

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 32-5 and by adding Section 10-5.1 as follows:

6 (720 ILCS 5/10-5.1 new)

7 Sec. 10-5.1. Luring of a minor.

8 (a) A person commits the offense of luring of a minor when  
9 the offender is 21 years of age or older and knowingly contacts  
10 or communicates electronically to the minor:

11 (1) knowing the minor is under 15 years of age;

12 (2) with the intent to persuade, lure or transport the  
13 minor away from his or her home, or other location known by  
14 the minor's parent or legal guardian to be the place where  
15 the minor is to be located;

16 (3) for an unlawful purpose;

17 (4) without the express consent of the person's parent  
18 or legal guardian;

19 (5) with the intent to avoid the express consent of the  
20 person's parent or legal guardian;

21 (6) after so communicating, commits any act in  
22 furtherance of the intent described in clause (a) (2); and

23 (7) is a stranger to the parents or legal guardian of

1 the minor.

2 (b) A person commits the offense of luring of a minor when  
3 the offender is at least 18 years of age but under 21 years of  
4 age and knowingly contacts or communicates electronically to  
5 the minor:

6 (1) knowing the minor is under 15 years of age;

7 (2) with the intent to persuade, lure, or transport the  
8 minor away from his or her home or other location known by  
9 the minor's parent or legal guardian, to be the place where  
10 the minor is to be located;

11 (3) for an unlawful purpose;

12 (4) without the express consent of the person's parent  
13 or legal guardian;

14 (5) with the intent to avoid the express consent of the  
15 person's parent or legal guardian;

16 (6) after so communicating, commits any act in  
17 furtherance of the intent described in clause (b) (2); and

18 (7) is a stranger to the parents or legal guardian of  
19 the minor.

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

21 (1) "Emergency situation" means a situation in which  
22 the minor is threatened with imminent bodily harm,  
23 emotional harm or psychological harm.

24 (2) "Express consent" means oral or written permission  
25 that is positive, direct, and unequivocal, requiring no  
26 inference or implication to supply its meaning.

1           (3) "Contacts or communicates electronically" includes  
2           but is not limited to, any attempt to make contact or  
3           communicate telephonically or through the Internet or text  
4           messages.

5           (4) "Luring" shall mean any knowing act to solicit,  
6           entice, tempt, or attempt to attract the minor.

7           (5) "Minor" shall mean any person under the age of 15.

8           (6) "Stranger" shall have its common and ordinary  
9           meaning, including but not limited to, a person that is  
10           either not known by the parents of the minor or does not  
11           have any association with the parents of the minor.

12           (7) "Unlawful purpose" shall mean any misdemeanor or  
13           felony violation of State law or a similar federal or  
14           sister state law or local ordinance.

15           (d) This Section may not be interpreted to criminalize an  
16           act or person contacting a minor within the scope and course of  
17           his employment, or status as a volunteer of a recognized civic,  
18           charitable or youth organization.

19           (e) This Section is intended to protect minors and to help  
20           parents and legal guardians exercise reasonable care,  
21           supervision, protection, and control over minor children.

22           (f) Affirmative defenses.

23           (1) It shall be an affirmative defense to any offense  
24           under this Section 10-5.1 that the accused reasonably  
25           believed that the minor was over the age of 15.

26           (2) It shall be an affirmative defense to any offense

1       under this Section 10-5.1 that the accused is assisting the  
2       minor in an emergency situation.

3       (3) It shall not be a defense to the prosecution of any  
4       offense under this Section 10-5.1 if the person who is  
5       contacted by the offender is posing as a minor and is in  
6       actuality an adult law enforcement officer.

7       (g) Penalties.

8       (1) A first offense of luring of a minor under  
9       subsection (a) shall be a Class 4 felony. A person  
10      convicted of luring of a minor under subsection (a) shall  
11      undergo a sex offender evaluation prior to a sentence being  
12      imposed. An offense of luring of a minor under subsection  
13      (a) when a person has a prior conviction in Illinois of a  
14      sex offense as defined in the Sex Offender Registration  
15      Act, or any substantially similar federal, Uniform Code of  
16      Military Justice, sister state, or foreign government  
17      offense, is guilty of a Class 2 felony.

18      (2) A first offense of luring of a minor under  
19      subsection (b) is a Class B misdemeanor.

