



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2391

Introduced 2/7/2025, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

See Index

Provides that the Act may be referred to as the Keeping Sex Workers Safe Act. Creates the Sex Workers' Bill of Rights Act. Provides that sex workers shall not be subject to criminal prosecution for engaging in consensual sex work. Provides that law enforcement agencies are prohibited from arresting, charging, or prosecuting individuals solely for performing or engaging in sex work. Provides that sex workers, whether employed, contracted, or self-employed, shall be afforded the same rights and protections as other workers under Illinois law, including, but not limited to: (1) minimum wage and hour protections; (2) protection against discrimination, harassment, and unsafe working conditions; (3) access to workers' compensation and health benefits if applicable; and (4) protection of privacy and freedom from surveillance. Provides that employers, clients, or those benefiting from the services of sex workers must ensure safe working conditions, including protection from violence, exploitation, and human trafficking. Provides that sex workers operating as independent contractors shall be treated as legitimate sole proprietors or businesses under Illinois law. Provides that sex workers have the right to control their work, negotiate fair contracts, and receive payment for their services without interference or exploitation. Provides that sex workers shall not be discriminated against in access to housing, public services, financial services, or healthcare based on their occupation. Provides that all laws protecting workers from discrimination on the basis of sex, race, gender identity, sexual orientation, or other protected characteristics shall apply equally to sex workers. Defines "sex work" and "sex worker". Amends the Criminal Code of 2012. Repeals the offenses of prostitution and patronizing a prostitute. Amends various Acts to make conforming changes. Effective immediately.

LRB104 08998 RLC 20871 b

1 AN ACT concerning safety.

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

4 ARTICLE 1

5 Section 1-1. This Act may be referred to as the Keeping Sex
6 Workers Safe Act.

7 Section 1-5. Findings. The General Assembly finds and
8 declares the following:

9 (1) Sex workers deserve to be safe. Yet, sex workers live
10 under the near constant threat of violence: 75% of all sex
11 workers will experience sexual violence in their careers and
12 nearly two-thirds of all Trans people killed in the past
13 decade were sex workers. No one deserves to work under the
14 umbrella of this much violence.

15 (2) It is the criminalization of adult consensual sex work
16 that makes it so dangerous. When adult consensual sex work is
17 decriminalized, sex workers can vet their clients, can always
18 meet clients in safe spaces of their own choosing, and can go
19 to law enforcement for protection and support. Additionally,
20 taxpayer dollars will not be used to target adults engaged in
21 consensual sex rather than violent and cruel offenders.

22 (3) Women and people of color are disproportionately

1 harmed by the criminalization of sex work. According to the
2 FBI, of all arrests nationwide for prostitution in 2019, 61%
3 of those arrested were women. And 42% of those arrested
4 identified as Black while an additional 19% identified as
5 Latinx.

6 (4) We are currently living in a time where too many
7 powerful forces are trying to take away people's bodily
8 autonomy. We saw this with the Dobbs decision ending the right
9 to abortion. We are seeing this in real time with the
10 criminalization of gender affirming care. We see this with
11 anti-LGBTQ+ legislation sweeping state legislatures across the
12 country. We can't be truly free when our adult consensual
13 sexual relationships are criminalized.

14 (5) There is a growing movement in support of the full
15 decriminalization of sex work. In particular, in September
16 2023, the UN Working Group on Discrimination Against Women &
17 Girls called for full decriminalization of sex work globally
18 as a human rights issue necessary to keep sex workers safe and
19 free from stigmatization and harm.

20 (6) Full decriminalization of adult consensual sex work is
21 the only model that helps keep sex workers safe. Any other
22 model keeps sex workers in the shadows. To help keep sex
23 workers safe, Illinois should fully decriminalize adult
24 consensual sex work and establish a bill of rights for sex
25 work.

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ARTICLE 5

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Section 5-1. Short title. This Act may be cited as the Sex Workers' Bill of Rights Act.

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Section 5-5. Purpose and findings. Sex workers contribute to the overall economy and welfare of the State of Illinois. Historically, sex workers have been subjected to legal discrimination and exploitation due to the criminalization of their profession. With the decriminalization of sex work, it is essential to protect the rights of sex workers and ensure their equal access to the legal protections afforded to all other workers, consultants, service providers and independent contractors. Therefore, the General Assembly declares that sex workers must be free from prosecution for their work and have the same legal, health, and safety protections as any other worker.

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Section 5-10. Definitions. In this Act:

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"Sex work" means performing consensual sexual services, erotic performances, or related activities in exchange for money, goods, or other benefits. "Sex work" does not include coerced or non-consensual acts, which remain subject to criminal penalties under the Criminal Code of 2012. "Sex work" encompasses all forms of adult consensual sex work.

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"Sex worker" means a person who performs sex work. "Sex

1 worker" includes an individual working independently, as an
2 employee or under contractual agreement.

3 Section 5-15. Rights of sex workers.

4 (a) Freedom from prosecution. Sex workers shall not be
5 subject to criminal prosecution for engaging in consensual sex
6 work. Law enforcement agencies are prohibited from arresting,
7 charging, or prosecuting individuals solely for performing or
8 engaging in sex work.

9 (b) Equal employment rights. Sex workers, whether
10 employed, contracted, or self-employed, shall be afforded the
11 same rights and protections as other workers under Illinois
12 law, including, but not limited to:

13 (1) minimum wage and hour protections;

14 (2) protection against discrimination, harassment, and
15 unsafe working conditions;

16 (3) access to workers' compensation and health
17 benefits if applicable; and

18 (4) protection of privacy and freedom from
19 surveillance.

20 (c) Health and safety. Sex workers have the right to a safe
21 and healthy work environment. Employers, clients, or those
22 benefiting from the services of sex workers must ensure safe
23 working conditions, including protection from violence,
24 exploitation, and human trafficking.

25 (d) Independent contractor protections. Sex workers

1 operating as independent contractors shall be treated as
2 legitimate sole proprietors or businesses under Illinois law.
3 Sex workers shall have the right to control their work,
4 negotiate fair contracts, and receive payment for their
5 services without interference or exploitation.

6 (e) Non-discrimination. Sex workers shall not be
7 discriminated against in access to housing, public services,
8 financial services, or health care based on their occupation.
9 All laws protecting workers from discrimination on the basis
10 of sex, race, gender identity, sexual orientation, or other
11 protected characteristics shall apply equally to sex workers.

12 ARTICLE 10

13 Section 10-5. The Criminal Identification Act is amended
14 by changing Section 5.2 as follows:

15 (20 ILCS 2630/5.2)

16 Sec. 5.2. Expungement, sealing, and immediate sealing.

17 (a) General Provisions.

18 (1) Definitions. In this Act, words and phrases have
19 the meanings set forth in this subsection, except when a
20 particular context clearly requires a different meaning.

21 (A) The following terms shall have the meanings
22 ascribed to them in the following Sections of the
23 Unified Code of Corrections:

1 Business Offense, Section 5-1-2.
2 Charge, Section 5-1-3.
3 Court, Section 5-1-6.
4 Defendant, Section 5-1-7.
5 Felony, Section 5-1-9.
6 Imprisonment, Section 5-1-10.
7 Judgment, Section 5-1-12.
8 Misdemeanor, Section 5-1-14.
9 Offense, Section 5-1-15.
10 Parole, Section 5-1-16.
11 Petty Offense, Section 5-1-17.
12 Probation, Section 5-1-18.
13 Sentence, Section 5-1-19.
14 Supervision, Section 5-1-21.
15 Victim, Section 5-1-22.

16 (B) As used in this Section, "charge not initiated
17 by arrest" means a charge (as defined by Section 5-1-3
18 of the Unified Code of Corrections) brought against a
19 defendant where the defendant is not arrested prior to
20 or as a direct result of the charge.

21 (C) "Conviction" means a judgment of conviction or
22 sentence entered upon a plea of guilty or upon a
23 verdict or finding of guilty of an offense, rendered
24 by a legally constituted jury or by a court of
25 competent jurisdiction authorized to try the case
26 without a jury. An order of supervision successfully

1 completed by the petitioner is not a conviction. An
2 order of qualified probation (as defined in subsection
3 (a) (1) (J)) successfully completed by the petitioner is
4 not a conviction. An order of supervision or an order
5 of qualified probation that is terminated
6 unsatisfactorily is a conviction, unless the
7 unsatisfactory termination is reversed, vacated, or
8 modified and the judgment of conviction, if any, is
9 reversed or vacated.

10 (D) "Criminal offense" means a petty offense,
11 business offense, misdemeanor, felony, or municipal
12 ordinance violation (as defined in subsection
13 (a) (1) (H)). As used in this Section, a minor traffic
14 offense (as defined in subsection (a) (1) (G)) shall not
15 be considered a criminal offense.

16 (E) "Expunge" means to physically destroy the
17 records or return them to the petitioner and to
18 obliterate the petitioner's name from any official
19 index or public record, or both. Nothing in this Act
20 shall require the physical destruction of the circuit
21 court file, but such records relating to arrests or
22 charges, or both, ordered expunged shall be impounded
23 as required by subsections (d) (9) (A) (ii) and
24 (d) (9) (B) (ii).

25 (F) As used in this Section, "last sentence" means
26 the sentence, order of supervision, or order of

1 qualified probation (as defined by subsection
2 (a)(1)(J)), for a criminal offense (as defined by
3 subsection (a)(1)(D)) that terminates last in time in
4 any jurisdiction, regardless of whether the petitioner
5 has included the criminal offense for which the
6 sentence or order of supervision or qualified
7 probation was imposed in his or her petition. If
8 multiple sentences, orders of supervision, or orders
9 of qualified probation terminate on the same day and
10 are last in time, they shall be collectively
11 considered the "last sentence" regardless of whether
12 they were ordered to run concurrently.

13 (G) "Minor traffic offense" means a petty offense,
14 business offense, or Class C misdemeanor under the
15 Illinois Vehicle Code or a similar provision of a
16 municipal or local ordinance.

17 (G-5) "Minor Cannabis Offense" means a violation
18 of Section 4 or 5 of the Cannabis Control Act
19 concerning not more than 30 grams of any substance
20 containing cannabis, provided the violation did not
21 include a penalty enhancement under Section 7 of the
22 Cannabis Control Act and is not associated with an
23 arrest, conviction or other disposition for a violent
24 crime as defined in subsection (c) of Section 3 of the
25 Rights of Crime Victims and Witnesses Act.

26 (H) "Municipal ordinance violation" means an

1 offense defined by a municipal or local ordinance that
2 is criminal in nature and with which the petitioner
3 was charged or for which the petitioner was arrested
4 and released without charging.

5 (I) "Petitioner" means an adult or a minor
6 prosecuted as an adult who has applied for relief
7 under this Section.

8 (J) "Qualified probation" means an order of
9 probation under Section 10 of the Cannabis Control
10 Act, Section 410 of the Illinois Controlled Substances
11 Act, Section 70 of the Methamphetamine Control and
12 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
13 of the Unified Code of Corrections, Section
14 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
15 those provisions existed before their deletion by
16 Public Act 89-313), Section 10-102 of the Illinois
17 Alcoholism and Other Drug Dependency Act, Section
18 40-10 of the Substance Use Disorder Act, or Section 10
19 of the Steroid Control Act. For the purpose of this
20 Section, "successful completion" of an order of
21 qualified probation under Section 10-102 of the
22 Illinois Alcoholism and Other Drug Dependency Act and
23 Section 40-10 of the Substance Use Disorder Act means
24 that the probation was terminated satisfactorily and
25 the judgment of conviction was vacated.

26 (K) "Seal" means to physically and electronically

1 maintain the records, unless the records would
2 otherwise be destroyed due to age, but to make the
3 records unavailable without a court order, subject to
4 the exceptions in Sections 12 and 13 of this Act. The
5 petitioner's name shall also be obliterated from the
6 official index required to be kept by the circuit
7 court clerk under Section 16 of the Clerks of Courts
8 Act, but any index issued by the circuit court clerk
9 before the entry of the order to seal shall not be
10 affected.

11 (L) "Sexual offense committed against a minor"
12 includes, but is not limited to, the offenses of
13 indecent solicitation of a child or criminal sexual
14 abuse when the victim of such offense is under 18 years
15 of age.

16 (M) "Terminate" as it relates to a sentence or
17 order of supervision or qualified probation includes
18 either satisfactory or unsatisfactory termination of
19 the sentence, unless otherwise specified in this
20 Section. A sentence is terminated notwithstanding any
21 outstanding financial legal obligation.

22 (2) Minor Traffic Offenses. Orders of supervision or
23 convictions for minor traffic offenses shall not affect a
24 petitioner's eligibility to expunge or seal records
25 pursuant to this Section.

26 (2.5) Commencing 180 days after July 29, 2016 (the

1 effective date of Public Act 99-697), the law enforcement
2 agency issuing the citation shall automatically expunge,
3 on or before January 1 and July 1 of each year, the law
4 enforcement records of a person found to have committed a
5 civil law violation of subsection (a) of Section 4 of the
6 Cannabis Control Act or subsection (c) of Section 3.5 of
7 the Drug Paraphernalia Control Act in the law enforcement
8 agency's possession or control and which contains the
9 final satisfactory disposition which pertain to the person
10 issued a citation for that offense. The law enforcement
11 agency shall provide by rule the process for access,
12 review, and to confirm the automatic expungement by the
13 law enforcement agency issuing the citation. Commencing
14 180 days after July 29, 2016 (the effective date of Public
15 Act 99-697), the clerk of the circuit court shall expunge,
16 upon order of the court, or in the absence of a court order
17 on or before January 1 and July 1 of each year, the court
18 records of a person found in the circuit court to have
19 committed a civil law violation of subsection (a) of
20 Section 4 of the Cannabis Control Act or subsection (c) of
21 Section 3.5 of the Drug Paraphernalia Control Act in the
22 clerk's possession or control and which contains the final
23 satisfactory disposition which pertain to the person
24 issued a citation for any of those offenses.

25 (3) Exclusions. Except as otherwise provided in
26 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)

1 of this Section, the court shall not order:

2 (A) the sealing or expungement of the records of
3 arrests or charges not initiated by arrest that result
4 in an order of supervision for or conviction of: (i)
5 any sexual offense committed against a minor; (ii)
6 Section 11-501 of the Illinois Vehicle Code or a
7 similar provision of a local ordinance; or (iii)
8 Section 11-503 of the Illinois Vehicle Code or a
9 similar provision of a local ordinance, unless the
10 arrest or charge is for a misdemeanor violation of
11 subsection (a) of Section 11-503 or a similar
12 provision of a local ordinance, that occurred prior to
13 the offender reaching the age of 25 years and the
14 offender has no other conviction for violating Section
15 11-501 or 11-503 of the Illinois Vehicle Code or a
16 similar provision of a local ordinance.

17 (B) the sealing or expungement of records of minor
18 traffic offenses (as defined in subsection (a)(1)(G)),
19 unless the petitioner was arrested and released
20 without charging.

21 (C) the sealing of the records of arrests or
22 charges not initiated by arrest which result in an
23 order of supervision or a conviction for the following
24 offenses:

25 (i) offenses included in Article 11 of the
26 Criminal Code of 1961 or the Criminal Code of 2012

1 or a similar provision of a local ordinance,
2 except Section 11-14 and a misdemeanor violation
3 of Section 11-30 of the Criminal Code of 1961 or
4 the Criminal Code of 2012, or a similar provision
5 of a local ordinance;

6 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
7 26-5, or 48-1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, or a similar provision of a
9 local ordinance;

10 (iii) Section 12-3.1 or 12-3.2 of the Criminal
11 Code of 1961 or the Criminal Code of 2012, or
12 Section 125 of the Stalking No Contact Order Act,
13 or Section 219 of the Civil No Contact Order Act,
14 or a similar provision of a local ordinance;

15 (iv) Class A misdemeanors or felony offenses
16 under the Humane Care for Animals Act; or

17 (v) any offense or attempted offense that
18 would subject a person to registration under the
19 Sex Offender Registration Act.

20 (D) (blank).

21 (b) Expungement.

22 (1) A petitioner may petition the circuit court to
23 expunge the records of his or her arrests and charges not
24 initiated by arrest when each arrest or charge not
25 initiated by arrest sought to be expunged resulted in: (i)
26 acquittal, dismissal, or the petitioner's release without

1 charging, unless excluded by subsection (a)(3)(B); (ii) a
2 conviction which was vacated or reversed, unless excluded
3 by subsection (a)(3)(B); (iii) an order of supervision and
4 such supervision was successfully completed by the
5 petitioner, unless excluded by subsection (a)(3)(A) or
6 (a)(3)(B); or (iv) an order of qualified probation (as
7 defined in subsection (a)(1)(J)) and such probation was
8 successfully completed by the petitioner.

9 (1.5) When a petitioner seeks to have a record of
10 arrest expunged under this Section, and the offender has
11 been convicted of a criminal offense, the State's Attorney
12 may object to the expungement on the grounds that the
13 records contain specific relevant information aside from
14 the mere fact of the arrest.

15 (2) Time frame for filing a petition to expunge.

16 (A) When the arrest or charge not initiated by
17 arrest sought to be expunged resulted in an acquittal,
18 dismissal, the petitioner's release without charging,
19 or the reversal or vacation of a conviction, there is
20 no waiting period to petition for the expungement of
21 such records.

22 (A-5) In anticipation of the successful completion
23 of a problem-solving court, pre-plea diversion, or
24 post-plea diversion program, a petition for
25 expungement may be filed 61 days before the
26 anticipated dismissal of the case or any time

1 thereafter. Upon successful completion of the program
2 and dismissal of the case, the court shall review the
3 petition of the person graduating from the program and
4 shall grant expungement if the petitioner meets all
5 requirements as specified in any applicable statute.

6 (B) When the arrest or charge not initiated by
7 arrest sought to be expunged resulted in an order of
8 supervision, successfully completed by the petitioner,
9 the following time frames will apply:

10 (i) Those arrests or charges that resulted in
11 orders of supervision under Section 3-707, 3-708,
12 3-710, or 5-401.3 of the Illinois Vehicle Code or
13 a similar provision of a local ordinance, or under
14 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
15 Code of 1961 or the Criminal Code of 2012, or a
16 similar provision of a local ordinance, shall not
17 be eligible for expungement until 5 years have
18 passed following the satisfactory termination of
19 the supervision.

20 (i-5) Those arrests or charges that resulted
21 in orders of supervision for a misdemeanor
22 violation of subsection (a) of Section 11-503 of
23 the Illinois Vehicle Code or a similar provision
24 of a local ordinance, that occurred prior to the
25 offender reaching the age of 25 years and the
26 offender has no other conviction for violating

1 Section 11-501 or 11-503 of the Illinois Vehicle
2 Code or a similar provision of a local ordinance
3 shall not be eligible for expungement until the
4 petitioner has reached the age of 25 years.

5 (ii) Those arrests or charges that resulted in
6 orders of supervision for any other offenses shall
7 not be eligible for expungement until 2 years have
8 passed following the satisfactory termination of
9 the supervision.

