



Sen. William Delgado

**Filed: 3/20/2013**

09800SB1192sam001

LRB098 02592 RLC 43198 a

1 AMENDMENT TO SENATE BILL 1192

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1192 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Identification Card Act is amended  
5 by changing Section 4 as follows:

6 (15 ILCS 335/4) (from Ch. 124, par. 24)

7 Sec. 4. Identification Card.

8 (a) The Secretary of State shall issue a standard Illinois  
9 Identification Card to any natural person who is a resident of  
10 the State of Illinois who applies for such card, or renewal  
11 thereof, or who applies for a standard Illinois Identification  
12 Card upon release as a committed person on parole, mandatory  
13 supervised release, aftercare release, final discharge, or  
14 pardon from the Department of Corrections or Department of  
15 Juvenile Justice by submitting an identification card issued by  
16 the Department of Corrections or Department of Juvenile Justice

1 under Section 3-14-1 or Section 3-2.5-70 of the Unified Code of  
2 Corrections, together with the prescribed fees. No  
3 identification card shall be issued to any person who holds a  
4 valid foreign state identification card, license, or permit  
5 unless the person first surrenders to the Secretary of State  
6 the valid foreign state identification card, license, or  
7 permit. The card shall be prepared and supplied by the  
8 Secretary of State and shall include a photograph and signature  
9 or mark of the applicant. However, the Secretary of State may  
10 provide by rule for the issuance of Illinois Identification  
11 Cards without photographs if the applicant has a bona fide  
12 religious objection to being photographed or to the display of  
13 his or her photograph. The Illinois Identification Card may be  
14 used for identification purposes in any lawful situation only  
15 by the person to whom it was issued. As used in this Act,  
16 "photograph" means any color photograph or digitally produced  
17 and captured image of an applicant for an identification card.  
18 As used in this Act, "signature" means the name of a person as  
19 written by that person and captured in a manner acceptable to  
20 the Secretary of State.

21 (a-5) If an applicant for an identification card has a  
22 current driver's license or instruction permit issued by the  
23 Secretary of State, the Secretary may require the applicant to  
24 utilize the same residence address and name on the  
25 identification card, driver's license, and instruction permit  
26 records maintained by the Secretary. The Secretary may

1 promulgate rules to implement this provision.

2 (a-10) If the applicant is a judicial officer as defined in  
3 Section 1-10 of the Judicial Privacy Act, the applicant may  
4 elect to have his or her office or work address listed on the  
5 card instead of the applicant's residence or mailing address.  
6 The Secretary may promulgate rules to implement this provision.

7 (b) The Secretary of State shall issue a special Illinois  
8 Identification Card, which shall be known as an Illinois Person  
9 with a Disability Identification Card, to any natural person  
10 who is a resident of the State of Illinois, who is a person  
11 with a disability as defined in Section 4A of this Act, who  
12 applies for such card, or renewal thereof. No Illinois Person  
13 with a Disability Identification Card shall be issued to any  
14 person who holds a valid foreign state identification card,  
15 license, or permit unless the person first surrenders to the  
16 Secretary of State the valid foreign state identification card,  
17 license, or permit. The Secretary of State shall charge no fee  
18 to issue such card. The card shall be prepared and supplied by  
19 the Secretary of State, and shall include a photograph and  
20 signature or mark of the applicant, a designation indicating  
21 that the card is an Illinois Person with a Disability  
22 Identification Card, and shall include a comprehensible  
23 designation of the type and classification of the applicant's  
24 disability as set out in Section 4A of this Act. However, the  
25 Secretary of State may provide by rule for the issuance of  
26 Illinois ~~Disabled~~ Person with a Disability Identification

1 Cards without photographs if the applicant has a bona fide  
2 religious objection to being photographed or to the display of  
3 his or her photograph. If the applicant so requests, the card  
4 shall include a description of the applicant's disability and  
5 any information about the applicant's disability or medical  
6 history which the Secretary determines would be helpful to the  
7 applicant in securing emergency medical care. If a mark is used  
8 in lieu of a signature, such mark shall be affixed to the card  
9 in the presence of two witnesses who attest to the authenticity  
10 of the mark. The Illinois Person with a Disability  
11 Identification Card may be used for identification purposes in  
12 any lawful situation by the person to whom it was issued.

13 The Illinois Person with a Disability Identification Card  
14 may be used as adequate documentation of disability in lieu of  
15 a physician's determination of disability, a determination of  
16 disability from a physician assistant who has been delegated  
17 the authority to make this determination by his or her  
18 supervising physician, a determination of disability from an  
19 advanced practice nurse who has a written collaborative  
20 agreement with a collaborating physician that authorizes the  
21 advanced practice nurse to make this determination, or any  
22 other documentation of disability whenever any State law  
23 requires that a disabled person provide such documentation of  
24 disability, however an Illinois Person with a Disability  
25 Identification Card shall not qualify the cardholder to  
26 participate in any program or to receive any benefit which is

1 not available to all persons with like disabilities.  
2 Notwithstanding any other provisions of law, an Illinois Person  
3 with a Disability Identification Card, or evidence that the  
4 Secretary of State has issued an Illinois Person with a  
5 Disability Identification Card, shall not be used by any person  
6 other than the person named on such card to prove that the  
7 person named on such card is a disabled person or for any other  
8 purpose unless the card is used for the benefit of the person  
9 named on such card, and the person named on such card consents  
10 to such use at the time the card is so used.

11 An optometrist's determination of a visual disability  
12 under Section 4A of this Act is acceptable as documentation for  
13 the purpose of issuing an Illinois Person with a Disability  
14 Identification Card.

15 When medical information is contained on an Illinois Person  
16 with a Disability Identification Card, the Office of the  
17 Secretary of State shall not be liable for any actions taken  
18 based upon that medical information.

19 (c) The Secretary of State shall provide that each original  
20 or renewal Illinois Identification Card or Illinois Person with  
21 a Disability Identification Card issued to a person under the  
22 age of 21<sup>7</sup> shall be of a distinct nature from those Illinois  
23 Identification Cards or Illinois Person with a Disability  
24 Identification Cards issued to individuals 21 years of age or  
25 older. The color designated for Illinois Identification Cards  
26 or Illinois Person with a Disability Identification Cards for

1 persons under the age of 21 shall be at the discretion of the  
2 Secretary of State.

3 (c-1) Each original or renewal Illinois Identification  
4 Card or Illinois Person with a Disability Identification Card  
5 issued to a person under the age of 21 shall display the date  
6 upon which the person becomes 18 years of age and the date upon  
7 which the person becomes 21 years of age.

8 (c-3) The General Assembly recognizes the need to identify  
9 military veterans living in this State for the purpose of  
10 ensuring that they receive all of the services and benefits to  
11 which they are legally entitled, including healthcare,  
12 education assistance, and job placement. To assist the State in  
13 identifying these veterans and delivering these vital services  
14 and benefits, the Secretary of State is authorized to issue  
15 Illinois Identification Cards and Illinois ~~Disabled~~ Person  
16 with a Disability Identification Cards with the word "veteran"  
17 appearing on the face of the cards. This authorization is  
18 predicated on the unique status of veterans. The Secretary may  
19 not issue any other identification card which identifies an  
20 occupation, status, affiliation, hobby, or other unique  
21 characteristics of the identification card holder which is  
22 unrelated to the purpose of the identification card.

23 (c-5) Beginning on or before July 1, 2015, the Secretary of  
24 State shall designate a space on each original or renewal  
25 identification card where, at the request of the applicant, the  
26 word "veteran" shall be placed. The veteran designation shall

1 be available to a person identified as a veteran under  
2 subsection (b) of Section 5 of this Act who was discharged or  
3 separated under honorable conditions.

4 (d) The Secretary of State may issue a Senior Citizen  
5 discount card, to any natural person who is a resident of the  
6 State of Illinois who is 60 years of age or older and who  
7 applies for such a card or renewal thereof. The Secretary of  
8 State shall charge no fee to issue such card. The card shall be  
9 issued in every county and applications shall be made available  
10 at, but not limited to, nutrition sites, senior citizen centers  
11 and Area Agencies on Aging. The applicant, upon receipt of such  
12 card and prior to its use for any purpose, shall have affixed  
13 thereon in the space provided therefor his signature or mark.

14 (e) The Secretary of State, in his or her discretion, may  
15 designate on each Illinois Identification Card or Illinois  
16 Person with a Disability Identification Card a space where the  
17 card holder may place a sticker or decal, issued by the  
18 Secretary of State, of uniform size as the Secretary may  
19 specify, that shall indicate in appropriate language that the  
20 card holder has renewed his or her Illinois Identification Card  
21 or Illinois Person with a Disability Identification Card.

22 (Source: P.A. 96-146, eff. 1-1-10; 96-328, eff. 8-11-09;  
23 96-1231, eff. 7-23-10; 97-371, eff. 1-1-12; 97-739, eff.  
24 1-1-13; 97-847, eff. 1-1-13; 97-1064, eff. 1-1-13; revised  
25 9-5-12.)

1 Section 10. The Alcoholism and Other Drug Abuse and  
2 Dependency Act is amended by changing Section 40-15 as follows:

3 (20 ILCS 301/40-15)

4 Sec. 40-15. Acceptance for treatment as a parole or  
5 aftercare release condition. Acceptance for treatment for drug  
6 addiction or alcoholism under the supervision of a designated  
7 program may be made a condition of parole or aftercare release,  
8 and failure to comply with such treatment may be treated as a  
9 violation of parole or aftercare release. A designated program  
10 shall establish the conditions under which a parolee or  
11 releasee is accepted for treatment. No parolee or releasee may  
12 be placed under the supervision of a designated program for  
13 treatment unless the designated program accepts him or her for  
14 treatment. The designated program shall make periodic progress  
15 reports regarding each such parolee or releasee to the  
16 appropriate parole authority and shall report failures to  
17 comply with the prescribed treatment program.

18 (Source: P.A. 88-80.)

19 Section 15. The Children and Family Services Act is amended  
20 by changing Section 34.2 as follows:

21 (20 ILCS 505/34.2) (from Ch. 23, par. 5034.2)

22 Sec. 34.2. To conduct meetings in each service region  
23 between local youth service, police, probation and aftercare



1 ~~parole~~ workers to develop inter-agency plans to combat gang  
2 crime. The Department shall develop a model policy for local  
3 interagency cooperation in dealing with gangs.

4 (Source: P.A. 84-660.)

5 Section 20. The Child Death Review Team Act is amended by  
6 changing Section 25 as follows:

7 (20 ILCS 515/25)

8 Sec. 25. Team access to information.

9 (a) The Department shall provide to a child death review  
10 team, on the request of the team chairperson, all records and  
11 information in the Department's possession that are relevant to  
12 the team's review of a child death, including records and  
13 information concerning previous reports or investigations of  
14 suspected child abuse or neglect.

15 (b) A child death review team shall have access to all  
16 records and information that are relevant to its review of a  
17 child death and in the possession of a State or local  
18 governmental agency, including, but not limited to,  
19 information gained through the Child Advocacy Center protocol  
20 for cases of serious or fatal injury to a child. These records  
21 and information include, without limitation, birth  
22 certificates, all relevant medical and mental health records,  
23 records of law enforcement agency investigations, records of  
24 coroner or medical examiner investigations, records of the

1 Department of Corrections and Department of Juvenile Justice  
2 concerning a person's parole, aftercare release, records of a  
3 probation and court services department, and records of a  
4 social services agency that provided services to the child or  
5 the child's family.

6 (Source: P.A. 95-527, eff. 6-1-08.)

7 Section 25. The Illinois Criminal Justice Information Act  
8 is amended by changing Section 3 as follows:

9 (20 ILCS 3930/3) (from Ch. 38, par. 210-3)

10 Sec. 3. Definitions. Whenever used in this Act, and for the  
11 purposes of this Act unless the context clearly denotes  
12 otherwise:

13 (a) The term "criminal justice system" includes all  
14 activities by public agencies pertaining to the prevention or  
15 reduction of crime or enforcement of the criminal law, and  
16 particularly, but without limitation, the prevention,  
17 detection, and investigation of crime; the apprehension of  
18 offenders; the protection of victims and witnesses; the  
19 administration of juvenile justice; the prosecution and  
20 defense of criminal cases; the trial, conviction, and  
21 sentencing of offenders; as well as the correction and  
22 rehabilitation of offenders, which includes imprisonment,  
23 probation, parole, aftercare release, and treatment.

24 (b) The term "Authority" means the Illinois Criminal

1 Justice Information Authority created by this Act.

2 (c) The term "criminal justice information" means any and  
3 every type of information that is collected, transmitted, or  
4 maintained by the criminal justice system.

5 (d) The term "criminal history record information" means  
6 data identifiable to an individual and consisting of  
7 descriptions or notations of arrests, detentions, indictments,  
8 informations, pre-trial proceedings, trials, or other formal  
9 events in the criminal justice system or descriptions or  
10 notations of criminal charges (including criminal violations  
11 of local municipal ordinances) and the nature of any  
12 disposition arising therefrom, including sentencing, court or  
13 correctional supervision, rehabilitation, and release. The  
14 term does not apply to statistical records and reports in which  
15 individuals are not identified and from which their identities  
16 are not ascertainable, or to information that is for criminal  
17 investigative or intelligence purposes.

