer-Worn Body Camera Act.

21 (1) Whenever a person has been arrested, charged, or
22 adjudicated delinquent for an incident occurring before his or
23 her 18th birthday that if committed by an adult would be an
24 offense, and that person's juvenile law enforcement and
25 juvenile court records are not eligible for automatic
26 expungement under subsection (0.1), (0.2), or (0.3), the

1 person may petition the court at any time for expungement of
2 juvenile law enforcement records and juvenile court records
3 relating to the incident and, upon termination of all juvenile
4 court proceedings relating to that incident, the court shall
5 order the expungement of all records in the possession of the
6 Illinois State Police, the clerk of the circuit court, and law
7 enforcement agencies relating to the incident, but only in any
8 of the following circumstances:

9 (a) the minor was arrested and no petition for
10 delinquency was filed with the clerk of the circuit court;

11 (a-5) the minor was charged with an offense and the
12 petition or petitions were dismissed without a finding of
13 delinquency;

14 (b) the minor was charged with an offense and was
15 found not delinquent of that offense;

16 (c) the minor was placed under supervision under
17 Section 5-615, and the order of supervision has since been
18 successfully terminated; or

19 (d) the minor was adjudicated for an offense which
20 would be a Class B misdemeanor, Class C misdemeanor, or a
21 petty or business offense if committed by an adult; or-

22 (e) the minor was adjudicated delinquent for
23 prostitution as a result of being a trafficking victim as
24 defined in Section 10-9 of the Criminal Code of 2012.

25 (1.5) The Illinois State Police shall allow a person to
26 use the Access and Review process, established in the Illinois

1 State Police, for verifying that his or her juvenile law
2 enforcement records relating to incidents occurring before his
3 or her 18th birthday eligible under this Act have been
4 expunged.

5 (1.6) (Blank).

6 (1.7) (Blank).

7 (1.8) (Blank).

8 (2) Any person whose delinquency adjudications are not
9 eligible for automatic expungement under subsection (0.3) of
10 this Section may petition the court to expunge all juvenile
11 law enforcement records relating to any incidents occurring
12 before his or her 18th birthday which did not result in
13 proceedings in criminal court and all juvenile court records
14 with respect to any adjudications except those based upon
15 first degree murder or an offense under Article 11 of the
16 Criminal Code of 2012 if the person is required to register
17 under the Sex Offender Registration Act at the time he or she
18 petitions the court for expungement; provided that 2 years
19 have elapsed since all juvenile court proceedings relating to
20 him or her have been terminated and his or her commitment to
21 the Department of Juvenile Justice under this Act has been
22 terminated.

23 (2.5) If a minor is arrested and no petition for
24 delinquency is filed with the clerk of the circuit court at the
25 time the minor is released from custody, the youth officer, if
26 applicable, or other designated person from the arresting

1 agency, shall notify verbally and in writing to the minor or
2 the minor's parents or guardians that the minor shall have an
3 arrest record and shall provide the minor and the minor's
4 parents or guardians with an expungement information packet,
5 information regarding this State's expungement laws including
6 a petition to expunge juvenile law enforcement and juvenile
7 court records obtained from the clerk of the circuit court.

8 (2.6) If a minor is referred to court, then, at the time of
9 sentencing, dismissal of the case, or successful completion of
10 supervision, the judge shall inform the delinquent minor of
11 his or her rights regarding expungement and the clerk of the
12 circuit court shall provide an expungement information packet
13 to the minor, written in plain language, including information
14 regarding this State's expungement laws and a petition for
15 expungement, a sample of a completed petition, expungement
16 instructions that shall include information informing the
17 minor that (i) once the case is expunged, it shall be treated
18 as if it never occurred, (ii) he or she may apply to have
19 petition fees waived, (iii) once he or she obtains an
20 expungement, he or she may not be required to disclose that he
21 or she had a juvenile law enforcement or juvenile court
22 record, and (iv) if petitioning he or she may file the petition
23 on his or her own or with the assistance of an attorney. The
24 failure of the judge to inform the delinquent minor of his or
25 her right to petition for expungement as provided by law does
26 not create a substantive right, nor is that failure grounds

1 for: (i) a reversal of an adjudication of delinquency; (ii) a
2 new trial; or (iii) an appeal.

3 (2.7) (Blank).

4 (2.8) (Blank).

5 (3) (Blank).

6 (3.1) (Blank).

7 (3.2) (Blank).

8 (3.3) (Blank).

9 (4) (Blank).

10 (5) (Blank).

11 (5.5) Whether or not expunged, records eligible for
12 automatic expungement under subdivision (0.1)(a), (0.2)(a), or
13 (0.3)(a) may be treated as expunged by the individual subject
14 to the records.

15 (6) (Blank).

16 (6.5) The Illinois State Police or any employee of the
17 Illinois State Police shall be immune from civil or criminal
18 liability for failure to expunge any records of arrest that
19 are subject to expungement under this Section because of
20 inability to verify a record. Nothing in this Section shall
21 create Illinois State Police liability or responsibility for
22 the expungement of juvenile law enforcement records it does
23 not possess.

24 (7) (Blank).

25 (7.5) (Blank).

26 (8) The expungement of juvenile law enforcement or

1 juvenile court records under subsection (0.1), (0.2), or (0.3)
2 of this Section shall be funded by appropriation by the
3 General Assembly for that purpose.

4 (9) (Blank).

5 (10) (Blank).

6 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
7 102-752, eff. 1-1-23; revised 8-23-22.)

8 Section 20. The Criminal Code of 2012 is amended by
9 changing Sections 10-9, 11-18.1, 11-20.1, and 11-25 and by
10 adding Section 11-27 as follows:

11 (720 ILCS 5/10-9)

12 Sec. 10-9. Trafficking in persons, involuntary servitude,
13 and related offenses.

14 (a) Definitions. In this Section:

15 (1) "Intimidation" has the meaning prescribed in Section
16 12-6.

17 (2) "Commercial sexual activity" means any sex act on
18 account of which anything of value is given, promised to, or
19 received by any person.

