



Rep. Justin Slaughter

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LRB103 35186 RLC 77096 a

1 AMENDMENT TO SENATE BILL 2655

2 AMENDMENT NO. _____. Amend Senate Bill 2655 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be
9 exempt from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical

1 records received by the Experimental Organ Transplantation
2 Procedures Board and any and all documents or other
3 records prepared by the Experimental Organ Transplantation
4 Procedures Board or its staff relating to applications it
5 has received.

6 (d) Information and records held by the Department of
7 Public Health and its authorized representatives relating
8 to known or suspected cases of sexually transmitted
9 infection or any information the disclosure of which is
10 restricted under the Illinois Sexually Transmitted
11 Infection Control Act.

12 (e) Information the disclosure of which is exempted
13 under Section 30 of the Radon Industry Licensing Act.

14 (f) Firm performance evaluations under Section 55 of
15 the Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act.

17 (g) Information the disclosure of which is restricted
18 and exempted under Section 50 of the Illinois Prepaid
19 Tuition Act.

20 (h) Information the disclosure of which is exempted
21 under the State Officials and Employees Ethics Act, and
22 records of any lawfully created State or local inspector
23 general's office that would be exempt if created or
24 obtained by an Executive Inspector General's office under
25 that Act.

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a
2 local emergency energy plan ordinance that is adopted
3 under Section 11-21.5-5 of the Illinois Municipal Code.

4 (j) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by carriers
6 under the Emergency Telephone System Act.

7 (k) Law enforcement officer identification information
8 or driver identification information compiled by a law
9 enforcement agency or the Department of Transportation
10 under Section 11-212 of the Illinois Vehicle Code.

11 (l) Records and information provided to a residential
12 health care facility resident sexual assault and death
13 review team or the Executive Council under the Abuse
14 Prevention Review Team Act.

15 (m) Information provided to the predatory lending
16 database created pursuant to Article 3 of the Residential
17 Real Property Disclosure Act, except to the extent
18 authorized under that Article.

19 (n) Defense budgets and petitions for certification of
20 compensation and expenses for court appointed trial
21 counsel as provided under Sections 10 and 15 of the
22 Capital Crimes Litigation Act (repealed). This subsection
23 (n) shall apply until the conclusion of the trial of the
24 case, even if the prosecution chooses not to pursue the
25 death penalty prior to trial or sentencing.

26 (o) Information that is prohibited from being

1 disclosed under Section 4 of the Illinois Health and
2 Hazardous Substances Registry Act.

3 (p) Security portions of system safety program plans,
4 investigation reports, surveys, schedules, lists, data, or
5 information compiled, collected, or prepared by or for the
6 Department of Transportation under Sections 2705-300 and
7 2705-616 of the Department of Transportation Law of the
8 Civil Administrative Code of Illinois, the Regional
9 Transportation Authority under Section 2.11 of the
10 Regional Transportation Authority Act, or the St. Clair
11 County Transit District under the Bi-State Transit Safety
12 Act (repealed).

13 (q) Information prohibited from being disclosed by the
14 Personnel Record Review Act.

15 (r) Information prohibited from being disclosed by the
16 Illinois School Student Records Act.

17 (s) Information the disclosure of which is restricted
18 under Section 5-108 of the Public Utilities Act.

19 (t) (Blank).

20 (u) Records and information provided to an independent
21 team of experts under the Developmental Disability and
22 Mental Health Safety Act (also known as Brian's Law).

23 (v) Names and information of people who have applied
24 for or received Firearm Owner's Identification Cards under
25 the Firearm Owners Identification Card Act or applied for
26 or received a concealed carry license under the Firearm

1 Concealed Carry Act, unless otherwise authorized by the
2 Firearm Concealed Carry Act; and databases under the
3 Firearm Concealed Carry Act, records of the Concealed
4 Carry Licensing Review Board under the Firearm Concealed
5 Carry Act, and law enforcement agency objections under the
6 Firearm Concealed Carry Act.

7 (v-5) Records of the Firearm Owner's Identification
8 Card Review Board that are exempted from disclosure under
9 Section 10 of the Firearm Owners Identification Card Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of
22 an eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure
15 under the Revised Uniform Unclaimed Property Act.

16 (gg) Information that is prohibited from being
17 disclosed under Section 7-603.5 of the Illinois Vehicle
18 Code.

19 (hh) Records that are exempt from disclosure under
20 Section 1A-16.7 of the Election Code.

21 (ii) Information which is exempted from disclosure
22 under Section 2505-800 of the Department of Revenue Law of
23 the Civil Administrative Code of Illinois.

24 (jj) Information and reports that are required to be
25 submitted to the Department of Labor by registering day
26 and temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day
2 and Temporary Labor Services Act.

3 (kk) Information prohibited from disclosure under the
4 Seizure and Forfeiture Reporting Act.

5 (ll) Information the disclosure of which is restricted
6 and exempted under Section 5-30.8 of the Illinois Public
7 Aid Code.

8 (mm) Records that are exempt from disclosure under
9 Section 4.2 of the Crime Victims Compensation Act.

10 (nn) Information that is exempt from disclosure under
11 Section 70 of the Higher Education Student Assistance Act.

12 (oo) Communications, notes, records, and reports
13 arising out of a peer support counseling session
14 prohibited from disclosure under the First Responders
15 Suicide Prevention Act.

16 (pp) Names and all identifying information relating to
17 an employee of an emergency services provider or law
18 enforcement agency under the First Responders Suicide
19 Prevention Act.

20 (qq) Information and records held by the Department of
21 Public Health and its authorized representatives collected
22 under the Reproductive Health Act.

23 (rr) Information that is exempt from disclosure under
24 the Cannabis Regulation and Tax Act.

25 (ss) Data reported by an employer to the Department of
26 Human Rights pursuant to Section 2-108 of the Illinois

1 Human Rights Act.

2 (tt) Recordings made under the Children's Advocacy
3 Center Act, except to the extent authorized under that
4 Act.

5 (uu) Information that is exempt from disclosure under
6 Section 50 of the Sexual Assault Evidence Submission Act.

