



Sen. A. J. Wilhelmi

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LRB095 10951 RLC 34676 a

1 AMENDMENT TO SENATE BILL 697

2 AMENDMENT NO. _____. Amend Senate Bill 697 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 11-20.1A and by adding Section 11-20.3 as
6 follows:

7 (720 ILCS 5/11-20.1A) (from Ch. 38, par. 11-20.1A)

8 Sec. 11-20.1A. Forfeitures.

9 (a) A person who commits the offense of keeping a place of
10 juvenile prostitution, exploitation of a child, or child
11 pornography under Section 11-17.1, 11-19.2, ~~or~~ 11-20.1, or
12 11-20.3 of this Code shall forfeit to the State of Illinois:

13 (1) Any profits or proceeds and any interest or
14 property he or she has acquired or maintained in violation
15 of Section 11-17.1, 11-19.2, ~~or~~ 11-20.1, or 11-20.3 of this
16 Code that the sentencing court determines, after a

1 forfeiture hearing, to have been acquired or maintained as
2 a result of keeping a place of juvenile prostitution,
3 exploitation of a child, ~~or~~ child pornography, or
4 aggravated child pornography.

5 (2) Any interest in, security of, claim against, or
6 property or contractual right of any kind affording a
7 source of influence over any enterprise that he or she has
8 established, operated, controlled, or conducted in
9 violation of Section 11-17.1, 11-19.2, ~~or~~ 11-20.1, or
10 11-20.3 of this Code that the sentencing court determines,
11 after a forfeiture hearing, to have been acquired or
12 maintained as a result of keeping a place of juvenile
13 prostitution, exploitation of a child, ~~or~~ child
14 pornography, or aggravated child pornography.

15 (3) Any computer that contains a depiction of child
16 pornography in any encoded or decoded format in violation
17 of Section 11-20.1 of this Code. For purposes of this
18 paragraph (3), "computer" has the meaning ascribed to it in
19 Section 16D-2 of this Code.

20 (b) (1) The court shall, upon petition by the Attorney
21 General or State's Attorney at any time following
22 sentencing, conduct a hearing to determine whether any
23 property or property interest is subject to forfeiture
24 under this Section. At the forfeiture hearing the people
25 shall have the burden of establishing, by a preponderance
26 of the evidence, that property or property interests are

1 subject to forfeiture under this Section.

2 (2) In any action brought by the People of the State of
3 Illinois under this Section, wherein any restraining
4 order, injunction or prohibition or any other action in
5 connection with any property or interest subject to
6 forfeiture under this Section is sought, the circuit court
7 presiding over the trial of the person or persons charged
8 with keeping a place of juvenile prostitution,
9 exploitation of a child or child pornography shall first
10 determine whether there is probable cause to believe that
11 the person or persons so charged have committed the offense
12 of keeping a place of juvenile prostitution, exploitation
13 of a child or child pornography and whether the property or
14 interest is subject to forfeiture pursuant to this Section.
15 In order to make such a determination, prior to entering
16 any such order, the court shall conduct a hearing without a
17 jury, wherein the People shall establish that there is: (i)
18 probable cause that the person or persons so charged have
19 committed the offense of keeping a place of juvenile
20 prostitution, exploitation of a child or child pornography
21 and (ii) probable cause that any property or interest may
22 be subject to forfeiture pursuant to this Section. Such
23 hearing may be conducted simultaneously with a preliminary
24 hearing, if the prosecution is commenced by information or
25 complaint, or by motion of the People, at any stage in the
26 proceedings. The court may accept a finding of probable

1 cause at a preliminary hearing following the filing of an
2 information charging the offense of keeping a place of
3 juvenile prostitution, exploitation of a child or child
4 pornography or the return of an indictment by a grand jury
5 charging the offense of keeping a place of juvenile
6 prostitution, exploitation of a child or child pornography
7 as sufficient evidence of probable cause as provided in
8 item (i) above. Upon such a finding, the circuit court
9 shall enter such restraining order, injunction or
10 prohibition, or shall take such other action in connection
11 with any such property or other interest subject to
12 forfeiture, as is necessary to insure that such property is
13 not removed from the jurisdiction of the court, concealed,
14 destroyed or otherwise disposed of by the owner of that
15 property or interest prior to a forfeiture hearing under
16 this Section. The Attorney General or State's Attorney
17 shall file a certified copy of such restraining order,
18 injunction or other prohibition with the recorder of deeds
19 or registrar of titles of each county where any such
20 property of the defendant may be located. No such
21 injunction, restraining order or other prohibition shall
22 affect the rights of any bona fide purchaser, mortgagee,
23 judgment creditor or other lienholder arising prior to the
24 date of such filing. The court may, at any time, upon
25 verified petition by the defendant or an innocent owner or
26 innocent bona fide third party lienholder who neither had