20 (2.5) "Company" means any sole proprietorship,
21 organization, association, corporation, partnership, joint
22 venture, limited partnership, limited liability partnership,
23 limited liability limited partnership, limited liability
24 company, or other entity or business association, including

1 all wholly owned subsidiaries, majority-owned subsidiaries,
2 parent companies, or affiliates of those entities or business
3 associations, that exist for the purpose of making profit.

4 (3) "Financial harm" includes intimidation that brings
5 about financial loss, criminal usury, or employment contracts
6 that violate the Frauds Act.

7 (4) (Blank).

8 (5) "Labor" means work of economic or financial value.

9 (6) "Maintain" means, in relation to labor or services, to
10 secure continued performance thereof, regardless of any
11 initial agreement on the part of the victim to perform that
12 type of service.

13 (7) "Obtain" means, in relation to labor or services, to
14 secure performance thereof.

15 (7.5) "Serious harm" means any harm, whether physical or
16 nonphysical, including psychological, financial, or
17 reputational harm, that is sufficiently serious, under all the
18 surrounding circumstances, to compel a reasonable person of
19 the same background and in the same circumstances to perform
20 or to continue performing labor or services in order to avoid
21 incurring that harm.

22 (8) "Services" means activities resulting from a
23 relationship between a person and the actor in which the
24 person performs activities under the supervision of or for the
25 benefit of the actor. ~~Commercial sexual activity and~~
26 ~~sexually explicit performances are forms of activities that~~

1 ~~are "services" under this Section.~~ Nothing in this definition
2 may be construed to legitimize or legalize prostitution.

3 (9) "Sexually-explicit performance" means a live,
4 recorded, broadcast (including over the Internet), or public
5 act or show intended to arouse or satisfy the sexual desires or
6 appeal to the prurient interests of patrons.

7 (10) "Trafficking victim" means a person subjected to the
8 practices set forth in subsection (b), (c), or (d).

9 (b) Involuntary servitude. A person commits involuntary
10 servitude when he or she knowingly subjects, attempts to
11 subject, or engages in a conspiracy to subject another person
12 to labor or services obtained or maintained through any of the
13 following means, or any combination of these means:

14 (1) causes or threatens to cause physical harm to any
15 person;

16 (2) physically restrains or threatens to physically
17 restrain another person;

18 (3) abuses or threatens to abuse the law or legal
19 process;

20 (4) knowingly destroys, conceals, removes,
21 confiscates, or possesses any actual or purported passport
22 or other immigration document, or any other actual or
23 purported government identification document, of another
24 person;

25 (5) uses intimidation, or exerts financial control
26 over any person; or

1 (6) uses any scheme, plan, or pattern intended to
2 cause the person to believe that, if the person did not
3 perform the labor or services, that person or another
4 person would suffer serious harm or physical restraint.

5 Sentence. Except as otherwise provided in subsection (e)
6 or (f), a violation of subsection (b) (1) is a Class X felony,
7 (b) (2) is a Class 1 felony, (b) (3) is a Class 2 felony, (b) (4)
8 is a Class 3 felony, (b) (5) and (b) (6) is a Class 4 felony.

9 (c) Involuntary sexual servitude of a minor. A person
10 commits involuntary sexual servitude of a minor when he or she
11 knowingly recruits, entices, harbors, transports, provides, or
12 obtains by any means, or attempts to recruit, entice, harbor,
13 provide, or obtain by any means, another person under 18 years
14 of age, knowing that the minor will engage in commercial
15 sexual activity, a sexually-explicit performance, or the
16 production of pornography, or causes or attempts to cause a
17 minor to engage in one or more of those activities and:

18 (1) there is no overt force or threat and the minor is
19 between the ages of 17 and 18 years;

20 (2) there is no overt force or threat and the minor is
21 under the age of 17 years; or

22 (3) there is overt force or threat.

23 (c-5) Mistake of age not a defense. It is not a defense to
24 a violation of this Section that the accused reasonably
25 believed the trafficking victim to be 18 years of age or over.

26 Sentence. Except as otherwise provided in subsection (e)

1 or (f), a violation of subsection (c)(1) is a Class 1 felony,
2 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

3 (d) Trafficking in persons. A person commits trafficking
4 in persons when he or she knowingly: (1) recruits, entices,
5 harbors, transports, provides, or obtains by any means, or
6 attempts to recruit, entice, harbor, transport, provide, or
7 obtain by any means, another person, intending or knowing that
8 the person will be subjected to involuntary servitude; or (2)
9 benefits, financially or by receiving anything of value, from
10 participation in a venture that has engaged in an act of
11 involuntary servitude or involuntary sexual servitude of a
12 minor. A company commits trafficking in persons when the
13 company knowingly benefits, financially or by receiving
14 anything of value, from participation in a venture that has
15 engaged in an act of involuntary servitude or involuntary
16 sexual servitude of a minor.

17 Sentence. Except as otherwise provided in subsection (e)
18 or (f), a violation of this subsection by a person is a Class 1
19 felony. A violation of this subsection by a company is a
20 business offense for which a fine of up to \$100,000 may be
21 imposed.

22 (e) Aggravating factors. A violation of this Section
23 involving kidnapping or an attempt to kidnap, aggravated
24 criminal sexual assault or an attempt to commit aggravated
25 criminal sexual assault, or an attempt to commit first degree
26 murder is a Class X felony.

1 (f) Sentencing considerations.

2 (1) Bodily injury. If, pursuant to a violation of this
3 Section, a victim suffered bodily injury, the defendant
4 may be sentenced to an extended-term sentence under
5 Section 5-8-2 of the Unified Code of Corrections. The
6 sentencing court must take into account the time in which
7 the victim was held in servitude, with increased penalties
8 for cases in which the victim was held for between 180 days
9 and one year, and increased penalties for cases in which
10 the victim was held for more than one year.