7 (vv) Information that is exempt from disclosure under
8 subsections (f) and (j) of Section 5-36 of the Illinois
9 Public Aid Code.

10 (ww) Information that is exempt from disclosure under
11 Section 16.8 of the State Treasurer Act.

12 (xx) Information that is exempt from disclosure or
13 information that shall not be made public under the
14 Illinois Insurance Code.

15 (yy) Information prohibited from being disclosed under
16 the Illinois Educational Labor Relations Act.

17 (zz) Information prohibited from being disclosed under
18 the Illinois Public Labor Relations Act.

19 (aaa) Information prohibited from being disclosed
20 under Section 1-167 of the Illinois Pension Code.

21 (bbb) Information that is prohibited from disclosure
22 by the Illinois Police Training Act and the Illinois State
23 Police Act.

24 (ccc) Records exempt from disclosure under Section
25 2605-304 of the Illinois State Police Law of the Civil
26 Administrative Code of Illinois.

1 (ddd) Information prohibited from being disclosed
2 under Section 35 of the Address Confidentiality for
3 Victims of Domestic Violence, Sexual Assault, Human
4 Trafficking, or Stalking Act.

5 (eee) Information prohibited from being disclosed
6 under subsection (b) of Section 75 of the Domestic
7 Violence Fatality Review Act.

8 (fff) Images from cameras under the Expressway Camera
9 Act. This subsection (fff) is inoperative on and after
10 July 1, 2025.

11 (ggg) Information prohibited from disclosure under
12 paragraph (3) of subsection (a) of Section 14 of the Nurse
13 Agency Licensing Act.

14 (hhh) Information submitted to the Illinois State
15 Police in an affidavit or application for an assault
16 weapon endorsement, assault weapon attachment endorsement,
17 .50 caliber rifle endorsement, or .50 caliber cartridge
18 endorsement under the Firearm Owners Identification Card
19 Act.

20 (iii) Data exempt from disclosure under Section 50 of
21 the School Safety Drill Act.

22 (jjj) Information exempt from disclosure under Section
23 30 of the Insurance Data Security Law.

24 (kkk) Confidential business information prohibited
25 from disclosure under Section 45 of the Paint Stewardship
26 Act.

1 (lll) Data exempt from disclosure under Section
2 2-3.196 of the School Code.

3 (mmm) Information prohibited from being disclosed
4 under subsection (e) of Section 1-129 of the Illinois
5 Power Agency Act.

6 (nnn) Materials received by the Department of Commerce
7 and Economic Opportunity that are confidential under the
8 Music and Musicians Tax Credit and Jobs Act.

9 (ooo) ~~(nnn)~~ Data or information provided pursuant to
10 Section 20 of the Statewide Recycling Needs and Assessment
11 Act.

12 (ppp) ~~(nnn)~~ Information that is exempt from disclosure
13 under Section 28-11 of the Lawful Health Care Activity
14 Act.

15 (qqq) ~~(nnn)~~ Information that is exempt from disclosure
16 under Section 7-101 of the Illinois Human Rights Act.

17 (rrr) ~~(nnn)~~ Information prohibited from being
18 disclosed under Section 4-2 of the Uniform Money
19 Transmission Modernization Act.

20 (sss) ~~(nnn)~~ Information exempt from disclosure under
21 Section 40 of the Student-Athlete Endorsement Rights Act.

22 (ttt) Audio recordings made under Section 30 of the
23 Illinois State Police Act, except to the extent authorized
24 under that Section.

25 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
26 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.

1 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
2 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
3 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
4 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
5 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff.
6 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786,
7 eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24;
8 103-1049, eff. 8-9-24; revised 11-26-24.)

9 Section 10. The Illinois State Police Act is amended by
10 changing Section 30 as follows:

11 (20 ILCS 2610/30)

12 Sec. 30. Patrol vehicles with in-car video recording
13 cameras.

14 (a) Definitions. As used in this Section:

15 "Audio recording" means the recorded conversation
16 between an officer and a second party.

17 "Emergency lights" means oscillating, rotating, or
18 flashing lights on patrol vehicles.

19 "In-car video camera" means a video camera located in
20 an Illinois State Police patrol vehicle.

21 "In-car video camera recording equipment" means a
22 video camera recording system located in an Illinois State
23 Police patrol vehicle consisting of a camera assembly,
24 recording mechanism, and an in-car video recording medium.

1 "Enforcement stop" means an action by an officer of
2 the Illinois State Police in relation to enforcement and
3 investigation duties, including but not limited to,
4 traffic stops, pedestrian stops, abandoned vehicle
5 contacts, motorist assists, commercial motor vehicle
6 stops, roadside safety checks, requests for
7 identification, or responses to requests for emergency
8 assistance.

9 "Recording" means the process of capturing data or
10 information stored on a recording medium as required under
11 this Section.

12 "Recording medium" means any recording medium
13 authorized by the Illinois State Police for the retention
14 and playback of recorded audio and video including, but
15 not limited to, VHS, DVD, hard drive, solid state,
16 digital, or flash memory technology.

17 "Wireless microphone" means a device worn by the
18 officer or any other equipment used to record
19 conversations between the officer and a second party and
20 transmitted to the recording equipment. "Wireless
21 microphone" includes a body-worn camera that is capable of
22 recording audio.

23 (b) By June 1, 2009, the Illinois State Police shall
24 install in-car video camera recording equipment in all patrol
25 vehicles. Subject to appropriation, all patrol vehicles shall
26 be equipped with in-car video camera recording equipment with

1 a recording medium capable of recording for a period of 10
2 hours or more by June 1, 2011. In-car video camera recording
3 equipment shall be capable of making audio recordings with the
4 assistance of a wireless microphone.