10 (C) When the arrest or charge not initiated by
11 arrest sought to be expunged resulted in an order of
12 qualified probation, successfully completed by the
13 petitioner, such records shall not be eligible for
14 expungement until 5 years have passed following the
15 satisfactory termination of the probation.

16 (3) Those records maintained by the Illinois State
17 Police for persons arrested prior to their 17th birthday
18 shall be expunged as provided in Section 5-915 of the
19 Juvenile Court Act of 1987.

20 (4) Whenever a person has been arrested for or
21 convicted of any offense, in the name of a person whose
22 identity he or she has stolen or otherwise come into
23 possession of, the aggrieved person from whom the identity
24 was stolen or otherwise obtained without authorization,
25 upon learning of the person having been arrested using his
26 or her identity, may, upon verified petition to the chief

1 judge of the circuit wherein the arrest was made, have a
2 court order entered nunc pro tunc by the Chief Judge to
3 correct the arrest record, conviction record, if any, and
4 all official records of the arresting authority, the
5 Illinois State Police, other criminal justice agencies,
6 the prosecutor, and the trial court concerning such
7 arrest, if any, by removing his or her name from all such
8 records in connection with the arrest and conviction, if
9 any, and by inserting in the records the name of the
10 offender, if known or ascertainable, in lieu of the
11 aggrieved's name. The records of the circuit court clerk
12 shall be sealed until further order of the court upon good
13 cause shown and the name of the aggrieved person
14 obliterated on the official index required to be kept by
15 the circuit court clerk under Section 16 of the Clerks of
16 Courts Act, but the order shall not affect any index
17 issued by the circuit court clerk before the entry of the
18 order. Nothing in this Section shall limit the Illinois
19 State Police or other criminal justice agencies or
20 prosecutors from listing under an offender's name the
21 false names he or she has used.

22 (5) Whenever a person has been convicted of criminal
23 sexual assault, aggravated criminal sexual assault,
24 predatory criminal sexual assault of a child, criminal
25 sexual abuse, or aggravated criminal sexual abuse, the
26 victim of that offense may request that the State's

1 Attorney of the county in which the conviction occurred
2 file a verified petition with the presiding trial judge at
3 the petitioner's trial to have a court order entered to
4 seal the records of the circuit court clerk in connection
5 with the proceedings of the trial court concerning that
6 offense. However, the records of the arresting authority
7 and the Illinois State Police concerning the offense shall
8 not be sealed. The court, upon good cause shown, shall
9 make the records of the circuit court clerk in connection
10 with the proceedings of the trial court concerning the
11 offense available for public inspection.

12 (6) If a conviction has been set aside on direct
13 review or on collateral attack and the court determines by
14 clear and convincing evidence that the petitioner was
15 factually innocent of the charge, the court that finds the
16 petitioner factually innocent of the charge shall enter an
17 expungement order for the conviction for which the
18 petitioner has been determined to be innocent as provided
19 in subsection (b) of Section 5-5-4 of the Unified Code of
20 Corrections.

21 (7) Nothing in this Section shall prevent the Illinois
22 State Police from maintaining all records of any person
23 who is admitted to probation upon terms and conditions and
24 who fulfills those terms and conditions pursuant to
25 Section 10 of the Cannabis Control Act, Section 410 of the
26 Illinois Controlled Substances Act, Section 70 of the

1 Methamphetamine Control and Community Protection Act,
2 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
3 Corrections, Section 12-4.3 or subdivision (b)(1) of
4 Section 12-3.05 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, Section 10-102 of the Illinois
6 Alcoholism and Other Drug Dependency Act, Section 40-10 of
7 the Substance Use Disorder Act, or Section 10 of the
8 Steroid Control Act.

9 (8) If the petitioner has been granted a certificate
10 of innocence under Section 2-702 of the Code of Civil
11 Procedure, the court that grants the certificate of
12 innocence shall also enter an order expunging the
13 conviction for which the petitioner has been determined to
14 be innocent as provided in subsection (h) of Section 2-702
15 of the Code of Civil Procedure.

16 (c) Sealing.

17 (1) Applicability. Notwithstanding any other provision
18 of this Act to the contrary, and cumulative with any
19 rights to expungement of criminal records, this subsection
20 authorizes the sealing of criminal records of adults and
21 of minors prosecuted as adults. Subsection (g) of this
22 Section provides for immediate sealing of certain records.

23 (2) Eligible Records. The following records may be
24 sealed:

25 (A) All arrests resulting in release without
26 charging;

1 (B) Arrests or charges not initiated by arrest
2 resulting in acquittal, dismissal, or conviction when
3 the conviction was reversed or vacated, except as
4 excluded by subsection (a) (3) (B);

5 (C) Arrests or charges not initiated by arrest
6 resulting in orders of supervision, including orders
7 of supervision for municipal ordinance violations,
8 successfully completed by the petitioner, unless
9 excluded by subsection (a) (3);

10 (D) Arrests or charges not initiated by arrest
11 resulting in convictions, including convictions on
12 municipal ordinance violations, unless excluded by
13 subsection (a) (3);

14 (E) Arrests or charges not initiated by arrest
15 resulting in orders of first offender probation under
16 Section 10 of the Cannabis Control Act, Section 410 of
17 the Illinois Controlled Substances Act, Section 70 of
18 the Methamphetamine Control and Community Protection
19 Act, or Section 5-6-3.3 of the Unified Code of
20 Corrections; and

21 (F) Arrests or charges not initiated by arrest
22 resulting in felony convictions unless otherwise
23 excluded by subsection (a) paragraph (3) of this
24 Section.

25 (3) When Records Are Eligible to Be Sealed. Records
26 identified as eligible under subsection (c) (2) may be

1 sealed as follows:

2 (A) Records identified as eligible under
3 subsections (c)(2)(A) and (c)(2)(B) may be sealed at
4 any time.

5 (B) Except as otherwise provided in subparagraph
6 (E) of this paragraph (3), records identified as
7 eligible under subsection (c)(2)(C) may be sealed 2
8 years after the termination of petitioner's last
9 sentence (as defined in subsection (a)(1)(F)).

10 (C) Except as otherwise provided in subparagraph
11 (E) of this paragraph (3), records identified as
12 eligible under subsections (c)(2)(D), (c)(2)(E), and
13 (c)(2)(F) may be sealed 3 years after the termination
14 of the petitioner's last sentence (as defined in
15 subsection (a)(1)(F)). Convictions requiring public
16 registration under the Arsonist Registry Act, the Sex
17 Offender Registration Act, or the Murderer and Violent
18 Offender Against Youth Registration Act may not be
19 sealed until the petitioner is no longer required to
20 register under that relevant Act.

21 (D) Records identified in subsection
22 (a)(3)(A)(iii) may be sealed after the petitioner has
23 reached the age of 25 years.

24 (E) Records identified as eligible under
25 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or
26 (c)(2)(F) may be sealed upon termination of the

1 petitioner's last sentence if the petitioner earned a
2 high school diploma, associate's degree, career
3 certificate, vocational technical certification, or
4 bachelor's degree, or passed the high school level
5 Test of General Educational Development, during the
6 period of his or her sentence or mandatory supervised
7 release. This subparagraph shall apply only to a
8 petitioner who has not completed the same educational
9 goal prior to the period of his or her sentence or
10 mandatory supervised release. If a petition for
11 sealing eligible records filed under this subparagraph
12 is denied by the court, the time periods under
13 subparagraph (B) or (C) shall apply to any subsequent
14 petition for sealing filed by the petitioner.

15 (4) Subsequent felony convictions. A person may not
16 have subsequent felony conviction records sealed as
17 provided in this subsection (c) if he or she is convicted
18 of any felony offense after the date of the sealing of
19 prior felony convictions as provided in this subsection
20 (c). The court may, upon conviction for a subsequent
21 felony offense, order the unsealing of prior felony
22 conviction records previously ordered sealed by the court.

23 (5) Notice of eligibility for sealing. Upon entry of a
24 disposition for an eligible record under this subsection
25 (c), the petitioner shall be informed by the court of the
26 right to have the records sealed and the procedures for

1 the sealing of the records.

2 (d) Procedure. The following procedures apply to
3 expungement under subsections (b), (e), and (e-6) and sealing
4 under subsections (c) and (e-5):

5 (1) Filing the petition. Upon becoming eligible to
6 petition for the expungement or sealing of records under
7 this Section, the petitioner shall file a petition
8 requesting the expungement or sealing of records with the
9 clerk of the court where the arrests occurred or the
10 charges were brought, or both. If arrests occurred or
11 charges were brought in multiple jurisdictions, a petition
12 must be filed in each such jurisdiction. The petitioner
13 shall pay the applicable fee, except no fee shall be
14 required if the petitioner has obtained a court order
15 waiving fees under Supreme Court Rule 298 or it is
16 otherwise waived.

17 (1.5) County fee waiver pilot program. From August 9,
18 2019 (the effective date of Public Act 101-306) through
19 December 31, 2020, in a county of 3,000,000 or more
20 inhabitants, no fee shall be required to be paid by a
21 petitioner if the records sought to be expunged or sealed
22 were arrests resulting in release without charging or
23 arrests or charges not initiated by arrest resulting in
24 acquittal, dismissal, or conviction when the conviction
25 was reversed or vacated, unless excluded by subsection
26 (a)(3)(B). The provisions of this paragraph (1.5), other

1 than this sentence, are inoperative on and after January
2 1, 2022.

3 (2) Contents of petition. The petition shall be
4 verified and shall contain the petitioner's name, date of
5 birth, current address and, for each arrest or charge not
6 initiated by arrest sought to be sealed or expunged, the
7 case number, the date of arrest (if any), the identity of
8 the arresting authority, and such other information as the
9 court may require. During the pendency of the proceeding,
10 the petitioner shall promptly notify the circuit court
11 clerk of any change of his or her address. If the
12 petitioner has received a certificate of eligibility for
13 sealing from the Prisoner Review Board under paragraph
14 (10) of subsection (a) of Section 3-3-2 of the Unified
15 Code of Corrections, the certificate shall be attached to
16 the petition.

17 (3) Drug test. The petitioner must attach to the
18 petition proof that the petitioner has taken within 30
19 days before the filing of the petition a test showing the
20 absence within his or her body of all illegal substances
21 as defined by the Illinois Controlled Substances Act and
22 the Methamphetamine Control and Community Protection Act
23 if he or she is petitioning to:

24 (A) seal felony records under clause (c) (2) (E);

25 (B) seal felony records for a violation of the
26 Illinois Controlled Substances Act, the

1 Methamphetamine Control and Community Protection Act,
2 or the Cannabis Control Act under clause (c) (2) (F);

3 (C) seal felony records under subsection (e-5); or

4 (D) expunge felony records of a qualified
5 probation under clause (b) (1) (iv).

6 (4) Service of petition. The circuit court clerk shall
7 promptly serve a copy of the petition and documentation to
8 support the petition under subsection (e-5) or (e-6) on
9 the State's Attorney or prosecutor charged with the duty
10 of prosecuting the offense, the Illinois State Police, the
11 arresting agency and the chief legal officer of the unit
12 of local government effecting the arrest.

13 (5) Objections.

14 (A) Any party entitled to notice of the petition
15 may file an objection to the petition. All objections
16 shall be in writing, shall be filed with the circuit
17 court clerk, and shall state with specificity the
18 basis of the objection. Whenever a person who has been
19 convicted of an offense is granted a pardon by the
20 Governor which specifically authorizes expungement, an
21 objection to the petition may not be filed.

22 (B) Objections to a petition to expunge or seal
23 must be filed within 60 days of the date of service of
24 the petition.

25 (6) Entry of order.

26 (A) The Chief Judge of the circuit wherein the

1 charge was brought, any judge of that circuit
2 designated by the Chief Judge, or in counties of less
3 than 3,000,000 inhabitants, the presiding trial judge
4 at the petitioner's trial, if any, shall rule on the
5 petition to expunge or seal as set forth in this
6 subsection (d) (6).

7 (B) Unless the State's Attorney or prosecutor, the
8 Illinois State Police, the arresting agency, or the
9 chief legal officer files an objection to the petition
10 to expunge or seal within 60 days from the date of
11 service of the petition, the court shall enter an
12 order granting or denying the petition.

13 (C) Notwithstanding any other provision of law,
14 the court shall not deny a petition for sealing under
15 this Section because the petitioner has not satisfied
16 an outstanding legal financial obligation established,
17 imposed, or originated by a court, law enforcement
18 agency, or a municipal, State, county, or other unit
19 of local government, including, but not limited to,
20 any cost, assessment, fine, or fee. An outstanding
21 legal financial obligation does not include any court
22 ordered restitution to a victim under Section 5-5-6 of
23 the Unified Code of Corrections, unless the
24 restitution has been converted to a civil judgment.
25 Nothing in this subparagraph (C) waives, rescinds, or
26 abrogates a legal financial obligation or otherwise

1 eliminates or affects the right of the holder of any
2 financial obligation to pursue collection under
3 applicable federal, State, or local law.

4 (D) Notwithstanding any other provision of law,
5 the court shall not deny a petition to expunge or seal
6 under this Section because the petitioner has
7 submitted a drug test taken within 30 days before the
8 filing of the petition to expunge or seal that
9 indicates a positive test for the presence of cannabis
10 within the petitioner's body. In this subparagraph
11 (D), "cannabis" has the meaning ascribed to it in
12 Section 3 of the Cannabis Control Act.

13 (7) Hearings. If an objection is filed, the court
14 shall set a date for a hearing and notify the petitioner
15 and all parties entitled to notice of the petition of the
16 hearing date at least 30 days prior to the hearing. Prior
17 to the hearing, the State's Attorney shall consult with
18 the Illinois State Police as to the appropriateness of the
19 relief sought in the petition to expunge or seal. At the
20 hearing, the court shall hear evidence on whether the
21 petition should or should not be granted, and shall grant
22 or deny the petition to expunge or seal the records based
23 on the evidence presented at the hearing. The court may
24 consider the following:

25 (A) the strength of the evidence supporting the
26 defendant's conviction;

1 (B) the reasons for retention of the conviction
2 records by the State;

3 (C) the petitioner's age, criminal record history,
4 and employment history;

5 (D) the period of time between the petitioner's
6 arrest on the charge resulting in the conviction and
7 the filing of the petition under this Section; and

8 (E) the specific adverse consequences the
9 petitioner may be subject to if the petition is
10 denied.

11 (8) Service of order. After entering an order to
12 expunge or seal records, the court must provide copies of
13 the order to the Illinois State Police, in a form and
14 manner prescribed by the Illinois State Police, to the
15 petitioner, to the State's Attorney or prosecutor charged
16 with the duty of prosecuting the offense, to the arresting
17 agency, to the chief legal officer of the unit of local
18 government effecting the arrest, and to such other
19 criminal justice agencies as may be ordered by the court.

20 (9) Implementation of order.

21 (A) Upon entry of an order to expunge records
22 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
23 both:

24 (i) the records shall be expunged (as defined
25 in subsection (a) (1) (E)) by the arresting agency,
26 the Illinois State Police, and any other agency as

1 ordered by the court, within 60 days of the date of
2 service of the order, unless a motion to vacate,
3 modify, or reconsider the order is filed pursuant
4 to paragraph (12) of subsection (d) of this
5 Section;

6 (ii) the records of the circuit court clerk
7 shall be impounded until further order of the
8 court upon good cause shown and the name of the
9 petitioner obliterated on the official index
10 required to be kept by the circuit court clerk
11 under Section 16 of the Clerks of Courts Act, but
12 the order shall not affect any index issued by the
13 circuit court clerk before the entry of the order;
14 and

15 (iii) in response to an inquiry for expunged
16 records, the court, the Illinois State Police, or
17 the agency receiving such inquiry, shall reply as
18 it does in response to inquiries when no records
19 ever existed.

20 (B) Upon entry of an order to expunge records
21 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
22 both:

23 (i) the records shall be expunged (as defined
24 in subsection (a) (1) (E)) by the arresting agency
25 and any other agency as ordered by the court,
26 within 60 days of the date of service of the order,

1 unless a motion to vacate, modify, or reconsider
2 the order is filed pursuant to paragraph (12) of
3 subsection (d) of this Section;

4 (ii) the records of the circuit court clerk
5 shall be impounded until further order of the
6 court upon good cause shown and the name of the
7 petitioner obliterated on the official index
8 required to be kept by the circuit court clerk
9 under Section 16 of the Clerks of Courts Act, but
10 the order shall not affect any index issued by the
11 circuit court clerk before the entry of the order;

12 (iii) the records shall be impounded by the
13 Illinois State Police within 60 days of the date
14 of service of the order as ordered by the court,
15 unless a motion to vacate, modify, or reconsider
16 the order is filed pursuant to paragraph (12) of
17 subsection (d) of this Section;

18 (iv) records impounded by the Illinois State
19 Police may be disseminated by the Illinois State
20 Police only as required by law or to the arresting
21 authority, the State's Attorney, and the court
22 upon a later arrest for the same or a similar
23 offense or for the purpose of sentencing for any
24 subsequent felony, and to the Department of
25 Corrections upon conviction for any offense; and

26 (v) in response to an inquiry for such records

1 from anyone not authorized by law to access such
2 records, the court, the Illinois State Police, or
3 the agency receiving such inquiry shall reply as
4 it does in response to inquiries when no records
5 ever existed.

6 (B-5) Upon entry of an order to expunge records
7 under subsection (e-6):

8 (i) the records shall be expunged (as defined
9 in subsection (a)(1)(E)) by the arresting agency
10 and any other agency as ordered by the court,
11 within 60 days of the date of service of the order,
12 unless a motion to vacate, modify, or reconsider
13 the order is filed under paragraph (12) of
14 subsection (d) of this Section;

15 (ii) the records of the circuit court clerk
16 shall be impounded until further order of the
17 court upon good cause shown and the name of the
18 petitioner obliterated on the official index
19 required to be kept by the circuit court clerk
20 under Section 16 of the Clerks of Courts Act, but
21 the order shall not affect any index issued by the
22 circuit court clerk before the entry of the order;

23 (iii) the records shall be impounded by the
24 Illinois State Police within 60 days of the date
25 of service of the order as ordered by the court,
26 unless a motion to vacate, modify, or reconsider

1 the order is filed under paragraph (12) of
2 subsection (d) of this Section;

3 (iv) records impounded by the Illinois State
4 Police may be disseminated by the Illinois State
5 Police only as required by law or to the arresting
6 authority, the State's Attorney, and the court
7 upon a later arrest for the same or a similar
8 offense or for the purpose of sentencing for any
9 subsequent felony, and to the Department of
10 Corrections upon conviction for any offense; and

11 (v) in response to an inquiry for these
12 records from anyone not authorized by law to
13 access the records, the court, the Illinois State
14 Police, or the agency receiving the inquiry shall
15 reply as it does in response to inquiries when no
16 records ever existed.

17 (C) Upon entry of an order to seal records under
18 subsection (c), the arresting agency, any other agency
19 as ordered by the court, the Illinois State Police,
20 and the court shall seal the records (as defined in
21 subsection (a)(1)(K)). In response to an inquiry for
22 such records, from anyone not authorized by law to
23 access such records, the court, the Illinois State
24 Police, or the agency receiving such inquiry shall
25 reply as it does in response to inquiries when no
26 records ever existed.