11 (2) Number of victims. In determining sentences within
12 statutory maximums, the sentencing court should take into
13 account the number of victims, and may provide for
14 substantially increased sentences in cases involving more
15 than 10 victims.

16 (g) Restitution. Restitution is mandatory under this
17 Section. In addition to any other amount of loss identified,
18 the court shall order restitution including the greater of (1)
19 the gross income or value to the defendant of the victim's
20 labor or services or (2) the value of the victim's labor as
21 guaranteed under the Minimum Wage Law and overtime provisions
22 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,
23 whichever is greater.

24 (g-1) A person who is a victim of involuntary sexual
25 servitude of a minor is deemed a crime victim and is eligible
26 for protections afforded to crime victims, including services

1 under the Rights of Crime Victims and Witnesses Act, the Crime
2 Victims Compensation Act, and the Abused and Neglected Child
3 Reporting Act.

4 (g-5) Fine distribution. If the court imposes a fine under
5 subsection (b), (c), or (d) of this Section, it shall be
6 collected and distributed to the Specialized Services for
7 Survivors of Human Trafficking Fund in accordance with Section
8 5-9-1.21 of the Unified Code of Corrections.

9 (h) Trafficking victim services. Subject to the
10 availability of funds, the Department of Human Services may
11 provide or fund emergency services and assistance to
12 individuals who are victims of one or more offenses defined in
13 this Section. These services shall include child welfare
14 protection for victims of the offense of involuntary sexual
15 servitude of a minor under subsection (c) of Section 10-9 of
16 the Criminal Code of 2012, irrespective of the perpetrator of
17 the offense.

18 (i) Certification. The Attorney General, a State's
19 Attorney, or any law enforcement official shall certify in
20 writing to the United States Department of Justice or other
21 federal agency, such as the United States Department of
22 Homeland Security, that an investigation or prosecution under
23 this Section has begun and the individual who is a likely
24 victim of a crime described in this Section is willing to
25 cooperate or is cooperating with the investigation to enable
26 the individual, if eligible under federal law, to qualify for

1 an appropriate special immigrant visa and to access available
2 federal benefits. Cooperation with law enforcement shall not
3 be required of victims of a crime described in this Section who
4 are under 18 years of age. This certification shall be made
5 available to the victim and his or her designated legal
6 representative.

7 (j) A person who commits involuntary servitude,
8 involuntary sexual servitude of a minor, or trafficking in
9 persons under subsection (b), (c), or (d) of this Section is
10 subject to the property forfeiture provisions set forth in
11 Article 124B of the Code of Criminal Procedure of 1963.

12 (Source: P.A. 101-18, eff. 1-1-20.)

13 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

14 Sec. 11-18.1. Patronizing a minor engaged in prostitution.

15 (a) Any person who engages in an act of sexual penetration
16 as defined in Section 11-0.1 of this Code with a person engaged
17 in prostitution who is under 18 years of age or is a person
18 with a severe or profound intellectual disability commits
19 patronizing a minor engaged in prostitution.

20 (a-5) Any person who engages in any touching or fondling,
21 with a person engaged in prostitution who either is under 18
22 years of age or is a person with a severe or profound
23 intellectual disability, of the sex organs of one person by
24 the other person, with the intent to achieve sexual arousal or
25 gratification, commits patronizing a minor engaged in

1 prostitution.

2 (b) (Blank). ~~It is an affirmative defense to the charge of~~
3 ~~patronizing a minor engaged in prostitution that the accused~~
4 ~~reasonably believed that the person was of the age of 18 years~~
5 ~~or over or was not a person with a severe or profound~~
6 ~~intellectual disability at the time of the act giving rise to~~
7 ~~the charge.~~

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

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

2 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

3 Sec. 11-20.1. Child pornography.

4 (a) A person commits child pornography who:

5 (1) films, videotapes, photographs, or otherwise
6 depicts or portrays by means of any similar visual medium
7 or reproduction or depicts by computer any child whom he
8 or she knows or reasonably should know to be under the age
9 of 18 or any person with a severe or profound intellectual
10 disability where such child or person with a severe or
11 profound intellectual disability is:

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

15 (ii) actually or by simulation engaged in any act
16 of sexual penetration or sexual conduct involving the
17 sex organs of the child or person with a severe or
18 profound intellectual disability and the mouth, anus,
19 or sex organs of another person or animal; or which
20 involves the mouth, anus or sex organs of the child or
21 person with a severe or profound intellectual
22 disability and the sex organs of another person or
23 animal; or

24 (iii) actually or by simulation engaged in any act
25 of masturbation; or

1 (iv) actually or by simulation portrayed as being
2 the object of, or otherwise engaged in, any act of lewd
3 fondling, touching, or caressing involving another
4 person or animal; or

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

7 (vi) actually or by simulation portrayed or
8 depicted as bound, fettered, or subject to sadistic,
9 masochistic, or sadomasochistic abuse in any sexual
10 context; or

11 (vii) depicted or portrayed in any pose, posture
12 or setting involving a lewd exhibition of the
13 unclothed or transparently clothed genitals, pubic
14 area, buttocks, or, if such person is female, a fully
15 or partially developed breast of the child or other
16 person; or

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

1 subsection; or

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

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

21 (5) is a parent, step-parent, legal guardian or other
22 person having care or custody of a child whom the person
23 knows or reasonably should know to be under the age of 18
24 or a person with a severe or profound intellectual
25 disability and who knowingly permits, induces, promotes,
26 or arranges for such child or person with a severe or

1 profound intellectual disability to appear in any stage
2 play, live performance, film, videotape, photograph or
3 other similar visual presentation, portrayal or simulation
4 or depiction by computer of any act or activity described
5 in subparagraphs (i) through (vii) of paragraph (1) of
6 this subsection; or

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

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

1 (a-5) The possession of each individual film, videotape,
2 photograph, or other similar visual reproduction or depiction
3 by computer in violation of this Section constitutes a single
4 and separate violation. This subsection (a-5) does not apply
5 to multiple copies of the same film, videotape, photograph, or
6 other similar visual reproduction or depiction by computer
7 that are identical to each other.