18 (e) The term "unit of general local government" means any  
19 county, municipality or other general purpose political  
20 subdivision of this State.

21 (Source: P.A. 85-653.)

22 Section 30. The Sex Offender Management Board Act is  
23 amended by changing Section 17 as follows:

24 (20 ILCS 4026/17)

1           Sec. 17. Sentencing of sex offenders; treatment based upon  
2 evaluation required.

3           (a) Each felony sex offender sentenced by the court for a  
4 sex offense shall be required as a part of any sentence to  
5 probation, conditional release, or periodic imprisonment to  
6 undergo treatment based upon the recommendations of the  
7 evaluation made pursuant to Section 16 or based upon any  
8 subsequent recommendations by the Administrative Office of the  
9 Illinois Courts or the county probation department, whichever  
10 is appropriate. Beginning on January 1, 2014, the treatment  
11 shall be with a sex offender treatment provider or associate  
12 sex offender provider as defined in Section 10 of this Act and  
13 at the offender's own expense based upon the offender's ability  
14 to pay for such treatment.

15           (b) Beginning on January 1, 2004, each sex offender placed  
16 on parole, aftercare release, or mandatory supervised release  
17 by the Prisoner Review Board shall be required as a condition  
18 of parole or aftercare release to undergo treatment based upon  
19 any evaluation or subsequent reevaluation regarding such  
20 offender during the offender's incarceration or any period of  
21 parole or aftercare release. Beginning on January 1, 2014, the  
22 treatment shall be by a sex offender treatment provider or  
23 associate sex offender provider as defined in Section 10 of  
24 this Act and at the offender's expense based upon the  
25 offender's ability to pay for such treatment.

26           (Source: P.A. 97-1098, eff. 1-1-13.)

1           Section 35. The Abuse Prevention Review Team Act is amended  
2 by changing Section 25 as follows:

3           (210 ILCS 28/25)

4           Sec. 25. Review team access to information.

5           (a) The Department shall provide to a review team, on the  
6 request of the review team chairperson, all records and  
7 information in the Department's possession that are relevant to  
8 the review team's review of a sexual assault or death described  
9 in subsection (b) of Section 20, including records and  
10 information concerning previous reports or investigations of  
11 suspected abuse or neglect.

12           (b) A review team shall have access to all records and  
13 information that are relevant to its review of a sexual assault  
14 or death and in the possession of a State or local governmental  
15 agency. These records and information include, without  
16 limitation, death certificates, all relevant medical and  
17 mental health records, records of law enforcement agency  
18 investigations, records of coroner or medical examiner  
19 investigations, records of the Department of Corrections and  
20 Department of Juvenile Justice concerning a person's parole,  
21 aftercare release, records of a probation and court services  
22 department, and records of a social services agency that  
23 provided services to the resident.

24           (Source: P.A. 93-577, eff. 8-21-03; 94-931, eff. 6-26-06.)

1           Section 40. The Nursing Home Care Act is amended by  
2 changing Section 2-110 as follows:

3           (210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

4           Sec. 2-110. (a) Any employee or agent of a public agency,  
5 any representative of a community legal services program or any  
6 other member of the general public shall be permitted access at  
7 reasonable hours to any individual resident of any facility,  
8 but only if there is neither a commercial purpose nor effect to  
9 such access and if the purpose is to do any of the following:

10           (1) Visit, talk with and make personal, social and  
11 legal services available to all residents;

12           (2) Inform residents of their rights and entitlements  
13 and their corresponding obligations, under federal and  
14 State laws, by means of educational materials and  
15 discussions in groups and with individual residents;

16           (3) Assist residents in asserting their legal rights  
17 regarding claims for public assistance, medical assistance  
18 and social security benefits, as well as in all other  
19 matters in which residents are aggrieved. Assistance may  
20 include counseling and litigation; or

21           (4) Engage in other methods of asserting, advising and  
22 representing residents so as to extend to them full  
23 enjoyment of their rights.

24           (a-5) If a resident of a licensed facility is an identified

1 offender, any federal, State, or local law enforcement officer  
2 or county probation officer shall be permitted reasonable  
3 access to the individual resident to verify compliance with the  
4 requirements of the Sex Offender Registration Act, to verify  
5 compliance with the requirements of Public Act 94-163 and this  
6 amendatory Act of the 94th General Assembly, or to verify  
7 compliance with applicable terms of probation, parole,  
8 aftercare release, or mandatory supervised release.

9 (b) All persons entering a facility under this Section  
10 shall promptly notify appropriate facility personnel of their  
11 presence. They shall, upon request, produce identification to  
12 establish their identity. No such person shall enter the  
13 immediate living area of any resident without first identifying  
14 himself and then receiving permission from the resident to  
15 enter. The rights of other residents present in the room shall  
16 be respected. A resident may terminate at any time a visit by a  
17 person having access to the resident's living area under this  
18 Section.

19 (c) This Section shall not limit the power of the  
20 Department or other public agency otherwise permitted or  
21 required by law to enter and inspect a facility.

22 (d) Notwithstanding paragraph (a) of this Section, the  
23 administrator of a facility may refuse access to the facility  
24 to any person if the presence of that person in the facility  
25 would be injurious to the health and safety of a resident or  
26 would threaten the security of the property of a resident or

1 the facility, or if the person seeks access to the facility for  
2 commercial purposes. Any person refused access to a facility  
3 may within 10 days request a hearing under Section 3-703. In  
4 that proceeding, the burden of proof as to the right of the  
5 facility to refuse access under this Section shall be on the  
6 facility.

7 (Source: P.A. 94-163, eff. 7-11-05; 94-752, eff. 5-10-06.)

8 Section 45. The ID/DD Community Care Act is amended by  
9 changing Section 2-110 as follows:

10 (210 ILCS 47/2-110)

11 Sec. 2-110. Access to residents.

12 (a) Any employee or agent of a public agency, any  
13 representative of a community legal services program or any  
14 other member of the general public shall be permitted access at  
15 reasonable hours to any individual resident of any facility,  
16 but only if there is neither a commercial purpose nor effect to  
17 such access and if the purpose is to do any of the following:

18 (1) Visit, talk with and make personal, social and  
19 legal services available to all residents;

20 (2) Inform residents of their rights and entitlements  
21 and their corresponding obligations, under federal and  
22 State laws, by means of educational materials and  
23 discussions in groups and with individual residents;

24 (3) Assist residents in asserting their legal rights



1           regarding claims for public assistance, medical assistance  
2           and social security benefits, as well as in all other  
3           matters in which residents are aggrieved. Assistance may  
4           include counseling and litigation; or

5           (4) Engage in other methods of asserting, advising and  
6           representing residents so as to extend to them full  
7           enjoyment of their rights.

8           (a-5) If a resident of a licensed facility is an identified  
9           offender, any federal, State, or local law enforcement officer  
10          or county probation officer shall be permitted reasonable  
11          access to the individual resident to verify compliance with the  
12          requirements of the Sex Offender Registration Act or to verify  
13          compliance with applicable terms of probation, parole,  
14          aftercare release, or mandatory supervised release.

15          (b) All persons entering a facility under this Section  
16          shall promptly notify appropriate facility personnel of their  
17          presence. They shall, upon request, produce identification to  
18          establish their identity. No such person shall enter the  
19          immediate living area of any resident without first identifying  
20          himself or herself and then receiving permission from the  
21          resident to enter. The rights of other residents present in the  
22          room shall be respected. A resident may terminate at any time a  
23          visit by a person having access to the resident's living area  
24          under this Section.

25          (c) This Section shall not limit the power of the  
26          Department or other public agency otherwise permitted or

1 required by law to enter and inspect a facility.

2 (d) Notwithstanding paragraph (a) of this Section, the  
3 administrator of a facility may refuse access to the facility  
4 to any person if the presence of that person in the facility  
5 would be injurious to the health and safety of a resident or  
6 would threaten the security of the property of a resident or  
7 the facility, or if the person seeks access to the facility for  
8 commercial purposes. Any person refused access to a facility  
9 may within 10 days request a hearing under Section 3-703. In  
10 that proceeding, the burden of proof as to the right of the  
11 facility to refuse access under this Section shall be on the  
12 facility.

13 (Source: P.A. 96-339, eff. 7-1-10.)

14 Section 50. The Specialized Mental Health Rehabilitation  
15 Act is amended by changing Section 2-110 as follows:

16 (210 ILCS 48/2-110)

17 Sec. 2-110. Access to residents.

18 (a) Any employee or agent of a public agency, any  
19 representative of a community legal services program or any  
20 other member of the general public shall be permitted access at  
21 reasonable hours to any individual resident of any facility,  
22 but only if there is neither a commercial purpose nor effect to  
23 such access and if the purpose is to do any of the following:

24 (1) Visit, talk with and make personal, social and

1 legal services available to all residents;

2 (2) Inform residents of their rights and entitlements  
3 and their corresponding obligations, under federal and  
4 State laws, by means of educational materials and  
5 discussions in groups and with individual residents;

6 (3) Assist residents in asserting their legal rights  
7 regarding claims for public assistance, medical assistance  
8 and social security benefits, as well as in all other  
9 matters in which residents are aggrieved. Assistance may  
10 include counseling and litigation; or

11 (4) Engage in other methods of asserting, advising and  
12 representing residents so as to extend to them full  
13 enjoyment of their rights.

14 (a-5) If a resident of a licensed facility is an identified  
15 offender, any federal, State, or local law enforcement officer  
16 or county probation officer shall be permitted reasonable  
17 access to the individual resident to verify compliance with the  
18 requirements of the Sex Offender Registration Act or to verify  
19 compliance with applicable terms of probation, parole,  
20 aftercare release, or mandatory supervised release.

21 (b) All persons entering a facility under this Section  
22 shall promptly notify appropriate facility personnel of their  
23 presence. They shall, upon request, produce identification to  
24 establish their identity. No such person shall enter the  
25 immediate living area of any resident without first identifying  
26 himself or herself and then receiving permission from the

1 resident to enter. The rights of other residents present in the  
2 room shall be respected. A resident may terminate at any time a  
3 visit by a person having access to the resident's living area  
4 under this Section.

5 (c) This Section shall not limit the power of the  
6 Department or other public agency otherwise permitted or  
7 required by law to enter and inspect a facility.

8 (d) Notwithstanding paragraph (a) of this Section, the  
9 administrator of a facility may refuse access to the facility  
10 to any person if the presence of that person in the facility  
11 would be injurious to the health and safety of a resident or  
12 would threaten the security of the property of a resident or  
13 the facility, or if the person seeks access to the facility for  
14 commercial purposes. Any person refused access to a facility  
15 may within 10 days request a hearing under Section 3-703. In  
16 that proceeding, the burden of proof as to the right of the  
17 facility to refuse access under this Section shall be on the  
18 facility.

19 (Source: P.A. 97-38, eff. 6-28-11.)

20 Section 55. The Illinois Public Aid Code is amended by  
21 changing Section 12-10.4 as follows:

22 (305 ILCS 5/12-10.4)

23 Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid  
24 Matching Fund. There is created in the State Treasury the

1 Juvenile Rehabilitation Services Medicaid Matching Fund.  
2 Deposits to this Fund shall consist of all moneys received from  
3 the federal government for behavioral health services secured  
4 by counties pursuant to an agreement with the Department of  
5 Healthcare and Family Services with respect to Title XIX of the  
6 Social Security Act or under the Children's Health Insurance  
7 Program pursuant to the Children's Health Insurance Program Act  
8 and Title XXI of the Social Security Act for minors who are  
9 committed to mental health facilities by the Illinois court  
10 system and for residential placements secured by the Department  
11 of Juvenile Justice for minors as a condition of their  
12 aftercare release ~~parole~~.

13 Disbursements from the Fund shall be made, subject to  
14 appropriation, by the Department of Healthcare and Family  
15 Services for grants to the Department of Juvenile Justice and  
16 those counties which secure behavioral health services ordered  
17 by the courts and which have an interagency agreement with the  
18 Department and submit detailed bills according to standards  
19 determined by the Department.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-1100, eff. 1-1-11.)

21 Section 60. The Developmental Disability and Mental Health  
22 Safety Act is amended by changing Section 20 as follows:

23 (405 ILCS 82/20)

24 Sec. 20. Independent team of experts' access to

1 information.

2 (a) The Secretary of Human Services shall provide to the  
3 independent team of experts, on the request of the team  
4 Chairperson, all records and information in the Department's  
5 possession that are relevant to the team's examination of a  
6 death of the sort described in subsection (c) of Section 10,  
7 including records and information concerning previous reports  
8 or investigations of any matter, as determined by the team.

