



Sen. A. J. Wilhelmi

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1 AMENDMENT TO SENATE BILL 1044

2 AMENDMENT NO. _____. Amend Senate Bill 1044 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 124B-500 and by adding Part 650 to
6 Article 124B as follows:

7 (725 ILCS 5/124B-500)

8 (Text of Section after amendment by P.A. 96-1551)

9 Sec. 124B-500. Persons and property subject to forfeiture.

10 Except as provided in Part 650 of this Article, a ~~A~~ person who
11 commits the offense of promoting juvenile prostitution,
12 keeping a place of juvenile prostitution, exploitation of a
13 child, child pornography, or aggravated child pornography
14 under subdivision (a) (1) or (a) (4) of Section 11-14.4 or under
15 Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B, or 11-20.3 of the
16 Criminal Code of 1961 shall forfeit the following property to

1 the State of Illinois:

2 (1) Any profits or proceeds and any property the person
3 has acquired or maintained in violation of subdivision
4 (a)(1) or (a)(4) of Section 11-14.4 or in violation of
5 Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B, or 11-20.3 of
6 the Criminal Code of 1961 that the sentencing court
7 determines, after a forfeiture hearing under this Article,
8 to have been acquired or maintained as a result of keeping
9 a place of juvenile prostitution, exploitation of a child,
10 child pornography, or aggravated child pornography.

11 (2) Any interest in, securities of, claim against, or
12 property or contractual right of any kind affording a
13 source of influence over any enterprise that the person has
14 established, operated, controlled, or conducted in
15 violation of subdivision (a)(1) or (a)(4) of Section
16 11-14.4 or in violation of Section 11-17.1, 11-19.2,
17 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961
18 that the sentencing court determines, after a forfeiture
19 hearing under this Article, to have been acquired or
20 maintained as a result of keeping a place of juvenile
21 prostitution, exploitation of a child, child pornography,
22 or aggravated child pornography.

23 (3) (Blank). ~~Any computer that contains a depiction of~~
24 ~~child pornography in any encoded or decoded format in~~
25 ~~violation of Section 11-20.1, 11-20.1B, or 11-20.3 of the~~
26 ~~Criminal Code of 1961. For purposes of this paragraph (3),~~

1 ~~"computer" has the meaning ascribed to it in Section 16D-2~~
2 ~~of the Criminal Code of 1961.~~

3 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

4 (725 ILCS 5/Art. 124B Pt. 650 heading new)

5 Part 650. Persons and Property Subject to Forfeiture

6 (725 ILCS 5/124B-650 new)

7 Sec. 124B-650. Persons and property subject to forfeiture.

8 (a) For the purpose of this Part 650, "computer facilitated
9 child exploitation offense" includes any of the following
10 offenses in which a computer was utilized in any part, whether
11 direct or indirect, to commit or in any manner facilitate the
12 commission of the offense of:

13 (1) luring of a minor (720 ILCS 5/10-5.1);

14 (2) indecent solicitation of a child (720 ILCS 5/11-6);

15 (3) solicitation to meet a child (720 ILCS 5/11-6.6);

16 (4) sexual exploitation of a child (720 ILCS 5/11-9.1);

17 (5) child pornography (720 ILCS 5/11-20.1);

18 (6) aggravated child pornography (720 ILCS 5/11-20.3
19 or 5/11-20.1B);

20 (7) child photography by sex offender (720 ILCS
21 5/11-24);

22 (8) grooming (720 ILCS 5/11-25); or

23 (9) traveling to meet a minor (720 ILCS 5/11-26).

24 (b) Any person who has committed a computer facilitated

1 child exploitation offense shall forfeit any property that the
2 forfeiture court determines, after a forfeiture hearing under
3 this Article, (i) the person has maintained or used, in whole
4 or in part, to assist, provide location for, or facilitate,
5 directly or indirectly, the commission of the violation; or
6 (ii) the person has acquired, in whole or in part, as a result
7 of committing the computer facilitated child exploitation
8 offense.

9 (c) Property subject to forfeiture under this Part 650
10 includes the following:

11 (1) Any computer as defined in Section 16D-2 of the
12 Criminal Code of 1961 used, in any manner or part, to
13 commit or in any manner to facilitate the commission of a
14 computer facilitated child exploitation offense, or any
15 other computer networked together with such a computer
16 inside the same residence. For purposes of this paragraph
17 (1), "networked together" means connected via a wired or
18 wireless protocol for the purpose of sharing networked
19 resources, including, but not limited to, Internet access,
20 file sharing, printers, peer-to-peer protocol usage, or
21 media streaming.

22 (2) All moneys, things of value, books, records, and
23 research products and materials that are used or intended
24 to be used in committing a computer facilitated child
25 exploitation offense.

26 (3) Any vehicle that is used or intended to be used, in

1 any manner or part, to commit or in any manner facilitate
2 the commission of a computer facilitated child
3 exploitation offense, including any right, title, and
4 interest in that vehicle.

5 (4) All real property, including any right, title, and
6 interest (including, but not limited to, any leasehold
7 interest or the beneficial interest in a land trust) in the
8 whole of any lot or tract of land and any appurtenances or
9 improvements, that is used or intended to be used, in any
10 manner or part, to commit or in any manner to facilitate
11 the commission of a computer facilitated child
12 exploitation offense.

13 (725 ILCS 5/124B-655 new)

14 Sec. 124B-655. Distribution of property and sale proceeds.

15 (a) All moneys and the sale proceeds of all other property
16 forfeited and seized under this Part 650 shall be distributed
17 as provided for under Section 124B-505. However, if the
18 services of a computer forensic laboratory were used in the
19 detection, investigation, or prosecution of any of the offenses
20 described in subsection (a) of Section 124B-650, then 12.5% of
21 the total moneys and sales proceeds, taken from the one-half
22 described in paragraph (1) of subsection (a) of Section
23 124B-505, shall be distributed to the unit of local government
24 operating the computer forensic laboratory. Amounts
25 distributed to the unit of local government operating the

1 computer forensic laboratory shall be used for training or
2 enforcement purposes relating to detection, investigation, or
3 prosecution of computer facilitated child exploitation
4 offenses. If, however, the investigation, arrest or arrests,
5 and prosecution leading to the forfeiture were undertaken
6 solely by a State agency, the portion provided under paragraph
7 (1) of subsection (a) of Section 124B-505 shall be paid into
8 the State Police Services Fund of the Illinois Department of
9 State Police to be used for training or enforcement purposes
10 relating to detection, investigation, or prosecution of
11 computer facilitated child exploitation offenses.

12 (b) For purposes of this Section, "computer forensic
13 laboratory" means a secure facility with 3 or more forensic
14 workstations networked to a centralized forensic file server,
15 staffed with at least one computer forensic examiner holding a
16 nationally recognized computer forensic examination
17 certification."