1 knowledge of, nor consented to, the illegal act or
2 omission, conduct a hearing to release all or portions of
3 any such property or interest which the court previously
4 determined to be subject to forfeiture or subject to any
5 restraining order, injunction, or prohibition or other
6 action. The court may release such property to the
7 defendant or innocent owner or innocent bona fide third
8 party lienholder who neither had knowledge of, nor
9 consented to, the illegal act or omission for good cause
10 shown and within the sound discretion of the court.

11 A forfeiture under this Section may be commenced by the
12 Attorney General or a State's Attorney.

13 (3) Upon conviction of a person of keeping a place of
14 juvenile prostitution, exploitation of a child or child
15 pornography, the court shall authorize the Attorney
16 General to seize all property or other interest declared
17 forfeited under this Section upon such terms and conditions
18 as the court shall deem proper.

19 (4) The Attorney General is authorized to sell all
20 property forfeited and seized pursuant to this Section,
21 unless such property is required by law to be destroyed or
22 is harmful to the public, and, after the deduction of all
23 requisite expenses of administration and sale, shall
24 distribute the proceeds of such sale, along with any moneys
25 forfeited or seized, in accordance with subsection (c) of
26 this Section.

1 (c) All monies forfeited and the sale proceeds of all other
2 property forfeited and seized under this Section shall be
3 distributed as follows:

4 (1) One-half shall be divided equally among all State
5 agencies and units of local government whose officers or
6 employees conducted the investigation which resulted in
7 the forfeiture; and

8 (2) One-half shall be deposited in the Violent Crime
9 Victims Assistance Fund.

10 (Source: P.A. 91-229, eff. 1-1-00; 92-175, eff. 1-1-02.)

11 (720 ILCS 5/11-20.3 new)

12 Sec. 11-20.3. Aggravated child pornography.

13 (a) A person commits the offense of aggravated child
14 pornography who:

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

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

23 (ii) actually or by simulation engaged in any act
24 of sexual penetration or sexual conduct involving the
25 sex organs of the child and the mouth, anus, or sex

1 organs of another person or animal; or which involves
2 the mouth, anus or sex organs of the child and the sex
3 organs of another person or animal; or

4 (iii) actually or by simulation engaged in any act
5 of masturbation; or

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

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

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

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

21 (2) with the knowledge of the nature or content
22 thereof, reproduces, disseminates, offers to disseminate,
23 exhibits or possesses with intent to disseminate any film,
24 videotape, photograph or other similar visual reproduction
25 or depiction by computer of any child whom the person knows
26 or reasonably should know to be under the age of 13 engaged

1 in any activity described in subparagraphs (i) through
2 (vii) of paragraph (1) of this subsection; or

3 (3) with knowledge of the subject matter or theme
4 thereof, produces any stage play, live performance, film,
5 videotape or other similar visual portrayal or depiction by
6 computer which includes a child whom the person knows or
7 reasonably should know to be under the age of 13 engaged in
8 any activity described in subparagraphs (i) through (vii)
9 of paragraph (1) of this subsection; or

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

19 (5) is a parent, step-parent, legal guardian or other
20 person having care or custody of a child whom the person
21 knows or reasonably should know to be under the age of 13
22 and who knowingly permits, induces, promotes, or arranges
23 for such child to appear in any stage play, live
24 performance, film, videotape, photograph or other similar
25 visual presentation, portrayal or simulation or depiction
26 by computer of any act or activity described in

1 subparagraphs (i) through (vii) of paragraph (1) of this
2 subsection; or

3 (6) with knowledge of the nature or content thereof,
4 possesses any film, videotape, photograph or other similar
5 visual reproduction or depiction by computer of any child
6 whom the person knows or reasonably should know to be under
7 the age of 13 engaged in any activity described in
8 subparagraphs (i) through (vii) of paragraph (1) of this
9 subsection; or

10 (7) solicits, or knowingly uses, persuades, induces,
11 entices, or coerces a person to provide a child under the
12 age of 13 to appear in any videotape, photograph, film,
13 stage play, live presentation, or other similar visual
14 reproduction or depiction by computer in which the child
15 will be depicted, actually or by simulation, in any act,
16 pose, or setting described in subparagraphs (i) through
17 (vii) of paragraph (1) of this subsection.