9 (b) The independent team shall have access to all records  
10 and information that are relevant to its review of a death and  
11 in the possession of a State or local governmental agency or  
12 other entity. These records and information shall include,  
13 without limitation, death certificates, all relevant medical  
14 and mental health records, records of law enforcement agency  
15 investigations, records of coroner or medical examiner  
16 investigations, records of the Department of Corrections and  
17 Department of Juvenile Justice concerning a person's parole,  
18 aftercare release, records of a probation and court services  
19 department, and records of a social services agency that  
20 provided services to the person who died.

21 (Source: P.A. 96-1235, eff. 1-1-11.)

22 Section 65. The Juvenile Court Act of 1987 is amended by  
23 changing Sections 5-105, 5-750, 5-815, and 5-820 as follows:

24 (705 ILCS 405/5-105)

1           Sec. 5-105. Definitions. As used in this Article:

2           (1) "Aftercare release" means the conditional and  
3 revocable release of an adjudicated delinquent juvenile under  
4 the supervision of the Department of Juvenile Justice.

5           (1.5) ~~(1)~~ "Court" means the circuit court in a session or  
6 division assigned to hear proceedings under this Act, and  
7 includes the term Juvenile Court.

8           (2) "Community service" means uncompensated labor for a  
9 community service agency as hereinafter defined.

10           (2.5) "Community service agency" means a not-for-profit  
11 organization, community organization, church, charitable  
12 organization, individual, public office, or other public body  
13 whose purpose is to enhance the physical or mental health of a  
14 delinquent minor or to rehabilitate the minor, or to improve  
15 the environmental quality or social welfare of the community  
16 which agrees to accept community service from juvenile  
17 delinquents and to report on the progress of the community  
18 service to the State's Attorney pursuant to an agreement or to  
19 the court or to any agency designated by the court or to the  
20 authorized diversion program that has referred the delinquent  
21 minor for community service.

22           (3) "Delinquent minor" means any minor who prior to his or  
23 her 17th birthday has violated or attempted to violate,  
24 regardless of where the act occurred, any federal or State law,  
25 county or municipal ordinance, and any minor who prior to his  
26 or her 18th birthday has violated or attempted to violate,

1 regardless of where the act occurred, any federal, State,  
2 county or municipal law or ordinance classified as a  
3 misdemeanor offense.

4 (4) "Department" means the Department of Human Services  
5 unless specifically referenced as another department.

6 (5) "Detention" means the temporary care of a minor who is  
7 alleged to be or has been adjudicated delinquent and who  
8 requires secure custody for the minor's own protection or the  
9 community's protection in a facility designed to physically  
10 restrict the minor's movements, pending disposition by the  
11 court or execution of an order of the court for placement or  
12 commitment. Design features that physically restrict movement  
13 include, but are not limited to, locked rooms and the secure  
14 handcuffing of a minor to a rail or other stationary object. In  
15 addition, "detention" includes the court ordered care of an  
16 alleged or adjudicated delinquent minor who requires secure  
17 custody pursuant to Section 5-125 of this Act.

18 (6) "Diversion" means the referral of a juvenile, without  
19 court intervention, into a program that provides services  
20 designed to educate the juvenile and develop a productive and  
21 responsible approach to living in the community.

22 (7) "Juvenile detention home" means a public facility with  
23 specially trained staff that conforms to the county juvenile  
24 detention standards promulgated by the Department of  
25 Corrections.

26 (8) "Juvenile justice continuum" means a set of delinquency



1 prevention programs and services designed for the purpose of  
2 preventing or reducing delinquent acts, including criminal  
3 activity by youth gangs, as well as intervention,  
4 rehabilitation, and prevention services targeted at minors who  
5 have committed delinquent acts, and minors who have previously  
6 been committed to residential treatment programs for  
7 delinquents. The term includes children-in-need-of-services  
8 and families-in-need-of-services programs; aftercare and  
9 reentry services; substance abuse and mental health programs;  
10 community service programs; community service work programs;  
11 and alternative-dispute resolution programs serving  
12 youth-at-risk of delinquency and their families, whether  
13 offered or delivered by State or local governmental entities,  
14 public or private for-profit or not-for-profit organizations,  
15 or religious or charitable organizations. This term would also  
16 encompass any program or service consistent with the purpose of  
17 those programs and services enumerated in this subsection.

18 (9) "Juvenile police officer" means a sworn police officer  
19 who has completed a Basic Recruit Training Course, has been  
20 assigned to the position of juvenile police officer by his or  
21 her chief law enforcement officer and has completed the  
22 necessary juvenile officers training as prescribed by the  
23 Illinois Law Enforcement Training Standards Board, or in the  
24 case of a State police officer, juvenile officer training  
25 approved by the Director of State Police.

26 (10) "Minor" means a person under the age of 21 years

1 subject to this Act.

2 (11) "Non-secure custody" means confinement where the  
3 minor is not physically restricted by being placed in a locked  
4 cell or room, by being handcuffed to a rail or other stationary  
5 object, or by other means. Non-secure custody may include, but  
6 is not limited to, electronic monitoring, foster home  
7 placement, home confinement, group home placement, or physical  
8 restriction of movement or activity solely through facility  
9 staff.

10 (12) "Public or community service" means uncompensated  
11 labor for a not-for-profit organization or public body whose  
12 purpose is to enhance physical or mental stability of the  
13 offender, environmental quality or the social welfare and which  
14 agrees to accept public or community service from offenders and  
15 to report on the progress of the offender and the public or  
16 community service to the court or to the authorized diversion  
17 program that has referred the offender for public or community  
18 service.

19 (13) "Sentencing hearing" means a hearing to determine  
20 whether a minor should be adjudged a ward of the court, and to  
21 determine what sentence should be imposed on the minor. It is  
22 the intent of the General Assembly that the term "sentencing  
23 hearing" replace the term "dispositional hearing" and be  
24 synonymous with that definition as it was used in the Juvenile  
25 Court Act of 1987.

26 (14) "Shelter" means the temporary care of a minor in

1 physically unrestricting facilities pending court disposition  
2 or execution of court order for placement.

3 (15) "Site" means a not-for-profit organization, public  
4 body, church, charitable organization, or individual agreeing  
5 to accept community service from offenders and to report on the  
6 progress of ordered or required public or community service to  
7 the court or to the authorized diversion program that has  
8 referred the offender for public or community service.

9 (16) "Station adjustment" means the informal or formal  
10 handling of an alleged offender by a juvenile police officer.

11 (17) "Trial" means a hearing to determine whether the  
12 allegations of a petition under Section 5-520 that a minor is  
13 delinquent are proved beyond a reasonable doubt. It is the  
14 intent of the General Assembly that the term "trial" replace  
15 the term "adjudicatory hearing" and be synonymous with that  
16 definition as it was used in the Juvenile Court Act of 1987.

17 (Source: P.A. 95-1031, eff. 1-1-10.)

18 (705 ILCS 405/5-750)

19 Sec. 5-750. Commitment to the Department of Juvenile  
20 Justice.

21 (1) Except as provided in subsection (2) of this Section,  
22 when any delinquent has been adjudged a ward of the court under  
23 this Act, the court may commit him or her to the Department of  
24 Juvenile Justice, if it finds that (a) his or her parents,  
25 guardian or legal custodian are unfit or are unable, for some

1 reason other than financial circumstances alone, to care for,  
2 protect, train or discipline the minor, or are unwilling to do  
3 so, and the best interests of the minor and the public will not  
4 be served by placement under Section 5-740, or it is necessary  
5 to ensure the protection of the public from the consequences of  
6 criminal activity of the delinquent; and (b) commitment to the  
7 Department of Juvenile Justice is the least restrictive  
8 alternative based on evidence that efforts were made to locate  
9 less restrictive alternatives to secure confinement and the  
10 reasons why efforts were unsuccessful in locating a less  
11 restrictive alternative to secure confinement. Before the  
12 court commits a minor to the Department of Juvenile Justice, it  
13 shall make a finding that secure confinement is necessary,  
14 following a review of the following individualized factors:

15 (A) Age of the minor.

16 (B) Criminal background of the minor.

17 (C) Review of results of any assessments of the minor,  
18 including child centered assessments such as the CANS.

19 (D) Educational background of the minor, indicating  
20 whether the minor has ever been assessed for a learning  
21 disability, and if so what services were provided as well  
22 as any disciplinary incidents at school.

23 (E) Physical, mental and emotional health of the minor,  
24 indicating whether the minor has ever been diagnosed with a  
25 health issue and if so what services were provided and  
26 whether the minor was compliant with services.

1 (F) Community based services that have been provided to  
2 the minor, and whether the minor was compliant with the  
3 services, and the reason the services were unsuccessful.

4 (G) Services within the Department of Juvenile Justice  
5 that will meet the individualized needs of the minor.

6 (1.5) Before the court commits a minor to the Department of  
7 Juvenile Justice, the court must find reasonable efforts have  
8 been made to prevent or eliminate the need for the minor to be  
9 removed from the home, or reasonable efforts cannot, at this  
10 time, for good cause, prevent or eliminate the need for  
11 removal, and removal from home is in the best interests of the  
12 minor, the minor's family, and the public.

13 (2) When a minor of the age of at least 13 years is  
14 adjudged delinquent for the offense of first degree murder, the  
15 court shall declare the minor a ward of the court and order the  
16 minor committed to the Department of Juvenile Justice until the  
17 minor's 21st birthday, without the possibility of aftercare  
18 release ~~parole~~, furlough, or non-emergency authorized absence  
19 for a period of 5 years from the date the minor was committed  
20 to the Department of Juvenile Justice, except that the time  
21 that a minor spent in custody for the instant offense before  
22 being committed to the Department of Juvenile Justice shall be  
23 considered as time credited towards that 5 year period. Nothing  
24 in this subsection (2) shall preclude the State's Attorney from  
25 seeking to prosecute a minor as an adult as an alternative to  
26 proceeding under this Act.

1           (3) Except as provided in subsection (2), the commitment of  
2 a delinquent to the Department of Juvenile Justice shall be for  
3 an indeterminate term which shall automatically terminate upon  
4 the delinquent attaining the age of 21 years unless the  
5 delinquent is sooner discharged from aftercare release ~~parole~~  
6 or custodianship is otherwise terminated in accordance with  
7 this Act or as otherwise provided for by law.

8           (3.5) Every delinquent minor committed to the Department of  
9 Juvenile Justice under this Act shall be eligible for aftercare  
10 release without regard to the length of time the minor has been  
11 confined or whether the minor has served any minimum term  
12 imposed. Post-release aftercare supervision shall be  
13 administered by the Department of Juvenile Justice, under the  
14 direction of the Director.

15           (4) When the court commits a minor to the Department of  
16 Juvenile Justice, it shall order him or her conveyed forthwith  
17 to the appropriate reception station or other place designated  
18 by the Department of Juvenile Justice, and shall appoint the  
19 Director of Juvenile Justice legal custodian of the minor. The  
20 clerk of the court shall issue to the Director of Juvenile  
21 Justice a certified copy of the order, which constitutes proof  
22 of the Director's authority. No other process need issue to  
23 warrant the keeping of the minor.

24           (5) If a minor is committed to the Department of Juvenile  
25 Justice, the clerk of the court shall forward to the  
26 Department:

- 1 (a) the disposition ordered;
- 2 (b) all reports;
- 3 (c) the court's statement of the basis for ordering the
- 4 disposition; and
- 5 (d) all additional matters which the court directs the
- 6 clerk to transmit.

7 (6) Whenever the Department of Juvenile Justice lawfully

8 discharges from its custody and control a minor committed to

9 it, the Director of Juvenile Justice shall petition the court

10 for an order terminating his or her custodianship. The

11 custodianship shall terminate automatically 30 days after

12 receipt of the petition unless the court orders otherwise.

13 (Source: P.A. 97-362, eff. 1-1-12.)

14 (705 ILCS 405/5-815)

15 Sec. 5-815. Habitual Juvenile Offender.

16 (a) Definition. Any minor having been twice adjudicated a

17 delinquent minor for offenses which, had he been prosecuted as

18 an adult, would have been felonies under the laws of this

19 State, and who is thereafter adjudicated a delinquent minor for

20 a third time shall be adjudged an Habitual Juvenile Offender

21 where:

22 1. the third adjudication is for an offense occurring

23 after adjudication on the second; and

24 2. the second adjudication was for an offense occurring

25 after adjudication on the first; and

1           3. the third offense occurred after January 1, 1980;  
2           and

3           4. the third offense was based upon the commission of  
4           or attempted commission of the following offenses: first  
5           degree murder, second degree murder or involuntary  
6           manslaughter; criminal sexual assault or aggravated  
7           criminal sexual assault; aggravated or heinous battery  
8           involving permanent disability or disfigurement or great  
9           bodily harm to the victim; burglary of a home or other  
10          residence intended for use as a temporary or permanent  
11          dwelling place for human beings; home invasion; robbery or  
12          armed robbery; or aggravated arson.

13          Nothing in this Section shall preclude the State's Attorney  
14          from seeking to prosecute a minor as an adult as an alternative  
15          to prosecution as an habitual juvenile offender.