20      (3) A second or subsequent offense of luring of a minor  
21      under subsection (a) is a Class 3 felony. A second or  
22      subsequent offense of luring of a minor under subsection  
23      (b) is a Class 4 felony. A second or subsequent offense  
24      when a person has a prior conviction in Illinois of a sex  
25      offense as defined in the Sex Offender Registration Act, or  
26      any substantially similar federal, Uniform Code of

1 Military Justice, sister state, or foreign government  
2 offense, is a Class 1 felony. A defendant convicted a  
3 second time of an offense under subsection (a) or (b) shall  
4 register as a sexual predator of children pursuant to the  
5 Sex Offender Registration Act.

6 (4) A third or subsequent offense is a Class 1 felony.  
7 A third or subsequent offense when a person has a prior  
8 conviction in Illinois of a sex offense as defined in the  
9 Sex Offender Registration Act, or any substantially  
10 similar federal, Uniform Code of Military Justice, sister  
11 state, or foreign government offense, is a Class X felony.

12 (h) For violations of subsection (a), jurisdiction shall be  
13 established if the transmission that constitutes the offense  
14 either originates in this State or is received in this State  
15 and does not apply to emergency situations. For violations of  
16 subsection (b), jurisdiction shall be established in any county  
17 where the act in furtherance of the commission of the offense  
18 is committed, in the county where the minor resides, or in the  
19 county where the offender resides.

20 (720 ILCS 5/32-5) (from Ch. 38, par. 32-5)

21 Sec. 32-5. False personation of attorney, judicial, or  
22 governmental officials.

23 (a) A person who falsely represents himself or herself to  
24 be an attorney authorized to practice law for purposes of  
25 compensation or consideration commits a Class 4 felony. This

1 subsection (a) does not apply to a person who unintentionally  
2 fails to pay attorney registration fees established by Supreme  
3 Court Rule.

4 (b) A person who falsely represents himself or herself to  
5 be a public officer or a public employee or an official or  
6 employee of the federal government commits a Class B  
7 misdemeanor.

8 (c) A person who falsely represents himself or herself to  
9 be a public officer or a public employee commits a Class 4  
10 felony if that false representation was for the purpose of  
11 effectuating identity theft as defined in Section 16G-15 of  
12 this Code.

13 (Source: P.A. 94-985, eff. 1-1-07.)

14 Section 10. The Unified Code of Corrections is amended by  
15 changing Section 3-6-3 as follows:

16 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

17 Sec. 3-6-3. Rules and Regulations for Early Release.

18 (a) (1) The Department of Corrections shall prescribe  
19 rules and regulations for the early release on account of  
20 good conduct of persons committed to the Department which  
21 shall be subject to review by the Prisoner Review Board.

22 (2) The rules and regulations on early release shall  
23 provide, with respect to offenses listed in clause (i),  
24 (ii), or (iii) of this paragraph (2) committed on or after

1 June 19, 1998 or with respect to the offense listed in  
2 clause (iv) of this paragraph (2) committed on or after  
3 June 23, 2005 (the effective date of Public Act 94-71) or  
4 with respect to offense listed in clause (v) committed on  
5 or after the effective date of this amendatory Act of the  
6 95th General Assembly or with respect to the offense of  
7 being an armed habitual criminal committed on or after  
8 August 2, 2005 (the effective date of Public Act 94-398),  
9 the following:

10 (i) that a prisoner who is serving a term of  
11 imprisonment for first degree murder or for the offense  
12 of terrorism shall receive no good conduct credit and  
13 shall serve the entire sentence imposed by the court;

14 (ii) that a prisoner serving a sentence for attempt  
15 to commit first degree murder, solicitation of murder,  
16 solicitation of murder for hire, intentional homicide  
17 of an unborn child, predatory criminal sexual assault  
18 of a child, aggravated criminal sexual assault,  
19 criminal sexual assault, aggravated kidnapping,  
20 aggravated battery with a firearm, heinous battery,  
21 being an armed habitual criminal, aggravated battery  
22 of a senior citizen, or aggravated battery of a child  
23 shall receive no more than 4.5 days of good conduct  
24 credit for each month of his or her sentence of  
25 imprisonment;