18 (b) (1) It shall be an affirmative defense to a charge of
19 aggravated child pornography that the defendant reasonably
20 believed, under all of the circumstances, that the child was 13
21 years of age or older, but only where, prior to the act or acts
22 giving rise to a prosecution under this Section, he or she took
23 some affirmative action or made a bonafide inquiry designed to
24 ascertain whether the child was 13 years of age or older and
25 his or her reliance upon the information so obtained was
26 clearly reasonable.

1 (2) The charge of aggravated child pornography shall not
2 apply to the performance of official duties by law enforcement
3 or prosecuting officers or persons employed by law enforcement
4 or prosecuting agencies, court personnel or attorneys, nor to
5 bonafide treatment or professional education programs
6 conducted by licensed physicians, psychologists or social
7 workers.

8 (3) If the defendant possessed more than 3 of the same
9 film, videotape or visual reproduction or depiction by computer
10 in which aggravated child pornography is depicted, then the
11 trier of fact may infer that the defendant possessed such
12 materials with the intent to disseminate them.

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

20 (c) Sentence: (1) A person who commits a violation of
21 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is
22 guilty of a Class X felony with a mandatory minimum fine of
23 \$2,000 and a maximum fine of \$100,000.

24 (2) A person who commits a violation of paragraph (6) of
25 subsection (a) is guilty of a Class 2 felony with a mandatory
26 minimum fine of \$1000 and a maximum fine of \$100,000.

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

15 (4) A person who commits a violation of paragraph (6) of
16 subsection (a) where the defendant has previously been
17 convicted under the laws of this State or any other state of
18 the offense of child pornography, aggravated child
19 pornography, aggravated criminal sexual abuse, aggravated
20 criminal sexual assault, predatory criminal sexual assault of a
21 child, or any of the offenses formerly known as rape, deviate
22 sexual assault, indecent liberties with a child, or aggravated
23 indecent liberties with a child where the victim was under the
24 age of 18 years or an offense that is substantially equivalent
25 to those offenses, is guilty of a Class 1 felony with a
26 mandatory minimum fine of \$1000 and a maximum fine of \$100,000.

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

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

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

1 object to the motion.

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

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

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

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

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

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

24 (6) "Computer", "computer program", and "data" have
25 the meanings ascribed to them in Section 16D-2 of this
26 Code.

1 (7) For the purposes of this Section, "child" means a
2 person, either in part, or in total, under the age of 13,
3 regardless of the method by which the film, videotape,
4 photograph, or other similar visual medium or reproduction
5 or depiction by computer is created, adopted, or modified
6 to appear as such.

7 (8) "Sexual penetration" and "sexual conduct" have the
8 meanings ascribed to them in Section 12-12 of this Code.

9 (g) When a charge of aggravated child pornography is
10 brought, the age of the child is an element of the offense to
11 be resolved by the trier of fact as either exceeding or not
12 exceeding the age in question. The trier of fact can rely on
13 its own everyday observations and common experiences in making
14 this determination.

15 Section 10. The Unified Code of Corrections is amended by
16 changing Section 5-5-3 as follows:

17 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

18 Sec. 5-5-3. Disposition.

19 (a) Except as provided in Section 11-501 of the Illinois
20 Vehicle Code, every person convicted of an offense shall be
21 sentenced as provided in this Section.

22 (b) The following options shall be appropriate
23 dispositions, alone or in combination, for all felonies and
24 misdemeanors other than those identified in subsection (c) of

1 this Section:

2 (1) A period of probation.

3 (2) A term of periodic imprisonment.

4 (3) A term of conditional discharge.

5 (4) A term of imprisonment.

6 (5) An order directing the offender to clean up and
7 repair the damage, if the offender was convicted under
8 paragraph (h) of Section 21-1 of the Criminal Code of 1961
9 (now repealed).