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

20 (1.5) Telecommunications carriers, commercial mobile
21 service providers, and providers of information services,
22 including, but not limited to, Internet service providers and
23 hosting service providers, are not liable under this Section
24 by virtue of the transmission, storage, or caching of
25 electronic communications or messages of others or by virtue
26 of the provision of other related telecommunications,

1 commercial mobile services, or information services used by
2 others in violation of this Section.

3 (2) (Blank).

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

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

20 (5) The charge of child pornography does not apply to a
21 person who does not voluntarily possess a film, videotape, or
22 visual reproduction or depiction by computer in which child
23 pornography is depicted. Possession is voluntary if the
24 defendant knowingly procures or receives a film, videotape, or
25 visual reproduction or depiction for a sufficient time to be
26 able to terminate his or her possession.

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

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

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

11 (c-5) Where the child depicted is under the age of 13, a
12 violation of paragraph (1), (2), (3), (4), (5), or (7) of
13 subsection (a) is a Class X felony with a mandatory minimum
14 fine of \$2,000 and a maximum fine of \$100,000. ~~Where the child~~
15 ~~depicted is under the age of 13, a violation of paragraph (6)~~
16 ~~of subsection (a) is a Class 2 felony with a mandatory minimum~~
17 ~~fine of \$1,000 and a maximum fine of \$100,000.~~ Where the child
18 depicted is under the age of 13, a person who commits a
19 violation of paragraph (1), (2), (3), (4), (5), or (7) of
20 subsection (a) where the defendant has previously been
21 convicted under the laws of this State or any other state of
22 the offense of child pornography, aggravated child
23 pornography, aggravated criminal sexual abuse, aggravated
24 criminal sexual assault, predatory criminal sexual assault of
25 a child, or any of the offenses formerly known as rape, deviate
26 sexual assault, indecent liberties with a child, or aggravated

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

22 (d) If a person is convicted of a second or subsequent
23 violation of this Section within 10 years of a prior
24 conviction, the court shall order a presentence psychiatric
25 examination of the person. The examiner shall report to the
26 court whether treatment of the person is necessary.

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

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

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

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

2 (1) "Disseminate" means (i) to sell, distribute,
3 exchange or transfer possession, whether with or without
4 consideration or (ii) to make a depiction by computer
5 available for distribution or downloading through the
6 facilities of any telecommunications network or through
7 any other means of transferring computer programs or data
8 to a computer.

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

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

12 (4) "Depict by computer" means to generate or create,
13 or cause to be created or generated, a computer program or
14 data that, after being processed by a computer either
15 alone or in conjunction with one or more computer
16 programs, results in a visual depiction on a computer
17 monitor, screen, or display.

18 (5) "Depiction by computer" means a computer program
19 or data that, after being processed by a computer either
20 alone or in conjunction with one or more computer
21 programs, results in a visual depiction on a computer
22 monitor, screen, or display.

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

26 (7) For the purposes of this Section, "child

1 pornography" includes a film, videotape, photograph, or
2 other similar visual medium or reproduction or depiction
3 by computer that is, or appears to be, that of a person,
4 either in part, or in total, under the age of 18 or a
5 person with a severe or profound intellectual disability,
6 regardless of the method by which the film, videotape,
7 photograph, or other similar visual medium or reproduction
8 or depiction by computer is created, adopted, or modified
9 to appear as such. "Child pornography" also includes a
10 film, videotape, photograph, or other similar visual
11 medium or reproduction or depiction by computer that is
12 advertised, promoted, presented, described, or distributed
13 in such a manner that conveys the impression that the
14 film, videotape, photograph, or other similar visual
15 medium or reproduction or depiction by computer is of a
16 person under the age of 18 or a person with a severe or
17 profound intellectual disability.

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

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

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

25 (ii) In addition, Public Act 88-680 was entitled
26 "AN ACT to create a Safe Neighborhoods Law". (A)

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

26 (iii) On September 22, 1998, the Third District

1 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
2 ruled that Public Act 88-680 violates the single
3 subject clause of the Illinois Constitution (Article
4 IV, Section 8 (d)) and was unconstitutional in its
5 entirety. As of the time this amendatory Act of 1999
6 was prepared, *People v. Dainty* was still subject to
7 appeal.

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

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

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

1 was subject to appeal to the Illinois Supreme Court.

2 (4) The re-enactment by this amendatory Act of 1999 of
3 Section 11-20.1 of the Criminal Code of 1961 relating to
4 child pornography that was amended by Public Act 88-680 is
5 not intended, and shall not be construed, to imply that
6 Public Act 88-680 is invalid or to limit or impair any
7 legal argument concerning whether those provisions were
8 substantially re-enacted by other Public Acts.

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

10 (720 ILCS 5/11-25)

11 Sec. 11-25. Grooming.

12 (a) A person commits grooming when he or she knowingly
13 uses a computer on-line service, Internet service, local
14 bulletin board service, or any other device capable of
15 electronic data storage or transmission, performs an act in
16 person or by conduct through a third party, or uses written
17 communication to seduce, solicit, lure, or entice, or attempt
18 to seduce, solicit, lure, or entice, a child, a child's
19 guardian, or another person believed by the person to be a
20 child or a child's guardian, to commit any sex offense as
21 defined in Section 2 of the Sex Offender Registration Act, to
22 distribute photographs depicting the sex organs of the child,
23 or to otherwise engage in any unlawful sexual conduct with a
24 child or with another person believed by the person to be a
25 child. As used in this Section, "child" means a person under 17

1 years of age.

2 (a-5) It is not a defense to a violation of this Section
3 that the accused reasonably believed the child to be 17 years
4 of age or over.

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

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

7 (720 ILCS 5/11-27 new)

8 Sec. 11-27. Selling travel services to facilitate sexual
9 exploitation of a child.

10 (a) In this Section, "child" means a person under 17 years
11 of age.

