

1 AN ACT concerning criminal law, which may be referred to as
2 the Child Protection Act of 2008.

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

5 Section 5. The Criminal Code of 1961 is amended by changing
6 Sections 11-9.4, 11-21, 11-23, and 11-24 and by adding Sections
7 10-8.1 and 11-6.6 as follows:

8 (720 ILCS 5/10-8.1 new)

9 Sec. 10-8.1. Unlawful sending of a public conveyance travel
10 ticket to a minor.

11 (a) In this Section, "public conveyance" has the meaning
12 ascribed to it in Section 10-8 of this Code.

13 (b) A person commits the offense of unlawful sending of a
14 public conveyance travel ticket to a minor when the person
15 without the consent of the minor's parent or guardian:

16 (1) knowingly sends, causes to be sent, or purchases a
17 public conveyance travel ticket to any location for a
18 person known by the offender to be an unemancipated minor
19 under 17 years of age or a person he or she believes to be a
20 minor under 17 years of age, other than for a lawful
21 purpose under Illinois law; or

22 (2) knowingly arranges for travel to any location on
23 any public conveyance for a person known by the offender to

1 be an unemancipated minor under 17 years of age or a person
2 he or she believes to be a minor under 17 years of age,
3 other than for a lawful purpose under Illinois law.

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

14 (c) Sentence. Unlawful sending of a public conveyance
15 travel ticket to a minor is a Class A misdemeanor. A person who
16 commits unlawful sending of a public conveyance travel ticket
17 to a minor who believes that he or she is at least 5 years older
18 than the minor is guilty of a Class 4 felony.

19 (720 ILCS 5/11-6.6 new)

20 Sec. 11-6.6. Solicitation to meet a child.

21 (a) A person of the age of 18 or more years commits the
22 offense of solicitation to meet a child if the person while
23 using a computer, cellular telephone, or any other device, with
24 the intent to meet a child or one whom he or she believes to be
25 a child, solicits, entices, induces, or arranges with the child

1 to meet at a location without the knowledge of the child's
2 parent or guardian and the meeting with the child is arranged
3 for a purpose other than a lawful purpose under Illinois law.

4 (b) Sentence. Solicitation to meet a child is a Class A
5 misdemeanor. Solicitation to meet a child is a Class 4 felony
6 when the solicitor believes he or she is 5 or more years older
7 than the child.

8 (c) For purposes of this Section, "child" means any person
9 under 17 years of age; and "computer" has the meaning ascribed
10 to it in Section 16D-2 of this Code.

11 (720 ILCS 5/11-9.4)

12 (Text of Section after amendment by P.A. 95-640)

13 Sec. 11-9.4. Approaching, contacting, residing, or
14 communicating with a child within certain places by child sex
15 offenders prohibited.

16 (a) It is unlawful for a child sex offender to knowingly be
17 present in any public park building or on real property
18 comprising any public park when persons under the age of 18 are
19 present in the building or on the grounds and to approach,
20 contact, or communicate with a child under 18 years of age,
21 unless the offender is a parent or guardian of a person under
22 18 years of age present in the building or on the grounds.

23 (b) It is unlawful for a child sex offender to knowingly
24 loiter on a public way within 500 feet of a public park
25 building or real property comprising any public park while

1 persons under the age of 18 are present in the building or on
2 the grounds and to approach, contact, or communicate with a
3 child under 18 years of age, unless the offender is a parent or
4 guardian of a person under 18 years of age present in the
5 building or on the grounds.

6 (b-5) It is unlawful for a child sex offender to knowingly
7 reside within 500 feet of a playground, child care institution,
8 day care center, part day child care facility, or a facility
9 providing programs or services exclusively directed toward
10 persons under 18 years of age. Nothing in this subsection (b-5)
11 prohibits a child sex offender from residing within 500 feet of
12 a playground or a facility providing programs or services
13 exclusively directed toward persons under 18 years of age if
14 the property is owned by the child sex offender and was
15 purchased before the effective date of this amendatory Act of
16 the 91st General Assembly. Nothing in this subsection (b-5)
17 prohibits a child sex offender from residing within 500 feet of
18 a child care institution, day care center, or part day child
19 care facility if the property is owned by the child sex
20 offender and was purchased before the effective date of this
21 amendatory Act of the 94th General Assembly.