16          A continuance under supervision authorized by Section  
17          5-615 of this Act shall not be permitted under this Section.

18          (b) Notice to minor. The State shall serve upon the minor  
19          written notice of intention to prosecute under the provisions  
20          of this Section within 5 judicial days of the filing of any  
21          delinquency petition, adjudication upon which would mandate  
22          the minor's disposition as an Habitual Juvenile Offender.

23          (c) Petition; service. A notice to seek adjudication as an  
24          Habitual Juvenile Offender shall be filed only by the State's  
25          Attorney.

26          The petition upon which such Habitual Juvenile Offender



1 notice is based shall contain the information and averments  
2 required for all other delinquency petitions filed under this  
3 Act and its service shall be according to the provisions of  
4 this Act.

5 No prior adjudication shall be alleged in the petition.

6 (d) Trial. Trial on such petition shall be by jury unless  
7 the minor demands, in open court and with advice of counsel, a  
8 trial by the court without jury.

9 Except as otherwise provided herein, the provisions of this  
10 Act concerning delinquency proceedings generally shall be  
11 applicable to Habitual Juvenile Offender proceedings.

12 (e) Proof of prior adjudications. No evidence or other  
13 disclosure of prior adjudications shall be presented to the  
14 court or jury during any adjudicatory hearing provided for  
15 under this Section unless otherwise permitted by the issues  
16 properly raised in such hearing. In the event the minor who is  
17 the subject of these proceedings elects to testify on his own  
18 behalf, it shall be competent to introduce evidence, for  
19 purposes of impeachment, that he has previously been  
20 adjudicated a delinquent minor upon facts which, had he been  
21 tried as an adult, would have resulted in his conviction of a  
22 felony or of any offense that involved dishonesty or false  
23 statement. Introduction of such evidence shall be according to  
24 the rules and procedures applicable to the impeachment of an  
25 adult defendant by prior conviction.

26 After an admission of the facts in the petition or

1 adjudication of delinquency, the State's Attorney may file with  
2 the court a verified written statement signed by the State's  
3 Attorney concerning any prior adjudication of an offense set  
4 forth in subsection (a) of this Section which offense would  
5 have been a felony or of any offense that involved dishonesty  
6 or false statement had the minor been tried as an adult.

7 The court shall then cause the minor to be brought before  
8 it; shall inform him of the allegations of the statement so  
9 filed, and of his right to a hearing before the court on the  
10 issue of such prior adjudication and of his right to counsel at  
11 such hearing; and unless the minor admits such adjudication,  
12 the court shall hear and determine such issue, and shall make a  
13 written finding thereon.

14 A duly authenticated copy of the record of any such alleged  
15 prior adjudication shall be prima facie evidence of such prior  
16 adjudication or of any offense that involved dishonesty or  
17 false statement.

18 Any claim that a previous adjudication offered by the  
19 State's Attorney is not a former adjudication of an offense  
20 which, had the minor been prosecuted as an adult, would have  
21 resulted in his conviction of a felony or of any offense that  
22 involved dishonesty or false statement, is waived unless duly  
23 raised at the hearing on such adjudication, or unless the  
24 State's Attorney's proof shows that such prior adjudication was  
25 not based upon proof of what would have been a felony.

26 (f) Disposition. If the court finds that the prerequisites

1 established in subsection (a) of this Section have been proven,  
2 it shall adjudicate the minor an Habitual Juvenile Offender and  
3 commit him to the Department of Juvenile Justice until his 21st  
4 birthday, without possibility of aftercare release parole,  
5 furlough, or non-emergency authorized absence. However, the  
6 minor shall be entitled to earn one day of good conduct credit  
7 for each day served as reductions against the period of his  
8 confinement. Such good conduct credits shall be earned or  
9 revoked according to the procedures applicable to the allowance  
10 and revocation of good conduct credit for adult prisoners  
11 serving determinate sentences for felonies.

12 For purposes of determining good conduct credit,  
13 commitment as an Habitual Juvenile Offender shall be considered  
14 a determinate commitment, and the difference between the date  
15 of the commitment and the minor's 21st birthday shall be  
16 considered the determinate period of his confinement.

17 (Source: P.A. 94-696, eff. 6-1-06.)

18 (705 ILCS 405/5-820)

19 Sec. 5-820. Violent Juvenile Offender.

20 (a) Definition. A minor having been previously adjudicated  
21 a delinquent minor for an offense which, had he or she been  
22 prosecuted as an adult, would have been a Class 2 or greater  
23 felony involving the use or threat of physical force or  
24 violence against an individual or a Class 2 or greater felony  
25 for which an element of the offense is possession or use of a

1 firearm, and who is thereafter adjudicated a delinquent minor  
2 for a second time for any of those offenses shall be  
3 adjudicated a Violent Juvenile Offender if:

4 (1) The second adjudication is for an offense occurring  
5 after adjudication on the first; and

6 (2) The second offense occurred on or after January 1,  
7 1995.

8 (b) Notice to minor. The State shall serve upon the minor  
9 written notice of intention to prosecute under the provisions  
10 of this Section within 5 judicial days of the filing of a  
11 delinquency petition, adjudication upon which would mandate  
12 the minor's disposition as a Violent Juvenile Offender.

13 (c) Petition; service. A notice to seek adjudication as a  
14 Violent Juvenile Offender shall be filed only by the State's  
15 Attorney.

16 The petition upon which the Violent Juvenile Offender  
17 notice is based shall contain the information and averments  
18 required for all other delinquency petitions filed under this  
19 Act and its service shall be according to the provisions of  
20 this Act.

21 No prior adjudication shall be alleged in the petition.

22 (d) Trial. Trial on the petition shall be by jury unless  
23 the minor demands, in open court and with advice of counsel, a  
24 trial by the court without a jury.

25 Except as otherwise provided in this Section, the  
26 provisions of this Act concerning delinquency proceedings

1 generally shall be applicable to Violent Juvenile Offender  
2 proceedings.

3 (e) Proof of prior adjudications. No evidence or other  
4 disclosure of prior adjudications shall be presented to the  
5 court or jury during an adjudicatory hearing provided for under  
6 this Section unless otherwise permitted by the issues properly  
7 raised in that hearing. In the event the minor who is the  
8 subject of these proceedings elects to testify on his or her  
9 own behalf, it shall be competent to introduce evidence, for  
10 purposes of impeachment, that he or she has previously been  
11 adjudicated a delinquent minor upon facts which, had the minor  
12 been tried as an adult, would have resulted in the minor's  
13 conviction of a felony or of any offense that involved  
14 dishonesty or false statement. Introduction of such evidence  
15 shall be according to the rules and procedures applicable to  
16 the impeachment of an adult defendant by prior conviction.

17 After an admission of the facts in the petition or  
18 adjudication of delinquency, the State's Attorney may file with  
19 the court a verified written statement signed by the State's  
20 Attorney concerning any prior adjudication of an offense set  
21 forth in subsection (a) of this Section that would have been a  
22 felony or of any offense that involved dishonesty or false  
23 statement had the minor been tried as an adult.

24 The court shall then cause the minor to be brought before  
25 it; shall inform the minor of the allegations of the statement  
26 so filed, of his or her right to a hearing before the court on

1 the issue of the prior adjudication and of his or her right to  
2 counsel at the hearing; and unless the minor admits the  
3 adjudication, the court shall hear and determine the issue, and  
4 shall make a written finding of the issue.

5 A duly authenticated copy of the record of any alleged  
6 prior adjudication shall be prima facie evidence of the prior  
7 adjudication or of any offense that involved dishonesty or  
8 false statement.

9 Any claim that a previous adjudication offered by the  
10 State's Attorney is not a former adjudication of an offense  
11 which, had the minor been prosecuted as an adult, would have  
12 resulted in his or her conviction of a Class 2 or greater  
13 felony involving the use or threat of force or violence, or a  
14 firearm, a felony or of any offense that involved dishonesty or  
15 false statement is waived unless duly raised at the hearing on  
16 the adjudication, or unless the State's Attorney's proof shows  
17 that the prior adjudication was not based upon proof of what  
18 would have been a felony.

19 (f) Disposition. If the court finds that the prerequisites  
20 established in subsection (a) of this Section have been proven,  
21 it shall adjudicate the minor a Violent Juvenile Offender and  
22 commit the minor to the Department of Juvenile Justice until  
23 his or her 21st birthday, without possibility of aftercare  
24 release ~~parole~~, furlough, or non-emergency authorized absence.  
25 However, the minor shall be entitled to earn one day of good  
26 conduct credit for each day served as reductions against the

1 period of his or her confinement. The good conduct credits  
2 shall be earned or revoked according to the procedures  
3 applicable to the allowance and revocation of good conduct  
4 credit for adult prisoners serving determinate sentences for  
5 felonies.

6 For purposes of determining good conduct credit,  
7 commitment as a Violent Juvenile Offender shall be considered a  
8 determinate commitment, and the difference between the date of  
9 the commitment and the minor's 21st birthday shall be  
10 considered the determinate period of his or her confinement.

11 (g) Nothing in this Section shall preclude the State's  
12 Attorney from seeking to prosecute a minor as a habitual  
13 juvenile offender or as an adult as an alternative to  
14 prosecution as a Violent Juvenile Offender.

15 (h) A continuance under supervision authorized by Section  
16 5-615 of this Act shall not be permitted under this Section.

17 (Source: P.A. 94-696, eff. 6-1-06.)

18 Section 70. The Criminal Code of 2012 is amended by  
19 changing Sections 11-9.2, 31-1, 31-6, 31-7, and 31A-0.1 as  
20 follows:

21 (720 ILCS 5/11-9.2)

22 Sec. 11-9.2. Custodial sexual misconduct.

23 (a) A person commits custodial sexual misconduct when: (1)  
24 he or she is an employee of a penal system and engages in

1 sexual conduct or sexual penetration with a person who is in  
2 the custody of that penal system or (2) he or she is an  
3 employee of a treatment and detention facility and engages in  
4 sexual conduct or sexual penetration with a person who is in  
5 the custody of that treatment and detention facility.

6 (b) A probation or supervising officer or surveillance  
7 agent or aftercare specialist commits custodial sexual  
8 misconduct when the probation or supervising officer or  
9 surveillance agent or aftercare specialist engages in sexual  
10 conduct or sexual penetration with a probationer, parolee, or  
11 releasee or person serving a term of conditional release who is  
12 under the supervisory, disciplinary, or custodial authority of  
13 the officer or agent or worker so engaging in the sexual  
14 conduct or sexual penetration.

15 (c) Custodial sexual misconduct is a Class 3 felony.

16 (d) Any person convicted of violating this Section  
17 immediately shall forfeit his or her employment with a penal  
18 system, treatment and detention facility, or conditional  
19 release program.

20 (e) For purposes of this Section, the consent of the  
21 probationer, parolee, releasee, or inmate in custody of the  
22 penal system or person detained or civilly committed under the  
23 Sexually Violent Persons Commitment Act shall not be a defense  
24 to a prosecution under this Section. A person is deemed  
25 incapable of consent, for purposes of this Section, when he or  
26 she is a probationer, parolee, releasee, or inmate in custody



1 of a penal system or person detained or civilly committed under  
2 the Sexually Violent Persons Commitment Act.

3 (f) This Section does not apply to:

4 (1) Any employee, probation or supervising officer, or  
5 surveillance agent or aftercare specialist who is lawfully  
6 married to a person in custody if the marriage occurred  
7 before the date of custody.

8 (2) Any employee, probation or supervising officer, or  
9 surveillance agent or aftercare specialist who has no  
10 knowledge, and would have no reason to believe, that the  
11 person with whom he or she engaged in custodial sexual  
12 misconduct was a person in custody.

13 (g) In this Section:

14 (0.5) "Aftercare specialist" means any person employed  
15 by the Department of Juvenile Justice to supervise and  
16 facilitate services for persons placed on aftercare  
17 release.

18 (1) "Custody" means:

19 (i) pretrial incarceration or detention;

20 (ii) incarceration or detention under a sentence  
21 or commitment to a State or local penal institution;

22 (iii) parole, aftercare release, or mandatory  
23 supervised release;

24 (iv) electronic home detention;

25 (v) probation;

26 (vi) detention or civil commitment either in

1 secure care or in the community under the Sexually  
2 Violent Persons Commitment Act.

3 (2) "Penal system" means any system which includes  
4 institutions as defined in Section 2-14 of this Code or a  
5 county shelter care or detention home established under  
6 Section 1 of the County Shelter Care and Detention Home  
7 Act.

8 (2.1) "Treatment and detention facility" means any  
9 Department of Human Services facility established for the  
10 detention or civil commitment of persons under the Sexually  
11 Violent Persons Commitment Act.