1 (D) The Illinois State Police shall send written
2 notice to the petitioner of its compliance with each
3 order to expunge or seal records within 60 days of the
4 date of service of that order or, if a motion to
5 vacate, modify, or reconsider is filed, within 60 days
6 of service of the order resolving the motion, if that
7 order requires the Illinois State Police to expunge or
8 seal records. In the event of an appeal from the
9 circuit court order, the Illinois State Police shall
10 send written notice to the petitioner of its
11 compliance with an Appellate Court or Supreme Court
12 judgment to expunge or seal records within 60 days of
13 the issuance of the court's mandate. The notice is not
14 required while any motion to vacate, modify, or
15 reconsider, or any appeal or petition for
16 discretionary appellate review, is pending.

17 (E) Upon motion, the court may order that a sealed
18 judgment or other court record necessary to
19 demonstrate the amount of any legal financial
20 obligation due and owing be made available for the
21 limited purpose of collecting any legal financial
22 obligations owed by the petitioner that were
23 established, imposed, or originated in the criminal
24 proceeding for which those records have been sealed.
25 The records made available under this subparagraph (E)
26 shall not be entered into the official index required

1 to be kept by the circuit court clerk under Section 16
2 of the Clerks of Courts Act and shall be immediately
3 re-impounded upon the collection of the outstanding
4 financial obligations.

5 (F) Notwithstanding any other provision of this
6 Section, a circuit court clerk may access a sealed
7 record for the limited purpose of collecting payment
8 for any legal financial obligations that were
9 established, imposed, or originated in the criminal
10 proceedings for which those records have been sealed.

11 (10) Fees. The Illinois State Police may charge the
12 petitioner a fee equivalent to the cost of processing any
13 order to expunge or seal records. Notwithstanding any
14 provision of the Clerks of Courts Act to the contrary, the
15 circuit court clerk may charge a fee equivalent to the
16 cost associated with the sealing or expungement of records
17 by the circuit court clerk. From the total filing fee
18 collected for the petition to seal or expunge, the circuit
19 court clerk shall deposit \$10 into the Circuit Court Clerk
20 Operation and Administrative Fund, to be used to offset
21 the costs incurred by the circuit court clerk in
22 performing the additional duties required to serve the
23 petition to seal or expunge on all parties. The circuit
24 court clerk shall collect and remit the Illinois State
25 Police portion of the fee to the State Treasurer and it
26 shall be deposited in the State Police Services Fund. If

1 the record brought under an expungement petition was
2 previously sealed under this Section, the fee for the
3 expungement petition for that same record shall be waived.

4 (11) Final Order. No court order issued under the
5 expungement or sealing provisions of this Section shall
6 become final for purposes of appeal until 30 days after
7 service of the order on the petitioner and all parties
8 entitled to notice of the petition.

9 (12) Motion to Vacate, Modify, or Reconsider. Under
10 Section 2-1203 of the Code of Civil Procedure, the
11 petitioner or any party entitled to notice may file a
12 motion to vacate, modify, or reconsider the order granting
13 or denying the petition to expunge or seal within 60 days
14 of service of the order. If filed more than 60 days after
15 service of the order, a petition to vacate, modify, or
16 reconsider shall comply with subsection (c) of Section
17 2-1401 of the Code of Civil Procedure. Upon filing of a
18 motion to vacate, modify, or reconsider, notice of the
19 motion shall be served upon the petitioner and all parties
20 entitled to notice of the petition.

21 (13) Effect of Order. An order granting a petition
22 under the expungement or sealing provisions of this
23 Section shall not be considered void because it fails to
24 comply with the provisions of this Section or because of
25 any error asserted in a motion to vacate, modify, or
26 reconsider. The circuit court retains jurisdiction to

1 determine whether the order is voidable and to vacate,
2 modify, or reconsider its terms based on a motion filed
3 under paragraph (12) of this subsection (d).

4 (14) Compliance with Order Granting Petition to Seal
5 Records. Unless a court has entered a stay of an order
6 granting a petition to seal, all parties entitled to
7 notice of the petition must fully comply with the terms of
8 the order within 60 days of service of the order even if a
9 party is seeking relief from the order through a motion
10 filed under paragraph (12) of this subsection (d) or is
11 appealing the order.

12 (15) Compliance with Order Granting Petition to
13 Expunge Records. While a party is seeking relief from the
14 order granting the petition to expunge through a motion
15 filed under paragraph (12) of this subsection (d) or is
16 appealing the order, and unless a court has entered a stay
17 of that order, the parties entitled to notice of the
18 petition must seal, but need not expunge, the records
19 until there is a final order on the motion for relief or,
20 in the case of an appeal, the issuance of that court's
21 mandate.

22 (16) The changes to this subsection (d) made by Public
23 Act 98-163 apply to all petitions pending on August 5,
24 2013 (the effective date of Public Act 98-163) and to all
25 orders ruling on a petition to expunge or seal on or after
26 August 5, 2013 (the effective date of Public Act 98-163).

1 (e) Whenever a person who has been convicted of an offense
2 is granted a pardon by the Governor which specifically
3 authorizes expungement, he or she may, upon verified petition
4 to the Chief Judge of the circuit where the person had been
5 convicted, any judge of the circuit designated by the Chief
6 Judge, or in counties of less than 3,000,000 inhabitants, the
7 presiding trial judge at the defendant's trial, have a court
8 order entered expunging the record of arrest from the official
9 records of the arresting authority and order that the records
10 of the circuit court clerk and the Illinois State Police be
11 sealed until further order of the court upon good cause shown
12 or as otherwise provided herein, and the name of the defendant
13 obliterated from the official index requested to be kept by
14 the circuit court clerk under Section 16 of the Clerks of
15 Courts Act in connection with the arrest and conviction for
16 the offense for which he or she had been pardoned but the order
17 shall not affect any index issued by the circuit court clerk
18 before the entry of the order. All records sealed by the
19 Illinois State Police may be disseminated by the Illinois
20 State Police only to the arresting authority, the State's
21 Attorney, and the court upon a later arrest for the same or
22 similar offense or for the purpose of sentencing for any
23 subsequent felony. Upon conviction for any subsequent offense,
24 the Department of Corrections shall have access to all sealed
25 records of the Illinois State Police pertaining to that
26 individual. Upon entry of the order of expungement, the

1 circuit court clerk shall promptly mail a copy of the order to
2 the person who was pardoned.

3 (e-5) Whenever a person who has been convicted of an
4 offense is granted a certificate of eligibility for sealing by
5 the Prisoner Review Board which specifically authorizes
6 sealing, he or she may, upon verified petition to the Chief
7 Judge of the circuit where the person had been convicted, any
8 judge of the circuit designated by the Chief Judge, or in
9 counties of less than 3,000,000 inhabitants, the presiding
10 trial judge at the petitioner's trial, have a court order
11 entered sealing the record of arrest from the official records
12 of the arresting authority and order that the records of the
13 circuit court clerk and the Illinois State Police be sealed
14 until further order of the court upon good cause shown or as
15 otherwise provided herein, and the name of the petitioner
16 obliterated from the official index requested to be kept by
17 the circuit court clerk under Section 16 of the Clerks of
18 Courts Act in connection with the arrest and conviction for
19 the offense for which he or she had been granted the
20 certificate but the order shall not affect any index issued by
21 the circuit court clerk before the entry of the order. All
22 records sealed by the Illinois State Police may be
23 disseminated by the Illinois State Police only as required by
24 this Act or to the arresting authority, a law enforcement
25 agency, the State's Attorney, and the court upon a later
26 arrest for the same or similar offense or for the purpose of

1 sentencing for any subsequent felony. Upon conviction for any
2 subsequent offense, the Department of Corrections shall have
3 access to all sealed records of the Illinois State Police
4 pertaining to that individual. Upon entry of the order of
5 sealing, the circuit court clerk shall promptly mail a copy of
6 the order to the person who was granted the certificate of
7 eligibility for sealing.

8 (e-6) Whenever a person who has been convicted of an
9 offense is granted a certificate of eligibility for
10 expungement by the Prisoner Review Board which specifically
11 authorizes expungement, he or she may, upon verified petition
12 to the Chief Judge of the circuit where the person had been
13 convicted, any judge of the circuit designated by the Chief
14 Judge, or in counties of less than 3,000,000 inhabitants, the
15 presiding trial judge at the petitioner's trial, have a court
16 order entered expunging the record of arrest from the official
17 records of the arresting authority and order that the records
18 of the circuit court clerk and the Illinois State Police be
19 sealed until further order of the court upon good cause shown
20 or as otherwise provided herein, and the name of the
21 petitioner obliterated from the official index requested to be
22 kept by the circuit court clerk under Section 16 of the Clerks
23 of Courts Act in connection with the arrest and conviction for
24 the offense for which he or she had been granted the
25 certificate but the order shall not affect any index issued by
26 the circuit court clerk before the entry of the order. All

1 records sealed by the Illinois State Police may be
2 disseminated by the Illinois State Police only as required by
3 this Act or to the arresting authority, a law enforcement
4 agency, the State's Attorney, and the court upon a later
5 arrest for the same or similar offense or for the purpose of
6 sentencing for any subsequent felony. Upon conviction for any
7 subsequent offense, the Department of Corrections shall have
8 access to all expunged records of the Illinois State Police
9 pertaining to that individual. Upon entry of the order of
10 expungement, the circuit court clerk shall promptly mail a
11 copy of the order to the person who was granted the certificate
12 of eligibility for expungement.

13 (f) Subject to available funding, the Illinois Department
14 of Corrections shall conduct a study of the impact of sealing,
15 especially on employment and recidivism rates, utilizing a
16 random sample of those who apply for the sealing of their
17 criminal records under Public Act 93-211. At the request of
18 the Illinois Department of Corrections, records of the
19 Illinois Department of Employment Security shall be utilized
20 as appropriate to assist in the study. The study shall not
21 disclose any data in a manner that would allow the
22 identification of any particular individual or employing unit.
23 The study shall be made available to the General Assembly no
24 later than September 1, 2010.

25 (g) Immediate Sealing.

26 (1) Applicability. Notwithstanding any other provision

1 of this Act to the contrary, and cumulative with any
2 rights to expungement or sealing of criminal records, this
3 subsection authorizes the immediate sealing of criminal
4 records of adults and of minors prosecuted as adults.

5 (2) Eligible Records. Arrests or charges not initiated
6 by arrest resulting in acquittal or dismissal with
7 prejudice, except as excluded by subsection (a)(3)(B),
8 that occur on or after January 1, 2018 (the effective date
9 of Public Act 100-282), may be sealed immediately if the
10 petition is filed with the circuit court clerk on the same
11 day and during the same hearing in which the case is
12 disposed.

13 (3) When Records are Eligible to be Immediately
14 Sealed. Eligible records under paragraph (2) of this
15 subsection (g) may be sealed immediately after entry of
16 the final disposition of a case, notwithstanding the
17 disposition of other charges in the same case.

18 (4) Notice of Eligibility for Immediate Sealing. Upon
19 entry of a disposition for an eligible record under this
20 subsection (g), the defendant shall be informed by the
21 court of his or her right to have eligible records
22 immediately sealed and the procedure for the immediate
23 sealing of these records.

24 (5) Procedure. The following procedures apply to
25 immediate sealing under this subsection (g).

26 (A) Filing the Petition. Upon entry of the final

1 disposition of the case, the defendant's attorney may
2 immediately petition the court, on behalf of the
3 defendant, for immediate sealing of eligible records
4 under paragraph (2) of this subsection (g) that are
5 entered on or after January 1, 2018 (the effective
6 date of Public Act 100-282). The immediate sealing
7 petition may be filed with the circuit court clerk
8 during the hearing in which the final disposition of
9 the case is entered. If the defendant's attorney does
10 not file the petition for immediate sealing during the
11 hearing, the defendant may file a petition for sealing
12 at any time as authorized under subsection (c) (3) (A).

13 (B) Contents of Petition. The immediate sealing
14 petition shall be verified and shall contain the
15 petitioner's name, date of birth, current address, and
16 for each eligible record, the case number, the date of
17 arrest if applicable, the identity of the arresting
18 authority if applicable, and other information as the
19 court may require.

20 (C) Drug Test. The petitioner shall not be
21 required to attach proof that he or she has passed a
22 drug test.

23 (D) Service of Petition. A copy of the petition
24 shall be served on the State's Attorney in open court.
25 The petitioner shall not be required to serve a copy of
26 the petition on any other agency.

1 (E) Entry of Order. The presiding trial judge
2 shall enter an order granting or denying the petition
3 for immediate sealing during the hearing in which it
4 is filed. Petitions for immediate sealing shall be
5 ruled on in the same hearing in which the final
6 disposition of the case is entered.

7 (F) Hearings. The court shall hear the petition
8 for immediate sealing on the same day and during the
9 same hearing in which the disposition is rendered.

10 (G) Service of Order. An order to immediately seal
11 eligible records shall be served in conformance with
12 subsection (d) (8).

13 (H) Implementation of Order. An order to
14 immediately seal records shall be implemented in
15 conformance with subsections (d) (9) (C) and (d) (9) (D).

16 (I) Fees. The fee imposed by the circuit court
17 clerk and the Illinois State Police shall comply with
18 paragraph (1) of subsection (d) of this Section.

19 (J) Final Order. No court order issued under this
20 subsection (g) shall become final for purposes of
21 appeal until 30 days after service of the order on the
22 petitioner and all parties entitled to service of the
23 order in conformance with subsection (d) (8).

24 (K) Motion to Vacate, Modify, or Reconsider. Under
25 Section 2-1203 of the Code of Civil Procedure, the
26 petitioner, State's Attorney, or the Illinois State

1 Police may file a motion to vacate, modify, or
2 reconsider the order denying the petition to
3 immediately seal within 60 days of service of the
4 order. If filed more than 60 days after service of the
5 order, a petition to vacate, modify, or reconsider
6 shall comply with subsection (c) of Section 2-1401 of
7 the Code of Civil Procedure.

8 (L) Effect of Order. An order granting an
9 immediate sealing petition shall not be considered
10 void because it fails to comply with the provisions of
11 this Section or because of an error asserted in a
12 motion to vacate, modify, or reconsider. The circuit
13 court retains jurisdiction to determine whether the
14 order is voidable, and to vacate, modify, or
15 reconsider its terms based on a motion filed under
16 subparagraph (L) of this subsection (g).

17 (M) Compliance with Order Granting Petition to
18 Seal Records. Unless a court has entered a stay of an
19 order granting a petition to immediately seal, all
20 parties entitled to service of the order must fully
21 comply with the terms of the order within 60 days of
22 service of the order.

23 (h) Sealing or vacation and expungement of trafficking
24 victims' crimes.

25 (1) A trafficking victim, as defined by paragraph (10)
26 of subsection (a) of Section 10-9 of the Criminal Code of

1 2012, may petition for vacation and expungement or
2 immediate sealing of his or her criminal record upon the
3 completion of his or her last sentence if his or her
4 participation in the underlying offense was a result of
5 human trafficking under Section 10-9 of the Criminal Code
6 of 2012 or a severe form of trafficking under the federal
7 Trafficking Victims Protection Act.

8 (1.5) A petition under paragraph (1) shall be
9 prepared, signed, and filed in accordance with Supreme
10 Court Rule 9. The court may allow the petitioner to attend
11 any required hearing remotely in accordance with local
12 rules. The court may allow a petition to be filed under
13 seal if the public filing of the petition would constitute
14 a risk of harm to the petitioner.

15 (2) A petitioner under this subsection (h), in
16 addition to the requirements provided under paragraph (4)
17 of subsection (d) of this Section, shall include in his or
18 her petition a clear and concise statement that: (A) he or
19 she was a victim of human trafficking at the time of the
20 offense; and (B) that his or her participation in the
21 offense was a result of human trafficking under Section
22 10-9 of the Criminal Code of 2012 or a severe form of
23 trafficking under the federal Trafficking Victims
24 Protection Act.

25 (3) If an objection is filed alleging that the
26 petitioner is not entitled to vacation and expungement or

1 immediate sealing under this subsection (h), the court
2 shall conduct a hearing under paragraph (7) of subsection
3 (d) of this Section and the court shall determine whether
4 the petitioner is entitled to vacation and expungement or
5 immediate sealing under this subsection (h). A petitioner
6 is eligible for vacation and expungement or immediate
7 relief under this subsection (h) if he or she shows, by a
8 preponderance of the evidence, that: (A) he or she was a
9 victim of human trafficking at the time of the offense;
10 and (B) that his or her participation in the offense was a
11 result of human trafficking under Section 10-9 of the
12 Criminal Code of 2012 or a severe form of trafficking
13 under the federal Trafficking Victims Protection Act.

14 (i) Minor Cannabis Offenses under the Cannabis Control
15 Act.

16 (1) Expungement of Arrest Records of Minor Cannabis
17 Offenses.

18 (A) The Illinois State Police and all law
19 enforcement agencies within the State shall
20 automatically expunge all criminal history records of
21 an arrest, charge not initiated by arrest, order of
22 supervision, or order of qualified probation for a
23 Minor Cannabis Offense committed prior to June 25,
24 2019 (the effective date of Public Act 101-27) if:

25 (i) One year or more has elapsed since the
26 date of the arrest or law enforcement interaction

1 documented in the records; and

2 (ii) No criminal charges were filed relating
3 to the arrest or law enforcement interaction or
4 criminal charges were filed and subsequently
5 dismissed or vacated or the arrestee was
6 acquitted.

7 (B) If the law enforcement agency is unable to
8 verify satisfaction of condition (ii) in paragraph
9 (A), records that satisfy condition (i) in paragraph
10 (A) shall be automatically expunged.

11 (C) Records shall be expunged by the law
12 enforcement agency under the following timelines:

13 (i) Records created prior to June 25, 2019
14 (the effective date of Public Act 101-27), but on
15 or after January 1, 2013, shall be automatically
16 expunged prior to January 1, 2021;

17 (ii) Records created prior to January 1, 2013,
18 but on or after January 1, 2000, shall be
19 automatically expunged prior to January 1, 2023;

20 (iii) Records created prior to January 1, 2000
21 shall be automatically expunged prior to January
22 1, 2025.

23 In response to an inquiry for expunged records,
24 the law enforcement agency receiving such inquiry
25 shall reply as it does in response to inquiries when no
26 records ever existed; however, it shall provide a

1 certificate of disposition or confirmation that the
2 record was expunged to the individual whose record was
3 expunged if such a record exists.

4 (D) Nothing in this Section shall be construed to
5 restrict or modify an individual's right to have that
6 individual's records expunged except as otherwise may
7 be provided in this Act, or diminish or abrogate any
8 rights or remedies otherwise available to the
9 individual.

10 (2) Pardons Authorizing Expungement of Minor Cannabis
11 Offenses.