5 (c) As of the effective date of this amendatory Act of the
6 95th General Assembly, in-car video camera recording equipment
7 with a recording medium incapable of recording for a period of
8 10 hours or more shall record activities outside a patrol
9 vehicle whenever (i) an officer assigned a patrol vehicle is
10 conducting an enforcement stop; (ii) patrol vehicle emergency
11 lights are activated or would otherwise be activated if not
12 for the need to conceal the presence of law enforcement; or
13 (iii) an officer reasonably believes recording may assist with
14 prosecution, enhance safety, or for any other lawful purpose.
15 As of the effective date of this amendatory Act of the 95th
16 General Assembly, in-car video camera recording equipment with
17 a recording medium incapable of recording for a period of 10
18 hours or more shall record activities inside the vehicle when
19 transporting an arrestee or when an officer reasonably
20 believes recording may assist with prosecution, enhance
21 safety, or for any other lawful purpose.

22 (1) Recording for an enforcement stop shall begin when
23 the officer determines an enforcement stop is necessary
24 and shall continue until the enforcement action has been
25 completed and the subject of the enforcement stop or the
26 officer has left the scene.

1 (2) Recording shall begin when patrol vehicle
2 emergency lights are activated or when they would
3 otherwise be activated if not for the need to conceal the
4 presence of law enforcement, and shall continue until the
5 reason for the activation ceases to exist, regardless of
6 whether the emergency lights are no longer activated.

7 (3) An officer may begin recording if the officer
8 reasonably believes recording may assist with prosecution,
9 enhance safety, or for any other lawful purpose; and shall
10 continue until the reason for recording ceases to exist.

11 (4) If an officer's officer-worn body camera is turned
12 off at the request of a victim or witness of a crime in
13 accordance with paragraph (4) of subsection (a) of Section
14 10-20 of the Law Enforcement Officer-Worn Body Camera Act,
15 then the officer shall inform the victim or witness that
16 the in-car video recording will continue recording video.

17 (d) In-car video camera recording equipment with a
18 recording medium capable of recording for a period of 10 hours
19 or more shall record activities whenever a patrol vehicle is
20 assigned to patrol duty.

21 (e) Any enforcement stop resulting from a suspected
22 violation of the Illinois Vehicle Code shall be video and
23 audio recorded. Audio recording shall terminate upon release
24 of the violator and prior to initiating a separate criminal
25 investigation.

26 (f) Recordings made on in-car video camera recording

1 medium shall be retained by the Illinois State Police in the
2 same manner and for the same time periods as recordings made on
3 officer-worn cameras under Section 10-20 of the Law
4 Enforcement Officer-Worn Body Camera Act ~~for a storage period~~
5 ~~of at least 90 days. Under no circumstances shall any~~
6 ~~recording made on in car video camera recording medium be~~
7 ~~altered or erased prior to the expiration of the designated~~
8 ~~storage period. Upon completion of the storage period, the~~
9 ~~recording medium may be erased and reissued for operational~~
10 ~~use unless otherwise ordered by the District Commander or his~~
11 ~~or her designee or by a court, or if designated for evidentiary~~
12 ~~or training purposes.~~

13 (g) Video ~~Audio or video~~ recordings made under ~~pursuant to~~
14 this Section shall be available under the applicable
15 provisions of the Freedom of Information Act. Only recorded
16 portions of the ~~audio recording or~~ video recording medium
17 applicable to the request will be available for inspection or
18 copying.

19 (g-5) Audio recordings made under this Section shall be
20 available in the same manner as recordings made with an
21 officer-worn body camera under subsection (b) of Section 10-20
22 of the Law Enforcement Officer-Worn Body Camera Act.

23 (h) The Illinois State Police shall ensure proper care and
24 maintenance of in-car video camera recording equipment and
25 recording medium. An officer operating a patrol vehicle must
26 immediately document and notify the District Commander or his

1 or her designee of any technical difficulties, failures, or
2 problems with the in-car video camera recording equipment or
3 recording medium. Upon receiving notice, the District
4 Commander or his or her designee shall make every reasonable
5 effort to correct and repair any of the in-car video camera
6 recording equipment or recording medium and determine if it is
7 in the public interest to permit the use of the patrol vehicle.

8 (i) The Illinois State Police may promulgate rules to
9 implement this amendatory Act of the 95th General Assembly
10 only to the extent necessary to apply the existing rules or
11 applicable internal directives.

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

13 Section 15. The Law Enforcement Camera Grant Act is
14 amended by changing Section 15 as follows:

15 (50 ILCS 707/15)

16 Sec. 15. Rules; in-car video camera grants.

17 (a) The Board shall develop model rules for the use of
18 in-car video cameras to be adopted by law enforcement agencies
19 that receive grants under Section 10 of this Act. The rules
20 shall include all of the following requirements:

21 (1) Cameras must be installed in the law enforcement
22 agency vehicles.

23 (2) Video recording must provide audio of the officer
24 when the officer is outside of the vehicle.

1 (3) Camera access must be restricted to the
2 supervisors of the officer in the vehicle.

3 (4) Cameras must be turned on continuously throughout
4 the officer's shift.

5 (5) A copy of the video record must be made available
6 upon request to personnel of the law enforcement agency,
7 the local State's Attorney, and any persons depicted in
8 the video. Procedures for distribution of the video record
9 must include safeguards to protect the identities of
10 individuals who are not a party to the requested stop.

11 (6) Law enforcement agencies that receive moneys under
12 this grant shall provide for storage of the video records
13 for a period of not less than 2 years.

14 (b) Each law enforcement agency receiving a grant for
15 in-car video cameras under Section 10 of this Act must provide
16 an annual report to the Board, the Governor, and the General
17 Assembly on or before May 1 of the year following the receipt
18 of the grant and by each May 1 thereafter during the period of
19 the grant. The report shall include the following:

20 (1) the number of cameras received by the law
21 enforcement agency;

22 (2) the number of cameras actually installed in law
23 enforcement agency vehicles;

24 (3) a brief description of the review process used by
25 supervisors within the law enforcement agency;

26 (4) a list of any criminal, traffic, ordinance, and

1 civil cases in which in-car video recordings were used,
2 including ~~party names~~, case numbers, offenses charged, and
3 disposition of the matter. Proceedings to which this
4 paragraph (4) applies include, but are not limited to,
5 court proceedings, coroner's inquests, grand jury
6 proceedings, and plea bargains; and

7 (5) any other information relevant to the
8 administration of the program.