12 (2.2) "Conditional release" means a program of  
13 treatment and services, vocational services, and alcohol  
14 or other drug abuse treatment provided to any person  
15 civilly committed and conditionally released to the  
16 community under the Sexually Violent Persons Commitment  
17 Act;

18 (3) "Employee" means:

19 (i) an employee of any governmental agency of this  
20 State or any county or municipal corporation that has  
21 by statute, ordinance, or court order the  
22 responsibility for the care, control, or supervision  
23 of pretrial or sentenced persons in a penal system or  
24 persons detained or civilly committed under the  
25 Sexually Violent Persons Commitment Act;

26 (ii) a contractual employee of a penal system as

1 defined in paragraph (g) (2) of this Section who works  
2 in a penal institution as defined in Section 2-14 of  
3 this Code;

4 (iii) a contractual employee of a "treatment and  
5 detention facility" as defined in paragraph (g) (2.1)  
6 of this Code or a contractual employee of the  
7 Department of Human Services who provides supervision  
8 of persons serving a term of conditional release as  
9 defined in paragraph (g) (2.2) of this Code.

10 (4) "Sexual conduct" or "sexual penetration" means any  
11 act of sexual conduct or sexual penetration as defined in  
12 Section 11-0.1 of this Code.

13 (5) "Probation officer" means any person employed in a  
14 probation or court services department as defined in  
15 Section 9b of the Probation and Probation Officers Act.

16 (6) "Supervising officer" means any person employed to  
17 supervise persons placed on parole or mandatory supervised  
18 release with the duties described in Section 3-14-2 of the  
19 Unified Code of Corrections.

20 (7) "Surveillance agent" means any person employed or  
21 contracted to supervise persons placed on conditional  
22 release in the community under the Sexually Violent Persons  
23 Commitment Act.

24 (Source: P.A. 96-1551, eff. 7-1-11.)

25 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

1           Sec. 31-1. Resisting or obstructing a peace officer,  
2 firefighter, or correctional institution employee.

3           (a) A person who knowingly resists or obstructs the  
4 performance by one known to the person to be a peace officer,  
5 firefighter, or correctional institution employee of any  
6 authorized act within his or her official capacity commits a  
7 Class A misdemeanor.

8           (a-5) In addition to any other sentence that may be  
9 imposed, a court shall order any person convicted of resisting  
10 or obstructing a peace officer, firefighter, or correctional  
11 institution employee to be sentenced to a minimum of 48  
12 consecutive hours of imprisonment or ordered to perform  
13 community service for not less than 100 hours as may be  
14 determined by the court. The person shall not be eligible for  
15 probation in order to reduce the sentence of imprisonment or  
16 community service.

17           (a-7) A person convicted for a violation of this Section  
18 whose violation was the proximate cause of an injury to a peace  
19 officer, firefighter, or correctional institution employee is  
20 guilty of a Class 4 felony.

21           (b) For purposes of this Section, "correctional  
22 institution employee" means any person employed to supervise  
23 and control inmates incarcerated in a penitentiary, State farm,  
24 reformatory, prison, jail, house of correction, police  
25 detention area, half-way house, or other institution or place  
26 for the incarceration or custody of persons under sentence for

1 offenses or awaiting trial or sentence for offenses, under  
2 arrest for an offense, a violation of probation, a violation of  
3 parole, a violation of aftercare release, or a violation of  
4 mandatory supervised release, or awaiting a bail setting  
5 hearing or preliminary hearing, or who are sexually dangerous  
6 persons or who are sexually violent persons; and "firefighter"  
7 means any individual, either as an employee or volunteer, of a  
8 regularly constituted fire department of a municipality or fire  
9 protection district who performs fire fighting duties,  
10 including, but not limited to, the fire chief, assistant fire  
11 chief, captain, engineer, driver, ladder person, hose person,  
12 pipe person, and any other member of a regularly constituted  
13 fire department. "Firefighter" also means a person employed by  
14 the Office of the State Fire Marshal to conduct arson  
15 investigations.

16 (c) It is an affirmative defense to a violation of this  
17 Section if a person resists or obstructs the performance of one  
18 known by the person to be a firefighter by returning to or  
19 remaining in a dwelling, residence, building, or other  
20 structure to rescue or to attempt to rescue any person.

21 (Source: P.A. 95-801, eff. 1-1-09.)

22 (720 ILCS 5/31-6) (from Ch. 38, par. 31-6)

23 Sec. 31-6. Escape; failure to report to a penal institution  
24 or to report for periodic imprisonment.

25 (a) A person convicted of a felony or charged with the

1 commission of a felony, or charged with or adjudicated  
2 delinquent for an act which, if committed by an adult, would  
3 constitute a felony, who intentionally escapes from any penal  
4 institution or from the custody of an employee of that  
5 institution commits a Class 2 felony; however, a person  
6 convicted of a felony, or adjudicated delinquent for an act  
7 which, if committed by an adult, would constitute a felony, who  
8 knowingly fails to report to a penal institution or to report  
9 for periodic imprisonment at any time or knowingly fails to  
10 return from furlough or from work and day release or who  
11 knowingly fails to abide by the terms of home confinement is  
12 guilty of a Class 3 felony.

13 (b) A person convicted of a misdemeanor or charged with the  
14 commission of a misdemeanor, or charged with or adjudicated  
15 delinquent for an act which, if committed by an adult, would  
16 constitute a misdemeanor, who intentionally escapes from any  
17 penal institution or from the custody of an employee of that  
18 institution commits a Class A misdemeanor; however, a person  
19 convicted of a misdemeanor, or adjudicated delinquent for an  
20 act which, if committed by an adult, would constitute a  
21 misdemeanor, who knowingly fails to report to a penal  
22 institution or to report for periodic imprisonment at any time  
23 or knowingly fails to return from furlough or from work and day  
24 release or who knowingly fails to abide by the terms of home  
25 confinement is guilty of a Class B misdemeanor.

26 (b-1) A person committed to the Department of Human

1 Services under the provisions of the Sexually Violent Persons  
2 Commitment Act or in detention with the Department of Human  
3 Services awaiting such a commitment who intentionally escapes  
4 from any secure residential facility or from the custody of an  
5 employee of that facility commits a Class 2 felony.

6 (c) A person in the lawful custody of a peace officer for  
7 the alleged commission of a felony offense or an act which, if  
8 committed by an adult, would constitute a felony, and who  
9 intentionally escapes from custody commits a Class 2 felony;  
10 however, a person in the lawful custody of a peace officer for  
11 the alleged commission of a misdemeanor offense or an act  
12 which, if committed by an adult, would constitute a  
13 misdemeanor, who intentionally escapes from custody commits a  
14 Class A misdemeanor.

15 (c-5) A person in the lawful custody of a peace officer for  
16 an alleged violation of a term or condition of probation,  
17 conditional discharge, parole, aftercare release, or mandatory  
18 supervised release for a felony or an act which, if committed  
19 by an adult, would constitute a felony, who intentionally  
20 escapes from custody is guilty of a Class 2 felony.

21 (c-6) A person in the lawful custody of a peace officer for  
22 an alleged violation of a term or condition of supervision,  
23 probation, or conditional discharge for a misdemeanor or an act  
24 which, if committed by an adult, would constitute a  
25 misdemeanor, who intentionally escapes from custody is guilty  
26 of a Class A misdemeanor.

1 (d) A person who violates this Section while armed with a  
2 dangerous weapon commits a Class 1 felony.

3 (Source: P.A. 95-839, eff. 8-15-08; 95-921, eff. 1-1-09;  
4 96-328, eff. 8-11-09.)

5 (720 ILCS 5/31-7) (from Ch. 38, par. 31-7)

6 Sec. 31-7. Aiding escape.

7 (a) Whoever, with intent to aid any prisoner in escaping  
8 from any penal institution, conveys into the institution or  
9 transfers to the prisoner anything for use in escaping commits  
10 a Class A misdemeanor.

11 (b) Whoever knowingly aids a person convicted of a felony  
12 or charged with the commission of a felony, or charged with or  
13 adjudicated delinquent for an act which, if committed by an  
14 adult, would constitute a felony, in escaping from any penal  
15 institution or from the custody of any employee of that  
16 institution commits a Class 2 felony; however, whoever  
17 knowingly aids a person convicted of a felony or charged with  
18 the commission of a felony, or charged with or adjudicated  
19 delinquent for an act which, if committed by an adult, would  
20 constitute a felony, in failing to return from furlough or from  
21 work and day release is guilty of a Class 3 felony.

22 (c) Whoever knowingly aids a person convicted of a  
23 misdemeanor or charged with the commission of a misdemeanor, or  
24 charged with or adjudicated delinquent for an act which, if  
25 committed by an adult, would constitute a misdemeanor, in



1 escaping from any penal institution or from the custody of an  
2 employee of that institution commits a Class A misdemeanor;  
3 however, whoever knowingly aids a person convicted of a  
4 misdemeanor or charged with the commission of a misdemeanor, or  
5 charged with or adjudicated delinquent for an act which, if  
6 committed by an adult, would constitute a misdemeanor, in  
7 failing to return from furlough or from work and day release is  
8 guilty of a Class B misdemeanor.

9 (d) Whoever knowingly aids a person in escaping from any  
10 public institution, other than a penal institution, in which he  
11 is lawfully detained, or from the custody of an employee of  
12 that institution, commits a Class A misdemeanor.

13 (e) Whoever knowingly aids a person in the lawful custody  
14 of a peace officer for the alleged commission of a felony  
15 offense or an act which, if committed by an adult, would  
16 constitute a felony, in escaping from custody commits a Class 2  
17 felony; however, whoever knowingly aids a person in the lawful  
18 custody of a peace officer for the alleged commission of a  
19 misdemeanor offense or an act which, if committed by an adult,  
20 would constitute a misdemeanor, in escaping from custody  
21 commits a Class A misdemeanor.

22 (f) An officer or employee of any penal institution who  
23 recklessly permits any prisoner in his custody to escape  
24 commits a Class A misdemeanor.

25 (f-5) With respect to a person in the lawful custody of a  
26 peace officer for an alleged violation of a term or condition

1 of probation, conditional discharge, parole, aftercare  
2 release, or mandatory supervised release for a felony, whoever  
3 intentionally aids that person to escape from that custody is  
4 guilty of a Class 2 felony.

5 (f-6) With respect to a person who is in the lawful custody  
6 of a peace officer for an alleged violation of a term or  
7 condition of supervision, probation, or conditional discharge  
8 for a misdemeanor, whoever intentionally aids that person to  
9 escape from that custody is guilty of a Class A misdemeanor.

10 (g) A person who violates this Section while armed with a  
11 dangerous weapon commits a Class 2 felony.

12 (Source: P.A. 95-839, eff. 8-15-08; 95-921, eff. 1-1-09;  
13 96-328, eff. 8-11-09.)

14 (720 ILCS 5/31A-0.1)

15 Sec. 31A-0.1. Definitions. For the purposes of this  
16 Article:

17 "Deliver" or "delivery" means the actual, constructive or  
18 attempted transfer of possession of an item of contraband, with  
19 or without consideration, whether or not there is an agency  
20 relationship.

21 "Employee" means any elected or appointed officer, trustee  
22 or employee of a penal institution or of the governing  
23 authority of the penal institution, or any person who performs  
24 services for the penal institution pursuant to contract with  
25 the penal institution or its governing authority.

1 "Item of contraband" means any of the following:

2 (i) "Alcoholic liquor" as that term is defined in  
3 Section 1-3.05 of the Liquor Control Act of 1934.

4 (ii) "Cannabis" as that term is defined in subsection  
5 (a) of Section 3 of the Cannabis Control Act.

6 (iii) "Controlled substance" as that term is defined in  
7 the Illinois Controlled Substances Act.

8 (iii-a) "Methamphetamine" as that term is defined in  
9 the Illinois Controlled Substances Act or the  
10 Methamphetamine Control and Community Protection Act.

11 (iv) "Hypodermic syringe" or hypodermic needle, or any  
12 instrument adapted for use of controlled substances or  
13 cannabis by subcutaneous injection.

14 (v) "Weapon" means any knife, dagger, dirk, billy,  
15 razor, stiletto, broken bottle, or other piece of glass  
16 which could be used as a dangerous weapon. This term  
17 includes any of the devices or implements designated in  
18 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of  
19 this Code, or any other dangerous weapon or instrument of  
20 like character.

21 (vi) "Firearm" means any device, by whatever name  
22 known, which is designed to expel a projectile or  
23 projectiles by the action of an explosion, expansion of gas  
24 or escape of gas, including but not limited to:

25 (A) any pneumatic gun, spring gun, or B-B gun which  
26 expels a single globular projectile not exceeding .18

1           inch in diameter; or

2           (B) any device used exclusively for signaling or  
3 safety and required as recommended by the United States  
4 Coast Guard or the Interstate Commerce Commission; or

5           (C) any device used exclusively for the firing of  
6 stud cartridges, explosive rivets or industrial  
7 ammunition; or

8           (D) any device which is powered by electrical  
9 charging units, such as batteries, and which fires one  
10 or several barbs attached to a length of wire and  
11 which, upon hitting a human, can send out current  
12 capable of disrupting the person's nervous system in  
13 such a manner as to render him or her incapable of  
14 normal functioning, commonly referred to as a stun gun  
15 or taser.