12 (A) Upon June 25, 2019 (the effective date of
13 Public Act 101-27), the Department of State Police
14 shall review all criminal history record information
15 and identify all records that meet all of the
16 following criteria:

17 (i) one or more convictions for a Minor
18 Cannabis Offense;

19 (ii) the conviction identified in paragraph
20 (2)(A)(i) did not include a penalty enhancement
21 under Section 7 of the Cannabis Control Act; and

22 (iii) the conviction identified in paragraph
23 (2)(A)(i) is not associated with a conviction for
24 a violent crime as defined in subsection (c) of
25 Section 3 of the Rights of Crime Victims and
26 Witnesses Act.

1 (B) Within 180 days after June 25, 2019 (the
2 effective date of Public Act 101-27), the Department
3 of State Police shall notify the Prisoner Review Board
4 of all such records that meet the criteria established
5 in paragraph (2) (A).

6 (i) The Prisoner Review Board shall notify the
7 State's Attorney of the county of conviction of
8 each record identified by State Police in
9 paragraph (2) (A) that is classified as a Class 4
10 felony. The State's Attorney may provide a written
11 objection to the Prisoner Review Board on the sole
12 basis that the record identified does not meet the
13 criteria established in paragraph (2) (A). Such an
14 objection must be filed within 60 days or by such
15 later date set by the Prisoner Review Board in the
16 notice after the State's Attorney received notice
17 from the Prisoner Review Board.

18 (ii) In response to a written objection from a
19 State's Attorney, the Prisoner Review Board is
20 authorized to conduct a non-public hearing to
21 evaluate the information provided in the
22 objection.

23 (iii) The Prisoner Review Board shall make a
24 confidential and privileged recommendation to the
25 Governor as to whether to grant a pardon
26 authorizing expungement for each of the records

1 identified by the Department of State Police as
2 described in paragraph (2) (A).

3 (C) If an individual has been granted a pardon
4 authorizing expungement as described in this Section,
5 the Prisoner Review Board, through the Attorney
6 General, shall file a petition for expungement with
7 the Chief Judge of the circuit or any judge of the
8 circuit designated by the Chief Judge where the
9 individual had been convicted. Such petition may
10 include more than one individual. Whenever an
11 individual who has been convicted of an offense is
12 granted a pardon by the Governor that specifically
13 authorizes expungement, an objection to the petition
14 may not be filed. Petitions to expunge under this
15 subsection (i) may include more than one individual.
16 Within 90 days of the filing of such a petition, the
17 court shall enter an order expunging the records of
18 arrest from the official records of the arresting
19 authority and order that the records of the circuit
20 court clerk and the Illinois State Police be expunged
21 and the name of the defendant obliterated from the
22 official index requested to be kept by the circuit
23 court clerk under Section 16 of the Clerks of Courts
24 Act in connection with the arrest and conviction for
25 the offense for which the individual had received a
26 pardon but the order shall not affect any index issued

1 by the circuit court clerk before the entry of the
2 order. Upon entry of the order of expungement, the
3 circuit court clerk shall promptly provide a copy of
4 the order and a certificate of disposition to the
5 individual who was pardoned to the individual's last
6 known address or by electronic means (if available) or
7 otherwise make it available to the individual upon
8 request.

9 (D) Nothing in this Section is intended to
10 diminish or abrogate any rights or remedies otherwise
11 available to the individual.

12 (3) Any individual may file a motion to vacate and
13 expunge a conviction for a misdemeanor or Class 4 felony
14 violation of Section 4 or Section 5 of the Cannabis
15 Control Act. Motions to vacate and expunge under this
16 subsection (i) may be filed with the circuit court, Chief
17 Judge of a judicial circuit or any judge of the circuit
18 designated by the Chief Judge. The circuit court clerk
19 shall promptly serve a copy of the motion to vacate and
20 expunge, and any supporting documentation, on the State's
21 Attorney or prosecutor charged with the duty of
22 prosecuting the offense. When considering such a motion to
23 vacate and expunge, a court shall consider the following:
24 the reasons to retain the records provided by law
25 enforcement, the petitioner's age, the petitioner's age at
26 the time of offense, the time since the conviction, and

1 the specific adverse consequences if denied. An individual
2 may file such a petition after the completion of any
3 non-financial sentence or non-financial condition imposed
4 by the conviction. Within 60 days of the filing of such
5 motion, a State's Attorney may file an objection to such a
6 petition along with supporting evidence. If a motion to
7 vacate and expunge is granted, the records shall be
8 expunged in accordance with subparagraphs (d)(8) and
9 (d)(9)(A) of this Section. An agency providing civil legal
10 aid, as defined by Section 15 of the Public Interest
11 Attorney Assistance Act, assisting individuals seeking to
12 file a motion to vacate and expunge under this subsection
13 may file motions to vacate and expunge with the Chief
14 Judge of a judicial circuit or any judge of the circuit
15 designated by the Chief Judge, and the motion may include
16 more than one individual. Motions filed by an agency
17 providing civil legal aid concerning more than one
18 individual may be prepared, presented, and signed
19 electronically.

20 (4) Any State's Attorney may file a motion to vacate
21 and expunge a conviction for a misdemeanor or Class 4
22 felony violation of Section 4 or Section 5 of the Cannabis
23 Control Act. Motions to vacate and expunge under this
24 subsection (i) may be filed with the circuit court, Chief
25 Judge of a judicial circuit or any judge of the circuit
26 designated by the Chief Judge, and may include more than

1 one individual. Motions filed by a State's Attorney
2 concerning more than one individual may be prepared,
3 presented, and signed electronically. When considering
4 such a motion to vacate and expunge, a court shall
5 consider the following: the reasons to retain the records
6 provided by law enforcement, the individual's age, the
7 individual's age at the time of offense, the time since
8 the conviction, and the specific adverse consequences if
9 denied. Upon entry of an order granting a motion to vacate
10 and expunge records pursuant to this Section, the State's
11 Attorney shall notify the Prisoner Review Board within 30
12 days. Upon entry of the order of expungement, the circuit
13 court clerk shall promptly provide a copy of the order and
14 a certificate of disposition to the individual whose
15 records will be expunged to the individual's last known
16 address or by electronic means (if available) or otherwise
17 make available to the individual upon request. If a motion
18 to vacate and expunge is granted, the records shall be
19 expunged in accordance with subparagraphs (d)(8) and
20 (d)(9)(A) of this Section.

21 (5) In the public interest, the State's Attorney of a
22 county has standing to file motions to vacate and expunge
23 pursuant to this Section in the circuit court with
24 jurisdiction over the underlying conviction.

25 (6) If a person is arrested for a Minor Cannabis
26 Offense as defined in this Section before June 25, 2019

1 (the effective date of Public Act 101-27) and the person's
2 case is still pending but a sentence has not been imposed,
3 the person may petition the court in which the charges are
4 pending for an order to summarily dismiss those charges
5 against him or her, and expunge all official records of
6 his or her arrest, plea, trial, conviction, incarceration,
7 supervision, or expungement. If the court determines, upon
8 review, that: (A) the person was arrested before June 25,
9 2019 (the effective date of Public Act 101-27) for an
10 offense that has been made eligible for expungement; (B)
11 the case is pending at the time; and (C) the person has not
12 been sentenced of the minor cannabis violation eligible
13 for expungement under this subsection, the court shall
14 consider the following: the reasons to retain the records
15 provided by law enforcement, the petitioner's age, the
16 petitioner's age at the time of offense, the time since
17 the conviction, and the specific adverse consequences if
18 denied. If a motion to dismiss and expunge is granted, the
19 records shall be expunged in accordance with subparagraph
20 (d) (9) (A) of this Section.

21 (7) A person imprisoned solely as a result of one or
22 more convictions for Minor Cannabis Offenses under this
23 subsection (i) shall be released from incarceration upon
24 the issuance of an order under this subsection.

25 (8) The Illinois State Police shall allow a person to
26 use the access and review process, established in the

1 Illinois State Police, for verifying that his or her
2 records relating to Minor Cannabis Offenses of the
3 Cannabis Control Act eligible under this Section have been
4 expunged.

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

8 (10) Effect of Expungement. A person's right to
9 expunge an expungeable offense shall not be limited under
10 this Section. The effect of an order of expungement shall
11 be to restore the person to the status he or she occupied
12 before the arrest, charge, or conviction.

13 (11) Information. The Illinois State Police shall post
14 general information on its website about the expungement
15 process described in this subsection (i).

16 (j) ~~Felony~~ Prostitution and Solicitation Convictions and
17 Arrests.

18 (1) Any individual may file a motion to vacate and
19 expunge a conviction for a prior Class 4 felony violation
20 or a misdemeanor violation of prostitution or a
21 misdemeanor violation of solicitation of a sexual act.
22 Motions to vacate and expunge under this subsection (j)
23 may be filed with the circuit court, Chief Judge of a
24 judicial circuit, or any judge of the circuit designated
25 by the Chief Judge. When considering the motion to vacate
26 and expunge, a court shall consider the following:

1 (A) the reasons to retain the records provided by
2 law enforcement;

3 (B) the petitioner's age;

4 (C) the petitioner's age at the time of offense;
5 and

6 (D) the time since the conviction, and the
7 specific adverse consequences if denied. An individual
8 may file the petition after the completion of any
9 sentence or condition imposed by the conviction.
10 Within 60 days of the filing of the motion, a State's
11 Attorney may file an objection to the petition along
12 with supporting evidence. If a motion to vacate and
13 expunge is granted, the records shall be expunged in
14 accordance with subparagraph (d) (9) (A) of this
15 Section. An agency providing civil legal aid, as
16 defined in Section 15 of the Public Interest Attorney
17 Assistance Act, assisting individuals seeking to file
18 a motion to vacate and expunge under this subsection
19 may file motions to vacate and expunge with the Chief
20 Judge of a judicial circuit or any judge of the circuit
21 designated by the Chief Judge, and the motion may
22 include more than one individual.

23 (2) Any State's Attorney may file a motion to vacate
24 and expunge a conviction for a Class 4 felony violation or
25 a misdemeanor violation of prostitution or a misdemeanor
26 violation of solicitation of a sexual act. Motions to

1 vacate and expunge under this subsection (j) may be filed
2 with the circuit court, Chief Judge of a judicial circuit,
3 or any judge of the circuit court designated by the Chief
4 Judge, and may include more than one individual. When
5 considering the motion to vacate and expunge, a court
6 shall consider the following reasons:

7 (A) the reasons to retain the records provided by
8 law enforcement;

9 (B) the petitioner's age;

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

11 (D) the time since the conviction; and

12 (E) the specific adverse consequences if denied.

13 If the State's Attorney files a motion to vacate and
14 expunge records for felony or misdemeanor prostitution
15 convictions or misdemeanor solicitation of a sexual act
16 convictions pursuant to this Section, the State's Attorney
17 shall notify the Prisoner Review Board within 30 days of
18 the filing. If a motion to vacate and expunge is granted,
19 the records shall be expunged in accordance with
20 subparagraph (d) (9) (A) of this Section.

21 (3) In the public interest, the State's Attorney of a
22 county has standing to file motions to vacate and expunge
23 pursuant to this Section in the circuit court with
24 jurisdiction over the underlying conviction.

25 (4) The Illinois State Police shall allow a person to
26 use the access and review process, established in the

1 Illinois State Police, for verifying that his or her
2 records relating to felony or misdemeanor prostitution or
3 misdemeanor solicitation of a sexual act eligible under
4 this Section have been expunged.

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

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

13 (7) Information. The Illinois State Police shall post
14 general information on its website about the expungement
15 process described in this subsection (j).

16 (8) Expungement of Arrest Record. The Illinois State
17 Police and all law enforcement agencies within this State
18 shall automatically expunge all criminal history records
19 of an arrest, charge not initiated by arrest, order of
20 supervision, or order of qualified probation for the
21 offense of prostitution or solicitation of a sexual act
22 committed prior to the effective date of this amendatory
23 Act of the 104th General Assembly if:

24 (A) one year or more has elapsed since the date of
25 the arrest or law enforcement interaction documented
26 in the records;

1 (B) no criminal charges were filed relating to the
2 arrest or law enforcement interaction or criminal
3 charges were filed and subsequently dismissed or
4 vacated or the arrestee was acquitted; and

5 (C) where criminal charges were filed and
6 subsequently dismissed or vacated, the charges did not
7 relate to an offense of prostitution or solicitation
8 of a sexual act involving a minor as the victim.

9 Records shall be expunged pursuant to the procedures
10 set forth in this subsection (j)(8) under the following
11 timelines:

12 (i) Records created prior to the effective
13 date of this amendatory Act of the 104th General
14 Assembly, but on or after January 1, 2013, shall
15 be automatically expunged prior to January 1,
16 2026.

17 (ii) Records created prior to January 1, 2013,
18 but on or after January 1, 2000, shall be
19 automatically expunged prior to January 1, 2028.

20 (iii) Records created prior to January 1, 2000
21 shall be automatically expunged prior to January
22 1, 2030.

23 (9) Upon the effective date of this amendatory Act of
24 the 104th General Assembly, the Illinois State Police
25 shall review all criminal history record information and
26 identify all records that meet all of the following

1 criteria:

2 (A) one or more convictions for prostitution or
3 solicitation of a sexual act;

4 (B) the conviction or convictions identified did
5 not involve a minor as the victim; and

6 (C) the conviction or convictions identified are
7 not associated with an arrest, conviction, or other
8 disposition for a violent crime as defined in
9 subsection (c) of Section 3 of the Rights of Crime
10 Victims and Witnesses Act.

11 Within 180 days after the effective date of this
12 amendatory Act of the 104th General Assembly, the Illinois
13 State Police shall notify the Prisoner Review Board of all
14 such records that meet the criteria established in this
15 subsection (j) (9). The Prisoner Review Board shall make a
16 confidential and privileged recommendation to the Governor
17 as to whether to grant a pardon authorizing expungement
18 for each of the records identified by the Illinois State
19 Police as described in this subsection (j) (9).

20 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
21 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
22 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23; 103-609,
23 eff. 7-1-24; 103-755, eff. 8-2-24; revised 8-9-24.)

24 Section 10-10. The Massage Therapy Practice Act is amended
25 by changing Sections 15 and 45 as follows:

1 (225 ILCS 57/15)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 15. Licensure requirements.

4 (a) Persons engaged in massage for compensation must be
5 licensed by the Department. The Department shall issue a
6 license to an individual who meets all of the following
7 requirements:

8 (1) The applicant has applied in writing on the
9 prescribed forms and has paid the required fees.

10 (2) The applicant is at least 18 years of age and of
11 good moral character. In determining good moral character,
12 the Department may take into consideration conviction of
13 any crime under the laws of the United States or any state
14 or territory thereof that is a felony or a misdemeanor or
15 any crime that is directly related to the practice of the
16 profession. Such a conviction shall not operate
17 automatically as a complete bar to a license, except in
18 the case of any conviction for ~~prostitution~~, ~~rape~~, or
19 sexual misconduct, or where the applicant is a registered
20 sex offender.

21 (3) The applicant has successfully completed a massage
22 therapy program approved by the Department that requires a
23 minimum of 500 hours, except applicants applying on or
24 after January 1, 2014 shall meet a minimum requirement of
25 600 hours, and has passed a competency examination

1 approved by the Department.

2 (b) Each applicant for licensure as a massage therapist
3 shall have his or her fingerprints submitted to the Illinois
4 State Police in an electronic format that complies with the
5 form and manner for requesting and furnishing criminal history
6 record information as prescribed by the Illinois State Police.
7 These fingerprints shall be checked against the Illinois State
8 Police and Federal Bureau of Investigation criminal history
9 record databases now and hereafter filed. The Illinois State
10 Police shall charge applicants a fee for conducting the
11 criminal history records check, which shall be deposited into
12 the State Police Services Fund and shall not exceed the actual
13 cost of the records check. The Illinois State Police shall
14 furnish, pursuant to positive identification, records of
15 Illinois convictions to the Department. The Department may
16 require applicants to pay a separate fingerprinting fee,
17 either to the Department or to a vendor. The Department, in its
18 discretion, may allow an applicant who does not have
19 reasonable access to a designated vendor to provide his or her
20 fingerprints in an alternative manner. The Department may
21 adopt any rules necessary to implement this Section.

22 (Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21;
23 102-813, eff. 5-13-22.)

24 (225 ILCS 57/45)

25 (Section scheduled to be repealed on January 1, 2027)

1 Sec. 45. Grounds for discipline.

2 (a) The Department may refuse to issue or renew, or may
3 revoke, suspend, place on probation, reprimand, or take other
4 disciplinary or non-disciplinary action, as the Department
5 considers appropriate, including the imposition of fines not
6 to exceed \$10,000 for each violation, with regard to any
7 license or licensee for any one or more of the following:

8 (1) violations of this Act or of the rules adopted
9 under this Act;

10 (2) conviction by plea of guilty or nolo contendere,
11 finding of guilt, jury verdict, or entry of judgment or by
12 sentencing of any crime, including, but not limited to,
13 convictions, preceding sentences of supervision,
14 conditional discharge, or first offender probation, under
15 the laws of any jurisdiction of the United States: (i)
16 that is a felony; or (ii) that is a misdemeanor, an
17 essential element of which is dishonesty, or that is
18 directly related to the practice of the profession;

19 (3) professional incompetence;

20 (4) advertising in a false, deceptive, or misleading
21 manner, including failing to use the massage therapist's
22 own license number in an advertisement;

23 (5) aiding, abetting, assisting, procuring, advising,
24 employing, or contracting with any unlicensed person to
25 practice massage contrary to any rules or provisions of
26 this Act;

1 (6) engaging in immoral conduct in the commission of
2 any act, such as sexual abuse, sexual misconduct, or
3 sexual exploitation, related to the licensee's practice;

4 (7) engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public;

7 (8) practicing or offering to practice beyond the
8 scope permitted by law or accepting and performing
9 professional responsibilities which the licensee knows or
10 has reason to know that he or she is not competent to
11 perform;

12 (9) knowingly delegating professional
13 responsibilities to a person unqualified by training,
14 experience, or licensure to perform;

15 (10) failing to provide information in response to a
16 written request made by the Department within 60 days;

17 (11) having a habitual or excessive use of or
18 addiction to alcohol, narcotics, stimulants, or any other
19 chemical agent or drug which results in the inability to
20 practice with reasonable judgment, skill, or safety;

21 (12) having a pattern of practice or other behavior
22 that demonstrates incapacity or incompetence to practice
23 under this Act;

24 (13) discipline by another state, District of
25 Columbia, territory, or foreign nation, if at least one of
26 the grounds for the discipline is the same or

1 substantially equivalent to those set forth in this
2 Section;

3 (14) a finding by the Department that the licensee,
4 after having his or her license placed on probationary
5 status, has violated the terms of probation;

6 (15) willfully making or filing false records or
7 reports in his or her practice, including, but not limited
8 to, false records filed with State agencies or
9 departments;

10 (16) making a material misstatement in furnishing
11 information to the Department or otherwise making
12 misleading, deceptive, untrue, or fraudulent
13 representations in violation of this Act or otherwise in
14 the practice of the profession;

15 (17) fraud or misrepresentation in applying for or
16 procuring a license under this Act or in connection with
17 applying for renewal of a license under this Act;

18 (18) inability to practice the profession with
19 reasonable judgment, skill, or safety as a result of
20 physical illness, including, but not limited to,
21 deterioration through the aging process, loss of motor
22 skill, or a mental illness or disability;

23 (19) charging for professional services not rendered,
24 including filing false statements for the collection of
25 fees for which services are not rendered;

26 (20) practicing under a false or, except as provided

1 by law, an assumed name; or

2 (21) cheating on or attempting to subvert the
3 licensing examination administered under this Act.