9 (Source: P.A. 99-352, eff. 1-1-16.)

10 Section 20. The Criminal Code of 2012 is amended by
11 changing Sections 11-20.1 and 11-20.4 as follows:

12 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

13 Sec. 11-20.1. Child pornography.

14 (a) A person commits child pornography who:

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

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

1 (ii) actually or by simulation engaged in any act
2 of sexual penetration or sexual conduct involving the
3 sex organs of the child or person with a severe or
4 profound intellectual disability and the mouth, anus,
5 or sex organs of another person or animal; or which
6 involves the mouth, anus or sex organs of the child or
7 person with a severe or profound intellectual
8 disability and the sex organs of another person or
9 animal; or

10 (iii) actually or by simulation engaged in any act
11 of masturbation; or

12 (iv) actually or by simulation portrayed as being
13 the object of, or otherwise engaged in, any act of lewd
14 fondling, touching, or caressing involving another
15 person or animal; or

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

18 (vi) actually or by simulation portrayed or
19 depicted as bound, fettered, or subject to sadistic,
20 masochistic, or sadomasochistic abuse in any sexual
21 context; or

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

1 person; or

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

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

21 (4) solicits, uses, persuades, induces, entices, or
22 coerces any child whom he or she knows or reasonably
23 should know to be under the age of 18 or a person with a
24 severe or profound intellectual disability to appear in
25 any stage play, live presentation, film, videotape,
26 photograph or other similar visual reproduction or

1 depiction by computer in which the child or person with a
2 severe or profound intellectual disability is or will be
3 depicted, actually or by simulation, in any act, pose or
4 setting described in subparagraphs (i) through (vii) of
5 paragraph (1) of this subsection; or

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

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

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

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

19 (b)(1) It shall be an affirmative defense to a charge of
20 child pornography that the defendant reasonably believed,
21 under all of the circumstances, that the child was 18 years of
22 age or older or that the person was not a person with a severe
23 or profound intellectual disability but only where, prior to
24 the act or acts giving rise to a prosecution under this
25 Section, he or she took some affirmative action or made a
26 bonafide inquiry designed to ascertain whether the child was

1 18 years of age or older or that the person was not a person
2 with a severe or profound intellectual disability and his or
3 her reliance upon the information so obtained was clearly
4 reasonable.

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

14 (2) (Blank).

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

26 (3.5) The charge of child pornography does not apply to

1 the creator of a film, video, photograph, or other similar
2 visual image or depiction in which the creator is the sole
3 subject of the film, video, photograph, or other similar
4 visual image or depiction.

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

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

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

23 (c) If the violation does not involve a film, videotape,
24 or other moving depiction, a violation of paragraph (1), (4),
25 (5), or (7) of subsection (a) is a Class 1 felony with a
26 mandatory minimum fine of \$2,000 and a maximum fine of

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

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

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

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

17 (e) Any film, videotape, photograph or other similar
18 visual reproduction or depiction by computer which includes a
19 child under the age of 18 or a person with a severe or profound
20 intellectual disability engaged in any activity described in
21 subparagraphs (i) through (vii) or paragraph 1 of subsection
22 (a), and any material or equipment used or intended for use in
23 photographing, filming, printing, producing, reproducing,
24 manufacturing, projecting, exhibiting, depiction by computer,
25 or disseminating such material shall be seized and forfeited
26 in the manner, method and procedure provided by Section 36-1

1 of this Code for the seizure and forfeiture of vessels,
2 vehicles and aircraft.

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

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

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

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

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

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

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

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

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

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

1 medium or reproduction or depiction by computer that is
2 advertised, promoted, presented, described, or distributed
3 in such a manner that conveys the impression that the
4 film, videotape, photograph, or other similar visual
5 medium or reproduction or depiction by computer is of a
6 person under the age of 18 or a person with a severe or
7 profound intellectual disability. "Child pornography"
8 includes the depiction of a part of an actual child under
9 the age of 18 who, by manipulation, creation, or
10 modification, appears to be engaged in any activity
11 described in subparagraphs (i) through (vii) of paragraph
12 (1) of subsection (a). ~~"Child pornography" does not~~
13 ~~include images or materials in which the creator of the~~
14 ~~image or materials is the sole subject of the depiction.~~

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

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

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

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

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

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

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

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

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

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

25 (4) The re-enactment by this amendatory Act of 1999 of
26 Section 11-20.1 of the Criminal Code of 1961 relating to

1 child pornography that was amended by Public Act 88-680 is
2 not intended, and shall not be construed, to imply that
3 Public Act 88-680 is invalid or to limit or impair any
4 legal argument concerning whether those provisions were
5 substantially re-enacted by other Public Acts.
6 (Source: P.A. 102-567, eff. 1-1-22; 103-825, eff. 1-1-25.)

7 (720 ILCS 5/11-20.4)

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

9 (a) In this Section:

10 "Indistinguishable" means that the visual
11 representation is such that an ordinary person viewing the
12 visual representation would conclude that the visual
13 representation is of an actual child.

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

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

21 (ii) the average person, applying contemporary
22 adult community standards, would find that it depicts
23 or describes, in a patently offensive way, sexual acts
24 or sadomasochistic sexual acts, whether normal or
25 perverted, actual or simulated, or masturbation,

1 excretory functions, or lewd exhibition of the
2 unclothed or transparently clothed genitals, pubic
3 area, buttocks or, if such person is a female, the
4 fully or partially developed breast of the child or
5 other person; and

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

8 "Purported child" means a visual representation that
9 depicts an individual indistinguishable from an actual
10 ~~appears to depict~~ a child under the age of 18 but may or
11 may not depict an actual child under the age of 18.

12 (b) A person commits obscene depiction of a purported
13 child when, with knowledge of the nature or content thereof,
14 the person:

15 (1) receives, obtains, or accesses in any way with the
16 intent to view, any obscene depiction of a purported
17 child; or

18 (2) reproduces, disseminates, offers to disseminate,
19 exhibits, or possesses with intent to disseminate, any
20 obscene depiction of a purported child.