26 (iii) that a prisoner serving a sentence for home

1 invasion, armed robbery, aggravated vehicular  
2 hijacking, aggravated discharge of a firearm, or armed  
3 violence with a category I weapon or category II  
4 weapon, when the court has made and entered a finding,  
5 pursuant to subsection (c-1) of Section 5-4-1 of this  
6 Code, that the conduct leading to conviction for the  
7 enumerated offense resulted in great bodily harm to a  
8 victim, shall receive no more than 4.5 days of good  
9 conduct credit for each month of his or her sentence of  
10 imprisonment; ~~and~~

11 (iv) that a prisoner serving a sentence for  
12 aggravated discharge of a firearm, whether or not the  
13 conduct leading to conviction for the offense resulted  
14 in great bodily harm to the victim, shall receive no  
15 more than 4.5 days of good conduct credit for each  
16 month of his or her sentence of imprisonment; ~~and-~~

17 (v) that a prisoner serving a sentence for a second  
18 or subsequent offense of luring a minor shall receive  
19 no more than 4.5 days of good conduct credit for each  
20 month of his or her sentence of imprisonment.

21 (2.1) For all offenses, other than those enumerated in  
22 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
23 June 19, 1998 or subdivision (a)(2)(iv) committed on or  
24 after June 23, 2005 (the effective date of Public Act  
25 94-71) or subdivision (a)(2)(v) committed on or after the  
26 effective date of this amendatory Act of the 95th General



1       Assembly, and other than the offense of reckless homicide  
2       as defined in subsection (e) of Section 9-3 of the Criminal  
3       Code of 1961 committed on or after January 1, 1999, or  
4       aggravated driving under the influence of alcohol, other  
5       drug or drugs, or intoxicating compound or compounds, or  
6       any combination thereof as defined in subparagraph (F) of  
7       paragraph (1) of subsection (d) of Section 11-501 of the  
8       Illinois Vehicle Code, the rules and regulations shall  
9       provide that a prisoner who is serving a term of  
10      imprisonment shall receive one day of good conduct credit  
11      for each day of his or her sentence of imprisonment or  
12      recommitment under Section 3-3-9. Each day of good conduct  
13      credit shall reduce by one day the prisoner's period of  
14      imprisonment or recommitment under Section 3-3-9.

15           (2.2) A prisoner serving a term of natural life  
16      imprisonment or a prisoner who has been sentenced to death  
17      shall receive no good conduct credit.

18           (2.3) The rules and regulations on early release shall  
19      provide that a prisoner who is serving a sentence for  
20      reckless homicide as defined in subsection (e) of Section  
21      9-3 of the Criminal Code of 1961 committed on or after  
22      January 1, 1999, or aggravated driving under the influence  
23      of alcohol, other drug or drugs, or intoxicating compound  
24      or compounds, or any combination thereof as defined in  
25      subparagraph (F) of paragraph (1) of subsection (d) of  
26      Section 11-501 of the Illinois Vehicle Code, shall receive

1 no more than 4.5 days of good conduct credit for each month  
2 of his or her sentence of imprisonment.

3 (2.4) The rules and regulations on early release shall  
4 provide with respect to the offenses of aggravated battery  
5 with a machine gun or a firearm equipped with any device or  
6 attachment designed or used for silencing the report of a  
7 firearm or aggravated discharge of a machine gun or a  
8 firearm equipped with any device or attachment designed or  
9 used for silencing the report of a firearm, committed on or  
10 after July 15, 1999 (the effective date of Public Act  
11 91-121), that a prisoner serving a sentence for any of  
12 these offenses shall receive no more than 4.5 days of good  
13 conduct credit for each month of his or her sentence of  
14 imprisonment.

15 (2.5) The rules and regulations on early release shall  
16 provide that a prisoner who is serving a sentence for  
17 aggravated arson committed on or after July 27, 2001 (the  
18 effective date of Public Act 92-176) shall receive no more  
19 than 4.5 days of good conduct credit for each month of his  
20 or her sentence of imprisonment.