4 All fines shall be paid within 60 days of the effective
5 date of the order imposing the fine.

6 (b) A person not licensed under this Act and engaged in the
7 business of offering massage therapy services through others,
8 shall not aid, abet, assist, procure, advise, employ, or
9 contract with any unlicensed person to practice massage
10 therapy contrary to any rules or provisions of this Act. A
11 person violating this subsection (b) shall be treated as a
12 licensee for the purposes of disciplinary action under this
13 Section and shall be subject to cease and desist orders as
14 provided in Section 90 of this Act.

15 (c) The Department shall revoke any license issued under
16 this Act of any person who is convicted of ~~prostitution~~, rape,
17 sexual misconduct, or any crime that subjects the licensee to
18 compliance with the requirements of the Sex Offender
19 Registration Act and any such conviction shall operate as a
20 permanent bar in the State of Illinois to practice as a massage
21 therapist.

22 (c-5) A prosecuting attorney shall provide notice to the
23 Department of the licensed massage therapist's name, address,
24 practice address, and license number and a copy of the
25 criminal charges filed immediately after a licensed massage
26 therapist has been charged with any of the following offenses:

- 1 (1) an offense for which the sentence includes
- 2 registration as a sex offender;
- 3 (2) involuntary sexual servitude of a minor;
- 4 (3) the crime of battery against a patient, including
- 5 any offense based on sexual conduct or sexual penetration,
- 6 in the course of patient care or treatment; or
- 7 (4) a forcible felony.

8 If the victim of the crime the licensee has been charged
9 with is a patient of the licensee, the prosecuting attorney
10 shall also provide notice to the Department of the patient's
11 name.

12 Within 5 business days after receiving notice from the
13 prosecuting attorney of the filing of criminal charges against
14 the licensed massage therapist, the Secretary shall issue an
15 administrative order that the licensed massage therapist shall
16 practice only with a chaperone during all patient encounters
17 pending the outcome of the criminal proceedings. The chaperone
18 shall be a licensed massage therapist or other health care
19 worker licensed by the Department. The administrative order
20 shall specify any other terms or conditions deemed appropriate
21 by the Secretary. The chaperone shall provide written notice
22 to all of the licensed massage therapist's patients explaining
23 the Department's order to use a chaperone. Each patient shall
24 sign an acknowledgment that the patient ~~they~~ received the
25 notice. The notice to the patient of criminal charges shall
26 include, in 14-point font, the following statement: "The

1 massage therapist is presumed innocent until proven guilty of
2 the charges.".

3 The licensed massage therapist shall provide a written
4 plan of compliance with the administrative order that is
5 acceptable to the Department within 5 business days after
6 receipt of the administrative order. Failure to comply with
7 the administrative order, failure to file a compliance plan,
8 or failure to follow the compliance plan shall subject the
9 licensed massage therapist to temporary suspension of his or
10 her license until the completion of the criminal proceedings.

11 If the licensee is not convicted of the charge or if any
12 conviction is later overturned by a reviewing court, the
13 administrative order shall be vacated and removed from the
14 licensee's record.

15 The Department may adopt rules to implement this
16 subsection.

17 (d) The Department may refuse to issue or may suspend the
18 license of any person who fails to file a tax return, to pay
19 the tax, penalty, or interest shown in a filed tax return, or
20 to pay any final assessment of tax, penalty, or interest, as
21 required by any tax Act administered by the Illinois
22 Department of Revenue, until such time as the requirements of
23 the tax Act are satisfied in accordance with subsection (g) of
24 Section 2105-15 of the Civil Administrative Code of Illinois.

25 (e) (Blank).

26 (f) In cases where the Department of Healthcare and Family

1 Services has previously determined that a licensee or a
2 potential licensee is more than 30 days delinquent in the
3 payment of child support and has subsequently certified the
4 delinquency to the Department, the Department may refuse to
5 issue or renew or may revoke or suspend that person's license
6 or may take other disciplinary action against that person
7 based solely upon the certification of delinquency made by the
8 Department of Healthcare and Family Services in accordance
9 with item (5) of subsection (a) of Section 2105-15 of the Civil
10 Administrative Code of Illinois.

11 (g) The determination by a circuit court that a licensee
12 is subject to involuntary admission or judicial admission, as
13 provided in the Mental Health and Developmental Disabilities
14 Code, operates as an automatic suspension. The suspension will
15 end only upon a finding by a court that the patient is no
16 longer subject to involuntary admission or judicial admission
17 and the issuance of a court order so finding and discharging
18 the patient.

19 (h) In enforcing this Act, the Department or Board, upon a
20 showing of a possible violation, may compel an individual
21 licensed to practice under this Act, or who has applied for
22 licensure under this Act, to submit to a mental or physical
23 examination, or both, as required by and at the expense of the
24 Department. The Department or Board may order the examining
25 physician to present testimony concerning the mental or
26 physical examination of the licensee or applicant. No

1 information shall be excluded by reason of any common law or
2 statutory privilege relating to communications between the
3 licensee or applicant and the examining physician. The
4 examining physicians shall be specifically designated by the
5 Board or Department. The individual to be examined may have,
6 at his or her own expense, another physician of his or her
7 choice present during all aspects of this examination. The
8 examination shall be performed by a physician licensed to
9 practice medicine in all its branches. Failure of an
10 individual to submit to a mental or physical examination, when
11 directed, shall result in an automatic suspension without
12 hearing.

13 A person holding a license under this Act or who has
14 applied for a license under this Act who, because of a physical
15 or mental illness or disability, including, but not limited
16 to, deterioration through the aging process or loss of motor
17 skill, is unable to practice the profession with reasonable
18 judgment, skill, or safety, may be required by the Department
19 to submit to care, counseling, or treatment by physicians
20 approved or designated by the Department as a condition, term,
21 or restriction for continued, reinstated, or renewed licensure
22 to practice. Submission to care, counseling, or treatment as
23 required by the Department shall not be considered discipline
24 of a license. If the licensee refuses to enter into a care,
25 counseling, or treatment agreement or fails to abide by the
26 terms of the agreement, the Department may file a complaint to

1 revoke, suspend, or otherwise discipline the license of the
2 individual. The Secretary may order the license suspended
3 immediately, pending a hearing by the Department. Fines shall
4 not be assessed in disciplinary actions involving physical or
5 mental illness or impairment.

6 In instances in which the Secretary immediately suspends a
7 person's license under this Section, a hearing on that
8 person's license must be convened by the Department within 15
9 days after the suspension and completed without appreciable
10 delay. The Department and Board shall have the authority to
11 review the subject individual's record of treatment and
12 counseling regarding the impairment to the extent permitted by
13 applicable federal statutes and regulations safeguarding the
14 confidentiality of medical records.

15 An individual licensed under this Act and affected under
16 this Section shall be afforded an opportunity to demonstrate
17 to the Department or Board that he or she can resume practice
18 in compliance with acceptable and prevailing standards under
19 the provisions of his or her license.

20 (Source: P.A. 102-20, eff. 1-1-22; 103-757, eff. 8-2-24;
21 revised 10-21-24.)

22 Section 10-15. The Private Employment Agency Act is
23 amended by changing Section 10 as follows:

24 (225 ILCS 515/10) (from Ch. 111, par. 910)

1 Sec. 10. Licensee prohibitions. No licensee shall send or
2 cause to be sent any female help or servants, inmate, or
3 performer to enter any questionable place, or place of bad
4 repute, house of ill-fame, or assignation house, or to any
5 house or place of amusement kept for immoral purposes, or
6 place resorted to for the purpose of prostitution or gambling
7 house, the character of which licensee knows either actually
8 or by reputation.

9 No licensee shall permit questionable characters,
10 ~~prostitutes~~, gamblers, intoxicated persons, or procurers to
11 frequent the agency.

12 No licensee shall accept any application for employment
13 made by or on behalf of any child, or shall place or assist in
14 placing any such child in any employment whatever, in
15 violation of the Child Labor Law of 2024. A violation of any
16 provision of this Section shall be a Class A misdemeanor.

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

25 No licensee shall print, publish, or paint on any sign or
26 window, or insert in any newspaper or publication, a name

1 similar to that of the Illinois Public Employment Office.

2 No licensee shall print or stamp on any receipt or on any
3 contract used by that agency any part of this Act, unless the
4 entire Section from which that part is taken is printed or
5 stamped thereon.

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

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

14 (Source: P.A. 103-721, eff. 1-1-25.)

15 Section 10-16. The Liquor Control Act of 1934 is amended
16 by changing Section 6-2 as follows:

17 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

18 Sec. 6-2. Issuance of licenses to certain persons
19 prohibited.

20 (a) Except as otherwise provided in subsection (b) of this
21 Section and in paragraph (1) of subsection (a) of Section
22 3-12, no license of any kind issued by the State Commission or
23 any local commission shall be issued to:

24 (1) A person who is not a resident of any city, village

1 or county in which the premises covered by the license are
2 located; except in case of railroad or boat licenses.

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

5 (3) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 Section 10-20. The Juvenile Court Act of 1987 is amended
3 by changing Section 2-3 as follows:

4 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

5 Sec. 2-3. Neglected or abused minor.

6 (1) Those who are neglected include any minor under 18
7 years of age or a minor 18 years of age or older for whom the
8 court has made a finding of probable cause to believe that the
9 minor is abused, neglected, or dependent under subsection (1)
10 of Section 2-10 prior to the minor's 18th birthday:

11 (a) who is not receiving the proper or necessary
12 support, education as required by law, or medical or other
13 remedial care recognized under State law as necessary for
14 a minor's well-being, or other care necessary for the
15 minor's well-being, including adequate food, clothing, and
16 shelter, or who is abandoned by the minor's parent or
17 parents or other person or persons responsible for the
18 minor's welfare, except that a minor shall not be
19 considered neglected for the sole reason that the minor's
20 parent or parents or other person or persons responsible
21 for the minor's welfare have left the minor in the care of
22 an adult relative for any period of time, who the parent or
23 parents or other person responsible for the minor's
24 welfare know is both a mentally capable adult relative and

1 physically capable adult relative, as defined by this Act;

2 or

3 (b) whose environment is injurious to the minor's
4 welfare; or

5 (c) who is a newborn infant whose blood, urine, or
6 meconium contains any amount of a controlled substance as
7 defined in subsection (f) of Section 102 of the Illinois
8 Controlled Substances Act or a metabolite of a controlled
9 substance, with the exception of controlled substances or
10 metabolites of such substances, the presence of which in
11 the newborn infant is the result of medical treatment
12 administered to the person who gave birth or the newborn
13 infant; or

14 (d) whose parent or other person responsible for the
15 minor's welfare leaves the minor without supervision for
16 an unreasonable period of time without regard for the
17 mental or physical health, safety, or welfare of that
18 minor. Whether the minor was left without regard for the
19 mental or physical health, safety, or welfare of that
20 minor or the period of time was unreasonable shall be
21 determined by considering factors including, but not
22 limited to, the following:

23 (1) the age of the minor;

24 (2) the number of minors left at the location;

25 (3) the special needs of the minor, including
26 whether the minor is a person with a physical or mental

1 disability or is otherwise in need of ongoing
2 prescribed medical treatment, such as periodic doses
3 of insulin or other medications;

4 (4) the duration of time in which the minor was
5 left without supervision;

6 (5) the condition and location of the place where
7 the minor was left without supervision;

8 (6) the time of day or night when the minor was
9 left without supervision;

10 (7) the weather conditions, including whether the
11 minor was left in a location with adequate protection
12 from the natural elements, such as adequate heat or
13 light;

14 (8) the location of the parent or guardian at the
15 time the minor was left without supervision and the
16 physical distance the minor was from the parent or
17 guardian at the time the minor was without
18 supervision;

19 (9) whether the minor's movement was restricted or
20 the minor was otherwise locked within a room or other
21 structure;

22 (10) whether the minor was given a phone number of
23 a person or location to call in the event of an
24 emergency and whether the minor was capable of making
25 an emergency call;

26 (11) whether there was food and other provision

1 left for the minor;

2 (12) whether any of the conduct is attributable to
3 economic hardship or illness and the parent, guardian,
4 or other person having physical custody or control of
5 the child made a good faith effort to provide for the
6 health and safety of the minor;

7 (13) the age and physical and mental capabilities
8 of the person or persons who provided supervision for
9 the minor;

10 (14) whether the minor was left under the
11 supervision of another person;

12 (15) any other factor that would endanger the
13 health and safety of that particular minor; or

14 (e) who has been provided with interim crisis
15 intervention services under Section 3-5 of this Act and
16 whose parent, guardian, or custodian refuses to permit the
17 minor to return home unless the minor is an immediate
18 physical danger to the minor or others living in the home.

19 A minor shall not be considered neglected for the sole
20 reason that the minor has been relinquished in accordance with
21 the Abandoned Newborn Infant Protection Act.

22 (1.5) A minor shall not be considered neglected for the
23 sole reason that the minor's parent or other person
24 responsible for the minor's welfare permits the minor to
25 engage in independent activities unless the minor was
26 permitted to engage in independent activities under

1 circumstances presenting unreasonable risk of harm to the
2 minor's mental or physical health, safety, or well-being.

3 "Independent activities" includes, but is not limited to:

4 (a) traveling to and from school, including by
5 walking, running, or bicycling;

6 (b) traveling to and from nearby commercial or
7 recreational facilities;

8 (c) engaging in outdoor play;

9 (d) remaining in a vehicle unattended, except as
10 otherwise provided by law;

11 (e) remaining at home or at a similarly appropriate
12 location unattended; or

13 (f) engaging in a similar independent activity alone
14 or with other children.

15 In determining whether an independent activity presented
16 unreasonable risk of harm, the court shall consider:

17 (1) whether the activity is accepted as suitable for
18 minors of the same age, maturity level, and developmental
19 capacity as the involved minor;

20 (2) the factors listed in items (1) through (15) of
21 paragraph (d) of subsection (1); and

22 (3) any other factor the court deems relevant.

23 (2) Those who are abused include any minor under 18 years
24 of age or a minor 18 years of age or older for whom the court
25 has made a finding of probable cause to believe that the minor
26 is abused, neglected, or dependent under subsection (1) of

1 Section 2-10 prior to the minor's 18th birthday whose parent
2 or immediate family member, or any person responsible for the
3 minor's welfare, or any person who is in the same family or
4 household as the minor, or any individual residing in the same
5 home as the minor, or a paramour of the minor's parent:

6 (i) inflicts, causes to be inflicted, or allows to be
7 inflicted upon such minor physical injury, by other than
8 accidental means, which causes death, disfigurement,
9 impairment of physical or emotional health, or loss or
10 impairment of any bodily function;

11 (ii) creates a substantial risk of physical injury to
12 such minor by other than accidental means which would be
13 likely to cause death, disfigurement, impairment of
14 emotional health, or loss or impairment of any bodily
15 function;

16 (iii) commits or allows to be committed any sex
17 offense against such minor, as such sex offenses are
18 defined in the Criminal Code of 1961 or the Criminal Code
19 of 2012, or in the Wrongs to Children Act, and extending
20 those definitions of sex offenses to include minors under
21 18 years of age;

22 (iv) commits or allows to be committed an act or acts
23 of torture upon such minor;

24 (v) inflicts excessive corporal punishment;

25 (vi) commits or allows to be committed the offense of
26 involuntary servitude, involuntary sexual servitude of a

1 minor, or trafficking in persons as defined in Section
2 10-9 of the Criminal Code of 1961 or the Criminal Code of
3 2012, upon such minor; or

4 (vii) allows, encourages, or requires a minor to
5 commit any act of sexual penetration ~~prostitution~~, as
6 defined in Section 11-0.1 of the Criminal Code of 1961 or
7 the Criminal Code of 2012 if that act constitutes
8 promoting juvenile prostitution under the Criminal Code of
9 2012, and extending those definitions to include minors
10 under 18 years of age.

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

14 (3) This Section does not apply to a minor who would be
15 included herein solely for the purpose of qualifying for
16 financial assistance for the minor or the minor's parents,
17 guardian, or custodian.

18 (4) The changes made by Public Act 101-79 apply to a case
19 that is pending on or after July 12, 2019 (the effective date
20 of Public Act 101-79).

21 (Source: P.A. 103-22, eff. 8-8-23; 103-233, eff. 6-30-23;
22 103-605, eff. 7-1-24.)

23 Section 10-25. The Criminal Code of 2012 is amended by
24 changing Sections 1-6, 8-2, 10-9, 11-9.1A, 11-14.1, 11-14.3,
25 and 14-3 as follows:

1 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

2 Sec. 1-6. Place of trial.

3 (a) Generally.

4 Criminal actions shall be tried in the county where the
5 offense was committed, except as otherwise provided by law.
6 The State is not required to prove during trial that the
7 alleged offense occurred in any particular county in this
8 State. When a defendant contests the place of trial under this
9 Section, all proceedings regarding this issue shall be
10 conducted under Section 114-1 of the Code of Criminal
11 Procedure of 1963. All objections of improper place of trial
12 are waived by a defendant unless made before trial.

13 (b) Assailant and Victim in Different Counties.

14 If a person committing an offense upon the person of
15 another is located in one county and his victim is located in
16 another county at the time of the commission of the offense,
17 trial may be had in either of said counties.

18 (c) Death and Cause of Death in Different Places or
19 Undetermined.

20 If cause of death is inflicted in one county and death
21 ensues in another county, the offender may be tried in either
22 county. If neither the county in which the cause of death was
23 inflicted nor the county in which death ensued are known
24 before trial, the offender may be tried in the county where the
25 body was found.

1 (d) Offense Commenced Outside the State.

2 If the commission of an offense commenced outside the
3 State is consummated within this State, the offender shall be
4 tried in the county where the offense is consummated.

5 (e) Offenses Committed in Bordering Navigable Waters.

6 If an offense is committed on any of the navigable waters
7 bordering on this State, the offender may be tried in any
8 county adjacent to such navigable water.

9 (f) Offenses Committed while in Transit.

10 If an offense is committed upon any railroad car, vehicle,
11 watercraft or aircraft passing within this State, and it
12 cannot readily be determined in which county the offense was
13 committed, the offender may be tried in any county through
14 which such railroad car, vehicle, watercraft or aircraft has
15 passed.

16 (g) Theft.

17 A person who commits theft of property may be tried in any
18 county in which he exerted control over such property.

19 (h) Bigamy.

20 A person who commits the offense of bigamy may be tried in
21 any county where the bigamous marriage or bigamous
22 cohabitation has occurred.

23 (i) Kidnaping.