22 (b-6) It is unlawful for a child sex offender to knowingly
23 reside within 500 feet of the victim of the sex offense.
24 Nothing in this subsection (b-6) prohibits a child sex offender
25 from residing within 500 feet of the victim if the property in
26 which the child sex offender resides is owned by the child sex

1 offender and was purchased before the effective date of this
2 amendatory Act of the 92nd General Assembly.

3 This subsection (b-6) does not apply if the victim of the
4 sex offense is 21 years of age or older.

5 (b-7) It is unlawful for a child sex offender to knowingly
6 communicate, other than for a lawful purpose under Illinois
7 law, using the Internet or any other digital media, with a
8 person under 18 years of age or with a person whom he or she
9 believes to be a person under 18 years of age, unless the
10 offender is a parent or guardian of the person under 18 years
11 of age.

12 (c) It is unlawful for a child sex offender to knowingly
13 operate, manage, be employed by, volunteer at, be associated
14 with, or knowingly be present at any: (i) facility providing
15 programs or services exclusively directed towards persons
16 under the age of 18; (ii) day care center; (iii) part day child
17 care facility; (iv) child care institution, or (v) school
18 providing before and after school programs for children under
19 18 years of age. This does not prohibit a child sex offender
20 from owning the real property upon which the programs or
21 services are offered or upon which the day care center, part
22 day child care facility, child care institution, or school
23 providing before and after school programs for children under
24 18 years of age is located, provided the child sex offender
25 refrains from being present on the premises for the hours
26 during which: (1) the programs or services are being offered or

1 (2) the day care center, part day child care facility, child
2 care institution, or school providing before and after school
3 programs for children under 18 years of age is operated.

4 (c-5) It is unlawful for a child sex offender to knowingly
5 operate, manage, be employed by, or be associated with any
6 county fair when persons under the age of 18 are present.

7 (d) Definitions. In this Section:

8 (1) "Child sex offender" means any person who:

9 (i) has been charged under Illinois law, or any
10 substantially similar federal law or law of another
11 state, with a sex offense set forth in paragraph (2) of
12 this subsection (d) or the attempt to commit an
13 included sex offense, and:

14 (A) is convicted of such offense or an attempt
15 to commit such offense; or

16 (B) is found not guilty by reason of insanity
17 of such offense or an attempt to commit such
18 offense; or

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

23 (D) is the subject of a finding not resulting
24 in an acquittal at a hearing conducted pursuant to
25 subsection (a) of Section 104-25 of the Code of
26 Criminal Procedure of 1963 for the alleged

1 commission or attempted commission of such
2 offense; or

3 (E) is found not guilty by reason of insanity
4 following a hearing conducted pursuant to a
5 federal law or the law of another state
6 substantially similar to subsection (c) of Section
7 104-25 of the Code of Criminal Procedure of 1963 of
8 such offense or of the attempted commission of such
9 offense; or

10 (F) is the subject of a finding not resulting
11 in an acquittal at a hearing conducted pursuant to
12 a federal law or the law of another state
13 substantially similar to subsection (a) of Section
14 104-25 of the Code of Criminal Procedure of 1963
15 for the alleged violation or attempted commission
16 of such offense; or

17 (ii) is certified as a sexually dangerous person
18 pursuant to the Illinois Sexually Dangerous Persons
19 Act, or any substantially similar federal law or the
20 law of another state, when any conduct giving rise to
21 such certification is committed or attempted against a
22 person less than 18 years of age; or

23 (iii) is subject to the provisions of Section 2 of
24 the Interstate Agreements on Sexually Dangerous
25 Persons Act.