21 (3) The rules and regulations shall also provide that  
22 the Director may award up to 180 days additional good  
23 conduct credit for meritorious service in specific  
24 instances as the Director deems proper; except that no more  
25 than 90 days of good conduct credit for meritorious service  
26 shall be awarded to any prisoner who is serving a sentence

1 for conviction of first degree murder, reckless homicide  
2 while under the influence of alcohol or any other drug, or  
3 aggravated driving under the influence of alcohol, other  
4 drug or drugs, or intoxicating compound or compounds, or  
5 any combination thereof as defined in subparagraph (F) of  
6 paragraph (1) of subsection (d) of Section 11-501 of the  
7 Illinois Vehicle Code, aggravated kidnapping, kidnapping,  
8 predatory criminal sexual assault of a child, aggravated  
9 criminal sexual assault, criminal sexual assault, deviate  
10 sexual assault, aggravated criminal sexual abuse,  
11 aggravated indecent liberties with a child, indecent  
12 liberties with a child, child pornography, heinous  
13 battery, aggravated battery of a spouse, aggravated  
14 battery of a spouse with a firearm, stalking, aggravated  
15 stalking, aggravated battery of a child, endangering the  
16 life or health of a child, cruelty to a child, or narcotic  
17 racketeering. Notwithstanding the foregoing, good conduct  
18 credit for meritorious service shall not be awarded on a  
19 sentence of imprisonment imposed for conviction of: (i) one  
20 of the offenses enumerated in subdivision (a)(2)(i), (ii),  
21 or (iii) when the offense is committed on or after June 19,  
22 1998 or subdivision (a)(2)(iv) when the offense is  
23 committed on or after June 23, 2005 (the effective date of  
24 Public Act 94-71) or subdivision (a)(2)(v) when the offense  
25 is committed on or after the effective date of this  
26 amendatory Act of the 95th General Assembly, (ii) reckless

1 homicide as defined in subsection (e) of Section 9-3 of the  
2 Criminal Code of 1961 when the offense is committed on or  
3 after January 1, 1999, or aggravated driving under the  
4 influence of alcohol, other drug or drugs, or intoxicating  
5 compound or compounds, or any combination thereof as  
6 defined in subparagraph (F) of paragraph (1) of subsection  
7 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)  
8 one of the offenses enumerated in subdivision (a) (2.4) when  
9 the offense is committed on or after July 15, 1999 (the  
10 effective date of Public Act 91-121), or (iv) aggravated  
11 arson when the offense is committed on or after July 27,  
12 2001 (the effective date of Public Act 92-176).

13 (4) The rules and regulations shall also provide that  
14 the good conduct credit accumulated and retained under  
15 paragraph (2.1) of subsection (a) of this Section by any  
16 inmate during specific periods of time in which such inmate  
17 is engaged full-time in substance abuse programs,  
18 correctional industry assignments, or educational programs  
19 provided by the Department under this paragraph (4) and  
20 satisfactorily completes the assigned program as  
21 determined by the standards of the Department, shall be  
22 multiplied by a factor of 1.25 for program participation  
23 before August 11, 1993 and 1.50 for program participation  
24 on or after that date. However, no inmate shall be eligible  
25 for the additional good conduct credit under this paragraph  
26 (4) or (4.1) of this subsection (a) while assigned to a

1 boot camp or electronic detention, or if convicted of an  
2 offense enumerated in subdivision (a)(2)(i), (ii), or  
3 (iii) of this Section that is committed on or after June  
4 19, 1998 or subdivision (a)(2)(iv) of this Section that is  
5 committed on or after June 23, 2005 (the effective date of  
6 Public Act 94-71) or subdivision (a)(2)(v) of this Section  
7 that is committed on or after the effective date of this  
8 amendatory Act of the 95th General Assembly, or if  
9 convicted of reckless homicide as defined in subsection (e)  
10 of Section 9-3 of the Criminal Code of 1961 if the offense  
11 is committed on or after January 1, 1999, or aggravated  
12 driving under the influence of alcohol, other drug or  
13 drugs, or intoxicating compound or compounds, or any  
14 combination thereof as defined in subparagraph (F) of  
15 paragraph (1) of subsection (d) of Section 11-501 of the  
16 Illinois Vehicle Code, or if convicted of an offense  
17 enumerated in paragraph (a)(2.4) of this Section that is  
18 committed on or after July 15, 1999 (the effective date of  
19 Public Act 91-121), or first degree murder, a Class X  
20 felony, criminal sexual assault, felony criminal sexual  
21 abuse, aggravated criminal sexual abuse, aggravated  
22 battery with a firearm, or any predecessor or successor  
23 offenses with the same or substantially the same elements,  
24 or any inchoate offenses relating to the foregoing  
25 offenses. No inmate shall be eligible for the additional  
26 good conduct credit under this paragraph (4) who (i) has

1 previously received increased good conduct credit under  
2 this paragraph (4) and has subsequently been convicted of a  
3 felony, or (ii) has previously served more than one prior  
4 sentence of imprisonment for a felony in an adult  
5 correctional facility.