12 (b) A person commits selling travel services to facilitate
13 sexual exploitation of a child when he or she knowingly sells
14 or offers to sell travel services for the purpose of seducing,
15 soliciting, luring, or enticing, or attempting to seduce,
16 solicit, lure, or entice a person to travel to a location
17 within this State to commit any sex offense as defined in
18 Section 2 of the Sex Offender Registration Act, to distribute
19 photographs depicting the sex organs of the child, or to
20 otherwise engage in any unlawful sexual conduct with a child
21 or with another person believed by the person to be a child.

22 (c) Sentence. Selling travel services to facilitate sexual
23 exploitation of a child is a Class 4 felony.

24 Section 25. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 116-2.1 as follows:

2 (725 ILCS 5/116-2.1)

3 Sec. 116-2.1. Motion to vacate prostitution convictions
4 for sex trafficking victims.

5 (a) A motion under this Section may be filed at any time
6 following the entry of a verdict or finding of guilty or an
7 adjudication of delinquency under the Juvenile Court Act of
8 1987 where the conviction was under Section 11-14
9 (prostitution) or Section 11-14.2 (first offender; felony
10 prostitution) of the Criminal Code of 1961 or the Criminal
11 Code of 2012 or a similar local ordinance and the defendant's
12 participation in the offense was a result of having been a
13 trafficking victim under Section 10-9 (involuntary servitude,
14 involuntary sexual servitude of a minor, or trafficking in
15 persons) of the Criminal Code of 1961 or the Criminal Code of
16 2012; or a victim of a severe form of trafficking under the
17 federal Trafficking Victims Protection Act (22 U.S.C. Section
18 7102(13)); provided that:

19 (1) a motion under this Section shall state why the
20 facts giving rise to this motion were not presented to the
21 trial court, and shall be made with due diligence, after
22 the defendant has ceased to be a victim of such
23 trafficking or has sought services for victims of such
24 trafficking, subject to reasonable concerns for the safety
25 of the defendant, family members of the defendant, or

1 other victims of such trafficking that may be jeopardized
2 by the bringing of such motion, or for other reasons
3 consistent with the purpose of this Section; and

4 (2) reasonable notice of the motion shall be served
5 upon the State.

6 (b) The court may grant the motion if, in the discretion of
7 the court, the violation was a result of the defendant having
8 been a victim of human trafficking. Evidence of such may
9 include, but is not limited to:

10 (1) certified records of federal or State court
11 proceedings which demonstrate that the defendant was a
12 victim of a trafficker charged with a trafficking offense
13 under Section 10-9 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, or under 22 U.S.C. Chapter 78;

15 (2) certified records of "approval notices" or "law
16 enforcement certifications" generated from federal
17 immigration proceedings available to such victims; or

18 (3) a sworn statement from a trained professional
19 staff of a victim services organization, an attorney, a
20 member of the clergy, or a medical or other professional
21 from whom the defendant has sought assistance in
22 addressing the trauma associated with being trafficked.

23 Alternatively, the court may consider such other evidence
24 as it deems of sufficient credibility and probative value in
25 determining whether the defendant is a trafficking victim or
26 victim of a severe form of trafficking.

1 (c) If the court grants a motion under this Section, it
2 must vacate the conviction and may take such additional action
3 as is appropriate in the circumstances.

4 (Source: P.A. 97-267, eff. 1-1-12; 97-897, eff. 1-1-13;
5 97-1150, eff. 1-25-13.)

6 Section 30. The Sex Offender Registration Act is amended
7 by changing Section 2 as follows:

8 (730 ILCS 150/2) (from Ch. 38, par. 222)

9 Sec. 2. Definitions.

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

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

17 (a) is convicted of such offense or an attempt to
18 commit such offense; or

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

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

1 (d) is the subject of a finding not resulting in an
2 acquittal at a hearing conducted pursuant to Section
3 104-25(a) of the Code of Criminal Procedure of 1963
4 for the alleged commission or attempted commission of
5 such offense; or

6 (e) is found not guilty by reason of insanity
7 following a hearing conducted pursuant to a federal,
8 Uniform Code of Military Justice, sister state, or
9 foreign country law substantially similar to Section
10 104-25(c) of the Code of Criminal Procedure of 1963 of
11 such offense or of the attempted commission of such
12 offense; or

13 (f) is the subject of a finding not resulting in an
14 acquittal at a hearing conducted pursuant to a
15 federal, Uniform Code of Military Justice, sister
16 state, or foreign country law substantially similar to
17 Section 104-25(a) of the Code of Criminal Procedure of
18 1963 for the alleged violation or attempted commission
19 of such offense; or

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

24 (3) subject to the provisions of Section 2 of the
25 Interstate Agreements on Sexually Dangerous Persons Act;
26 or

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

5 (5) adjudicated a juvenile delinquent as the result of
6 committing or attempting to commit an act which, if
7 committed by an adult, would constitute any of the
8 offenses specified in item (B), (C), or (C-5) of this
9 Section or a violation of any substantially similar
10 federal, Uniform Code of Military Justice, sister state,
11 or foreign country law, or found guilty under Article V of
12 the Juvenile Court Act of 1987 of committing or attempting
13 to commit an act which, if committed by an adult, would
14 constitute any of the offenses specified in item (B), (C),
15 or (C-5) of this Section or a violation of any
16 substantially similar federal, Uniform Code of Military
17 Justice, sister state, or foreign country law.

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

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

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

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

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

2 10-9 (trafficking in persons, involuntary
3 servitude, and related offenses),

4 11-20.1 (child pornography),

5 11-20.1B or 11-20.3 (aggravated child
6 pornography),

7 11-6 (indecent solicitation of a child),

8 11-9.1 (sexual exploitation of a child),

9 11-9.2 (custodial sexual misconduct),

10 11-9.5 (sexual misconduct with a person with a
11 disability),

12 11-14.4 (promoting juvenile prostitution),

13 11-15.1 (soliciting for a juvenile prostitute),

14 11-18.1 (patronizing a juvenile prostitute),

15 11-17.1 (keeping a place of juvenile
16 prostitution),

17 11-19.1 (juvenile pimping),

18 11-19.2 (exploitation of a child),

19 11-25 (grooming),

20 11-26 (traveling to meet a minor or traveling to
21 meet a child),

22 11-1.20 or 12-13 (criminal sexual assault),

23 11-1.30 or 12-14 (aggravated criminal sexual
24 assault),

25 11-1.40 or 12-14.1 (predatory criminal sexual
26 assault of a child),

1 11-1.50 or 12-15 (criminal sexual abuse),
2 11-1.60 or 12-16 (aggravated criminal sexual
3 abuse),
4 12-33 (ritualized abuse of a child).