26 Convictions that result from or are connected with the

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

5 (2) Except as otherwise provided in paragraph (2.5),
6 "sex offense" means:

7 (i) A violation of any of the following Sections of
8 the Criminal Code of 1961: 10-7 (aiding and abetting
9 child abduction under Section 10-5(b)(10)),
10 10-5(b)(10) (child luring), 11-6 (indecent
11 solicitation of a child), 11-6.5 (indecent
12 solicitation of an adult), 11-9 (public indecency when
13 committed in a school, on the real property comprising
14 a school, on a conveyance owned, leased, or contracted
15 by a school to transport students to or from school or
16 a school related activity, or in a public park), 11-9.1
17 (sexual exploitation of a child), 11-15.1 (soliciting
18 for a juvenile prostitute), 11-17.1 (keeping a place of
19 juvenile prostitution), 11-18.1 (patronizing a
20 juvenile prostitute), 11-19.1 (juvenile pimping),
21 11-19.2 (exploitation of a child), 11-20.1 (child
22 pornography), 11-20.3 (aggravated child pornography),
23 11-21 (harmful material), 12-14.1 (predatory criminal
24 sexual assault of a child), 12-33 (ritualized abuse of
25 a child), 11-20 (obscenity) (when that offense was
26 committed in any school, on real property comprising

1 any school, on any conveyance owned, leased, or
2 contracted by a school to transport students to or from
3 school or a school related activity, or in a public
4 park). An attempt to commit any of these offenses.

5 (ii) A violation of any of the following Sections
6 of the Criminal Code of 1961, when the victim is a
7 person under 18 years of age: 12-13 (criminal sexual
8 assault), 12-14 (aggravated criminal sexual assault),
9 12-15 (criminal sexual abuse), 12-16 (aggravated
10 criminal sexual abuse). An attempt to commit any of
11 these offenses.

12 (iii) A violation of any of the following Sections
13 of the Criminal Code of 1961, when the victim is a
14 person under 18 years of age and the defendant is not a
15 parent of the victim:

16 10-1 (kidnapping),

17 10-2 (aggravated kidnapping),

18 10-3 (unlawful restraint),

19 10-3.1 (aggravated unlawful restraint).

20 An attempt to commit any of these offenses.

21 (iv) A violation of any former law of this State
22 substantially equivalent to any offense listed in
23 clause (2)(i) of this subsection (d).

24 (2.5) For the purposes of subsection (b-5) only, a sex
25 offense means:

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

1 the Criminal Code of 1961:

2 10-5(b)(10) (child luring), 10-7 (aiding and
3 abetting child abduction under Section
4 10-5(b)(10)), 11-6 (indecent solicitation of a
5 child), 11-6.5 (indecent solicitation of an
6 adult), 11-15.1 (soliciting for a juvenile
7 prostitute), 11-17.1 (keeping a place of juvenile
8 prostitution), 11-18.1 (patronizing a juvenile
9 prostitute), 11-19.1 (juvenile pimping), 11-19.2
10 (exploitation of a child), 11-20.1 (child
11 pornography), 11-20.3 (aggravated child
12 pornography), 12-14.1 (predatory criminal sexual
13 assault of a child), or 12-33 (ritualized abuse of
14 a child). An attempt to commit any of these
15 offenses.

16 (ii) A violation of any of the following Sections
17 of the Criminal Code of 1961, when the victim is a
18 person under 18 years of age: 12-13 (criminal sexual
19 assault), 12-14 (aggravated criminal sexual assault),
20 12-16 (aggravated criminal sexual abuse), and
21 subsection (a) of Section 12-15 (criminal sexual
22 abuse). An attempt to commit any of these offenses.

23 (iii) A violation of any of the following Sections
24 of the Criminal Code of 1961, when the victim is a
25 person under 18 years of age and the defendant is not a
26 parent of the victim:

1 10-1 (kidnapping),
2 10-2 (aggravated kidnapping),
3 10-3 (unlawful restraint),
4 10-3.1 (aggravated unlawful restraint).

5 An attempt to commit any of these offenses.

6 (iv) A violation of any former law of this State
7 substantially equivalent to any offense listed in this
8 paragraph (2.5) of this subsection.

9 (3) A conviction for an offense of federal law or the
10 law of another state that is substantially equivalent to
11 any offense listed in paragraph (2) of this subsection (d)
12 shall constitute a conviction for the purpose of this
13 Section. A finding or adjudication as a sexually dangerous
14 person under any federal law or law of another state that
15 is substantially equivalent to the Sexually Dangerous
16 Persons Act shall constitute an adjudication for the
17 purposes of this Section.