6 Educational, vocational, substance abuse and  
7 correctional industry programs under which good conduct  
8 credit may be increased under this paragraph (4) and  
9 paragraph (4.1) of this subsection (a) shall be evaluated  
10 by the Department on the basis of documented standards. The  
11 Department shall report the results of these evaluations to  
12 the Governor and the General Assembly by September 30th of  
13 each year. The reports shall include data relating to the  
14 recidivism rate among program participants.

15 Availability of these programs shall be subject to the  
16 limits of fiscal resources appropriated by the General  
17 Assembly for these purposes. Eligible inmates who are  
18 denied immediate admission shall be placed on a waiting  
19 list under criteria established by the Department. The  
20 inability of any inmate to become engaged in any such  
21 programs by reason of insufficient program resources or for  
22 any other reason established under the rules and  
23 regulations of the Department shall not be deemed a cause  
24 of action under which the Department or any employee or  
25 agent of the Department shall be liable for damages to the  
26 inmate.

1           (4.1) The rules and regulations shall also provide that  
2           an additional 60 days of good conduct credit shall be  
3           awarded to any prisoner who passes the high school level  
4           Test of General Educational Development (GED) while the  
5           prisoner is incarcerated. The good conduct credit awarded  
6           under this paragraph (4.1) shall be in addition to, and  
7           shall not affect, the award of good conduct under any other  
8           paragraph of this Section, but shall also be pursuant to  
9           the guidelines and restrictions set forth in paragraph (4)  
10          of subsection (a) of this Section. The good conduct credit  
11          provided for in this paragraph shall be available only to  
12          those prisoners who have not previously earned a high  
13          school diploma or a GED. If, after an award of the GED good  
14          conduct credit has been made and the Department determines  
15          that the prisoner was not eligible, then the award shall be  
16          revoked.

17          (4.5) The rules and regulations on early release shall  
18          also provide that when the court's sentencing order  
19          recommends a prisoner for substance abuse treatment and the  
20          crime was committed on or after September 1, 2003 (the  
21          effective date of Public Act 93-354), the prisoner shall  
22          receive no good conduct credit awarded under clause (3) of  
23          this subsection (a) unless he or she participates in and  
24          completes a substance abuse treatment program. The  
25          Director may waive the requirement to participate in or  
26          complete a substance abuse treatment program and award the

1 good conduct credit in specific instances if the prisoner  
2 is not a good candidate for a substance abuse treatment  
3 program for medical, programming, or operational reasons.  
4 Availability of substance abuse treatment shall be subject  
5 to the limits of fiscal resources appropriated by the  
6 General Assembly for these purposes. If treatment is not  
7 available and the requirement to participate and complete  
8 the treatment has not been waived by the Director, the  
9 prisoner shall be placed on a waiting list under criteria  
10 established by the Department. The Director may allow a  
11 prisoner placed on a waiting list to participate in and  
12 complete a substance abuse education class or attend  
13 substance abuse self-help meetings in lieu of a substance  
14 abuse treatment program. A prisoner on a waiting list who  
15 is not placed in a substance abuse program prior to release  
16 may be eligible for a waiver and receive good conduct  
17 credit under clause (3) of this subsection (a) at the  
18 discretion of the Director.

19 (5) Whenever the Department is to release any inmate  
20 earlier than it otherwise would because of a grant of good  
21 conduct credit for meritorious service given at any time  
22 during the term, the Department shall give reasonable  
23 advance notice of the impending release to the State's  
24 Attorney of the county where the prosecution of the inmate  
25 took place.

26 (b) Whenever a person is or has been committed under



1 several convictions, with separate sentences, the sentences  
2 shall be construed under Section 5-8-4 in granting and  
3 forfeiting of good time.

4 (c) The Department shall prescribe rules and regulations  
5 for revoking good conduct credit, or suspending or reducing the  
6 rate of accumulation of good conduct credit for specific rule  
7 violations, during imprisonment. These rules and regulations  
8 shall provide that no inmate may be penalized more than one  
9 year of good conduct credit for any one infraction.