5 An attempt to commit any of these offenses.

6 (1.5) A violation of any of the following Sections of
7 the Criminal Code of 1961 or the Criminal Code of 2012,
8 when the victim is a person under 18 years of age, the
9 defendant is not a parent of the victim, the offense was
10 sexually motivated as defined in Section 10 of the Sex
11 Offender Evaluation and Treatment Act, and the offense was
12 committed on or after January 1, 1996:

13 10-1 (kidnapping),
14 10-2 (aggravated kidnapping),
15 10-3 (unlawful restraint),
16 10-3.1 (aggravated unlawful restraint).

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

22 (1.6) First degree murder under Section 9-1 of the
23 Criminal Code of 1961 or the Criminal Code of 2012,
24 provided the offense was sexually motivated as defined in
25 Section 10 of the Sex Offender Management Board Act.

26 (1.7) (Blank).

1 (1.8) A violation or attempted violation of Section
2 11-11 (sexual relations within families) of the Criminal
3 Code of 1961 or the Criminal Code of 2012, and the offense
4 was committed on or after June 1, 1997. If the offense was
5 committed before June 1, 1997, it is a sex offense
6 requiring registration only when the person is convicted
7 of any felony after July 1, 2011, and paragraph (2.1) of
8 subsection (c) of Section 3 of this Act applies.

9 (1.9) Child abduction under paragraph (10) of
10 subsection (b) of Section 10-5 of the Criminal Code of
11 1961 or the Criminal Code of 2012 committed by luring or
12 attempting to lure a child under the age of 16 into a motor
13 vehicle, building, house trailer, or dwelling place
14 without the consent of the parent or lawful custodian of
15 the child for other than a lawful purpose and the offense
16 was committed on or after January 1, 1998, provided the
17 offense was sexually motivated as defined in Section 10 of
18 the Sex Offender Management Board Act. If the offense was
19 committed before January 1, 1998, it is a sex offense
20 requiring registration only when the person is convicted
21 of any felony after July 1, 2011, and paragraph (2.1) of
22 subsection (c) of Section 3 of this Act applies.

23 (1.10) A violation or attempted violation of any of
24 the following Sections of the Criminal Code of 1961 or the
25 Criminal Code of 2012 when the offense was committed on or
26 after July 1, 1999:

1 10-4 (forcible detention, if the victim is under
2 18 years of age), provided the offense was sexually
3 motivated as defined in Section 10 of the Sex Offender
4 Management Board Act,

5 11-6.5 (indecent solicitation of an adult),

6 11-14.3 that involves soliciting for a prostitute,
7 or 11-15 (soliciting for a prostitute, if the victim
8 is under 18 years of age),

9 subdivision (a)(2)(A) or (a)(2)(B) of Section
10 11-14.3, or Section 11-16 (pandering, if the victim is
11 under 18 years of age),

12 11-18 (patronizing a prostitute, if the victim is
13 under 18 years of age),

14 subdivision (a)(2)(C) of Section 11-14.3, or
15 Section 11-19 (pimping, if the victim is under 18
16 years of age).

17 If the offense was committed before July 1, 1999, it
18 is a sex offense requiring registration only when the
19 person is convicted of any felony after July 1, 2011, and
20 paragraph (2.1) of subsection (c) of Section 3 of this Act
21 applies.

22 (1.11) A violation or attempted violation of any of
23 the following Sections of the Criminal Code of 1961 or the
24 Criminal Code of 2012 when the offense was committed on or
25 after August 22, 2002:

26 11-9 or 11-30 (public indecency for a third or

1 subsequent conviction).

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

7 (1.12) A violation or attempted violation of Section
8 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
9 Criminal Code of 1961 or the Criminal Code of 2012
10 (permitting sexual abuse) when the offense was committed
11 on or after August 22, 2002. If the offense was committed
12 before August 22, 2002, it is a sex offense requiring
13 registration only when the person is convicted of any
14 felony after July 1, 2011, and paragraph (2.1) of
15 subsection (c) of Section 3 of this Act applies.

16 (2) A violation of any former law of this State
17 substantially equivalent to any offense listed in
18 subsection (B) of this Section.

19 (C) A conviction for an offense of federal law, Uniform
20 Code of Military Justice, or the law of another state or a
21 foreign country that is substantially equivalent to any
22 offense listed in subsections (B), (C), (E), and (E-5) of this
23 Section shall constitute a conviction for the purpose of this
24 Article. A finding or adjudication as a sexually dangerous
25 person or a sexually violent person under any federal law,
26 Uniform Code of Military Justice, or the law of another state

1 or foreign country that is substantially equivalent to the
2 Sexually Dangerous Persons Act or the Sexually Violent Persons
3 Commitment Act shall constitute an adjudication for the
4 purposes of this Article.

5 (C-5) A person at least 17 years of age at the time of the
6 commission of the offense who is convicted of first degree
7 murder under Section 9-1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, against a person under 18 years of age,
9 shall be required to register for natural life. A conviction
10 for an offense of federal, Uniform Code of Military Justice,
11 sister state, or foreign country law that is substantially
12 equivalent to any offense listed in subsection (C-5) of this
13 Section shall constitute a conviction for the purpose of this
14 Article. This subsection (C-5) applies to a person who
15 committed the offense before June 1, 1996 if: (i) the person is
16 incarcerated in an Illinois Department of Corrections facility
17 on August 20, 2004 (the effective date of Public Act 93-977),
18 or (ii) subparagraph (i) does not apply and the person is
19 convicted of any felony after July 1, 2011, and paragraph
20 (2.1) of subsection (c) of Section 3 of this Act applies.