18 (4) "Public park" includes a park, forest preserve, or
19 conservation area under the jurisdiction of the State or a
20 unit of local government.

21 (5) "Facility providing programs or services directed
22 towards persons under the age of 18" means any facility
23 providing programs or services exclusively directed
24 towards persons under the age of 18.

25 (6) "Loiter" means:

26 (i) Standing, sitting idly, whether or not the

1 person is in a vehicle or remaining in or around public
2 park property.

3 (ii) Standing, sitting idly, whether or not the
4 person is in a vehicle or remaining in or around public
5 park property, for the purpose of committing or
6 attempting to commit a sex offense.

7 (7) "Playground" means a piece of land owned or
8 controlled by a unit of local government that is designated
9 by the unit of local government for use solely or primarily
10 for children's recreation.

11 (8) "Child care institution" has the meaning ascribed
12 to it in Section 2.06 of the Child Care Act of 1969.

13 (9) "Day care center" has the meaning ascribed to it in
14 Section 2.09 of the Child Care Act of 1969.

15 (10) "Part day child care facility" has the meaning
16 ascribed to it in Section 2.10 of the Child Care Act of
17 1969.

18 (11) "Internet" means an interactive computer service
19 or system or an information service, system, or access
20 software provider that provides or enables computer access
21 by multiple users to a computer server, and includes, but
22 is not limited to, an information service, system, or
23 access software provider that provides access to a network
24 system commonly known as the Internet, or any comparable
25 system or service and also includes, but is not limited to,
26 a World Wide Web page, newsgroup, message board, mailing

1 list, or chat area on any interactive computer service or
2 system or other online service.

3 (e) Sentence. A person who violates this Section is guilty
4 of a Class 4 felony.

5 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,
6 eff. 6-1-08; revised 10-30-07.)

7 (720 ILCS 5/11-21) (from Ch. 38, par. 11-21)

8 Sec. 11-21. Harmful material.

9 (a) As used in this Section:

10 "Distribute" means transfer possession of, whether
11 with or without consideration.

12 "Harmful to minors" means that quality of any
13 description or representation, in whatever form, of
14 nudity, sexual conduct, sexual excitement, or
15 sado-masochistic abuse, when, taken as a whole, it (i)
16 predominately appeals to the prurient interest in sex of
17 minors, (ii) is patently offensive to prevailing standards
18 in the adult community in the State as a whole with respect
19 to what is suitable material for minors, and (iii) lacks
20 serious literary, artistic, political, or scientific value
21 for minors.

22 "Knowingly" means having knowledge of the contents of
23 the subject matter, or recklessly failing to exercise
24 reasonable inspection which would have disclosed the
25 contents.

1 "Material" means (i) any picture, photograph, drawing,
2 sculpture, film, video game, computer game, video or
3 similar visual depiction, including any such
4 representation or image which is stored electronically, or
5 (ii) any book, magazine, printed matter however
6 reproduced, or recorded audio of any sort.

7 "Minor" means any person under the age of 18.

8 "Nudity" means the showing of the human male or female
9 genitals, pubic area or buttocks with less than a full
10 opaque covering, or the showing of the female breast with
11 less than a fully opaque covering of any portion below the
12 top of the nipple, or the depiction of covered male
13 genitals in a discernably turgid state.

14 "Sado-masochistic abuse" means flagellation or torture
15 by or upon a person clad in undergarments, a mask or
16 bizarre costume, or the condition of being fettered, bound
17 or otherwise physically restrained on the part of one
18 clothed for sexual gratification or stimulation.

19 "Sexual conduct" means acts of masturbation, sexual
20 intercourse, or physical contact with a person's clothed or
21 unclothed genitals, pubic area, buttocks or, if such person
22 be a female, breast.

23 "Sexual excitement" means the condition of human male
24 or female genitals when in a state of sexual stimulation or
25 arousal.