10 (6) A fine.

11 (7) An order directing the offender to make restitution
12 to the victim under Section 5-5-6 of this Code.

13 (8) A sentence of participation in a county impact
14 incarceration program under Section 5-8-1.2 of this Code.

15 (9) A term of imprisonment in combination with a term
16 of probation when the offender has been admitted into a
17 drug court program under Section 20 of the Drug Court
18 Treatment Act.

19 Neither a fine nor restitution shall be the sole
20 disposition for a felony and either or both may be imposed only
21 in conjunction with another disposition.

22 (c) (1) When a defendant is found guilty of first degree
23 murder the State may either seek a sentence of imprisonment
24 under Section 5-8-1 of this Code, or where appropriate seek
25 a sentence of death under Section 9-1 of the Criminal Code
26 of 1961.

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

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

10 (B) Attempted first degree murder.

11 (C) A Class X felony.

12 (D) A violation of Section 401.1 or 407 of the
13 Illinois Controlled Substances Act, or a violation of
14 subdivision (c) (1) or (c) (2) of Section 401 of that Act
15 which relates to more than 5 grams of a substance
16 containing heroin or cocaine or an analog thereof.

17 (E) A violation of Section 5.1 or 9 of the Cannabis
18 Control Act.

19 (F) A Class 2 or greater felony if the offender had
20 been convicted of a Class 2 or greater felony within 10
21 years of the date on which the offender committed the
22 offense for which he or she is being sentenced, except
23 as otherwise provided in Section 40-10 of the
24 Alcoholism and Other Drug Abuse and Dependency Act.

25 (F-5) A violation of Section 24-1, 24-1.1, or
26 24-1.6 of the Criminal Code of 1961 for which

1 imprisonment is prescribed in those Sections.

2 (G) Residential burglary, except as otherwise
3 provided in Section 40-10 of the Alcoholism and Other
4 Drug Abuse and Dependency Act.

5 (H) Criminal sexual assault.

6 (I) Aggravated battery of a senior citizen.

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

9 Before July 1, 1994, for the purposes of this
10 paragraph, "organized gang" means an association of 5
11 or more persons, with an established hierarchy, that
12 encourages members of the association to perpetrate
13 crimes or provides support to the members of the
14 association who do commit crimes.

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

19 (K) Vehicular hijacking.

20 (L) A second or subsequent conviction for the
21 offense of hate crime when the underlying offense upon
22 which the hate crime is based is felony aggravated
23 assault or felony mob action.

24 (M) A second or subsequent conviction for the
25 offense of institutional vandalism if the damage to the
26 property exceeds \$300.

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

4 (O) A violation of Section 12-6.1 of the Criminal
5 Code of 1961.

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

9 (Q) A violation of Section 20-1.2 or 20-1.3 of the
10 Criminal Code of 1961.

11 (R) A violation of Section 24-3A of the Criminal
12 Code of 1961.

13 (S) (Blank).

14 (T) A second or subsequent violation of the
15 Methamphetamine Control and Community Protection Act.

16 (U) A violation of paragraph (4) of subsection (c)
17 of Section 11-20.3 of the Criminal Code of 1961.

18 (3) (Blank).

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

23 (4.1) (Blank).

24 (4.2) Except as provided in paragraph (4.3) of this
25 subsection (c), a minimum of 100 hours of community service
26 shall be imposed for a second violation of Section 6-303 of

1 the Illinois Vehicle Code.

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

6 (4.4) Except as provided in paragraph (4.5) and
7 paragraph (4.6) of this subsection (c), a minimum term of
8 imprisonment of 30 days or 300 hours of community service,
9 as determined by the court, shall be imposed for a third or
10 subsequent violation of Section 6-303 of the Illinois
11 Vehicle Code.

12 (4.5) A minimum term of imprisonment of 30 days shall
13 be imposed for a third violation of subsection (c) of
14 Section 6-303 of the Illinois Vehicle Code.

15 (4.6) A minimum term of imprisonment of 180 days shall
16 be imposed for a fourth or subsequent violation of
17 subsection (c) of Section 6-303 of the Illinois Vehicle
18 Code.