21 (C-6) A person who is convicted or adjudicated delinquent
22 of first degree murder as defined in Section 9-1 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, against a
24 person 18 years of age or over, shall be required to register
25 for his or her natural life. A conviction for an offense of
26 federal, Uniform Code of Military Justice, sister state, or

1 foreign country law that is substantially equivalent to any
2 offense listed in subsection (C-6) of this Section shall
3 constitute a conviction for the purpose of this Article. This
4 subsection (C-6) does not apply to those individuals released
5 from incarceration more than 10 years prior to January 1, 2012
6 (the effective date of Public Act 97-154).

7 (D) As used in this Article, "law enforcement agency
8 having jurisdiction" means the Chief of Police in each of the
9 municipalities in which the sex offender expects to reside,
10 work, or attend school (1) upon his or her discharge, parole or
11 release or (2) during the service of his or her sentence of
12 probation or conditional discharge, or the Sheriff of the
13 county, in the event no Police Chief exists or if the offender
14 intends to reside, work, or attend school in an unincorporated
15 area. "Law enforcement agency having jurisdiction" includes
16 the location where out-of-state students attend school and
17 where out-of-state employees are employed or are otherwise
18 required to register.

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

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

24 (1) Convicted for an offense of federal, Uniform Code
25 of Military Justice, sister state, or foreign country law
26 that is substantially equivalent to any offense listed in

1 subsection (E) or (E-5) of this Section shall constitute a
2 conviction for the purpose of this Article. Convicted of a
3 violation or attempted violation of any of the following
4 Sections of the Criminal Code of 1961 or the Criminal Code
5 of 2012:

6 10-5.1 (luring of a minor),

7 11-14.4 that involves keeping a place of juvenile
8 prostitution, or 11-17.1 (keeping a place of juvenile
9 prostitution),

10 subdivision (a) (2) or (a) (3) of Section 11-14.4,
11 or Section 11-19.1 (juvenile pimping),

12 subdivision (a) (4) of Section 11-14.4, or Section
13 11-19.2 (exploitation of a child),

14 11-20.1 (child pornography),

15 11-20.1B or 11-20.3 (aggravated child
16 pornography),

17 11-1.20 or 12-13 (criminal sexual assault),

18 11-1.30 or 12-14 (aggravated criminal sexual
19 assault),

20 11-1.40 or 12-14.1 (predatory criminal sexual
21 assault of a child),

22 11-1.60 or 12-16 (aggravated criminal sexual
23 abuse),

24 12-33 (ritualized abuse of a child);

25 (2) (blank);

26 (3) declared as a sexually dangerous person pursuant

1 to the Sexually Dangerous Persons Act or any substantially
2 similar federal, Uniform Code of Military Justice, sister
3 state, or foreign country law;

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

8 (5) convicted of a second or subsequent offense which
9 requires registration pursuant to this Act. For purposes
10 of this paragraph (5), "convicted" shall include a
11 conviction under any substantially similar Illinois,
12 federal, Uniform Code of Military Justice, sister state,
13 or foreign country law;

14 (6) (blank); or

15 (7) if the person was convicted of an offense set
16 forth in this subsection (E) on or before July 1, 1999, the
17 person is a sexual predator for whom registration is
18 required only when the person is convicted of a felony
19 offense after July 1, 2011, and paragraph (2.1) of
20 subsection (c) of Section 3 of this Act applies.

21 (E-5) As used in this Article, "sexual predator" also
22 means a person convicted of a violation or attempted violation
23 of any of the following Sections of the Criminal Code of 1961
24 or the Criminal Code of 2012:

25 (1) Section 9-1 (first degree murder, when the victim
26 was a person under 18 years of age and the defendant was at

1 least 17 years of age at the time of the commission of the
2 offense, provided the offense was sexually motivated as
3 defined in Section 10 of the Sex Offender Management Board
4 Act);

5 (2) Section 11-9.5 (sexual misconduct with a person
6 with a disability);

7 (3) when the victim is a person under 18 years of age,
8 the defendant is not a parent of the victim, the offense
9 was sexually motivated as defined in Section 10 of the Sex
10 Offender Management Board Act, and the offense was
11 committed on or after January 1, 1996: (A) Section 10-1
12 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
13 (C) Section 10-3 (unlawful restraint), and (D) Section
14 10-3.1 (aggravated unlawful restraint); and

15 (4) Section 10-5(b)(10) (child abduction committed by
16 luring or attempting to lure a child under the age of 16
17 into a motor vehicle, building, house trailer, or dwelling
18 place without the consent of the parent or lawful
19 custodian of the child for other than a lawful purpose and
20 the offense was committed on or after January 1, 1998,
21 provided the offense was sexually motivated as defined in
22 Section 10 of the Sex Offender Management Board Act).

23 (E-10) As used in this Article, "sexual predator" also
24 means a person required to register in another State due to a
25 conviction, adjudication or other action of any court
26 triggering an obligation to register as a sex offender, sexual

1 predator, or substantially similar status under the laws of
2 that State.

3 (F) As used in this Article, "out-of-state student" means
4 any sex offender, as defined in this Section, or sexual
5 predator who is enrolled in Illinois, on a full-time or
6 part-time basis, in any public or private educational
7 institution, including, but not limited to, any secondary
8 school, trade or professional institution, or institution of
9 higher learning.

10 (G) As used in this Article, "out-of-state employee" means
11 any sex offender, as defined in this Section, or sexual
12 predator who works in Illinois, regardless of whether the
13 individual receives payment for services performed, for a
14 period of time of 10 or more days or for an aggregate period of
15 time of 30 or more days during any calendar year. Persons who
16 operate motor vehicles in the State accrue one day of
17 employment time for any portion of a day spent in Illinois.