26 (b) A person is guilty of distributing harmful material to

1 a minor when he or she:

2 (1) knowingly sells, lends, distributes, or gives away
3 to a minor, knowing that the minor is under the age of 18
4 or failing to exercise reasonable care in ascertaining the
5 person's true age:

6 (A) any material which depicts nudity, sexual
7 conduct or sado-masochistic abuse, or which contains
8 explicit and detailed verbal descriptions or narrative
9 accounts of sexual excitement, sexual conduct or
10 sado-masochistic abuse, and which taken as a whole is
11 harmful to minors;

12 (B) a motion picture, show, or other presentation
13 which depicts nudity, sexual conduct or
14 sado-masochistic abuse and is harmful to minors; or

15 (C) an admission ticket or pass to premises where
16 there is exhibited or to be exhibited such a motion
17 picture, show, or other presentation; or

18 (2) admits a minor to premises where there is exhibited
19 or to be exhibited such a motion picture, show, or other
20 presentation, knowing that the minor is a person under the
21 age of 18 or failing to exercise reasonable care in
22 ascertaining the person's true age.

23 (c) In any prosecution arising under this Section, it is an
24 affirmative defense:

25 (1) that the minor as to whom the offense is alleged to
26 have been committed exhibited to the accused a draft card,

1 driver's license, birth certificate or other official or
2 apparently official document purporting to establish that
3 the minor was 18 years of age or older, which was relied
4 upon by the accused;

5 (2) that the defendant was in a parental or
6 guardianship relationship with the minor or that the minor
7 was accompanied by a parent or legal guardian;

8 (3) that the defendant was a bona fide school, museum,
9 or public library, or was a person acting in the course of
10 his or her employment as an employee or official of such
11 organization or retail outlet affiliated with and serving
12 the educational purpose of such organization;

13 (4) that the act charged was committed in aid of
14 legitimate scientific or educational purposes; or

15 (5) that an advertisement of harmful material as
16 defined in this Section culminated in the sale or
17 distribution of such harmful material to a child under
18 circumstances where there was no personal confrontation of
19 the child by the defendant, his employees, or agents, as
20 where the order or request for such harmful material was
21 transmitted by mail, telephone, Internet or similar means
22 of communication, and delivery of such harmful material to
23 the child was by mail, freight, Internet or similar means
24 of transport, which advertisement contained the following
25 statement, or a substantially similar statement, and that
26 the defendant required the purchaser to certify that he or

1 she was not under the age of 18 and that the purchaser
2 falsely stated that he or she was not under the age of 18:
3 "NOTICE: It is unlawful for any person under the age of 18
4 to purchase the matter advertised. Any person under the age
5 of 18 that falsely states that he or she is not under the
6 age of 18 for the purpose of obtaining the material
7 advertised is guilty of a Class B misdemeanor under the
8 laws of the State."

9 (d) The predominant appeal to prurient interest of the
10 material shall be judged with reference to average children of
11 the same general age of the child to whom such material was
12 sold, lent, distributed or given, unless it appears from the
13 nature of the matter or the circumstances of its dissemination
14 or distribution that it is designed for specially susceptible
15 groups, in which case the predominant appeal of the material
16 shall be judged with reference to its intended or probable
17 recipient group.

18 (e) Distribution of harmful material in violation of this
19 Section is a Class A misdemeanor. A second or subsequent
20 offense is a Class 4 felony.

21 (f) Any person under the age of 18 that falsely states,
22 either orally or in writing, that he or she is not under the
23 age of 18, or that presents or offers to any person any
24 evidence of age and identity that is false or not actually his
25 or her own for the purpose of ordering, obtaining, viewing, or
26 otherwise procuring or attempting to procure or view any

1 harmful material is guilty of a Class B misdemeanor.

2 (g) A person over the age of 18 who fails to exercise
3 reasonable care in ascertaining the true age of a minor,
4 knowingly distributes to, or sends, or causes to be sent, or
5 exhibits to, or offers to distribute, or exhibits any harmful
6 material to a person that he or she believes is a minor is
7 guilty of a Class A misdemeanor. If that person utilized a
8 computer web camera, cellular telephone, or any other type of
9 device to manufacture the harmful material, then each offense
10 is a Class 4 felony.