19 (5) The court may sentence an offender convicted of a
20 business offense or a petty offense or a corporation or
21 unincorporated association convicted of any offense to:

22 (A) a period of conditional discharge;

23 (B) a fine;

24 (C) make restitution to the victim under Section
25 5-5-6 of this Code.

26 (5.1) In addition to any penalties imposed under

1 paragraph (5) of this subsection (c), and except as
2 provided in paragraph (5.2) or (5.3), a person convicted of
3 violating subsection (c) of Section 11-907 of the Illinois
4 Vehicle Code shall have his or her driver's license,
5 permit, or privileges suspended for at least 90 days but
6 not more than one year, if the violation resulted in damage
7 to the property of another person.

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

16 (5.3) In addition to any penalties imposed under
17 paragraph (5) of this subsection (c), a person convicted of
18 violating subsection (c) of Section 11-907 of the Illinois
19 Vehicle Code shall have his or her driver's license,
20 permit, or privileges suspended for 2 years, if the
21 violation resulted in the death of another person.

22 (5.4) In addition to any penalties imposed under
23 paragraph (5) of this subsection (c), a person convicted of
24 violating Section 3-707 of the Illinois Vehicle Code shall
25 have his or her driver's license, permit, or privileges
26 suspended for 3 months and until he or she has paid a

1 reinstatement fee of \$100.

2 (5.5) In addition to any penalties imposed under
3 paragraph (5) of this subsection (c), a person convicted of
4 violating Section 3-707 of the Illinois Vehicle Code during
5 a period in which his or her driver's license, permit, or
6 privileges were suspended for a previous violation of that
7 Section shall have his or her driver's license, permit, or
8 privileges suspended for an additional 6 months after the
9 expiration of the original 3-month suspension and until he
10 or she has paid a reinstatement fee of \$100.

11 (6) In no case shall an offender be eligible for a
12 disposition of probation or conditional discharge for a
13 Class 1 felony committed while he was serving a term of
14 probation or conditional discharge for a felony.

15 (7) When a defendant is adjudged a habitual criminal
16 under Article 33B of the Criminal Code of 1961, the court
17 shall sentence the defendant to a term of natural life
18 imprisonment.

19 (8) When a defendant, over the age of 21 years, is
20 convicted of a Class 1 or Class 2 felony, after having
21 twice been convicted in any state or federal court of an
22 offense that contains the same elements as an offense now
23 classified in Illinois as a Class 2 or greater Class felony
24 and such charges are separately brought and tried and arise
25 out of different series of acts, such defendant shall be
26 sentenced as a Class X offender. This paragraph shall not

1 apply unless (1) the first felony was committed after the
2 effective date of this amendatory Act of 1977; and (2) the
3 second felony was committed after conviction on the first;
4 and (3) the third felony was committed after conviction on
5 the second. A person sentenced as a Class X offender under
6 this paragraph is not eligible to apply for treatment as a
7 condition of probation as provided by Section 40-10 of the
8 Alcoholism and Other Drug Abuse and Dependency Act.

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

12 (10) (Blank).

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

1 sports activities are conducted; and "coach" means a person
2 recognized as a coach by the sanctioning authority that
3 conducted the sporting event.

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

9 (d) In any case in which a sentence originally imposed is
10 vacated, the case shall be remanded to the trial court. The
11 trial court shall hold a hearing under Section 5-4-1 of the
12 Unified Code of Corrections which may include evidence of the
13 defendant's life, moral character and occupation during the
14 time since the original sentence was passed. The trial court
15 shall then impose sentence upon the defendant. The trial court
16 may impose any sentence which could have been imposed at the
17 original trial subject to Section 5-5-4 of the Unified Code of
18 Corrections. If a sentence is vacated on appeal or on
19 collateral attack due to the failure of the trier of fact at
20 trial to determine beyond a reasonable doubt the existence of a
21 fact (other than a prior conviction) necessary to increase the
22 punishment for the offense beyond the statutory maximum
23 otherwise applicable, either the defendant may be re-sentenced
24 to a term within the range otherwise provided or, if the State
25 files notice of its intention to again seek the extended
26 sentence, the defendant shall be afforded a new trial.