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

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

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

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

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

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

18 (3) a telecommunications network or broadband
19 provider.

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

23 (Source: P.A. 103-825, eff. 1-1-25.)

24 Section 25. The Bill of Rights for Children is amended by
25 changing Section 3 as follows:

1 (725 ILCS 115/3) (from Ch. 38, par. 1353)

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

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

25 (b) The crime victim has the right to prepare a victim

1 impact statement and present it to the office of the State's
2 Attorney at any time during the proceedings.

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

9 (Source: P.A. 103-825, eff. 1-1-25.)

10 Section 30. The Unified Code of Corrections is amended by
11 changing Sections 5-5-3 and 5-8-4 as follows:

12 (730 ILCS 5/5-5-3)

13 Sec. 5-5-3. Disposition.

14 (a) (Blank).

15 (b) (Blank).

16 (c) (1) (Blank).

17 (2) A period of probation, a term of periodic imprisonment
18 or conditional discharge shall not be imposed for the
19 following offenses. The court shall sentence the offender to
20 not less than the minimum term of imprisonment set forth in
21 this Code for the following offenses, and may order a fine or
22 restitution or both in conjunction with such term of
23 imprisonment:

24 (A) First degree murder.

1 (B) Attempted first degree murder.

2 (C) A Class X felony.

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

8 (D-5) A violation of subdivision (c)(1) of Section 401
9 of the Illinois Controlled Substances Act which relates to
10 3 or more grams of a substance containing heroin or an
11 analog thereof.

12 (E) (Blank).

13 (F) A Class 1 or greater felony if the offender had
14 been convicted of a Class 1 or greater felony, including
15 any state or federal conviction for an offense that
16 contained, at the time it was committed, the same elements
17 as an offense now (the date of the offense committed after
18 the prior Class 1 or greater felony) classified as a Class
19 1 or greater felony, within 10 years of the date on which
20 the offender committed the offense for which he or she is
21 being sentenced, except as otherwise provided in Section
22 40-10 of the Substance Use Disorder Act.

23 (F-3) A Class 2 or greater felony sex offense or
24 felony firearm offense if the offender had been convicted
25 of a Class 2 or greater felony, including any state or
26 federal conviction for an offense that contained, at the

1 time it was committed, the same elements as an offense now
2 (the date of the offense committed after the prior Class 2
3 or greater felony) classified as a Class 2 or greater
4 felony, within 10 years of the date on which the offender
5 committed the offense for which he or she is being
6 sentenced, except as otherwise provided in Section 40-10
7 of the Substance Use Disorder Act.

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

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

13 (H) Criminal sexual assault.

14 (I) Aggravated battery of a senior citizen as
15 described in Section 12-4.6 or subdivision (a)(4) of
16 Section 12-3.05 of the Criminal Code of 1961 or the
17 Criminal Code of 2012.

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

20 Before July 1, 1994, for the purposes of this
21 paragraph, "organized gang" means an association of 5 or
22 more persons, with an established hierarchy, that
23 encourages members of the association to perpetrate crimes
24 or provides support to the members of the association who
25 do commit crimes.

26 Beginning July 1, 1994, for the purposes of this

1 paragraph, "organized gang" has the meaning ascribed to it
2 in Section 10 of the Illinois Streetgang Terrorism Omnibus
3 Prevention Act.

4 (K) Vehicular hijacking.

5 (L) A second or subsequent conviction for the offense
6 of hate crime when the underlying offense upon which the
7 hate crime is based is felony aggravated assault or felony
8 mob action.

9 (M) A second or subsequent conviction for the offense
10 of institutional vandalism if the damage to the property
11 exceeds \$300.

12 (N) A Class 3 felony violation of paragraph (1) of
13 subsection (a) of Section 2 of the Firearm Owners
14 Identification Card Act.

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

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

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

24 (P-6) A violation of paragraph (2) of subsection (b)
25 of Section 11-20.4 of the Criminal Code of 2012.

26 (Q) A violation of subsection (b) or (b-5) of Section

1 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
2 Code of 1961 or the Criminal Code of 2012.

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

5 (S) (Blank).

6 (T) (Blank).

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

14 (V) A violation of paragraph (4) of subsection (c) of
15 Section 11-20.1B or paragraph (4) of subsection (c) of
16 Section 11-20.3 of the Criminal Code of 1961, or paragraph
17 (6) of subsection (a) of Section 11-20.1 of the Criminal
18 Code of 2012 when the victim is under 13 years of age and
19 the defendant has previously been convicted under the laws
20 of this State or any other state of the offense of child
21 pornography, aggravated child pornography, aggravated
22 criminal sexual abuse, aggravated criminal sexual assault,
23 predatory criminal sexual assault of a child, or any of
24 the offenses formerly known as rape, deviate sexual
25 assault, indecent liberties with a child, or aggravated
26 indecent liberties with a child where the victim was under

1 the age of 18 years or an offense that is substantially
2 equivalent to those offenses.

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

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

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

21 (Y) A conviction for unlawful possession of a firearm
22 by a street gang member when the firearm was loaded or
23 contained firearm ammunition.

24 (Z) A Class 1 felony committed while he or she was
25 serving a term of probation or conditional discharge for a
26 felony.

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

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

5 (CC) Knowingly selling, offering for sale, holding for
6 sale, or using 2,000 or more counterfeit items or
7 counterfeit items having a retail value in the aggregate
8 of \$500,000 or more.

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

14 (EE) A conviction for a violation of paragraph (2) of
15 subsection (a) of Section 24-3B of the Criminal Code of
16 2012.

17 (3) (Blank).

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

22 (4.1) (Blank).

23 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
24 this subsection (c), a minimum of 100 hours of community
25 service shall be imposed for a second violation of Section
26 6-303 of the Illinois Vehicle Code.

1 (4.3) A minimum term of imprisonment of 30 days or 300
2 hours of community service, as determined by the court, shall
3 be imposed for a second violation of subsection (c) of Section
4 6-303 of the Illinois Vehicle Code.