11 (h) Telecommunications carriers, commercial mobile service
12 providers, and providers of information services, including,
13 but not limited to, Internet service providers and hosting
14 service providers, are not liable under this Section, except
15 for willful and wanton misconduct, by virtue of the
16 transmission, storage, or caching of electronic communications
17 or messages of others or by virtue of the provision of other
18 related telecommunications, commercial mobile services, or
19 information services used by others in violation of this
20 Section.

21 (Source: P.A. 94-315, eff. 1-1-06.)

22 (720 ILCS 5/11-23)

23 Sec. 11-23. Posting of identifying or graphic information
24 on a pornographic Internet site or possessing graphic
25 information with pornographic material.

1 (a) A person at least 17 years of age who discloses on an
2 adult obscenity or child pornography Internet site the name,
3 address, telephone number, or e-mail address of a person under
4 17 years of age at the time of the commission of the offense or
5 of a person at least 17 years of age without the consent of the
6 person at least 17 years of age is guilty of the offense of
7 posting of identifying information on a pornographic Internet
8 site.

9 (a-5) Any person who places, posts, reproduces, or
10 maintains on an adult obscenity or child pornography Internet
11 site a photograph, video, or digital image of a person under 18
12 years of age that is not child pornography under Section
13 11-20.1, without the knowledge and consent of the person under
14 18 years of age, is guilty of the offense of posting of graphic
15 information on a pornographic Internet site. This provision
16 applies even if the person under 18 years of age is fully or
17 properly clothed in the photograph, video, or digital image.

18 (a-10) Any person who places, posts, reproduces, or
19 maintains on an adult obscenity or child pornography Internet
20 site, or possesses with obscene or child pornographic material
21 a photograph, video, or digital image of a person under 18
22 years of age in which the child is posed in a suggestive manner
23 with the focus or concentration of the image on the child's
24 clothed genitals, clothed pubic area, clothed buttocks area, or
25 if the child is female, the breast exposed through transparent
26 clothing, and the photograph, video, or digital image is not

1 child pornography under Section 11-20.1, is guilty of posting
2 of graphic information on a pornographic Internet site or
3 possessing graphic information with pornographic material.

4 (b) Sentence. A person who violates subsection (a) of this
5 Section is guilty of a Class 4 felony if the victim is at least
6 17 years of age at the time of the offense and a Class 3 felony
7 if the victim is under 17 years of age at the time of the
8 offense. A person who violates subsection (a-5) of this Section
9 is guilty of a Class 4 felony. A person who violates subsection
10 (a-10) of this Section is guilty of a Class 3 felony.

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

12 (1) "Adult obscenity or child pornography Internet
13 site" means a site on the Internet that contains material
14 that is obscene as defined in Section 11-20 of this Code or
15 that is child pornography as defined in Section 11-20.1 of
16 this Code.

17 (2) "Internet" includes the World Wide Web, electronic
18 mail, a news group posting, or Internet file transfer.

19 (Source: P.A. 91-222, eff. 7-22-99.)

20 (720 ILCS 5/11-24)

21 Sec. 11-24. Child photography by sex offender.

22 (a) In this Section:

23 "Child" means a person under 18 years of age.

24 "Child sex offender" has the meaning ascribed to it in
25 Section 11-9.3 of this Code.

1 (b) It is unlawful for a child sex offender to knowingly:

2 (1) conduct or operate any type of business in which he
3 or she photographs, videotapes, or takes a digital image of
4 a child; or

5 (2) conduct or operate any type of business in which he
6 or she instructs or directs another person to photograph,
7 videotape, or take a digital image of a child; or-

8 (3) photograph, videotape, or take a digital image of a
9 child, or instruct or direct another person to photograph,
10 videotape, or take a digital image of a child without the
11 consent of the parent or guardian.

12 (c) Sentence. A violation of this Section is a Class 2
13 felony. A person who violates this Section at a playground,
14 park facility, school, forest preserve, day care facility, or
15 at a facility providing programs or services directed to
16 persons under 17 years of age is guilty of a Class 1 felony.

17 (Source: P.A. 93-905, eff. 1-1-05.)