10 When the Department seeks to revoke, suspend or reduce the  
11 rate of accumulation of any good conduct credits for an alleged  
12 infraction of its rules, it shall bring charges therefor  
13 against the prisoner sought to be so deprived of good conduct  
14 credits before the Prisoner Review Board as provided in  
15 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
16 amount of credit at issue exceeds 30 days or when during any 12  
17 month period, the cumulative amount of credit revoked exceeds  
18 30 days except where the infraction is committed or discovered  
19 within 60 days of scheduled release. In those cases, the  
20 Department of Corrections may revoke up to 30 days of good  
21 conduct credit. The Board may subsequently approve the  
22 revocation of additional good conduct credit, if the Department  
23 seeks to revoke good conduct credit in excess of 30 days.  
24 However, the Board shall not be empowered to review the  
25 Department's decision with respect to the loss of 30 days of  
26 good conduct credit within any calendar year for any prisoner

1 or to increase any penalty beyond the length requested by the  
2 Department.

3 The Director of the Department of Corrections, in  
4 appropriate cases, may restore up to 30 days good conduct  
5 credits which have been revoked, suspended or reduced. Any  
6 restoration of good conduct credits in excess of 30 days shall  
7 be subject to review by the Prisoner Review Board. However, the  
8 Board may not restore good conduct credit in excess of the  
9 amount requested by the Director.

10 Nothing contained in this Section shall prohibit the  
11 Prisoner Review Board from ordering, pursuant to Section  
12 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
13 sentence imposed by the court that was not served due to the  
14 accumulation of good conduct credit.

15 (d) If a lawsuit is filed by a prisoner in an Illinois or  
16 federal court against the State, the Department of Corrections,  
17 or the Prisoner Review Board, or against any of their officers  
18 or employees, and the court makes a specific finding that a  
19 pleading, motion, or other paper filed by the prisoner is  
20 frivolous, the Department of Corrections shall conduct a  
21 hearing to revoke up to 180 days of good conduct credit by  
22 bringing charges against the prisoner sought to be deprived of  
23 the good conduct credits before the Prisoner Review Board as  
24 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.  
25 If the prisoner has not accumulated 180 days of good conduct  
26 credit at the time of the finding, then the Prisoner Review

1 Board may revoke all good conduct credit accumulated by the  
2 prisoner.

3 For purposes of this subsection (d):

4 (1) "Frivolous" means that a pleading, motion, or other  
5 filing which purports to be a legal document filed by a  
6 prisoner in his or her lawsuit meets any or all of the  
7 following criteria:

8 (A) it lacks an arguable basis either in law or in  
9 fact;

10 (B) it is being presented for any improper purpose,  
11 such as to harass or to cause unnecessary delay or  
12 needless increase in the cost of litigation;

13 (C) the claims, defenses, and other legal  
14 contentions therein are not warranted by existing law  
15 or by a nonfrivolous argument for the extension,  
16 modification, or reversal of existing law or the  
17 establishment of new law;

18 (D) the allegations and other factual contentions  
19 do not have evidentiary support or, if specifically so  
20 identified, are not likely to have evidentiary support  
21 after a reasonable opportunity for further  
22 investigation or discovery; or

23 (E) the denials of factual contentions are not  
24 warranted on the evidence, or if specifically so  
25 identified, are not reasonably based on a lack of  
26 information or belief.

1           (2) "Lawsuit" means a petition for post-conviction  
2 relief under Article 122 of the Code of Criminal Procedure  
3 of 1963, a motion pursuant to Section 116-3 of the Code of  
4 Criminal Procedure of 1963, a habeas corpus action under  
5 Article X of the Code of Civil Procedure or under federal  
6 law (28 U.S.C. 2254), a petition for claim under the Court  
7 of Claims Act or an action under the federal Civil Rights  
8 Act (42 U.S.C. 1983).

9           (e) Nothing in Public Act 90-592 or 90-593 affects the  
10 validity of Public Act 89-404.

11           (Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71,  
12 eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398,  
13 eff. 8-2-05; 94-491, eff. 8-8-05; 94-744, eff. 5-8-06.)