1 (e) In cases where prosecution for aggravated criminal
2 sexual abuse under Section 12-16 of the Criminal Code of 1961
3 results in conviction of a defendant who was a family member of
4 the victim at the time of the commission of the offense, the
5 court shall consider the safety and welfare of the victim and
6 may impose a sentence of probation only where:

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

8 (A) the defendant is willing to undergo a court
9 approved counseling program for a minimum duration of 2
10 years; or

11 (B) the defendant is willing to participate in a
12 court approved plan including but not limited to the
13 defendant's:

14 (i) removal from the household;

15 (ii) restricted contact with the victim;

16 (iii) continued financial support of the
17 family;

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

19 and

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

22 (2) the court orders the defendant to pay for the
23 victim's counseling services, to the extent that the court
24 finds, after considering the defendant's income and
25 assets, that the defendant is financially capable of paying
26 for such services, if the victim was under 18 years of age

1 at the time the offense was committed and requires
2 counseling as a result of the offense.

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

10 For the purposes of this Section, "family member" and
11 "victim" shall have the meanings ascribed to them in Section
12 12-12 of the Criminal Code of 1961.

13 (f) This Article shall not deprive a court in other
14 proceedings to order a forfeiture of property, to suspend or
15 cancel a license, to remove a person from office, or to impose
16 any other civil penalty.

17 (g) Whenever a defendant is convicted of an offense under
18 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
19 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
20 of the Criminal Code of 1961, the defendant shall undergo
21 medical testing to determine whether the defendant has any
22 sexually transmissible disease, including a test for infection
23 with human immunodeficiency virus (HIV) or any other identified
24 causative agent of acquired immunodeficiency syndrome (AIDS).
25 Any such medical test shall be performed only by appropriately
26 licensed medical practitioners and may include an analysis of

1 any bodily fluids as well as an examination of the defendant's
2 person. Except as otherwise provided by law, the results of
3 such test shall be kept strictly confidential by all medical
4 personnel involved in the testing and must be personally
5 delivered in a sealed envelope to the judge of the court in
6 which the conviction was entered for the judge's inspection in
7 camera. Acting in accordance with the best interests of the
8 victim and the public, the judge shall have the discretion to
9 determine to whom, if anyone, the results of the testing may be
10 revealed. The court shall notify the defendant of the test
11 results. The court shall also notify the victim if requested by
12 the victim, and if the victim is under the age of 15 and if
13 requested by the victim's parents or legal guardian, the court
14 shall notify the victim's parents or legal guardian of the test
15 results. The court shall provide information on the
16 availability of HIV testing and counseling at Department of
17 Public Health facilities to all parties to whom the results of
18 the testing are revealed and shall direct the State's Attorney
19 to provide the information to the victim when possible. A
20 State's Attorney may petition the court to obtain the results
21 of any HIV test administered under this Section, and the court
22 shall grant the disclosure if the State's Attorney shows it is
23 relevant in order to prosecute a charge of criminal
24 transmission of HIV under Section 12-16.2 of the Criminal Code
25 of 1961 against the defendant. The court shall order that the
26 cost of any such test shall be paid by the county and may be

1 taxed as costs against the convicted defendant.

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

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

1 immunodeficiency virus (HIV). The court shall provide
2 information on the availability of HIV testing and counseling
3 at Department of Public Health facilities to all parties to
4 whom the results of the testing are revealed and shall direct
5 the State's Attorney to provide the information to the victim
6 when possible. A State's Attorney may petition the court to
7 obtain the results of any HIV test administered under this
8 Section, and the court shall grant the disclosure if the
9 State's Attorney shows it is relevant in order to prosecute a
10 charge of criminal transmission of HIV under Section 12-16.2 of
11 the Criminal Code of 1961 against the defendant. The court
12 shall order that the cost of any such test shall be paid by the
13 county and may be taxed as costs against the convicted
14 defendant.

15 (i) All fines and penalties imposed under this Section for
16 any violation of Chapters 3, 4, 6, and 11 of the Illinois
17 Vehicle Code, or a similar provision of a local ordinance, and
18 any violation of the Child Passenger Protection Act, or a
19 similar provision of a local ordinance, shall be collected and
20 disbursed by the circuit clerk as provided under Section 27.5
21 of the Clerks of Courts Act.

22 (j) In cases when prosecution for any violation of Section
23 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
24 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
25 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
26 Code of 1961, any violation of the Illinois Controlled

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

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

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

1 (k) A court may not impose a sentence or disposition for a
2 felony or misdemeanor that requires the defendant to be
3 implanted or injected with or to use any form of birth control.