16           (vii) "Firearm ammunition" means any self-contained  
17 cartridge or shotgun shell, by whatever name known, which  
18 is designed to be used or adaptable to use in a firearm,  
19 including but not limited to:

20           (A) any ammunition exclusively designed for use  
21 with a device used exclusively for signaling or safety  
22 and required or recommended by the United States Coast  
23 Guard or the Interstate Commerce Commission; or

24           (B) any ammunition designed exclusively for use  
25 with a stud or rivet driver or other similar industrial  
26 ammunition.

1           (viii) "Explosive" means, but is not limited to, bomb,  
2 bombshell, grenade, bottle or other container containing  
3 an explosive substance of over one-quarter ounce for like  
4 purposes such as black powder bombs and Molotov cocktails  
5 or artillery projectiles.

6           (ix) "Tool to defeat security mechanisms" means, but is  
7 not limited to, handcuff or security restraint key, tool  
8 designed to pick locks, popper, or any device or instrument  
9 used to or capable of unlocking or preventing from locking  
10 any handcuff or security restraints, doors to cells, rooms,  
11 gates or other areas of the penal institution.

12           (x) "Cutting tool" means, but is not limited to,  
13 hacksaw blade, wirecutter, or device, instrument or file  
14 capable of cutting through metal.

15           (xi) "Electronic contraband" for the purposes of  
16 Section 31A-1.1 of this Article means, but is not limited  
17 to, any electronic, video recording device, computer, or  
18 cellular communications equipment, including, but not  
19 limited to, cellular telephones, cellular telephone  
20 batteries, videotape recorders, pagers, computers, and  
21 computer peripheral equipment brought into or possessed in  
22 a penal institution without the written authorization of  
23 the Chief Administrative Officer. "Electronic contraband"  
24 for the purposes of Section 31A-1.2 of this Article, means,  
25 but is not limited to, any electronic, video recording  
26 device, computer, or cellular communications equipment,

1 including, but not limited to, cellular telephones,  
2 cellular telephone batteries, videotape recorders, pagers,  
3 computers, and computer peripheral equipment.

4 "Penal institution" means any penitentiary, State farm,  
5 reformatory, prison, jail, house of correction, police  
6 detention area, half-way house or other institution or place  
7 for the incarceration or custody of persons under sentence for  
8 offenses awaiting trial or sentence for offenses, under arrest  
9 for an offense, a violation of probation, a violation of  
10 parole, a violation of aftercare release, or a violation of  
11 mandatory supervised release, or awaiting a bail setting  
12 hearing or preliminary hearing; provided that where the place  
13 for incarceration or custody is housed within another public  
14 building this Article shall not apply to that part of the  
15 building unrelated to the incarceration or custody of persons.  
16 (Source: P.A. 97-1108, eff. 1-1-13.)

17 Section 75. The Illinois Controlled Substances Act is  
18 amended by changing Section 509 as follows:

19 (720 ILCS 570/509) (from Ch. 56 1/2, par. 1509)

20 Sec. 509.

21 Whenever any court in this State grants probation to any  
22 person that the court has reason to believe is or has been an  
23 addict or unlawful possessor of controlled substances, the  
24 court shall require, as a condition of probation, that the

1 probationer submit to periodic tests by the Department of  
2 Corrections to determine by means of appropriate chemical  
3 detection tests whether the probationer is using controlled  
4 substances. The court may require as a condition of probation  
5 that the probationer enter an approved treatment program, if  
6 the court determines that the probationer is addicted to a  
7 controlled substance. Whenever the Parole and Pardon Board  
8 grants parole or aftercare release to a person whom the Board  
9 has reason to believe has been an unlawful possessor or addict  
10 of controlled substances, the Board shall require as a  
11 condition of parole that the parolee or aftercare releasee  
12 submit to appropriate periodic chemical tests by the Department  
13 of Corrections or the Department of Juvenile Justice to  
14 determine whether the parolee or aftercare releasee is using  
15 controlled substances.

16 (Source: P.A. 77-757.)

17 Section 80. The Code of Criminal Procedure of 1963 is  
18 amended by changing Sections 102-16, 103-5, 110-5, 110-6.1,  
19 110-6.3, 112A-2, 112A-20, 112A-22, and 112A-22.10 and by adding  
20 Section 102-3.5 as follows:

21 (725 ILCS 5/102-3.5 new)

22 Sec. 102-3.5. "Aftercare release".

23 "Aftercare release" means the conditional and revocable  
24 release of a person committed to the Department of Juvenile

1 Justice under the Juvenile Court Act of 1987, under the  
2 supervision of the Department of Juvenile Justice.

3 (725 ILCS 5/102-16) (from Ch. 38, par. 102-16)

4 Sec. 102-16. "Parole".

5 "Parole" means the conditional and revocable release of a  
6 person committed to the Department of Corrections ~~person~~ under  
7 the supervision of a paroling authority.

8 (Source: P.A. 77-2476.)

9 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

10 Sec. 103-5. Speedy trial.)

11 (a) Every person in custody in this State for an alleged  
12 offense shall be tried by the court having jurisdiction within  
13 120 days from the date he or she was taken into custody unless  
14 delay is occasioned by the defendant, by an examination for  
15 fitness ordered pursuant to Section 104-13 of this Act, by a  
16 fitness hearing, by an adjudication of unfitness to stand  
17 trial, by a continuance allowed pursuant to Section 114-4 of  
18 this Act after a court's determination of the defendant's  
19 physical incapacity for trial, or by an interlocutory appeal.  
20 Delay shall be considered to be agreed to by the defendant  
21 unless he or she objects to the delay by making a written  
22 demand for trial or an oral demand for trial on the record. The  
23 provisions of this subsection (a) do not apply to a person on  
24 bail or recognizance for an offense but who is in custody for a



1 violation of his or her parole, aftercare release, or mandatory  
2 supervised release for another offense.

3 The 120-day term must be one continuous period of  
4 incarceration. In computing the 120-day term, separate periods  
5 of incarceration may not be combined. If a defendant is taken  
6 into custody a second (or subsequent) time for the same  
7 offense, the term will begin again at day zero.

8 (b) Every person on bail or recognizance shall be tried by  
9 the court having jurisdiction within 160 days from the date  
10 defendant demands trial unless delay is occasioned by the  
11 defendant, by an examination for fitness ordered pursuant to  
12 Section 104-13 of this Act, by a fitness hearing, by an  
13 adjudication of unfitness to stand trial, by a continuance  
14 allowed pursuant to Section 114-4 of this Act after a court's  
15 determination of the defendant's physical incapacity for  
16 trial, or by an interlocutory appeal. The defendant's failure  
17 to appear for any court date set by the court operates to waive  
18 the defendant's demand for trial made under this subsection.

19 For purposes of computing the 160 day period under this  
20 subsection (b), every person who was in custody for an alleged  
21 offense and demanded trial and is subsequently released on bail  
22 or recognizance and demands trial, shall be given credit for  
23 time spent in custody following the making of the demand while  
24 in custody. Any demand for trial made under this subsection (b)  
25 shall be in writing; and in the case of a defendant not in  
26 custody, the demand for trial shall include the date of any

1 prior demand made under this provision while the defendant was  
2 in custody.

3 (c) If the court determines that the State has exercised  
4 without success due diligence to obtain evidence material to  
5 the case and that there are reasonable grounds to believe that  
6 such evidence may be obtained at a later day the court may  
7 continue the cause on application of the State for not more  
8 than an additional 60 days. If the court determines that the  
9 State has exercised without success due diligence to obtain  
10 results of DNA testing that is material to the case and that  
11 there are reasonable grounds to believe that such results may  
12 be obtained at a later day, the court may continue the cause on  
13 application of the State for not more than an additional 120  
14 days.

15 (d) Every person not tried in accordance with subsections  
16 (a), (b) and (c) of this Section shall be discharged from  
17 custody or released from the obligations of his bail or  
18 recognizance.

19 (e) If a person is simultaneously in custody upon more than  
20 one charge pending against him in the same county, or  
21 simultaneously demands trial upon more than one charge pending  
22 against him in the same county, he shall be tried, or adjudged  
23 guilty after waiver of trial, upon at least one such charge  
24 before expiration relative to any of such pending charges of  
25 the period prescribed by subsections (a) and (b) of this  
26 Section. Such person shall be tried upon all of the remaining

1 charges thus pending within 160 days from the date on which  
2 judgment relative to the first charge thus prosecuted is  
3 rendered pursuant to the Unified Code of Corrections or, if  
4 such trial upon such first charge is terminated without  
5 judgment and there is no subsequent trial of, or adjudication  
6 of guilt after waiver of trial of, such first charge within a  
7 reasonable time, the person shall be tried upon all of the  
8 remaining charges thus pending within 160 days from the date on  
9 which such trial is terminated; if either such period of 160  
10 days expires without the commencement of trial of, or  
11 adjudication of guilt after waiver of trial of, any of such  
12 remaining charges thus pending, such charge or charges shall be  
13 dismissed and barred for want of prosecution unless delay is  
14 occasioned by the defendant, by an examination for fitness  
15 ordered pursuant to Section 104-13 of this Act, by a fitness  
16 hearing, by an adjudication of unfitness for trial, by a  
17 continuance allowed pursuant to Section 114-4 of this Act after  
18 a court's determination of the defendant's physical incapacity  
19 for trial, or by an interlocutory appeal; provided, however,  
20 that if the court determines that the State has exercised  
21 without success due diligence to obtain evidence material to  
22 the case and that there are reasonable grounds to believe that  
23 such evidence may be obtained at a later day the court may  
24 continue the cause on application of the State for not more  
25 than an additional 60 days.

26 (f) Delay occasioned by the defendant shall temporarily

1 suspend for the time of the delay the period within which a  
2 person shall be tried as prescribed by subsections (a), (b), or  
3 (e) of this Section and on the day of expiration of the delay  
4 the said period shall continue at the point at which it was  
5 suspended. Where such delay occurs within 21 days of the end of  
6 the period within which a person shall be tried as prescribed  
7 by subsections (a), (b), or (e) of this Section, the court may  
8 continue the cause on application of the State for not more  
9 than an additional 21 days beyond the period prescribed by  
10 subsections (a), (b), or (e). This subsection (f) shall become  
11 effective on, and apply to persons charged with alleged  
12 offenses committed on or after, March 1, 1977.

13 (Source: P.A. 94-1094, eff. 1-26-07.)

14 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

15 Sec. 110-5. Determining the amount of bail and conditions  
16 of release.

17 (a) In determining the amount of monetary bail or  
18 conditions of release, if any, which will reasonably assure the  
19 appearance of a defendant as required or the safety of any  
20 other person or the community and the likelihood of compliance  
21 by the defendant with all the conditions of bail, the court  
22 shall, on the basis of available information, take into account  
23 such matters as the nature and circumstances of the offense  
24 charged, whether the evidence shows that as part of the offense  
25 there was a use of violence or threatened use of violence,

1 whether the offense involved corruption of public officials or  
2 employees, whether there was physical harm or threats of  
3 physical harm to any public official, public employee, judge,  
4 prosecutor, juror or witness, senior citizen, child or  
5 handicapped person, whether evidence shows that during the  
6 offense or during the arrest the defendant possessed or used a  
7 firearm, machine gun, explosive or metal piercing ammunition or  
8 explosive bomb device or any military or paramilitary armament,  
9 whether the evidence shows that the offense committed was  
10 related to or in furtherance of the criminal activities of an  
11 organized gang or was motivated by the defendant's membership  
12 in or allegiance to an organized gang, the condition of the  
13 victim, any written statement submitted by the victim or  
14 proffer or representation by the State regarding the impact  
15 which the alleged criminal conduct has had on the victim and  
16 the victim's concern, if any, with further contact with the  
17 defendant if released on bail, whether the offense was based on  
18 racial, religious, sexual orientation or ethnic hatred, the  
19 likelihood of the filing of a greater charge, the likelihood of  
20 conviction, the sentence applicable upon conviction, the  
21 weight of the evidence against such defendant, whether there  
22 exists motivation or ability to flee, whether there is any  
23 verification as to prior residence, education, or family ties  
24 in the local jurisdiction, in another county, state or foreign  
25 country, the defendant's employment, financial resources,  
26 character and mental condition, past conduct, prior use of

1 alias names or dates of birth, and length of residence in the  
2 community, the consent of the defendant to periodic drug  
3 testing in accordance with Section 110-6.5, whether a foreign  
4 national defendant is lawfully admitted in the United States of  
5 America, whether the government of the foreign national  
6 maintains an extradition treaty with the United States by which  
7 the foreign government will extradite to the United States its  
8 national for a trial for a crime allegedly committed in the  
9 United States, whether the defendant is currently subject to  
10 deportation or exclusion under the immigration laws of the  
11 United States, whether the defendant, although a United States  
12 citizen, is considered under the law of any foreign state a  
13 national of that state for the purposes of extradition or  
14 non-extradition to the United States, the amount of unrecovered  
15 proceeds lost as a result of the alleged offense, the source of  
16 bail funds tendered or sought to be tendered for bail, whether  
17 from the totality of the court's consideration, the loss of  
18 funds posted or sought to be posted for bail will not deter the  
19 defendant from flight, whether the evidence shows that the  
20 defendant is engaged in significant possession, manufacture,  
21 or delivery of a controlled substance or cannabis, either  
22 individually or in consort with others, whether at the time of  
23 the offense charged he or she was on bond or pre-trial release  
24 pending trial, probation, periodic imprisonment or conditional  
25 discharge pursuant to this Code or the comparable Code of any  
26 other state or federal jurisdiction, whether the defendant is