14           Section 15. The Sex Offender Registration Act is amended by  
15 changing Section 2 as follows:

16           (730 ILCS 150/2) (from Ch. 38, par. 222)

17           Sec. 2. Definitions.

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

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

1           (a) is convicted of such offense or an attempt to  
2           commit such offense; or

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

5           (c) is found not guilty by reason of insanity  
6           pursuant to Section 104-25(c) of the Code of Criminal  
7           Procedure of 1963 of such offense or an attempt to  
8           commit such offense; or

9           (d) is the subject of a finding not resulting in an  
10          acquittal at a hearing conducted pursuant to Section  
11          104-25(a) of the Code of Criminal Procedure of 1963 for  
12          the alleged commission or attempted commission of such  
13          offense; or

14          (e) is found not guilty by reason of insanity  
15          following a hearing conducted pursuant to a federal,  
16          Uniform Code of Military Justice, sister state, or  
17          foreign country law substantially similar to Section  
18          104-25(c) of the Code of Criminal Procedure of 1963 of  
19          such offense or of the attempted commission of such  
20          offense; or

21          (f) is the subject of a finding not resulting in an  
22          acquittal at a hearing conducted pursuant to a federal,  
23          Uniform Code of Military Justice, sister state, or  
24          foreign country law substantially similar to Section  
25          104-25(a) of the Code of Criminal Procedure of 1963 for  
26          the alleged violation or attempted commission of such

1 offense; or

2 (2) certified as a sexually dangerous person pursuant  
3 to the Illinois Sexually Dangerous Persons Act, or any  
4 substantially similar federal, Uniform Code of Military  
5 Justice, sister state, or foreign country law; or

6 (3) subject to the provisions of Section 2 of the  
7 Interstate Agreements on Sexually Dangerous Persons Act;  
8 or

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

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

26 Convictions that result from or are connected with the same

1 act, or result from offenses committed at the same time, shall  
2 be counted for the purpose of this Article as one conviction.  
3 Any conviction set aside pursuant to law is not a conviction  
4 for purposes of this Article.

5 For purposes of this Section, "convicted" shall have the  
6 same meaning as "adjudicated". For the purposes of this  
7 Article, a person who is defined as a sex offender as a result  
8 of being adjudicated a juvenile delinquent under paragraph (5)  
9 of this subsection (A) upon attaining 17 years of age shall be  
10 considered as having committed the sex offense on or after the  
11 sex offender's 17th birthday. Registration of juveniles upon  
12 attaining 17 years of age shall not extend the original  
13 registration of 10 years from the date of conviction.

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

15 (1) A violation of any of the following Sections of the  
16 Criminal Code of 1961:

17 11-20.1 (child pornography),

18 11-6 (indecent solicitation of a child),

19 11-9.1 (sexual exploitation of a child),

20 11-9.2 (custodial sexual misconduct),

21 11-9.5 (sexual misconduct with a person with a  
22 disability),

23 11-15.1 (soliciting for a juvenile prostitute),

24 11-18.1 (patronizing a juvenile prostitute),

25 11-17.1 (keeping a place of juvenile  
26 prostitution),

1           11-19.1 (juvenile pimping),  
2           11-19.2 (exploitation of a child),  
3           12-13 (criminal sexual assault),  
4           12-14 (aggravated criminal sexual assault),  
5           12-14.1 (predatory criminal sexual assault of a  
6 child),  
7           12-15 (criminal sexual abuse),  
8           12-16 (aggravated criminal sexual abuse),  
9           12-33 (ritualized abuse of a child).

10           An attempt to commit any of these offenses.

11           (1.5) A violation of any of the following Sections of  
12 the Criminal Code of 1961, when the victim is a person  
13 under 18 years of age, the defendant is not a parent of the  
14 victim, the offense was sexually motivated as defined in  
15 Section 10 of the Sex Offender Management Board Act, and  
16 the offense was committed on or after January 1, 1996:

17           10-1 (kidnapping),  
18           10-2 (aggravated kidnapping),  
19           10-3 (unlawful restraint),  
20           10-3.1 (aggravated unlawful restraint).

21           (1.6) First degree murder under Section 9-1 of the  
22 Criminal Code of 1961, when the victim was a person under  
23 18 years of age and the defendant was at least 17 years of  
24 age at the time of the commission of the offense, provided  
25 the offense was sexually motivated as defined in Section 10  
26 of the Sex Offender Management Board Act.



1 (1.7) (Blank).

2 (1.8) A violation or attempted violation of Section  
3 11-11 (sexual relations within families) of the Criminal  
4 Code of 1961, and the offense was committed on or after  
5 June 1, 1997.