18 (H) As used in this Article, "school" means any public or
19 private educational institution, including, but not limited
20 to, any elementary or secondary school, trade or professional
21 institution, or institution of higher education.

22 (I) As used in this Article, "fixed residence" means any
23 and all places that a sex offender resides for an aggregate
24 period of time of 5 or more days in a calendar year.

25 (J) As used in this Article, "Internet protocol address"
26 means the string of numbers by which a location on the Internet

1 is identified by routers or other computers connected to the
2 Internet.

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

4 Section 35. The Crime Victims Compensation Act is amended
5 by changing Section 6.1 as follows:

6 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

7 Sec. 6.1. Right to compensation. A person is entitled to
8 compensation under this Act if:

9 (a) Within 5 years of the occurrence of the crime, or
10 within one year after a criminal charge of a person for an
11 offense, upon which the claim is based, the applicant
12 presents an application, under oath, to the Attorney
13 General that is filed with the Court of Claims and on a
14 form prescribed in accordance with Section 7.1 furnished
15 by the Attorney General. If the person entitled to
16 compensation is under 18 years of age or under other legal
17 disability at the time of the occurrence or is determined
18 by a court to be under a legal disability as a result of
19 the occurrence, he or she may present the application
20 required by this subsection within 3 years after he or she
21 attains the age of 18 years or the disability is removed,
22 as the case may be. Legal disability includes a diagnosis
23 of posttraumatic stress disorder.

24 (a-1) The Attorney General and the Court of Claims may

1 accept an application presented after the period provided
2 in subsection (a) if the Attorney General determines that
3 the applicant had good cause for a delay.

4 (b) For all crimes of violence, except those listed in
5 subsection (b-1) of this Section, the appropriate law
6 enforcement officials were notified within 72 hours of the
7 perpetration of the crime allegedly causing the death or
8 injury to the victim or, in the event such notification
9 was made more than 72 hours after the perpetration of the
10 crime, the applicant establishes that such notice was
11 timely under the circumstances.

12 (b-1) For victims of offenses defined in Sections
13 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
14 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of
15 1961 or the Criminal Code of 2012, the appropriate law
16 enforcement officials were notified within 7 days of the
17 perpetration of the crime allegedly causing death or
18 injury to the victim or, in the event that the
19 notification was made more than 7 days after the
20 perpetration of the crime, the applicant establishes that
21 the notice was timely under the circumstances. If the
22 applicant or victim has obtained an order of protection, a
23 civil no contact order, or a stalking no contact order,
24 has presented himself or herself to a hospital for medical
25 care or sexual assault evidence collection, or is engaged
26 in a legal proceeding involving a claim that the applicant

1 or victim is a victim of human trafficking, such action
2 shall constitute appropriate notification under this
3 subsection (b-1) or subsection (b) of this Section.

4 (c) The applicant has cooperated with law enforcement
5 officials in the apprehension and prosecution of the
6 assailant. If the applicant or victim has obtained an
7 order of protection, a civil no contact order, or a
8 stalking no contact order, has presented himself or
9 herself to a hospital for medical care or sexual assault
10 evidence collection, or is engaged in a legal proceeding
11 involving a claim that the applicant or victim is a victim
12 of human trafficking, such action shall constitute
13 cooperation under this subsection (c). If the victim is
14 under 18 years of age at the time of the commission of the
15 offense, the following shall constitute cooperation under
16 this subsection (c):

17 (1) the applicant or the victim files a police
18 report with a law enforcement agency;

19 (2) a mandated reporter reports the crime to law
20 enforcement; or

21 (3) a person with firsthand knowledge of the crime
22 reports the crime to law enforcement.

23 (d) The applicant is not the offender or an accomplice
24 of the offender and the award would not unjustly benefit
25 the offender or his accomplice.

26 (e) (Blank).

1 (f) For victims of offenses defined in Section 10-9 of
2 the Criminal Code of 2012, the victim submits a statement
3 under oath on a form prescribed by the Attorney General
4 attesting that the removed tattoo was applied in
5 connection with the commission of the offense.

6 (f-5) Notwithstanding any other provision of this Act
7 to the contrary, a trafficking victim as defined in
8 Section 10-9 of the Criminal Code of 2012 who is under 18
9 years of age is not subject to the filing requirements of
10 this Act and is not subject to the eligibility
11 requirements of this Act.

12 (g) In determining whether cooperation has been
13 reasonable, the Attorney General and Court of Claims may
14 consider the victim's age, physical condition,
15 psychological state, cultural or linguistic barriers, and
16 compelling health and safety concerns, including, but not
17 limited to, a reasonable fear of retaliation or harm that
18 would jeopardize the well-being of the victim or the
19 victim's family, and giving due consideration to the
20 degree of cooperation that the victim or derivative victim
21 is capable of in light of the presence of any of these
22 factors, or any other factor the Attorney General
23 considers relevant.

24 The changes made to this Section by this amendatory Act of
25 the 101st General Assembly apply to actions commenced or
26 pending on or after January 1, 2022.

1 (Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

2 Section 95. No acceleration or delay. Where this Act makes
3 changes in a statute that is represented in this Act by text
4 that is not yet or no longer in effect (for example, a Section
5 represented by multiple versions), the use of that text does
6 not accelerate or delay the taking effect of (i) the changes
7 made by this Act or (ii) provisions derived from any other
8 Public Act.

1 INDEX

2 Statutes amended in order of appearance

3 50 ILCS 705/7

4 325 ILCS 5/3 from Ch. 23, par. 2053

5 705 ILCS 405/5-915

6 720 ILCS 5/10-9

7 720 ILCS 5/11-18.1 from Ch. 38, par. 11-18.1

8 720 ILCS 5/11-20.1 from Ch. 38, par. 11-20.1

9 720 ILCS 5/11-25

10 720 ILCS 5/11-27 new

11 725 ILCS 5/116-2.1

12 730 ILCS 150/2 from Ch. 38, par. 222

13 740 ILCS 45/6.1 from Ch. 70, par. 76.1