1 on bond or pre-trial release pending the imposition or  
2 execution of sentence or appeal of sentence for any offense  
3 under the laws of Illinois or any other state or federal  
4 jurisdiction, whether the defendant is under parole, aftercare  
5 release, or mandatory supervised release or work release from  
6 the Illinois Department of Corrections or any penal institution  
7 or corrections department of any state or federal jurisdiction,  
8 the defendant's record of convictions, whether the defendant  
9 has been convicted of a misdemeanor or ordinance offense in  
10 Illinois or similar offense in other state or federal  
11 jurisdiction within the 10 years preceding the current charge  
12 or convicted of a felony in Illinois, whether the defendant was  
13 convicted of an offense in another state or federal  
14 jurisdiction that would be a felony if committed in Illinois  
15 within the 20 years preceding the current charge or has been  
16 convicted of such felony and released from the penitentiary  
17 within 20 years preceding the current charge if a penitentiary  
18 sentence was imposed in Illinois or other state or federal  
19 jurisdiction, the defendant's records of juvenile adjudication  
20 of delinquency in any jurisdiction, any record of appearance or  
21 failure to appear by the defendant at court proceedings,  
22 whether there was flight to avoid arrest or prosecution,  
23 whether the defendant escaped or attempted to escape to avoid  
24 arrest, whether the defendant refused to identify himself or  
25 herself, or whether there was a refusal by the defendant to be  
26 fingerprinted as required by law. Information used by the court

1 in its findings or stated in or offered in connection with this  
2 Section may be by way of proffer based upon reliable  
3 information offered by the State or defendant. All evidence  
4 shall be admissible if it is relevant and reliable regardless  
5 of whether it would be admissible under the rules of evidence  
6 applicable at criminal trials. If the State presents evidence  
7 that the offense committed by the defendant was related to or  
8 in furtherance of the criminal activities of an organized gang  
9 or was motivated by the defendant's membership in or allegiance  
10 to an organized gang, and if the court determines that the  
11 evidence may be substantiated, the court shall prohibit the  
12 defendant from associating with other members of the organized  
13 gang as a condition of bail or release. For the purposes of  
14 this Section, "organized gang" has the meaning ascribed to it  
15 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
16 Prevention Act.

17 (b) The amount of bail shall be:

18 (1) Sufficient to assure compliance with the  
19 conditions set forth in the bail bond, which shall include  
20 the defendant's current address with a written  
21 admonishment to the defendant that he or she must comply  
22 with the provisions of Section 110-12 regarding any change  
23 in his or her address. The defendant's address shall at all  
24 times remain a matter of public record with the clerk of  
25 the court.

26 (2) Not oppressive.



1           (3) Considerate of the financial ability of the  
2           accused.

3           (4) When a person is charged with a drug related  
4           offense involving possession or delivery of cannabis or  
5           possession or delivery of a controlled substance as defined  
6           in the Cannabis Control Act, the Illinois Controlled  
7           Substances Act, or the Methamphetamine Control and  
8           Community Protection Act, the full street value of the  
9           drugs seized shall be considered. "Street value" shall be  
10          determined by the court on the basis of a proffer by the  
11          State based upon reliable information of a law enforcement  
12          official contained in a written report as to the amount  
13          seized and such proffer may be used by the court as to the  
14          current street value of the smallest unit of the drug  
15          seized.

16          (b-5) Upon the filing of a written request demonstrating  
17          reasonable cause, the State's Attorney may request a source of  
18          bail hearing either before or after the posting of any funds.  
19          If the hearing is granted, before the posting of any bail, the  
20          accused must file a written notice requesting that the court  
21          conduct a source of bail hearing. The notice must be  
22          accompanied by justifying affidavits stating the legitimate  
23          and lawful source of funds for bail. At the hearing, the court  
24          shall inquire into any matters stated in any justifying  
25          affidavits, and may also inquire into matters appropriate to  
26          the determination which shall include, but are not limited to,

1 the following:

2 (1) the background, character, reputation, and  
3 relationship to the accused of any surety; and

4 (2) the source of any money or property deposited by  
5 any surety, and whether any such money or property  
6 constitutes the fruits of criminal or unlawful conduct; and

7 (3) the source of any money posted as cash bail, and  
8 whether any such money constitutes the fruits of criminal  
9 or unlawful conduct; and

10 (4) the background, character, reputation, and  
11 relationship to the accused of the person posting cash  
12 bail.

13 Upon setting the hearing, the court shall examine, under  
14 oath, any persons who may possess material information.

15 The State's Attorney has a right to attend the hearing, to  
16 call witnesses and to examine any witness in the proceeding.  
17 The court shall, upon request of the State's Attorney, continue  
18 the proceedings for a reasonable period to allow the State's  
19 Attorney to investigate the matter raised in any testimony or  
20 affidavit. If the hearing is granted after the accused has  
21 posted bail, the court shall conduct a hearing consistent with  
22 this subsection (b-5). At the conclusion of the hearing, the  
23 court must issue an order either approving or disapproving the  
24 bail.

25 (c) When a person is charged with an offense punishable by  
26 fine only the amount of the bail shall not exceed double the

1 amount of the maximum penalty.

2 (d) When a person has been convicted of an offense and only  
3 a fine has been imposed the amount of the bail shall not exceed  
4 double the amount of the fine.

5 (e) The State may appeal any order granting bail or setting  
6 a given amount for bail.

7 (f) When a person is charged with a violation of an order  
8 of protection under Section 12-3.4 or 12-30 of the Criminal  
9 Code of 1961 or the Criminal Code of 2012,

10 (1) whether the alleged incident involved harassment  
11 or abuse, as defined in the Illinois Domestic Violence Act  
12 of 1986;

13 (2) whether the person has a history of domestic  
14 violence, as defined in the Illinois Domestic Violence Act,  
15 or a history of other criminal acts;

16 (3) based on the mental health of the person;

17 (4) whether the person has a history of violating the  
18 orders of any court or governmental entity;

19 (5) whether the person has been, or is, potentially a  
20 threat to any other person;

21 (6) whether the person has access to deadly weapons or  
22 a history of using deadly weapons;

23 (7) whether the person has a history of abusing alcohol  
24 or any controlled substance;

25 (8) based on the severity of the alleged incident that  
26 is the basis of the alleged offense, including, but not

1 limited to, the duration of the current incident, and  
2 whether the alleged incident involved physical injury,  
3 sexual assault, strangulation, abuse during the alleged  
4 victim's pregnancy, abuse of pets, or forcible entry to  
5 gain access to the alleged victim;

6 (9) whether a separation of the person from the alleged  
7 victim or a termination of the relationship between the  
8 person and the alleged victim has recently occurred or is  
9 pending;

10 (10) whether the person has exhibited obsessive or  
11 controlling behaviors toward the alleged victim,  
12 including, but not limited to, stalking, surveillance, or  
13 isolation of the alleged victim or victim's family member  
14 or members;

15 (11) whether the person has expressed suicidal or  
16 homicidal ideations;

17 (12) based on any information contained in the  
18 complaint and any police reports, affidavits, or other  
19 documents accompanying the complaint,  
20 the court may, in its discretion, order the respondent to  
21 undergo a risk assessment evaluation conducted by an Illinois  
22 Department of Human Services approved partner abuse  
23 intervention program provider, pretrial service, probation, or  
24 parole agency. These agencies shall have access to summaries of  
25 the defendant's criminal history, which shall not include  
26 victim interviews or information, for the risk evaluation.

1 Based on the information collected from the 12 points to be  
2 considered at a bail hearing for a violation of an order of  
3 protection, the results of any risk evaluation conducted and  
4 the other circumstances of the violation, the court may order  
5 that the person, as a condition of bail, be placed under  
6 electronic surveillance as provided in Section 5-8A-7 of the  
7 Unified Code of Corrections.

8 (Source: P.A. 96-688, eff. 8-25-09; 96-1551, eff. 7-1-11;  
9 97-1150, eff. 1-25-13.)

10 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

11 Sec. 110-6.1. Denial of bail in non-probationable felony  
12 offenses.

13 (a) Upon verified petition by the State, the court shall  
14 hold a hearing to determine whether bail should be denied to a  
15 defendant who is charged with a felony offense for which a  
16 sentence of imprisonment, without probation, periodic  
17 imprisonment or conditional discharge, is required by law upon  
18 conviction, when it is alleged that the defendant's admission  
19 to bail poses a real and present threat to the physical safety  
20 of any person or persons.

21 (1) A petition may be filed without prior notice to the  
22 defendant at the first appearance before a judge, or within  
23 the 21 calendar days, except as provided in Section 110-6,  
24 after arrest and release of the defendant upon reasonable  
25 notice to defendant; provided that while such petition is

1 pending before the court, the defendant if previously  
2 released shall not be detained.

3 (2) The hearing shall be held immediately upon the  
4 defendant's appearance before the court, unless for good  
5 cause shown the defendant or the State seeks a continuance.  
6 A continuance on motion of the defendant may not exceed 5  
7 calendar days, and a continuance on the motion of the State  
8 may not exceed 3 calendar days. The defendant may be held  
9 in custody during such continuance.

10 (b) The court may deny bail to the defendant where, after  
11 the hearing, it is determined that:

12 (1) the proof is evident or the presumption great that  
13 the defendant has committed an offense for which a sentence  
14 of imprisonment, without probation, periodic imprisonment  
15 or conditional discharge, must be imposed by law as a  
16 consequence of conviction, and

17 (2) the defendant poses a real and present threat to  
18 the physical safety of any person or persons, by conduct  
19 which may include, but is not limited to, a forcible  
20 felony, the obstruction of justice, intimidation, injury,  
21 physical harm, an offense under the Illinois Controlled  
22 Substances Act which is a Class X felony, or an offense  
23 under the Methamphetamine Control and Community Protection  
24 Act which is a Class X felony, and

25 (3) the court finds that no condition or combination of  
26 conditions set forth in subsection (b) of Section 110-10 of

1           this Article, can reasonably assure the physical safety of  
2           any other person or persons.

3           (c) Conduct of the hearings.

4           (1) The hearing on the defendant's culpability and  
5           dangerousness shall be conducted in accordance with the  
6           following provisions:

7                   (A) Information used by the court in its findings  
8                   or stated in or offered at such hearing may be by way  
9                   of proffer based upon reliable information offered by  
10                  the State or by defendant. Defendant has the right to  
11                  be represented by counsel, and if he is indigent, to  
12                  have counsel appointed for him. Defendant shall have  
13                  the opportunity to testify, to present witnesses in his  
14                  own behalf, and to cross-examine witnesses if any are  
15                  called by the State. The defendant has the right to  
16                  present witnesses in his favor. When the ends of  
17                  justice so require, the court may exercises its  
18                  discretion and compel the appearance of a complaining  
19                  witness. The court shall state on the record reasons  
20                  for granting a defense request to compel the presence  
21                  of a complaining witness. Cross-examination of a  
22                  complaining witness at the pretrial detention hearing  
23                  for the purpose of impeaching the witness' credibility  
24                  is insufficient reason to compel the presence of the  
25                  witness. In deciding whether to compel the appearance  
26                  of a complaining witness, the court shall be

1           considerate of the emotional and physical well-being  
2           of the witness. The pre-trial detention hearing is not  
3           to be used for purposes of discovery, and the post  
4           arraignment rules of discovery do not apply. The State  
5           shall tender to the defendant, prior to the hearing,  
6           copies of defendant's criminal history, if any, if  
7           available, and any written or recorded statements and  
8           the substance of any oral statements made by any  
9           person, if relied upon by the State in its petition.  
10          The rules concerning the admissibility of evidence in  
11          criminal trials do not apply to the presentation and  
12          consideration of information at the hearing. At the  
13          trial concerning the offense for which the hearing was  
14          conducted neither the finding of the court nor any  
15          transcript or other record of the hearing shall be  
16          admissible in the State's case in chief, but shall be  
17          admissible for impeachment, or as provided in Section  
18          115-10.1 of this Code, or in a perjury proceeding.

19                 (B) A motion by the defendant to suppress evidence  
20                 or to suppress a confession shall not be entertained.  
21                 Evidence that proof may have been obtained as the  
22                 result of an unlawful search and seizure or through  
23                 improper interrogation is not relevant to this state of  
24                 the prosecution.

25                 (2) The facts relied upon by the court to support a  
26                 finding that the defendant poses a real and present threat



1 to the physical safety of any person or persons shall be  
2 supported by clear and convincing evidence presented by the  
3 State.