5 (4.4) Except as provided in paragraphs (4.5), (4.6), and
6 (4.9) of this subsection (c), a minimum term of imprisonment
7 of 30 days or 300 hours of community service, as determined by
8 the court, shall be imposed for a third or subsequent
9 violation of Section 6-303 of the Illinois Vehicle Code. The
10 court may give credit toward the fulfillment of community
11 service hours for participation in activities and treatment as
12 determined by court services.

13 (4.5) A minimum term of imprisonment of 30 days shall be
14 imposed for a third violation of subsection (c) of Section
15 6-303 of the Illinois Vehicle Code.

16 (4.6) Except as provided in paragraph (4.10) of this
17 subsection (c), a minimum term of imprisonment of 180 days
18 shall be imposed for a fourth or subsequent violation of
19 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

20 (4.7) A minimum term of imprisonment of not less than 30
21 consecutive days, or 300 hours of community service, shall be
22 imposed for a violation of subsection (a-5) of Section 6-303
23 of the Illinois Vehicle Code, as provided in subsection (b-5)
24 of that Section.

25 (4.8) A mandatory prison sentence shall be imposed for a
26 second violation of subsection (a-5) of Section 6-303 of the

1 Illinois Vehicle Code, as provided in subsection (c-5) of that
2 Section. The person's driving privileges shall be revoked for
3 a period of not less than 5 years from the date of his or her
4 release from prison.

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

11 (4.10) A mandatory prison sentence for a Class 1 felony
12 shall be imposed, and the person shall be eligible for an
13 extended term sentence, for a fourth or subsequent violation
14 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
15 Code, as provided in subsection (d-3.5) of that Section. The
16 person's driving privileges shall be revoked for the remainder
17 of his or her life.

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

20 (A) a period of conditional discharge;

21 (B) a fine;

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

24 (5.1) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.2) or (5.3), a person
26 convicted of violating subsection (c) of Section 11-907 of the

1 Illinois Vehicle Code shall have his or her driver's license,
2 permit, or privileges suspended for at least 90 days but not
3 more than one year, if the violation resulted in damage to the
4 property of another person.

5 (5.2) In addition to any other penalties imposed, and
6 except as provided in paragraph (5.3), a person convicted of
7 violating subsection (c) of Section 11-907 of the Illinois
8 Vehicle Code shall have his or her driver's license, permit,
9 or privileges suspended for at least 180 days but not more than
10 2 years, if the violation resulted in injury to another
11 person.

12 (5.3) In addition to any other penalties imposed, a person
13 convicted of violating subsection (c) of Section 11-907 of the
14 Illinois Vehicle Code shall have his or her driver's license,
15 permit, or privileges suspended for 2 years, if the violation
16 resulted in the death of another person.

17 (5.4) In addition to any other penalties imposed, a person
18 convicted of violating Section 3-707 of the Illinois Vehicle
19 Code shall have his or her driver's license, permit, or
20 privileges suspended for 3 months and until he or she has paid
21 a reinstatement fee of \$100.

22 (5.5) In addition to any other penalties imposed, a person
23 convicted of violating Section 3-707 of the Illinois Vehicle
24 Code during a period in which his or her driver's license,
25 permit, or privileges were suspended for a previous violation
26 of that Section shall have his or her driver's license,

1 permit, or privileges suspended for an additional 6 months
2 after the expiration of the original 3-month suspension and
3 until he or she has paid a reinstatement fee of \$100.

4 (6) (Blank).

5 (7) (Blank).

6 (8) (Blank).

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

10 (10) (Blank).

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

1 (12) A person may not receive a disposition of court
2 supervision for a violation of Section 5-16 of the Boat
3 Registration and Safety Act if that person has previously
4 received a disposition of court supervision for a violation of
5 that Section.

6 (13) A person convicted of or placed on court supervision
7 for an assault or aggravated assault when the victim and the
8 offender are family or household members as defined in Section
9 103 of the Illinois Domestic Violence Act of 1986 or convicted
10 of domestic battery or aggravated domestic battery may be
11 required to attend a Partner Abuse Intervention Program under
12 protocols set forth by the Illinois Department of Human
13 Services under such terms and conditions imposed by the court.
14 The costs of such classes shall be paid by the offender.

15 (d) In any case in which a sentence originally imposed is
16 vacated, the case shall be remanded to the trial court. The
17 trial court shall hold a hearing under Section 5-4-1 of this
18 Code which may include evidence of the defendant's life, moral
19 character and occupation during the time since the original
20 sentence was passed. The trial court shall then impose
21 sentence upon the defendant. The trial court may impose any
22 sentence which could have been imposed at the original trial
23 subject to Section 5-5-4 of this Code. If a sentence is vacated
24 on appeal or on collateral attack due to the failure of the
25 trier of fact at trial to determine beyond a reasonable doubt
26 the existence of a fact (other than a prior conviction)

1 necessary to increase the punishment for the offense beyond
2 the statutory maximum otherwise applicable, either the
3 defendant may be re-sentenced to a term within the range
4 otherwise provided or, if the State files notice of its
5 intention to again seek the extended sentence, the defendant
6 shall be afforded a new trial.

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

14 (1) the court finds (A) or (B) or both are
15 appropriate:

16 (A) the defendant is willing to undergo a court
17 approved counseling program for a minimum duration of
18 2 years; or

19 (B) the defendant is willing to participate in a
20 court approved plan, including, but not limited to,
21 the defendant's:

22 (i) removal from the household;

23 (ii) restricted contact with the victim;

24 (iii) continued financial support of the
25 family;

26 (iv) restitution for harm done to the victim;

1 and

2 (v) compliance with any other measures that
3 the court may deem appropriate; and

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

11 Probation may be revoked or modified pursuant to Section
12 5-6-4; except where the court determines at the hearing that
13 the defendant violated a condition of his or her probation
14 restricting contact with the victim or other family members or
15 commits another offense with the victim or other family
16 members, the court shall revoke the defendant's probation and
17 impose a term of imprisonment.

18 For the purposes of this Section, "family member" and
19 "victim" shall have the meanings ascribed to them in Section
20 11-0.1 of the Criminal Code of 2012.

21 (f) (Blank).