4 (1) (A) Except as provided in paragraph (C) of subsection
5 (1), whenever a defendant, who is an alien as defined by
6 the Immigration and Nationality Act, is convicted of any
7 felony or misdemeanor offense, the court after sentencing
8 the defendant may, upon motion of the State's Attorney,
9 hold sentence in abeyance and remand the defendant to the
10 custody of the Attorney General of the United States or his
11 or her designated agent to be deported when:

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

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

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

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

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

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

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

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

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

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

1 defacement.

2 (n) The court may sentence a person convicted of a
3 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
4 Code of 1961 (i) to an impact incarceration program if the
5 person is otherwise eligible for that program under Section
6 5-8-1.1, (ii) to community service, or (iii) if the person is
7 an addict or alcoholic, as defined in the Alcoholism and Other
8 Drug Abuse and Dependency Act, to a substance or alcohol abuse
9 program licensed under that Act.

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

15 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
16 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
17 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
18 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
19 eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07;
20 revised 8-28-06.)

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

23 (730 ILCS 150/2) (from Ch. 38, par. 222)

24 Sec. 2. Definitions.

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

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

8 (a) is convicted of such offense or an attempt to
9 commit such offense; or

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

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

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

21 (e) is found not guilty by reason of insanity
22 following 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(c) of the Code of Criminal Procedure of 1963 of
26 such offense or of the attempted commission of such

1 offense; or

2 (f) is the subject of a finding not resulting in an
3 acquittal at a hearing conducted pursuant to a federal,
4 Uniform Code of Military Justice, sister state, or
5 foreign country law substantially similar to Section
6 104-25(a) of the Code of Criminal Procedure of 1963 for
7 the alleged violation or attempted commission of such
8 offense; or

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

13 (3) subject to the provisions of Section 2 of the
14 Interstate Agreements on Sexually Dangerous Persons Act;
15 or

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

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

1 Act of 1987 of committing or attempting to commit an act
2 which, if committed by an adult, would constitute any of
3 the offenses specified in item (B), (C), or (C-5) of this
4 Section or a violation of any substantially similar
5 federal, Uniform Code of Military Justice, sister state, or
6 foreign country law.

7 Convictions that result from or are connected with the same
8 act, or result from offenses committed at the same time, shall
9 be counted for the purpose of this Article as one conviction.
10 Any conviction set aside pursuant to law is not a conviction
11 for purposes of this Article.

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

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

22 (1) A violation of any of the following Sections of the
23 Criminal Code of 1961:

24 11-20.1 (child pornography),

25 11-20.3 (aggravated child pornography),

26 11-6 (indecent solicitation of a child),

1 11-9.1 (sexual exploitation of a child),
2 11-9.2 (custodial sexual misconduct),
3 11-9.5 (sexual misconduct with a person with a
4 disability),
5 11-15.1 (soliciting for a juvenile prostitute),
6 11-18.1 (patronizing a juvenile prostitute),
7 11-17.1 (keeping a place of juvenile
8 prostitution),
9 11-19.1 (juvenile pimping),
10 11-19.2 (exploitation of a child),
11 12-13 (criminal sexual assault),
12 12-14 (aggravated criminal sexual assault),
13 12-14.1 (predatory criminal sexual assault of a
14 child),
15 12-15 (criminal sexual abuse),
16 12-16 (aggravated criminal sexual abuse),
17 12-33 (ritualized abuse of a child).

18 An attempt to commit any of these offenses.

19 (1.5) A violation of any of the following Sections of
20 the Criminal Code of 1961, when the victim is a person
21 under 18 years of age, the defendant is not a parent of the
22 victim, the offense was sexually motivated as defined in
23 Section 10 of the Sex Offender Management Board Act, and
24 the offense was committed on or after January 1, 1996:

25 10-1 (kidnapping),
26 10-2 (aggravated kidnapping),

1 10-3 (unlawful restraint),

2 10-3.1 (aggravated unlawful restraint).

3 (1.6) First degree murder under Section 9-1 of the
4 Criminal Code of 1961, when the victim was a person under
5 18 years of age and the defendant was at least 17 years of
6 age at the time of the commission of the offense, provided
7 the offense was sexually motivated as defined in Section 10
8 of the Sex Offender Management Board Act.