24 A person who commits the offense of kidnaping may be tried
25 in any county in which his victim has traveled or has been
26 confined during the course of the offense.

1 (j) Promoting prostitution. ~~Pandering.~~

2 A person who commits the offense of promoting prostitution
3 ~~pandering~~ as set forth in subdivision (a) (2) (A) ~~or (a) (2) (B)~~
4 of Section 11-14.3 may be tried in any county in which the
5 prostitution was practiced or in any county in which any act in
6 furtherance of the offense shall have been committed.

7 (k) Treason.

8 A person who commits the offense of treason may be tried in
9 any county.

10 (l) Criminal Defamation.

11 If criminal defamation is spoken, printed or written in
12 one county and is received or circulated in another or other
13 counties, the offender shall be tried in the county where the
14 defamation is spoken, printed or written. If the defamation is
15 spoken, printed or written outside this state, or the offender
16 resides outside this state, the offender may be tried in any
17 county in this state in which the defamation was circulated or
18 received.

19 (m) Inchoate Offenses.

20 A person who commits an inchoate offense may be tried in
21 any county in which any act which is an element of the offense,
22 including the agreement in conspiracy, is committed.

23 (n) Accountability for Conduct of Another.

24 Where a person in one county solicits, aids, abets,
25 agrees, or attempts to aid another in the planning or
26 commission of an offense in another county, he may be tried for

1 the offense in either county.

2 (o) Child Abduction.

3 A person who commits the offense of child abduction may be
4 tried in any county in which his victim has traveled, been
5 detained, concealed or removed to during the course of the
6 offense. Notwithstanding the foregoing, unless for good cause
7 shown, the preferred place of trial shall be the county of the
8 residence of the lawful custodian.

9 (p) A person who commits the offense of narcotics
10 racketeering may be tried in any county where cannabis or a
11 controlled substance which is the basis for the charge of
12 narcotics racketeering was used; acquired; transferred or
13 distributed to, from or through; or any county where any act
14 was performed to further the use; acquisition, transfer or
15 distribution of said cannabis or controlled substance; any
16 money, property, property interest, or any other asset
17 generated by narcotics activities was acquired, used, sold,
18 transferred or distributed to, from or through; or, any
19 enterprise interest obtained as a result of narcotics
20 racketeering was acquired, used, transferred or distributed
21 to, from or through, or where any activity was conducted by the
22 enterprise or any conduct to further the interests of such an
23 enterprise.

24 (q) A person who commits the offense of money laundering
25 may be tried in any county where any part of a financial
26 transaction in criminally derived property took place or in

1 any county where any money or monetary instrument which is the
2 basis for the offense was acquired, used, sold, transferred or
3 distributed to, from or through.

4 (r) A person who commits the offense of cannabis
5 trafficking or controlled substance trafficking may be tried
6 in any county.

7 (s) A person who commits the offense of online sale of
8 stolen property, online theft by deception, or electronic
9 fencing may be tried in any county where any one or more
10 elements of the offense took place, regardless of whether the
11 element of the offense was the result of acts by the accused,
12 the victim or by another person, and regardless of whether the
13 defendant was ever physically present within the boundaries of
14 the county.

15 (t) A person who commits the offense of identity theft or
16 aggravated identity theft may be tried in any one of the
17 following counties in which: (1) the offense occurred; (2) the
18 information used to commit the offense was illegally used; or
19 (3) the victim resides.

20 (u) A person who commits the offense of financial
21 exploitation of an elderly person or a person with a
22 disability may be tried in any one of the following counties in
23 which: (1) any part of the offense occurred; or (2) the victim
24 or one of the victims reside.

25 If a person is charged with more than one violation of
26 identity theft or aggravated identity theft and those

1 violations may be tried in more than one county, any of those
2 counties is a proper venue for all of the violations.

3 (Source: P.A. 101-394, eff. 1-1-20.)

4 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

5 Sec. 8-2. Conspiracy.

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

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

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

21 (c) Sentence.

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

24 (A) a Class X felony shall be sentenced for a Class
25 1 felony;

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

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

5 (D) a Class 3 felony shall be sentenced for a Class
6 4 felony;

7 (E) a Class 4 felony shall be sentenced for a Class
8 4 felony; and

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

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

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

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

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

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

25 (B) aggravated insurance fraud (720 ILCS 5/46-3)
26 or aggravated governmental insurance fraud (720 ILCS

1 5/46-3).

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

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

9 (A) promoting prostitution (paragraph (1) of
10 subsection (a) of Section 11-14.3) ~~soliciting for a~~
11 ~~prostitute (720 ILCS 5/11-14.3(a)(1))~~;

12 (B) promoting prostitution (subparagraph (A) of
13 paragraph (2) of subsection (a) of Section 11-14.3)
14 ~~pandering (720 ILCS 5/11-14.3(a)(2)(A) or~~
15 ~~5/11-14.3(a)(2)(B))~~;

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

18 (D) (blank) ~~pimping (720 ILCS 5/11-14.3(a)(2)(C))~~;

19 (E) unlawful possession of weapons under Section
20 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

21 (F) unlawful possession of weapons under Section
22 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

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

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

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

1 (J) look-alike substances violation (720 ILCS
2 570/404);

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

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

7 (Source: P.A. 103-822, eff. 1-1-25.)

8 (720 ILCS 5/10-9)

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

11 (a) Definitions. In this Section:

12 (1) "Intimidation" has the meaning prescribed in Section
13 12-6.

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

17 (2.5) "Company" means any sole proprietorship,
18 organization, association, corporation, partnership, joint
19 venture, limited partnership, limited liability partnership,
20 limited liability limited partnership, limited liability
21 company, or other entity or business association, including
22 all wholly owned subsidiaries, majority-owned subsidiaries,
23 parent companies, or affiliates of those entities or business
24 associations, that exist for the purpose of making profit.

25 (3) "Financial harm" includes intimidation that brings

1 about financial loss, criminal usury, or employment contracts
2 that violate the Frauds Act.

3 (4) (Blank).

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

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

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

11 (7.5) "Serious harm" means any harm, whether physical or
12 nonphysical, including psychological, financial, or
13 reputational harm, that is sufficiently serious, under all the
14 surrounding circumstances, to compel a reasonable person of
15 the same background and in the same circumstances to perform
16 or to continue performing labor or services in order to avoid
17 incurring that harm.

18 (8) "Services" means activities resulting from a
19 relationship between a person and the actor in which the
20 person performs activities under the supervision of or for the
21 benefit of the actor. Commercial sexual activity and
22 sexually-explicit performances are forms of activities that
23 are "services" under this Section. ~~Nothing in this definition
24 may be construed to legitimize or legalize prostitution.~~

25 (9) "Sexually-explicit performance" means a live,
26 recorded, broadcast (including over the Internet), or public

1 act or show intended to arouse or satisfy the sexual desires or
2 appeal to the prurient interests of patrons.

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

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

10 (1) causes or threatens to cause physical harm to any
11 person;

12 (2) physically restrains or threatens to physically
13 restrain another person;

14 (3) abuses or threatens to abuse the law or legal
15 process;

16 (4) knowingly destroys, conceals, removes,
17 confiscates, or possesses any actual or purported passport
18 or other immigration document, or any other actual or
19 purported government identification document, of another
20 person;

21 (5) uses intimidation, or exerts financial control
22 over any person; or

23 (6) uses any scheme, plan, or pattern intended to
24 cause the person to believe that, if the person did not
25 perform the labor or services, that person or another
26 person would suffer serious harm or physical restraint.

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

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

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

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

18 (3) there is overt force or threat.

19 Sentence. Except as otherwise provided in subsection (e)
20 or (f), a violation of subsection (c)(1) is a Class 1 felony,
21 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

22 (d) Trafficking in persons. A person commits trafficking
23 in persons when he or she knowingly: (1) recruits, entices,
24 harbors, transports, provides, or obtains by any means, or
25 attempts to recruit, entice, harbor, transport, provide, or
26 obtain by any means, another person, intending or knowing that

1 the person will be subjected to involuntary servitude; or (2)
2 benefits, financially or by receiving anything of value, from
3 participation in a venture that has engaged in an act of
4 involuntary servitude or involuntary sexual servitude of a
5 minor. A company commits trafficking in persons when the
6 company knowingly benefits, financially or by receiving
7 anything of value, from participation in a venture that has
8 engaged in an act of involuntary servitude or involuntary
9 sexual servitude of a minor.

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

15 (e) Aggravating factors. A violation of this Section
16 involving kidnapping or an attempt to kidnap, aggravated
17 criminal sexual assault or an attempt to commit aggravated
18 criminal sexual assault, or an attempt to commit first degree
19 murder is a Class X felony.

20 (f) Sentencing considerations.

21 (1) Bodily injury. If, pursuant to a violation of this
22 Section, a victim suffered bodily injury, the defendant
23 may be sentenced to an extended-term sentence under
24 Section 5-8-2 of the Unified Code of Corrections. The
25 sentencing court must take into account the time in which
26 the victim was held in servitude, with increased penalties

1 for cases in which the victim was held for between 180 days
2 and one year, and increased penalties for cases in which
3 the victim was held for more than one year.

4 (2) Number of victims. In determining sentences within
5 statutory maximums, the sentencing court should take into
6 account the number of victims, and may provide for
7 substantially increased sentences in cases involving more
8 than 10 victims.

9 (g) Restitution. Restitution is mandatory under this
10 Section. In addition to any other amount of loss identified,
11 the court shall order restitution including the greater of (1)
12 the gross income or value to the defendant of the victim's
13 labor or services or (2) the value of the victim's labor as
14 guaranteed under the Minimum Wage Law and overtime provisions
15 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,
16 whichever is greater.

17 (g-5) Fine distribution. If the court imposes a fine under
18 subsection (b), (c), or (d) of this Section, it shall be
19 collected and distributed to the Specialized Services for
20 Survivors of Human Trafficking Fund in accordance with Section
21 5-9-1.21 of the Unified Code of Corrections.

22 (h) Trafficking victim services. Subject to the
23 availability of funds, the Department of Human Services may
24 provide or fund emergency services and assistance to
25 individuals who are victims of one or more offenses defined in
26 this Section.

1 (i) Certification. The Attorney General, a State's
2 Attorney, or any law enforcement official shall certify in
3 writing to the United States Department of Justice or other
4 federal agency, such as the United States Department of
5 Homeland Security, that an investigation or prosecution under
6 this Section has begun and the individual who is a likely
7 victim of a crime described in this Section is willing to
8 cooperate or is cooperating with the investigation to enable
9 the individual, if eligible under federal law, to qualify for
10 an appropriate special immigrant visa and to access available
11 federal benefits. Cooperation with law enforcement shall not
12 be required of victims of a crime described in this Section who
13 are under 18 years of age. This certification shall be made
14 available to the victim and his or her designated legal
15 representative.

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

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

22 (720 ILCS 5/11-9.1A)

23 Sec. 11-9.1A. Permitting sexual abuse of a child.

24 (a) A person responsible for a child's welfare commits
25 permitting sexual abuse of a child if the person has actual

1 knowledge of and permits an act of sexual abuse upon the child,
2 or permits the child to engage in an act of sexual penetration
3 as defined in Section 11-0.1 in exchange for money, goods, or
4 other benefits ~~prostitution as defined in Section 11-14 of~~
5 ~~this Code.~~

6 (b) In this Section:

7 "Actual knowledge" includes credible allegations made by
8 the child.

9 "Child" means a minor under the age of 17 years.

10 "Person responsible for the child's welfare" means the
11 child's parent, step-parent, legal guardian, or other person
12 having custody of a child, who is responsible for the child's
13 care at the time of the alleged sexual abuse.

14 ~~"Prostitution" means prostitution as defined in Section~~
15 ~~11-14 of this Code.~~

16 "Sexual abuse" includes criminal sexual abuse or criminal
17 sexual assault as defined in Section 11-1.20, 11-1.30,
18 11-1.40, 11-1.50, or 11-1.60 of this Code.

19 (c) This Section does not apply to a person responsible
20 for the child's welfare who, having reason to believe that
21 sexual abuse has occurred, makes timely and reasonable efforts
22 to stop the sexual abuse by reporting the sexual abuse in
23 conformance with the Abused and Neglected Child Reporting Act
24 or by reporting the sexual abuse, or causing a report to be
25 made, to medical or law enforcement authorities or anyone who
26 is a mandated reporter under Section 4 of the Abused and

1 Neglected Child Reporting Act.

2 (d) Whenever a law enforcement officer has reason to
3 believe that the child or the person responsible for the
4 child's welfare has been abused by a family or household
5 member as defined by the Illinois Domestic Violence Act of
6 1986, the officer shall immediately use all reasonable means
7 to prevent further abuse under Section 112A-30 of the Code of
8 Criminal Procedure of 1963.

9 (e) An order of protection under Section 111-8 of the Code
10 of Criminal Procedure of 1963 shall be sought in all cases
11 where there is reason to believe that a child has been sexually
12 abused by a family or household member. In considering
13 appropriate available remedies, it shall be presumed that
14 awarding physical care or custody to the abuser is not in the
15 child's best interest.

16 (f) A person may not be charged with the offense of
17 permitting sexual abuse of a child under this Section until
18 the person who committed the offense is charged with criminal
19 sexual assault, aggravated criminal sexual assault, predatory
20 criminal sexual assault of a child, criminal sexual abuse,
21 aggravated criminal sexual abuse, or promoting juvenile
22 prostitution.

23 (g) A person convicted of permitting the sexual abuse of a
24 child is guilty of a Class 1 felony. As a condition of any
25 sentence of supervision, probation, conditional discharge, or
26 mandatory supervised release, any person convicted under this

1 Section shall be ordered to undergo child sexual abuse,
2 domestic violence, or other appropriate counseling for a
3 specified duration with a qualified social or mental health
4 worker.

5 (h) It is an affirmative defense to a charge of permitting
6 sexual abuse of a child under this Section that the person
7 responsible for the child's welfare had a reasonable
8 apprehension that timely action to stop the abuse or
9 prostitution would result in the imminent infliction of death,
10 great bodily harm, permanent disfigurement, or permanent
11 disability to that person or another in retaliation for
12 reporting.

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

14 (720 ILCS 5/11-14.1)

15 Sec. 11-14.1. Solicitation of a sexual act.

16 (a) Any person who offers a person not his or her spouse
17 any money, property, token, object, or article or anything of
18 value for that person or any other person not his or her spouse
19 to perform any act of sexual penetration as defined in Section
20 11-0.1 of this Code, or any touching or fondling of the sex
21 organs of one person by another person for the purpose of
22 sexual arousal or gratification, commits solicitation of a
23 sexual act.

24 (b) Sentence. ~~Solicitation of a sexual act is a Class A~~
25 ~~misdemeanor.~~ Solicitation of a sexual act from a person who is

1 under the age of 18 or who is a person with a severe or
2 profound intellectual disability is a Class 4 felony. If the
3 court imposes a fine under this subsection (b), it shall be
4 collected and distributed to the Specialized Services for
5 Survivors of Human Trafficking Fund in accordance with Section
6 5-9-1.21 of the Unified Code of Corrections.

7 (b-5) (Blank).

8 (c) This Section does not apply to a person engaged in
9 prostitution who is under 18 years of age.

10 (d) (Blank). ~~A person cannot be convicted under this~~
11 ~~Section if the practice of prostitution underlying the offense~~
12 ~~consists exclusively of the accused's own acts of prostitution~~
13 ~~under Section 11-14 of this Code.~~

14 (Source: P.A. 102-939, eff. 1-1-23.)

15 (720 ILCS 5/11-14.3)

16 Sec. 11-14.3. Promoting prostitution.

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

19 (1) advances prostitution as defined in Section
20 11-0.1, within 1,000 feet of real property comprising a
21 school;

22 (2) profits from prostitution by:

23 (A) compelling a person to become a prostitute;

24 (B) (blank); or ~~arranging or offering to arrange a~~
25 ~~situation in which a person may practice prostitution;~~

1 ~~or~~

2 (C) (blank). ~~any means other than those described~~
3 ~~in subparagraph (A) or (B), including from a person~~
4 ~~who patronizes a prostitute. This paragraph (C) does~~
5 ~~not apply to a person engaged in prostitution who is~~
6 ~~under 18 years of age. A person cannot be convicted of~~
7 ~~promoting prostitution under this paragraph (C) if the~~
8 ~~practice of prostitution underlying the offense~~
9 ~~consists exclusively of the accused's own acts of~~
10 ~~prostitution under Section 11-14 of this Code.~~

11 (b) Sentence.

12 (1) A violation of subdivision (a) (1) is a Class 3 ~~4~~
13 ~~felony, unless committed within 1,000 feet of real~~
14 ~~property comprising a school, in which case it is a Class 3~~
15 ~~felony. A second or subsequent violation of subdivision~~
16 (a) (1), or any combination of convictions under
17 subdivision (a) (1) ~~or~~, (a) (2) (A), ~~or (a) (2) (B) and Section~~
18 ~~11-14 (prostitution), 11-14.1 (solicitation of a sexual~~
19 ~~act), 11-14.4 (promoting juvenile prostitution), 11-15~~
20 ~~(soliciting for a prostitute), 11-15.1 (soliciting for a~~
21 ~~juvenile prostitute), 11-16 (pandering), 11-17 (keeping a~~
22 ~~place of prostitution), 11-17.1 (keeping a place of~~
23 ~~juvenile prostitution), 11-18 (patronizing a prostitute),~~
24 11-18.1 (patronizing a juvenile prostitute), ~~11-19~~
25 ~~(pimping), 11-19.1 (juvenile pimping or aggravated~~
26 ~~juvenile pimping), or 11-19.2 (exploitation of a child),~~

1 is a Class 3 felony.

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

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

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

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

2 (720 ILCS 5/14-3)

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

5 (a) Listening to radio, wireless electronic
6 communications, and television communications of any sort
7 where the same are publicly made;

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

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

20 (d) Recording or listening with the aid of any device
21 to any emergency communication made in the normal course
22 of operations by any federal, state or local law
23 enforcement agency or institutions dealing in emergency
24 services, including, but not limited to, hospitals,
25 clinics, ambulance services, fire fighting agencies, any

1 public utility, emergency repair facility, civilian
2 defense establishment or military installation;

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

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

17 (g) With prior notification to the State's Attorney of
18 the county in which it is to occur, recording or listening
19 with the aid of any device to any conversation where a law
20 enforcement officer, or any person acting at the direction
21 of law enforcement, is a party to the conversation and has
22 consented to it being intercepted or recorded under
23 circumstances where the use of the device is necessary for
24 the protection of the law enforcement officer or any
25 person acting at the direction of law enforcement, in the
26 course of an investigation of a forcible felony, a felony

1 offense of involuntary servitude, involuntary sexual
2 servitude of a minor, or trafficking in persons under
3 Section 10-9 of this Code, ~~an offense involving~~
4 ~~prostitution~~, solicitation of a sexual act, or promoting
5 prostitution under subparagraph (A) of paragraph (2) of
6 subsection (a) of Section 11-14.3 of the Criminal Code of
7 2012 ~~pandering~~, a felony violation of the Illinois
8 Controlled Substances Act, a felony violation of the
9 Cannabis Control Act, a felony violation of the
10 Methamphetamine Control and Community Protection Act, any
11 "streetgang related" or "gang-related" felony as those
12 terms are defined in the Illinois Streetgang Terrorism
13 Omnibus Prevention Act, or any felony offense involving
14 any weapon listed in paragraphs (1) through (11) of
15 subsection (a) of Section 24-1 of this Code. Any recording
16 or evidence derived as the result of this exemption shall
17 be inadmissible in any proceeding, criminal, civil or
18 administrative, except (i) where a party to the
19 conversation suffers great bodily injury or is killed
20 during such conversation, or (ii) when used as direct
21 impeachment of a witness concerning matters contained in
22 the interception or recording. The Director of the
23 Illinois State Police shall issue regulations as are
24 necessary concerning the use of devices, retention of tape
25 recordings, and reports regarding their use;

26 (g-5) (Blank);

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

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

22 (h) Recordings made simultaneously with the use of an
23 in-car video camera recording of an oral conversation
24 between a uniformed peace officer, who has identified his
25 or her office, and a person in the presence of the peace
26 officer whenever (i) an officer assigned a patrol vehicle

1 is conducting an enforcement stop; or (ii) patrol vehicle
2 emergency lights are activated or would otherwise be
3 activated if not for the need to conceal the presence of
4 law enforcement.