22 (g) Whenever a defendant is convicted of an offense under
23 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
24 11-14.3, 11-14.4 except for an offense that involves keeping a
25 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
26 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,

1 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, the defendant shall undergo medical
3 testing to determine whether the defendant has any sexually
4 transmissible disease, including a test for infection with
5 human immunodeficiency virus (HIV) or any other identified
6 causative agent of acquired immunodeficiency syndrome (AIDS).
7 Any such medical test shall be performed only by appropriately
8 licensed medical practitioners and may include an analysis of
9 any bodily fluids as well as an examination of the defendant's
10 person. Except as otherwise provided by law, the results of
11 such test shall be kept strictly confidential by all medical
12 personnel involved in the testing and must be personally
13 delivered in a sealed envelope to the judge of the court in
14 which the conviction was entered for the judge's inspection in
15 camera. Acting in accordance with the best interests of the
16 victim and the public, the judge shall have the discretion to
17 determine to whom, if anyone, the results of the testing may be
18 revealed. The court shall notify the defendant of the test
19 results. The court shall also notify the victim if requested
20 by the victim, and if the victim is under the age of 15 and if
21 requested by the victim's parents or legal guardian, the court
22 shall notify the victim's parents or legal guardian of the
23 test results. The court shall provide information on the
24 availability of HIV testing and counseling at Department of
25 Public Health facilities to all parties to whom the results of
26 the testing are revealed and shall direct the State's Attorney

1 to provide the information to the victim when possible. The
2 court shall order that the cost of any such test shall be paid
3 by the county and may be taxed as costs against the convicted
4 defendant.

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

16 (h) Whenever a defendant is convicted of an offense under
17 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
18 defendant shall undergo medical testing to determine whether
19 the defendant has been exposed to human immunodeficiency virus
20 (HIV) or any other identified causative agent of acquired
21 immunodeficiency syndrome (AIDS). Except as otherwise provided
22 by law, the results of such test shall be kept strictly
23 confidential by all medical personnel involved in the testing
24 and must be personally delivered in a sealed envelope to the
25 judge of the court in which the conviction was entered for the
26 judge's inspection in camera. Acting in accordance with the

1 best interests of the public, the judge shall have the
2 discretion to determine to whom, if anyone, the results of the
3 testing may be revealed. The court shall notify the defendant
4 of a positive test showing an infection with the human
5 immunodeficiency virus (HIV). The court shall provide
6 information on the availability of HIV testing and counseling
7 at Department of Public Health facilities to all parties to
8 whom the results of the testing are revealed and shall direct
9 the State's Attorney to provide the information to the victim
10 when possible. The court shall order that the cost of any such
11 test shall be paid by the county and may be taxed as costs
12 against the convicted defendant.

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

20 (j) In cases when prosecution for any violation of Section
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
22 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
23 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
24 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-30, 11-40, 12-13, 12-14,
25 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, any violation of the Illinois

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

22 (j-5) A defendant at least 17 years of age who is convicted
23 of a felony and who has not been previously convicted of a
24 misdemeanor or felony and who is sentenced to a term of
25 imprisonment in the Illinois Department of Corrections shall
26 as a condition of his or her sentence be required by the court

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

1 mentally incapable of completing the educational or vocational
2 program.

3 (k) (Blank).

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

12 (1) a final order of deportation has been issued
13 against the defendant pursuant to proceedings under the
14 Immigration and Nationality Act, and

15 (2) the deportation of the defendant would not
16 deprecate the seriousness of the defendant's conduct and
17 would not be inconsistent with the ends of justice.

18 Otherwise, the defendant shall be sentenced as provided in
19 this Chapter V.

20 (B) If the defendant has already been sentenced for a
21 felony or misdemeanor offense, or has been placed on probation
22 under Section 10 of the Cannabis Control Act, Section 410 of
23 the Illinois Controlled Substances Act, or Section 70 of the
24 Methamphetamine Control and Community Protection Act, the
25 court may, upon motion of the State's Attorney to suspend the
26 sentence imposed, commit the defendant to the custody of the

1 Attorney General of the United States or his or her designated
2 agent when:

3 (1) a final order of deportation has been issued
4 against the defendant pursuant to proceedings under the
5 Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not
7 deprecate the seriousness of the defendant's conduct and
8 would not be inconsistent with the ends of justice.

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

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

22 (m) A person convicted of criminal defacement of property
23 under Section 21-1.3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, in which the property damage exceeds
25 \$300 and the property damaged is a school building, shall be
26 ordered to perform community service that may include cleanup,

1 removal, or painting over the defacement.

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

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

16 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
17 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
18 1-1-24; 103-825, eff. 1-1-25.)

19 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

20 Sec. 5-8-4. Concurrent and consecutive terms of
21 imprisonment.

22 (a) Concurrent terms; multiple or additional sentences.
23 When an Illinois court (i) imposes multiple sentences of
24 imprisonment on a defendant at the same time or (ii) imposes a
25 sentence of imprisonment on a defendant who is already subject

1 to a sentence of imprisonment imposed by an Illinois court, a
2 court of another state, or a federal court, then the sentences
3 shall run concurrently unless otherwise determined by the
4 Illinois court under this Section.

5 (b) Concurrent terms; misdemeanor and felony. A defendant
6 serving a sentence for a misdemeanor who is convicted of a
7 felony and sentenced to imprisonment shall be transferred to
8 the Department of Corrections, and the misdemeanor sentence
9 shall be merged in and run concurrently with the felony
10 sentence.

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

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

19 (2) If one of the offenses for which a defendant was
20 convicted was a violation of Section 32-5.2 (aggravated
21 false personation of a peace officer) of the Criminal Code
22 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
23 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
24 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
25 offense was committed in attempting or committing a
26 forcible felony.

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

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

16 (5) If a person admitted to pretrial release following
17 conviction of a felony commits a separate felony while
18 released pretrial or if a person detained in a county jail
19 facility or county detention facility following conviction
20 of a felony commits a separate felony while in detention,
21 then any sentence following conviction of the separate
22 felony may be consecutive to that of the original sentence
23 for which the defendant was released pretrial or detained.