6 (1.9) Child abduction under paragraph (10) of  
7 subsection (b) of Section 10-5 of the Criminal Code of 1961  
8 committed by luring or attempting to lure a child under the  
9 age of 16 into a motor vehicle, building, house trailer, or  
10 dwelling place without the consent of the parent or lawful  
11 custodian of the child for other than a lawful purpose and  
12 the offense was committed on or after January 1, 1998,  
13 provided the offense was sexually motivated as defined in  
14 Section 10 of the Sex Offender Management Board Act.

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

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

22 11-6.5 (indecent solicitation of an adult),

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

25 11-16 (pandering, if the victim is under 18 years  
26 of age),

1           11-18 (patronizing a prostitute, if the victim is  
2           under 18 years of age),

3           11-19 (pimping, if the victim is under 18 years of  
4           age).

5           (1.11) A violation or attempted violation of any of the  
6           following Sections of the Criminal Code of 1961 when the  
7           offense was committed on or after August 22, 2002:

8           11-9 (public indecency for a third or subsequent  
9           conviction).

10          (1.12) A violation or attempted violation of Section  
11          5.1 of the Wrongs to Children Act (permitting sexual abuse)  
12          when the offense was committed on or after August 22, 2002.

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

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

1 purposes of this Article.

2 (C-5) A person at least 17 years of age at the time of the  
3 commission of the offense who is convicted of first degree  
4 murder under Section 9-1 of the Criminal Code of 1961, against  
5 a person under 18 years of age, shall be required to register  
6 for natural life. A conviction for an offense of federal,  
7 Uniform Code of Military Justice, sister state, or foreign  
8 country law that is substantially equivalent to any offense  
9 listed in subsection (C-5) of this Section shall constitute a  
10 conviction for the purpose of this Article. This subsection  
11 (C-5) applies to a person who committed the offense before June  
12 1, 1996 only if the person is incarcerated in an Illinois  
13 Department of Corrections facility on August 20, 2004 (the  
14 effective date of Public Act 93-977).

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

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

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

6 (1) Convicted for an offense of federal, Uniform Code  
7 of Military Justice, sister state, or foreign country law  
8 that is substantially equivalent to any offense listed in  
9 subsection (E) of this Section shall constitute a  
10 conviction for the purpose of this Article. Convicted of a  
11 violation or attempted violation of any of the following  
12 Sections of the Criminal Code of 1961, if the conviction  
13 occurred after July 1, 1999:

14

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

17 11-19.1 (juvenile pimping),

18 11-19.2 (exploitation of a child),

19 11-20.1 (child pornography),

20 12-13 (criminal sexual assault),

21 12-14 (aggravated criminal sexual assault),

22 12-14.1 (predatory criminal sexual assault of a  
23 child),

24 12-16 (aggravated criminal sexual abuse),

25 12-33 (ritualized abuse of a child); or

26 (2) (blank); or

1 (3) certified as a sexually dangerous person pursuant  
2 to the Sexually Dangerous Persons Act or any substantially  
3 similar federal, Uniform Code of Military Justice, sister  
4 state, or foreign country law; or

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

9 (5) convicted of a second or subsequent offense which  
10 requires registration pursuant to this Act. The conviction  
11 for the second or subsequent offense must have occurred  
12 after July 1, 1999. For purposes of this paragraph (5),  
13 "convicted" shall include a conviction under any  
14 substantially similar Illinois, federal, Uniform Code of  
15 Military Justice, sister state, or foreign country law; or

16 ~~-~~

17 (6) convicted of a second or subsequent offense of  
18 luring a minor under Section 10-5.1 of the Criminal Code of  
19 1961.

20 (F) As used in this Article, "out-of-state student" means  
21 any sex offender, as defined in this Section, or sexual  
22 predator who is enrolled in Illinois, on a full-time or  
23 part-time basis, in any public or private educational  
24 institution, including, but not limited to, any secondary  
25 school, trade or professional institution, or institution of  
26 higher learning.

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

9           (H) As used in this Article, "school" means any public or  
10 private educational institution, including, but not limited  
11 to, any elementary or secondary school, trade or professional  
12 institution, or institution of higher education.

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

16           (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;  
17 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06;  
18 94-1053, eff. 7-24-06; revised 8-3-06.)

1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 5/10-5 from Ch. 38, par. 10-5

4 720 ILCS 5/10-5.1 new

5 730 ILCS 5/3-6-3 from Ch. 38, par. 1003-6-3

6 730 ILCS 150/2 from Ch. 38, par. 222