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

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

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

25 (h-15) Recordings made under subsection (h), (h-5), or
26 (h-10) shall be retained by the law enforcement agency

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

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

21 (j) The use of a telephone monitoring device by either
22 (1) a corporation or other business entity engaged in
23 marketing or opinion research or (2) a corporation or
24 other business entity engaged in telephone solicitation,
25 as defined in this subsection, to record or listen to oral
26 telephone solicitation conversations or marketing or

1 opinion research conversations by an employee of the
2 corporation or other business entity when:

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

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

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

24 When recording or listening authorized by this
25 subsection (j) on telephone lines used for marketing or
26 opinion research or telephone solicitation purposes

1 results in recording or listening to a conversation that
2 does not relate to marketing or opinion research or
3 telephone solicitation; the person recording or listening
4 shall, immediately upon determining that the conversation
5 does not relate to marketing or opinion research or
6 telephone solicitation, terminate the recording or
7 listening and destroy any such recording as soon as is
8 practicable.

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

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

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

- 24 (i) soliciting the sale of goods or services;
25 (ii) receiving orders for the sale of goods or
26 services;

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

2 or

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

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

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

20 (l) Recording the interview or statement of any person
21 when the person knows that the interview is being
22 conducted by a law enforcement officer or prosecutor and
23 the interview takes place at a police station that is
24 currently participating in the Custodial Interview Pilot
25 Program established under the Illinois Criminal Justice
26 Information Act;

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

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

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

25 (o) The use of an eavesdropping camera or audio device
26 during an ongoing hostage or barricade situation by a law

1 enforcement officer or individual acting on behalf of a
2 law enforcement officer when the use of such device is
3 necessary to protect the safety of the general public,
4 hostages, or law enforcement officers or anyone acting on
5 their behalf;

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

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

1 will occur with a specified individual or individuals
2 within a designated period of time.

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

14 (A) his or her full or partial name, nickname or
15 alias;

16 (B) a physical description; or

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

24 (3) Limitations on approval. Each written approval by
25 the State's Attorney under this subsection (q) shall be
26 limited to:

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

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

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

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

23 (3.5) The written memorialization of the request for
24 approval and the written approval by the State's Attorney
25 may be in any format, including via facsimile, email, or
26 otherwise, so long as it is capable of being filed with the

1 circuit clerk.

2 (3.10) Beginning March 1, 2015, each State's Attorney
3 shall annually submit a report to the General Assembly
4 disclosing:

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

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

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

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

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

25 (C) any other forcible felony committed while the
26 recording or interception was approved in accordance

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

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

20 (6) Use of recordings or intercepts unrelated to
21 qualified offenses. Whenever any private conversation or
22 private electronic communication has been recorded or
23 intercepted as a result of this exception that is not
24 related to an offense for which the recording or intercept
25 is admissible under paragraph (4) of this subsection (q),
26 no part of the contents of the communication and evidence

1 derived from the communication may be received in evidence
2 in any trial, hearing, or other proceeding in or before
3 any court, grand jury, department, officer, agency,
4 regulatory body, legislative committee, or other authority
5 of this State, or a political subdivision of the State,
6 nor may it be publicly disclosed in any way.

7 (6.5) The Illinois State Police shall adopt rules as
8 are necessary concerning the use of devices, retention of
9 recordings, and reports regarding their use under this
10 subsection (q).

11 (7) Definitions. For the purposes of this subsection
12 (q) only:

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

19 "Qualified offense" means and is limited to:

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

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

25 (ii) Section 402 of the Illinois
26 Controlled Substances Act; and

1 (iii) Section 60 of the Methamphetamine
2 Control and Community Protection Act; and

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

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

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

21 (9) Recordings, records, and custody. Any private
22 conversation or private electronic communication
23 intercepted by a law enforcement officer or a person
24 acting at the direction of law enforcement shall, if
25 practicable, be recorded in such a way as will protect the
26 recording from editing or other alteration. Any and all

1 original recordings made under this subsection (q) shall
2 be inventoried without unnecessary delay pursuant to the
3 law enforcement agency's policies for inventorying
4 evidence. The original recordings shall not be destroyed
5 except upon an order of a court of competent jurisdiction;
6 and

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

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

13 (720 ILCS 5/11-14 rep.)

14 (720 ILCS 5/11-18 rep.)

15 Section 10-30. The Criminal Code of 2012 is amended by
16 repealing Sections 11-14 and 11-18.

17 Section 10-35. The Improper Supervision of Children Act is
18 amended by changing Section 1 as follows:

19 (720 ILCS 640/1) (from Ch. 23, par. 2369)

20 Sec. 1. Any parent, legal guardian or other person commits
21 improper supervision of a child when he knowingly permits a
22 child in his custody or control under the age of 18 years to
23 associate with known thieves, burglars, felons, narcotic

1 addicts or other persons of ill repute, visit a place where
2 acts of sexual penetration as defined in Section 11-0.1 of the
3 Criminal Code of 2012 are conducted for money or other thing of
4 value ~~of prostitution~~, commit a lewd act, commit an act
5 tending to break the peace or violate a municipal curfew
6 ordinance.

7 (Source: Laws 1961, p. 2454.)

8 Section 10-36. The Code of Criminal Procedure of 1963 is
9 amended by changing Section 108B-3 as follows:

10 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

11 Sec. 108B-3. Authorization for the interception of private
12 communication.

13 (a) The State's Attorney, or a person designated in
14 writing or by law to act for him and to perform his duties
15 during his absence or disability, may authorize, in writing,
16 an ex parte application to the chief judge of a court of
17 competent jurisdiction for an order authorizing the
18 interception of a private communication when no party has
19 consented to the interception and (i) the interception may
20 provide evidence of, or may assist in the apprehension of a
21 person who has committed, is committing or is about to commit,
22 a violation of Section 8-1(b) (solicitation of murder), 8-1.2
23 (solicitation of murder for hire), 9-1 (first degree murder),
24 10-9 (involuntary servitude, involuntary sexual servitude of a

1 minor, or trafficking in persons), paragraph (1), (2), or (3)
2 of subsection (a) of Section 11-14.4 (promoting juvenile
3 prostitution), subdivision (a)(2)(A) ~~or (a)(2)(B)~~ of Section
4 11-14.3 (promoting prostitution), 11-15.1 (soliciting for a
5 minor engaged in prostitution), 11-16 (pandering), 11-17.1
6 (keeping a place of juvenile prostitution), 11-18.1
7 (patronizing a minor engaged in prostitution), 11-19.1
8 (juvenile pimping and aggravated juvenile pimping), or 29B-1
9 (money laundering) of the Criminal Code of 1961 or the
10 Criminal Code of 2012, Section 401, 401.1 (controlled
11 substance trafficking), 405, 405.1 (criminal drug conspiracy)
12 or 407 of the Illinois Controlled Substances Act or any
13 Section of the Methamphetamine Control and Community
14 Protection Act, a violation of Section 24-2.1, 24-2.2, 24-3,
15 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection
16 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10),
17 or 24-1(c) of the Criminal Code of 1961 or the Criminal Code of
18 2012 or conspiracy to commit money laundering or conspiracy to
19 commit first degree murder; (ii) in response to a clear and
20 present danger of imminent death or great bodily harm to
21 persons resulting from: (1) a kidnapping or the holding of a
22 hostage by force or the threat of the imminent use of force; or
23 (2) the occupation by force or the threat of the imminent use
24 of force of any premises, place, vehicle, vessel or aircraft;
25 (iii) to aid an investigation or prosecution of a civil action
26 brought under the Illinois Streetgang Terrorism Omnibus

1 Prevention Act when there is probable cause to believe the
2 interception of the private communication will provide
3 evidence that a streetgang is committing, has committed, or
4 will commit a second or subsequent gang-related offense or
5 that the interception of the private communication will aid in
6 the collection of a judgment entered under that Act; or (iv)
7 upon information and belief that a streetgang has committed,
8 is committing, or is about to commit a felony.

9 (b) The State's Attorney or a person designated in writing
10 or by law to act for the State's Attorney and to perform his or
11 her duties during his or her absence or disability, may
12 authorize, in writing, an ex parte application to the chief
13 judge of a circuit court for an order authorizing the
14 interception of a private communication when no party has
15 consented to the interception and the interception may provide
16 evidence of, or may assist in the apprehension of a person who
17 has committed, is committing or is about to commit, a
18 violation of an offense under Article 29D of the Criminal Code
19 of 1961 or the Criminal Code of 2012.

20 (b-1) Subsection (b) is inoperative on and after January
21 1, 2005.

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

25 (c) As used in this Section, "streetgang" and
26 "gang-related" have the meanings ascribed to them in Section

1 10 of the Illinois Streetgang Terrorism Omnibus Prevention
2 Act.

3 (Source: P.A. 96-710, eff. 1-1-10; 96-1464, eff. 8-20-10;
4 97-897, eff. 1-1-13; 97-1150, eff. 1-25-13.)

5 (725 ILCS 5/115-6.1 rep.)

6 Section 10-40. The Code of Criminal Procedure of 1963 is
7 amended by repealing Section 115-6.1.

8 Section 10-45. The Unified Code of Corrections is amended
9 by changing Section 5-4-1 as follows:

10 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

11 Sec. 5-4-1. Sentencing hearing.

12 (a) After a determination of guilt, a hearing shall be
13 held to impose the sentence. However, prior to the imposition
14 of sentence on an individual being sentenced for an offense
15 based upon a charge for a violation of Section 11-501 of the
16 Illinois Vehicle Code or a similar provision of a local
17 ordinance, the individual must undergo a professional
18 evaluation to determine if an alcohol or other drug abuse
19 problem exists and the extent of such a problem. Programs
20 conducting these evaluations shall be licensed by the
21 Department of Human Services. However, if the individual is
22 not a resident of Illinois, the court may, in its discretion,
23 accept an evaluation from a program in the state of such

1 individual's residence. The court shall make a specific
2 finding about whether the defendant is eligible for
3 participation in a Department impact incarceration program as
4 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
5 explanation as to why a sentence to impact incarceration is
6 not an appropriate sentence. The court may in its sentencing
7 order recommend a defendant for placement in a Department of
8 Corrections substance abuse treatment program as provided in
9 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
10 upon the defendant being accepted in a program by the
11 Department of Corrections. At the hearing the court shall:

12 (1) consider the evidence, if any, received upon the
13 trial;

14 (2) consider any presentence reports;

15 (3) consider the financial impact of incarceration
16 based on the financial impact statement filed with the
17 clerk of the court by the Department of Corrections;

18 (4) consider evidence and information offered by the
19 parties in aggravation and mitigation;

20 (4.5) consider substance abuse treatment, eligibility
21 screening, and an assessment, if any, of the defendant by
22 an agent designated by the State of Illinois to provide
23 assessment services for the Illinois courts;

24 (5) hear arguments as to sentencing alternatives;

25 (6) afford the defendant the opportunity to make a
26 statement in his own behalf;

1 (7) afford the victim of a violent crime or a
2 violation of Section 11-501 of the Illinois Vehicle Code,
3 or a similar provision of a local ordinance, the
4 opportunity to present an oral or written statement, as
5 guaranteed by Article I, Section 8.1 of the Illinois
6 Constitution and provided in Section 6 of the Rights of
7 Crime Victims and Witnesses Act. The court shall allow a
8 victim to make an oral statement if the victim is present
9 in the courtroom and requests to make an oral or written
10 statement. An oral or written statement includes the
11 victim or a representative of the victim reading the
12 written statement. The court may allow persons impacted by
13 the crime who are not victims under subsection (a) of
14 Section 3 of the Rights of Crime Victims and Witnesses Act
15 to present an oral or written statement. A victim and any
16 person making an oral statement shall not be put under
17 oath or subject to cross-examination. All statements
18 offered under this paragraph (7) shall become part of the
19 record of the court. In this paragraph (7), "victim of a
20 violent crime" means a person who is a victim of a violent
21 crime for which the defendant has been convicted after a
22 bench or jury trial or a person who is the victim of a
23 violent crime with which the defendant was charged and the
24 defendant has been convicted under a plea agreement of a
25 crime that is not a violent crime as defined in subsection
26 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

1 (7.5) afford a qualified person affected by: (i) a
2 violation of Section 405, 405.1, 405.2, or 407 of the
3 Illinois Controlled Substances Act or a violation of
4 Section 55 or Section 65 of the Methamphetamine Control
5 and Community Protection Act; or (ii) a Class 4 felony
6 violation of Section ~~11-14~~, 11-14.3 except as described in
7 subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, ~~11-18~~,
8 11-18.1, or 11-19 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, committed by the defendant the
10 opportunity to make a statement concerning the impact on
11 the qualified person and to offer evidence in aggravation
12 or mitigation; provided that the statement and evidence
13 offered in aggravation or mitigation shall first be
14 prepared in writing in conjunction with the State's
15 Attorney before it may be presented orally at the hearing.
16 Sworn testimony offered by the qualified person is subject
17 to the defendant's right to cross-examine. All statements
18 and evidence offered under this paragraph (7.5) shall
19 become part of the record of the court. In this paragraph
20 (7.5), "qualified person" means any person who: (i) lived
21 or worked within the territorial jurisdiction where the
22 offense took place when the offense took place; or (ii) is
23 familiar with various public places within the territorial
24 jurisdiction where the offense took place when the offense
25 took place. "Qualified person" includes any peace officer
26 or any member of any duly organized State, county, or

1 municipal peace officer unit assigned to the territorial
2 jurisdiction where the offense took place when the offense
3 took place;

4 (8) in cases of reckless homicide afford the victim's
5 spouse, guardians, parents or other immediate family
6 members an opportunity to make oral statements;

7 (9) in cases involving a felony sex offense as defined
8 under the Sex Offender Management Board Act, consider the
9 results of the sex offender evaluation conducted pursuant
10 to Section 5-3-2 of this Act; and

11 (10) make a finding of whether a motor vehicle was
12 used in the commission of the offense for which the
13 defendant is being sentenced.

14 (b) All sentences shall be imposed by the judge based upon
15 his independent assessment of the elements specified above and
16 any agreement as to sentence reached by the parties. The judge
17 who presided at the trial or the judge who accepted the plea of
18 guilty shall impose the sentence unless he is no longer
19 sitting as a judge in that court. Where the judge does not
20 impose sentence at the same time on all defendants who are
21 convicted as a result of being involved in the same offense,
22 the defendant or the State's Attorney may advise the
23 sentencing court of the disposition of any other defendants
24 who have been sentenced.

25 (b-1) In imposing a sentence of imprisonment or periodic
26 imprisonment for a Class 3 or Class 4 felony for which a

1 sentence of probation or conditional discharge is an available
2 sentence, if the defendant has no prior sentence of probation
3 or conditional discharge and no prior conviction for a violent
4 crime, the defendant shall not be sentenced to imprisonment
5 before review and consideration of a presentence report and
6 determination and explanation of why the particular evidence,
7 information, factor in aggravation, factual finding, or other
8 reasons support a sentencing determination that one or more of
9 the factors under subsection (a) of Section 5-6-1 of this Code
10 apply and that probation or conditional discharge is not an
11 appropriate sentence.

12 (c) In imposing a sentence for a violent crime or for an
13 offense of operating or being in physical control of a vehicle
14 while under the influence of alcohol, any other drug or any
15 combination thereof, or a similar provision of a local
16 ordinance, when such offense resulted in the personal injury
17 to someone other than the defendant, the trial judge shall
18 specify on the record the particular evidence, information,
19 factors in mitigation and aggravation or other reasons that
20 led to his sentencing determination. The full verbatim record
21 of the sentencing hearing shall be filed with the clerk of the
22 court and shall be a public record.

23 (c-1) In imposing a sentence for the offense of aggravated
24 kidnapping for ransom, home invasion, armed robbery,
25 aggravated vehicular hijacking, aggravated discharge of a
26 firearm, or armed violence with a category I weapon or

1 category II weapon, the trial judge shall make a finding as to
2 whether the conduct leading to conviction for the offense
3 resulted in great bodily harm to a victim, and shall enter that
4 finding and the basis for that finding in the record.

5 (c-1.5) Notwithstanding any other provision of law to the
6 contrary, in imposing a sentence for an offense that requires
7 a mandatory minimum sentence of imprisonment, the court may
8 instead sentence the offender to probation, conditional
9 discharge, or a lesser term of imprisonment it deems
10 appropriate if: (1) the offense involves the use or possession
11 of drugs, retail theft, or driving on a revoked license due to
12 unpaid financial obligations; (2) the court finds that the
13 defendant does not pose a risk to public safety; and (3) the
14 interest of justice requires imposing a term of probation,
15 conditional discharge, or a lesser term of imprisonment. The
16 court must state on the record its reasons for imposing
17 probation, conditional discharge, or a lesser term of
18 imprisonment.

19 (c-2) If the defendant is sentenced to prison, other than
20 when a sentence of natural life imprisonment is imposed, at
21 the time the sentence is imposed the judge shall state on the
22 record in open court the approximate period of time the
23 defendant will serve in custody according to the then current
24 statutory rules and regulations for sentence credit found in
25 Section 3-6-3 and other related provisions of this Code. This
26 statement is intended solely to inform the public, has no

1 legal effect on the defendant's actual release, and may not be
2 relied on by the defendant on appeal.