24 (6) If a person is found to be in possession of an item
25 of contraband, as defined in Section 31A-0.1 of the
26 Criminal Code of 2012, while serving a sentence in a

1 county jail or while in pretrial detention in a county
2 jail, the sentence imposed upon conviction for the offense
3 of possessing contraband in a penal institution may be
4 served consecutively to the sentence imposed for the
5 offense for which the person is serving a sentence in the
6 county jail or while in pretrial detention, regardless of
7 the order in which the judgments of conviction are
8 entered.

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

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

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

21 (2) The defendant was convicted of a violation of
22 Section 11-1.20 or 12-13 (criminal sexual assault),
23 11-1.30 or 12-14 (aggravated criminal sexual assault), or
24 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
25 child) of the Criminal Code of 1961 or the Criminal Code of
26 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,

1 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
2 5/12-14.1).

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

15 (2.6) The defendant was convicted of:

16 (A) a violation of paragraph (2) of subsection (b)
17 of Section 11-20.4 of the Criminal Code of 2012; or

18 (B) a violation of paragraph (1) of Section
19 11-20.4 of the Criminal Code of 2012 when the
20 purported child depicted is indistinguishable from an
21 actual child under the age of 13.

22 (3) The defendant was convicted of armed violence
23 based upon the predicate offense of any of the following:
24 solicitation of murder, solicitation of murder for hire,
25 heinous battery as described in Section 12-4.1 or
26 subdivision (a) (2) of Section 12-3.05, aggravated battery

1 of a senior citizen as described in Section 12-4.6 or
2 subdivision (a)(4) of Section 12-3.05, criminal sexual
3 assault, a violation of subsection (g) of Section 5 of the
4 Cannabis Control Act (720 ILCS 550/5), cannabis
5 trafficking, a violation of subsection (a) of Section 401
6 of the Illinois Controlled Substances Act (720 ILCS
7 570/401), controlled substance trafficking involving a
8 Class X felony amount of controlled substance under
9 Section 401 of the Illinois Controlled Substances Act (720
10 ILCS 570/401), a violation of the Methamphetamine Control
11 and Community Protection Act (720 ILCS 646/), calculated
12 criminal drug conspiracy, or streetgang criminal drug
13 conspiracy.

14 (4) The defendant was convicted of the offense of
15 leaving the scene of a motor vehicle crash involving death
16 or personal injuries under Section 11-401 of the Illinois
17 Vehicle Code (625 ILCS 5/11-401) and either: (A)
18 aggravated driving under the influence of alcohol, other
19 drug or drugs, or intoxicating compound or compounds, or
20 any combination thereof under Section 11-501 of the
21 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
22 homicide under Section 9-3 of the Criminal Code of 1961 or
23 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
24 offense described in item (A) and an offense described in
25 item (B).

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

1 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
2 death) or Section 12-20.5 (dismembering a human body) of
3 the Criminal Code of 1961 or the Criminal Code of 2012 (720
4 ILCS 5/9-3.1 or 5/12-20.5).

5 (5.5) The defendant was convicted of a violation of
6 Section 24-3.7 (use of a stolen firearm in the commission
7 of an offense) of the Criminal Code of 1961 or the Criminal
8 Code of 2012.

9 (6) If the defendant was in the custody of the
10 Department of Corrections at the time of the commission of
11 the offense, the sentence shall be served consecutive to
12 the sentence under which the defendant is held by the
13 Department of Corrections.

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

18 (8) (Blank).

19 (8.5) (Blank).

20 (9) (Blank).

21 (10) (Blank).

22 (11) (Blank).

23 (e) Consecutive terms; subsequent non-Illinois term. If an
24 Illinois court has imposed a sentence of imprisonment on a
25 defendant and the defendant is subsequently sentenced to a
26 term of imprisonment by a court of another state or a federal

1 court, then the Illinois sentence shall run consecutively to
2 the sentence imposed by the court of the other state or the
3 federal court. That same Illinois court, however, may order
4 that the Illinois sentence run concurrently with the sentence
5 imposed by the court of the other state or the federal court,
6 but only if the defendant applies to that same Illinois court
7 within 30 days after the sentence imposed by the court of the
8 other state or the federal court is finalized.

9 (f) Consecutive terms; aggregate maximums and minimums.
10 The aggregate maximum and aggregate minimum of consecutive
11 sentences shall be determined as follows:

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

24 (2) For sentences imposed under the law in effect on
25 or after February 1, 1978, the aggregate of consecutive
26 sentences for offenses that were committed as part of a

1 single course of conduct during which there was no
2 substantial change in the nature of the criminal objective
3 shall not exceed the sum of the maximum terms authorized
4 under Article 4.5 of Chapter V for the 2 most serious
5 felonies involved, but no such limitation shall apply for
6 offenses that were not committed as part of a single
7 course of conduct during which there was no substantial
8 change in the nature of the criminal objective. When
9 sentenced only for misdemeanors, a defendant shall not be
10 consecutively sentenced to more than the maximum for one
11 Class A misdemeanor.

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

18 (1) The maximum period of a term of imprisonment shall
19 consist of the aggregate of the maximums of the imposed
20 indeterminate terms, if any, plus the aggregate of the
21 imposed determinate sentences for felonies, plus the
22 aggregate of the imposed determinate sentences for
23 misdemeanors, subject to subsection (f) of this Section.

24 (2) The parole or mandatory supervised release term
25 shall be as provided in paragraph (e) of Section 5-4.5-50
26 (730 ILCS 5/5-4.5-50) for the most serious of the offenses

1 involved.

2 (3) The minimum period of imprisonment shall be the
3 aggregate of the minimum and determinate periods of
4 imprisonment imposed by the court, subject to subsection
5 (f) of this Section.

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

12 (h) Notwithstanding any other provisions of this Section,
13 all sentences imposed by an Illinois court under this Code
14 shall run concurrent to any and all sentences imposed under
15 the Juvenile Court Act of 1987.

16 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;
17 102-1104, eff. 12-6-22; 103-825, eff. 1-1-25.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.".