9 (1.7) (Blank).

10 (1.8) A violation or attempted violation of Section
11 11-11 (sexual relations within families) of the Criminal
12 Code of 1961, and the offense was committed on or after
13 June 1, 1997.

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

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

26 10-4 (forcible detention, if the victim is under 18

1 years of age), provided the offense was sexually
2 motivated as defined in Section 10 of the Sex Offender
3 Management Board Act,

4 11-6.5 (indecent solicitation of an adult),

5 11-15 (soliciting for a prostitute, if the victim
6 is under 18 years of age),

7 11-16 (pandering, if the victim is under 18 years
8 of age),

9 11-18 (patronizing a prostitute, if the victim is
10 under 18 years of age),

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

13 (1.11) A violation or attempted violation of any of the
14 following Sections of the Criminal Code of 1961 when the
15 offense was committed on or after August 22, 2002:

16 11-9 (public indecency for a third or subsequent
17 conviction).

18 (1.12) A violation or attempted violation of Section
19 5.1 of the Wrongs to Children Act (permitting sexual abuse)
20 when the offense was committed on or after August 22, 2002.

21 (2) A violation of any former law of this State
22 substantially equivalent to any offense listed in
23 subsection (B) of this Section.

24 (C) A conviction for an offense of federal law, Uniform
25 Code of Military Justice, or the law of another state or a
26 foreign country that is substantially equivalent to any offense

1 listed in subsections (B), (C), and (E) of this Section shall
2 constitute a conviction for the purpose of this Article. A
3 finding or adjudication as a sexually dangerous person or a
4 sexually violent person under any federal law, Uniform Code of
5 Military Justice, or the law of another state or foreign
6 country that is substantially equivalent to the Sexually
7 Dangerous Persons Act or the Sexually Violent Persons
8 Commitment Act shall constitute an adjudication for the
9 purposes of this Article.

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

23 (D) As used in this Article, "law enforcement agency having
24 jurisdiction" means the Chief of Police in each of the
25 municipalities in which the sex offender expects to reside,
26 work, or attend school (1) upon his or her discharge, parole or

1 release or (2) during the service of his or her sentence of
2 probation or conditional discharge, or the Sheriff of the
3 county, in the event no Police Chief exists or if the offender
4 intends to reside, work, or attend school in an unincorporated
5 area. "Law enforcement agency having jurisdiction" includes
6 the location where out-of-state students attend school and
7 where out-of-state employees are employed or are otherwise
8 required to register.

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

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

14 (1) Convicted for an offense of federal, Uniform Code
15 of Military Justice, sister state, or foreign country law
16 that is substantially equivalent to any offense listed in
17 subsection (E) of this Section shall constitute a
18 conviction for the purpose of this Article. Convicted of a
19 violation or attempted violation of any of the following
20 Sections of the Criminal Code of 1961, if the conviction
21 occurred after July 1, 1999:

22 11-17.1 (keeping a place of juvenile
23 prostitution),

24 11-19.1 (juvenile pimping),

25 11-19.2 (exploitation of a child),

26 11-20.1 (child pornography),

1 12-13 (criminal sexual assault),
2 12-14 (aggravated criminal sexual assault),
3 12-14.1 (predatory criminal sexual assault of a
4 child),

5 12-16 (aggravated criminal sexual abuse),

6 12-33 (ritualized abuse of a child); or

7 (2) (blank); or

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

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

16 (5) convicted of a second or subsequent offense which
17 requires registration pursuant to this Act. The conviction
18 for the second or subsequent offense must have occurred
19 after July 1, 1999. For purposes of this paragraph (5),
20 "convicted" shall include a conviction under any
21 substantially similar Illinois, federal, Uniform Code of
22 Military Justice, sister state, or foreign country law.

23 (F) As used in this Article, "out-of-state student" means
24 any sex offender, as defined in this Section, or sexual
25 predator who is enrolled in Illinois, on a full-time or
26 part-time basis, in any public or private educational

1 institution, including, but not limited to, any secondary
2 school, trade or professional institution, or institution of
3 higher learning.

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

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

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

19 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
20 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06;
21 94-1053, eff. 7-24-06; revised 8-3-06.)".