3 The judge's statement, to be given after pronouncing the
4 sentence, other than when the sentence is imposed for one of
5 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
6 shall include the following:

7 "The purpose of this statement is to inform the public of
8 the actual period of time this defendant is likely to spend in
9 prison as a result of this sentence. The actual period of
10 prison time served is determined by the statutes of Illinois
11 as applied to this sentence by the Illinois Department of
12 Corrections and the Illinois Prisoner Review Board. In this
13 case, assuming the defendant receives all of his or her
14 sentence credit, the period of estimated actual custody is ...
15 years and ... months, less up to 180 days additional earned
16 sentence credit. If the defendant, because of his or her own
17 misconduct or failure to comply with the institutional
18 regulations, does not receive those credits, the actual time
19 served in prison will be longer. The defendant may also
20 receive an additional one-half day sentence credit for each
21 day of participation in vocational, industry, substance abuse,
22 and educational programs as provided for by Illinois statute."

23 When the sentence is imposed for one of the offenses
24 enumerated in paragraph (a)(2) of Section 3-6-3, other than
25 first degree murder, and the offense was committed on or after
26 June 19, 1998, and when the sentence is imposed for reckless

1 homicide as defined in subsection (e) of Section 9-3 of the
2 Criminal Code of 1961 or the Criminal Code of 2012 if the
3 offense was committed on or after January 1, 1999, and when the
4 sentence is imposed for aggravated driving under the influence
5 of alcohol, other drug or drugs, or intoxicating compound or
6 compounds, or any combination thereof as defined in
7 subparagraph (F) of paragraph (1) of subsection (d) of Section
8 11-501 of the Illinois Vehicle Code, and when the sentence is
9 imposed for aggravated arson if the offense was committed on
10 or after July 27, 2001 (the effective date of Public Act
11 92-176), and when the sentence is imposed for aggravated
12 driving under the influence of alcohol, other drug or drugs,
13 or intoxicating compound or compounds, or any combination
14 thereof as defined in subparagraph (C) of paragraph (1) of
15 subsection (d) of Section 11-501 of the Illinois Vehicle Code
16 committed on or after January 1, 2011 (the effective date of
17 Public Act 96-1230), the judge's statement, to be given after
18 pronouncing the sentence, shall include the following:

19 "The purpose of this statement is to inform the public of
20 the actual period of time this defendant is likely to spend in
21 prison as a result of this sentence. The actual period of
22 prison time served is determined by the statutes of Illinois
23 as applied to this sentence by the Illinois Department of
24 Corrections and the Illinois Prisoner Review Board. In this
25 case, the defendant is entitled to no more than 4 1/2 days of
26 sentence credit for each month of his or her sentence of

1 imprisonment. Therefore, this defendant will serve at least
2 85% of his or her sentence. Assuming the defendant receives 4
3 1/2 days credit for each month of his or her sentence, the
4 period of estimated actual custody is ... years and ...
5 months. If the defendant, because of his or her own misconduct
6 or failure to comply with the institutional regulations
7 receives lesser credit, the actual time served in prison will
8 be longer."

9 When a sentence of imprisonment is imposed for first
10 degree murder and the offense was committed on or after June
11 19, 1998, the judge's statement, to be given after pronouncing
12 the sentence, shall include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend in
15 prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois
17 as applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, the defendant is not entitled to sentence credit.
20 Therefore, this defendant will serve 100% of his or her
21 sentence."

22 When the sentencing order recommends placement in a
23 substance abuse program for any offense that results in
24 incarceration in a Department of Corrections facility and the
25 crime was committed on or after September 1, 2003 (the
26 effective date of Public Act 93-354), the judge's statement,

1 in addition to any other judge's statement required under this
2 Section, to be given after pronouncing the sentence, shall
3 include the following:

4 "The purpose of this statement is to inform the public of
5 the actual period of time this defendant is likely to spend in
6 prison as a result of this sentence. The actual period of
7 prison time served is determined by the statutes of Illinois
8 as applied to this sentence by the Illinois Department of
9 Corrections and the Illinois Prisoner Review Board. In this
10 case, the defendant shall receive no earned sentence credit
11 under clause (3) of subsection (a) of Section 3-6-3 until he or
12 she participates in and completes a substance abuse treatment
13 program or receives a waiver from the Director of Corrections
14 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

15 (c-4) Before the sentencing hearing and as part of the
16 presentence investigation under Section 5-3-1, the court shall
17 inquire of the defendant whether the defendant is currently
18 serving in or is a veteran of the Armed Forces of the United
19 States. If the defendant is currently serving in the Armed
20 Forces of the United States or is a veteran of the Armed Forces
21 of the United States and has been diagnosed as having a mental
22 illness by a qualified psychiatrist or clinical psychologist
23 or physician, the court may:

24 (1) order that the officer preparing the presentence
25 report consult with the United States Department of
26 Veterans Affairs, Illinois Department of Veterans'

1 Affairs, or another agency or person with suitable
2 knowledge or experience for the purpose of providing the
3 court with information regarding treatment options
4 available to the defendant, including federal, State, and
5 local programming; and

6 (2) consider the treatment recommendations of any
7 diagnosing or treating mental health professionals
8 together with the treatment options available to the
9 defendant in imposing sentence.

10 For the purposes of this subsection (c-4), "qualified
11 psychiatrist" means a reputable physician licensed in Illinois
12 to practice medicine in all its branches, who has specialized
13 in the diagnosis and treatment of mental and nervous disorders
14 for a period of not less than 5 years.

15 (c-6) In imposing a sentence, the trial judge shall
16 specify, on the record, the particular evidence and other
17 reasons which led to his or her determination that a motor
18 vehicle was used in the commission of the offense.

19 (c-7) In imposing a sentence for a Class 3 or 4 felony,
20 other than a violent crime as defined in Section 3 of the
21 Rights of Crime Victims and Witnesses Act, the court shall
22 determine and indicate in the sentencing order whether the
23 defendant has 4 or more or fewer than 4 months remaining on his
24 or her sentence accounting for time served.

25 (d) When the defendant is committed to the Department of
26 Corrections, the State's Attorney shall and counsel for the

1 defendant may file a statement with the clerk of the court to
2 be transmitted to the department, agency or institution to
3 which the defendant is committed to furnish such department,
4 agency or institution with the facts and circumstances of the
5 offense for which the person was committed together with all
6 other factual information accessible to them in regard to the
7 person prior to his commitment relative to his habits,
8 associates, disposition and reputation and any other facts and
9 circumstances which may aid such department, agency or
10 institution during its custody of such person. The clerk shall
11 within 10 days after receiving any such statements transmit a
12 copy to such department, agency or institution and a copy to
13 the other party, provided, however, that this shall not be
14 cause for delay in conveying the person to the department,
15 agency or institution to which he has been committed.

16 (e) The clerk of the court shall transmit to the
17 department, agency or institution, if any, to which the
18 defendant is committed, the following:

19 (1) the sentence imposed;

20 (2) any statement by the court of the basis for
21 imposing the sentence;

22 (3) any presentence reports;

23 (3.3) the person's last known complete street address
24 prior to incarceration or legal residence, the person's
25 race, whether the person is of Hispanic or Latino origin,
26 and whether the person is 18 years of age or older;

1 (3.5) any sex offender evaluations;

2 (3.6) any substance abuse treatment eligibility
3 screening and assessment of the defendant by an agent
4 designated by the State of Illinois to provide assessment
5 services for the Illinois courts;

6 (4) the number of days, if any, which the defendant
7 has been in custody and for which he is entitled to credit
8 against the sentence, which information shall be provided
9 to the clerk by the sheriff;

10 (4.1) any finding of great bodily harm made by the
11 court with respect to an offense enumerated in subsection
12 (c-1);

13 (5) all statements filed under subsection (d) of this
14 Section;

15 (6) any medical or mental health records or summaries
16 of the defendant;

17 (7) the municipality where the arrest of the offender
18 or the commission of the offense has occurred, where such
19 municipality has a population of more than 25,000 persons;

20 (8) all statements made and evidence offered under
21 paragraph (7) of subsection (a) of this Section; and

22 (9) all additional matters which the court directs the
23 clerk to transmit.

24 (f) In cases in which the court finds that a motor vehicle
25 was used in the commission of the offense for which the
26 defendant is being sentenced, the clerk of the court shall,

1 within 5 days thereafter, forward a report of such conviction
2 to the Secretary of State.

3 (Source: P.A. 102-813, eff. 5-13-22; 103-18, eff. 1-1-24;
4 103-51, eff. 1-1-24; 103-605, eff. 7-1-24.)

5 Section 10-50. The Sex Offender Registration Act is
6 amended by changing Section 2 as follows:

7 (730 ILCS 150/2) (from Ch. 38, par. 222)

8 Sec. 2. Definitions.

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

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

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

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

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

24 (d) is the subject of a finding not resulting in an

1 acquittal at a hearing conducted pursuant to Section
2 104-25(a) of the Code of Criminal Procedure of 1963
3 for the alleged commission or attempted commission of
4 such offense; or

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

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

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

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

26 (4) found to be a sexually violent person pursuant to

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

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

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

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

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

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

1 11-20.1 (child pornography),
2 11-20.1B or 11-20.3 (aggravated child
3 pornography),
4 11-6 (indecent solicitation of a child),
5 11-9.1 (sexual exploitation of a child),
6 11-9.2 (custodial sexual misconduct),
7 11-9.5 (sexual misconduct with a person with a
8 disability),
9 11-14.4 (promoting juvenile prostitution),
10 11-15.1 (soliciting for a juvenile prostitute),
11 11-18.1 (patronizing a juvenile prostitute),
12 11-17.1 (keeping a place of juvenile
13 prostitution),
14 11-19.1 (juvenile pimping),
15 11-19.2 (exploitation of a child),
16 11-25 (grooming),
17 11-26 (traveling to meet a minor or traveling to
18 meet a child),
19 11-1.20 or 12-13 (criminal sexual assault),
20 11-1.30 or 12-14 (aggravated criminal sexual
21 assault),
22 11-1.40 or 12-14.1 (predatory criminal sexual
23 assault of a child),
24 11-1.50 or 12-15 (criminal sexual abuse),
25 11-1.60 or 12-16 (aggravated criminal sexual
26 abuse),

1 12-33 (ritualized abuse of a child).

2 An attempt to commit any of these offenses.

3 (1.5) A violation of any of the following Sections of
4 the Criminal Code of 1961 or the Criminal Code of 2012,
5 when the victim is a person under 18 years of age, the
6 defendant is not a parent of the victim, the offense was
7 sexually motivated as defined in Section 10 of the Sex
8 Offender Evaluation and Treatment Act, and the offense was
9 committed on or after January 1, 1996:

10 10-1 (kidnapping),

11 10-2 (aggravated kidnapping),

12 10-3 (unlawful restraint),

13 10-3.1 (aggravated unlawful restraint).

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

19 (1.6) First degree murder under Section 9-1 of the
20 Criminal Code of 1961 or the Criminal Code of 2012,
21 provided the offense was sexually motivated as defined in
22 Section 10 of the Sex Offender Management Board Act.

23 (1.7) (Blank).

24 (1.8) A violation or attempted violation of Section
25 11-11 (sexual relations within families) of the Criminal
26 Code of 1961 or the Criminal Code of 2012, and the offense

1 was committed on or after June 1, 1997. If the offense was
2 committed before June 1, 1997, it is a sex offense
3 requiring registration only when the person is convicted
4 of any felony after July 1, 2011, and paragraph (2.1) of
5 subsection (c) of Section 3 of this Act applies.

6 (1.9) Child abduction under paragraph (10) of
7 subsection (b) of Section 10-5 of the Criminal Code of
8 1961 or the Criminal Code of 2012 committed by luring or
9 attempting to lure a child under the age of 16 into a motor
10 vehicle, building, house trailer, or dwelling place
11 without the consent of the parent or lawful custodian of
12 the child for other than a lawful purpose and the offense
13 was committed on or after January 1, 1998, provided the
14 offense was sexually motivated as defined in Section 10 of
15 the Sex Offender Management Board Act. If the offense was
16 committed before January 1, 1998, it is a sex offense
17 requiring registration only when the person is convicted
18 of any felony after July 1, 2011, and paragraph (2.1) of
19 subsection (c) of Section 3 of this Act applies.

20 (1.10) A violation or attempted violation of any of
21 the following Sections of the Criminal Code of 1961 or the
22 Criminal Code of 2012 when the offense was committed on or
23 after July 1, 1999:

24 10-4 (forcible detention, if the victim is under
25 18 years of age), provided the offense was sexually
26 motivated as defined in Section 10 of the Sex Offender

1 Management Board Act,
2 11-6.5 (indecent solicitation of an adult),
3 11-14.3 that involves soliciting for a prostitute,
4 or 11-15 (soliciting for a prostitute, if the victim
5 is under 18 years of age),
6 subdivision (a) (2) (A) or (a) (2) (B) of Section
7 11-14.3, or Section 11-16 (pandering, if the victim is
8 under 18 years of age),
9 11-18.1 (patronizing a minor engaged in
10 prostitution) ~~11-18 (patronizing a prostitute, if the~~
11 ~~victim is under 18 years of age),~~
12 subdivision (a) (2) (C) of Section 11-14.3, or
13 Section 11-19 (pimping, if the victim is under 18
14 years of age).

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

20 (1.11) A violation or attempted violation of any of
21 the following Sections of the Criminal Code of 1961 or the
22 Criminal Code of 2012 when the offense was committed on or
23 after August 22, 2002:

24 11-9 or 11-30 (public indecency for a third or
25 subsequent conviction).

26 If the third or subsequent conviction was imposed

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

5 (1.12) A violation or attempted violation of Section
6 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
7 Criminal Code of 1961 or the Criminal Code of 2012
8 (permitting sexual abuse) when the offense was committed
9 on or after August 22, 2002. If the offense was committed
10 before August 22, 2002, it is a sex offense requiring
11 registration only when the person is convicted of any
12 felony after July 1, 2011, and paragraph (2.1) of
13 subsection (c) of Section 3 of this Act applies.

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

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

1 Commitment Act shall constitute an adjudication for the
2 purposes of this Article.

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

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

1 constitute a conviction for the purpose of this Article. This
2 subsection (C-6) does not apply to those individuals released
3 from incarceration more than 10 years prior to January 1, 2012
4 (the effective date of Public Act 97-154).

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

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

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

22 (1) Convicted for an offense of federal, Uniform Code
23 of Military Justice, sister state, or foreign country law
24 that is substantially equivalent to any offense listed in
25 subsection (E) or (E-5) of this Section shall constitute a
26 conviction for the purpose of this Article. Convicted of a

1 violation or attempted violation of any of the following
2 Sections of the Criminal Code of 1961 or the Criminal Code
3 of 2012:

4 10-5.1 (luring of a minor),

5 11-14.4 that involves keeping a place of juvenile
6 prostitution, or 11-17.1 (keeping a place of juvenile
7 prostitution),

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

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

12 11-20.1 (child pornography),

13 11-20.1B or 11-20.3 (aggravated child
14 pornography),

15 11-1.20 or 12-13 (criminal sexual assault),

16 11-1.30 or 12-14 (aggravated criminal sexual
17 assault),

18 11-1.40 or 12-14.1 (predatory criminal sexual
19 assault of a child),

20 11-1.60 or 12-16 (aggravated criminal sexual
21 abuse),

22 12-33 (ritualized abuse of a child);

23 (2) (blank);

24 (3) declared as a sexually dangerous person pursuant
25 to the Sexually Dangerous Persons Act or any substantially
26 similar federal, Uniform Code of Military Justice, sister

1 state, or foreign country law;

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

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

12 (6) (blank); or

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

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

23 (1) Section 9-1 (first degree murder, when the victim
24 was a person under 18 years of age and the defendant was at
25 least 17 years of age at the time of the commission of the
26 offense, provided the offense was sexually motivated as

1 defined in Section 10 of the Sex Offender Management Board
2 Act);

3 (2) Section 11-9.5 (sexual misconduct with a person
4 with a disability);

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

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

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

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

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

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

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

23 (J) As used in this Article, "Internet protocol address"
24 means the string of numbers by which a location on the Internet
25 is identified by routers or other computers connected to the
26 Internet.

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

2 Section 10-55. The Lewdness Public Nuisance Act is amended
3 by changing Sections 1 and 10 as follows:

4 (740 ILCS 105/1) (from Ch. 100 1/2, par. 1)

5 Sec. 1. All buildings and apartments, and all places, and
6 the fixtures and movable contents thereof, used for purposes
7 of lewdness, ~~assignation, or prostitution,~~ are hereby declared
8 to be public nuisances, and may be abated as hereinafter
9 provided. The owners, agents, and occupants of any such
10 building or apartment, or of any such place shall be deemed
11 guilty of maintaining a public nuisance, and may be enjoined
12 as hereinafter provided.

13 (Source: Laws 1915, p. 371.)

14 (740 ILCS 105/10) (from Ch. 100 1/2, par. 10)

15 Sec. 10. If any lessee or occupant shall use leased
16 premises for the purpose of lewdness, ~~assignation or~~
17 ~~prostitution,~~ or shall permit them to be used for any of such
18 purposes, the lease or contract for letting such premises
19 shall, at the option of the lessor, become void, and the owner
20 may have the like remedy to recover possession thereof as
21 against a tenant holding over after the expiration of his
22 term.

23 (Source: Laws 1915, p. 371.)

1 Section 10-60. The Illinois Securities Law of 1953 is
2 amended by changing Section 7a as follows:

3 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

4 Sec. 7a. (a) Except as provided in subsection (b) of this
5 Section, no securities, issued by an issuer engaged in or
6 deriving revenues from the conduct of any business or
7 profession, the conduct of which would violate Section ~~11-14,~~
8 11-14.3 or ~~7~~ 11-14.4 as described in subdivision (a)(1),
9 (a)(2), or (a)(3) or that involves soliciting for a juvenile
10 prostitute, 11-15, 11-15.1, 11-16, 11-17, 11-19 or 11-19.1 of
11 the Criminal Code of 1961 or the Criminal Code of 2012, if
12 conducted in this State, shall be sold or registered pursuant
13 to Section 5, 6 or 7 of this Act nor sold pursuant to the
14 provisions of Section 3 or 4 of this Act.

15 (b) Notwithstanding the provisions of subsection (a)
16 hereof, such securities issued prior to the effective date of
17 this amendatory Act of 1989 may be sold by a resident of this
18 State in transactions which qualify for an exemption from the
19 registration requirements of this Act pursuant to subsection A
20 of Section 4 of this Act.

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

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10	720 ILCS 5/1-6	from Ch. 38, par. 1-6
11	720 ILCS 5/8-2	from Ch. 38, par. 8-2
12	720 ILCS 5/10-9	
13	720 ILCS 5/11-9.1A	
14	720 ILCS 5/11-14.1	
15	720 ILCS 5/11-14.3	
16	720 ILCS 5/14-3	
17	720 ILCS 5/11-14 rep.	
18	720 ILCS 5/11-18 rep.	
19	720 ILCS 640/1	from Ch. 23, par. 2369
20	725 ILCS 5/108B-3	from Ch. 38, par. 108B-3
21	725 ILCS 5/115-6.1 rep.	
22	730 ILCS 5/5-4-1	from Ch. 38, par. 1005-4-1
23	730 ILCS 150/2	from Ch. 38, par. 222
24	740 ILCS 105/1	from Ch. 100 1/2, par. 1
25	740 ILCS 105/10	from Ch. 100 1/2, par. 10

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