4 (d) Factors to be considered in making a determination of  
5 dangerousness. The court may, in determining whether the  
6 defendant poses a real and present threat to the physical  
7 safety of any person or persons, consider but shall not be  
8 limited to evidence or testimony concerning:

9 (1) The nature and circumstances of any offense  
10 charged, including whether the offense is a crime of  
11 violence, involving a weapon.

12 (2) The history and characteristics of the defendant  
13 including:

14 (A) Any evidence of the defendant's prior criminal  
15 history indicative of violent, abusive or assaultive  
16 behavior, or lack of such behavior. Such evidence may  
17 include testimony or documents received in juvenile  
18 proceedings, criminal, quasi-criminal, civil  
19 commitment, domestic relations or other proceedings.

20 (B) Any evidence of the defendant's psychological,  
21 psychiatric or other similar social history which  
22 tends to indicate a violent, abusive, or assaultive  
23 nature, or lack of any such history.

24 (3) The identity of any person or persons to whose  
25 safety the defendant is believed to pose a threat, and the  
26 nature of the threat;

1           (4) Any statements made by, or attributed to the  
2 defendant, together with the circumstances surrounding  
3 them;

4           (5) The age and physical condition of any person  
5 assaulted by the defendant;

6           (6) Whether the defendant is known to possess or have  
7 access to any weapon or weapons;

8           (7) Whether, at the time of the current offense or any  
9 other offense or arrest, the defendant was on probation,  
10 parole, aftercare release, mandatory supervised release or  
11 other release from custody pending trial, sentencing,  
12 appeal or completion of sentence for an offense under  
13 federal or state law;

14           (8) Any other factors, including those listed in  
15 Section 110-5 of this Article deemed by the court to have a  
16 reasonable bearing upon the defendant's propensity or  
17 reputation for violent, abusive or assaultive behavior, or  
18 lack of such behavior.

19           (e) Detention order. The court shall, in any order for  
20 detention:

21           (1) briefly summarize the evidence of the defendant's  
22 culpability and its reasons for concluding that the  
23 defendant should be held without bail;

24           (2) direct that the defendant be committed to the  
25 custody of the sheriff for confinement in the county jail  
26 pending trial;

1           (3) direct that the defendant be given a reasonable  
2 opportunity for private consultation with counsel, and for  
3 communication with others of his choice by visitation, mail  
4 and telephone; and

5           (4) direct that the sheriff deliver the defendant as  
6 required for appearances in connection with court  
7 proceedings.

8           (f) If the court enters an order for the detention of the  
9 defendant pursuant to subsection (e) of this Section, the  
10 defendant shall be brought to trial on the offense for which he  
11 is detained within 90 days after the date on which the order  
12 for detention was entered. If the defendant is not brought to  
13 trial within the 90 day period required by the preceding  
14 sentence, he shall not be held longer without bail. In  
15 computing the 90 day period, the court shall omit any period of  
16 delay resulting from a continuance granted at the request of  
17 the defendant.

18           (g) Rights of the defendant. Any person shall be entitled  
19 to appeal any order entered under this Section denying bail to  
20 the defendant.

21           (h) The State may appeal any order entered under this  
22 Section denying any motion for denial of bail.

23           (i) Nothing in this Section shall be construed as modifying  
24 or limiting in any way the defendant's presumption of innocence  
25 in further criminal proceedings.

26           (Source: P.A. 94-556, eff. 9-11-05.)

1 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

2 Sec. 110-6.3. Denial of bail in stalking and aggravated  
3 stalking offenses.

4 (a) Upon verified petition by the State, the court shall  
5 hold a hearing to determine whether bail should be denied to a  
6 defendant who is charged with stalking or aggravated stalking,  
7 when it is alleged that the defendant's admission to bail poses  
8 a real and present threat to the physical safety of the alleged  
9 victim of the offense, and denial of release on bail or  
10 personal recognizance is necessary to prevent fulfillment of  
11 the threat upon which the charge is based.

12 (1) A petition may be filed without prior notice to the  
13 defendant at the first appearance before a judge, or within  
14 21 calendar days, except as provided in Section 110-6,  
15 after arrest and release of the defendant upon reasonable  
16 notice to defendant; provided that while the petition is  
17 pending before the court, the defendant if previously  
18 released shall not be detained.

19 (2) The hearing shall be held immediately upon the  
20 defendant's appearance before the court, unless for good  
21 cause shown the defendant or the State seeks a continuance.  
22 A continuance on motion of the defendant may not exceed 5  
23 calendar days, and the defendant may be held in custody  
24 during the continuance. A continuance on the motion of the  
25 State may not exceed 3 calendar days; however, the

1 defendant may be held in custody during the continuance  
2 under this provision if the defendant has been previously  
3 found to have violated an order of protection or has been  
4 previously convicted of, or granted court supervision for,  
5 any of the offenses set forth in Sections 11-1.20, 11-1.30,  
6 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,  
7 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15  
8 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
9 of 2012, against the same person as the alleged victim of  
10 the stalking or aggravated stalking offense.

11 (b) The court may deny bail to the defendant when, after  
12 the hearing, it is determined that:

13 (1) the proof is evident or the presumption great that  
14 the defendant has committed the offense of stalking or  
15 aggravated stalking; and

16 (2) the defendant poses a real and present threat to  
17 the physical safety of the alleged victim of the offense;  
18 and

19 (3) the denial of release on bail or personal  
20 recognizance is necessary to prevent fulfillment of the  
21 threat upon which the charge is based; and

22 (4) the court finds that no condition or combination of  
23 conditions set forth in subsection (b) of Section 110-10 of  
24 this Code, including mental health treatment at a community  
25 mental health center, hospital, or facility of the  
26 Department of Human Services, can reasonably assure the

1 physical safety of the alleged victim of the offense.

2 (c) Conduct of the hearings.

3 (1) The hearing on the defendant's culpability and  
4 threat to the alleged victim of the offense shall be  
5 conducted in accordance with the following provisions:

6 (A) Information used by the court in its findings  
7 or stated in or offered at the hearing may be by way of  
8 proffer based upon reliable information offered by the  
9 State or by defendant. Defendant has the right to be  
10 represented by counsel, and if he is indigent, to have  
11 counsel appointed for him. Defendant shall have the  
12 opportunity to testify, to present witnesses in his own  
13 behalf, and to cross-examine witnesses if any are  
14 called by the State. The defendant has the right to  
15 present witnesses in his favor. When the ends of  
16 justice so require, the court may exercise its  
17 discretion and compel the appearance of a complaining  
18 witness. The court shall state on the record reasons  
19 for granting a defense request to compel the presence  
20 of a complaining witness. Cross-examination of a  
21 complaining witness at the pretrial detention hearing  
22 for the purpose of impeaching the witness' credibility  
23 is insufficient reason to compel the presence of the  
24 witness. In deciding whether to compel the appearance  
25 of a complaining witness, the court shall be  
26 considerate of the emotional and physical well-being

1 of the witness. The pretrial detention hearing is not  
2 to be used for the purposes of discovery, and the post  
3 arraignment rules of discovery do not apply. The State  
4 shall tender to the defendant, prior to the hearing,  
5 copies of defendant's criminal history, if any, if  
6 available, and any written or recorded statements and  
7 the substance of any oral statements made by any  
8 person, if relied upon by the State. The rules  
9 concerning the admissibility of evidence in criminal  
10 trials do not apply to the presentation and  
11 consideration of information at the hearing. At the  
12 trial concerning the offense for which the hearing was  
13 conducted neither the finding of the court nor any  
14 transcript or other record of the hearing shall be  
15 admissible in the State's case in chief, but shall be  
16 admissible for impeachment, or as provided in Section  
17 115-10.1 of this Code, or in a perjury proceeding.

18 (B) A motion by the defendant to suppress evidence  
19 or to suppress a confession shall not be entertained.  
20 Evidence that proof may have been obtained as the  
21 result of an unlawful search and seizure or through  
22 improper interrogation is not relevant to this state of  
23 the prosecution.

24 (2) The facts relied upon by the court to support a  
25 finding that:

26 (A) the defendant poses a real and present threat

1 to the physical safety of the alleged victim of the  
2 offense; and

3 (B) the denial of release on bail or personal  
4 recognizance is necessary to prevent fulfillment of  
5 the threat upon which the charge is based;

6 shall be supported by clear and convincing evidence  
7 presented by the State.

8 (d) Factors to be considered in making a determination of  
9 the threat to the alleged victim of the offense. The court may,  
10 in determining whether the defendant poses, at the time of the  
11 hearing, a real and present threat to the physical safety of  
12 the alleged victim of the offense, consider but shall not be  
13 limited to evidence or testimony concerning:

14 (1) The nature and circumstances of the offense  
15 charged;

16 (2) The history and characteristics of the defendant  
17 including:

18 (A) Any evidence of the defendant's prior criminal  
19 history indicative of violent, abusive or assaultive  
20 behavior, or lack of that behavior. The evidence may  
21 include testimony or documents received in juvenile  
22 proceedings, criminal, quasi-criminal, civil  
23 commitment, domestic relations or other proceedings;

24 (B) Any evidence of the defendant's psychological,  
25 psychiatric or other similar social history that tends  
26 to indicate a violent, abusive, or assaultive nature,



1 or lack of any such history.

2 (3) The nature of the threat which is the basis of the  
3 charge against the defendant;

4 (4) Any statements made by, or attributed to the  
5 defendant, together with the circumstances surrounding  
6 them;

7 (5) The age and physical condition of any person  
8 assaulted by the defendant;

9 (6) Whether the defendant is known to possess or have  
10 access to any weapon or weapons;

11 (7) Whether, at the time of the current offense or any  
12 other offense or arrest, the defendant was on probation,  
13 parole, aftercare release, mandatory supervised release or  
14 other release from custody pending trial, sentencing,  
15 appeal or completion of sentence for an offense under  
16 federal or state law;

17 (8) Any other factors, including those listed in  
18 Section 110-5 of this Code, deemed by the court to have a  
19 reasonable bearing upon the defendant's propensity or  
20 reputation for violent, abusive or assaultive behavior, or  
21 lack of that behavior.

22 (e) The court shall, in any order denying bail to a person  
23 charged with stalking or aggravated stalking:

24 (1) briefly summarize the evidence of the defendant's  
25 culpability and its reasons for concluding that the  
26 defendant should be held without bail;

1           (2) direct that the defendant be committed to the  
2 custody of the sheriff for confinement in the county jail  
3 pending trial;

4           (3) direct that the defendant be given a reasonable  
5 opportunity for private consultation with counsel, and for  
6 communication with others of his choice by visitation, mail  
7 and telephone; and

8           (4) direct that the sheriff deliver the defendant as  
9 required for appearances in connection with court  
10 proceedings.

11          (f) If the court enters an order for the detention of the  
12 defendant under subsection (e) of this Section, the defendant  
13 shall be brought to trial on the offense for which he is  
14 detained within 90 days after the date on which the order for  
15 detention was entered. If the defendant is not brought to trial  
16 within the 90 day period required by this subsection (f), he  
17 shall not be held longer without bail. In computing the 90 day  
18 period, the court shall omit any period of delay resulting from  
19 a continuance granted at the request of the defendant. The  
20 court shall immediately notify the alleged victim of the  
21 offense that the defendant has been admitted to bail under this  
22 subsection.

23          (g) Any person shall be entitled to appeal any order  
24 entered under this Section denying bail to the defendant.

25          (h) The State may appeal any order entered under this  
26 Section denying any motion for denial of bail.

1 (i) Nothing in this Section shall be construed as modifying  
2 or limiting in any way the defendant's presumption of innocence  
3 in further criminal proceedings.

4 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;  
5 96-1551, Article 2, Section 1040, eff. 7-1-11; 97-1109, eff.  
6 1-1-13; 97-1150, eff. 1-25-13.)

7 (725 ILCS 5/112A-2) (from Ch. 38, par. 112A-2)

8 Sec. 112A-2. Commencement of Actions.

9 (a) Actions for orders of protection are commenced in  
10 conjunction with a delinquency petition or a criminal  
11 prosecution by filing a petition for an order of protection,  
12 under the same case number as the delinquency petition or the  
13 criminal prosecution, to be granted during pre-trial release of  
14 a defendant, with any dispositional order issued under Section  
15 5-710 of the Juvenile Court Act of 1987, or as a condition of  
16 release, supervision, conditional discharge, probation,  
17 periodic imprisonment, parole, aftercare release, or mandatory  
18 supervised release, or in conjunction with imprisonment or a  
19 bond forfeiture warrant, provided that:

20 (i) the violation is alleged in an information,  
21 complaint, indictment or delinquency petition on file, and  
22 the alleged offender and victim are family or household  
23 members; and

24 (ii) the petition, which is filed by the State's  
25 Attorney, names a victim of the alleged crime as a

1 petitioner.

2 (b) Withdrawal or dismissal of any petition for an order of  
3 protection prior to adjudication where the petitioner is  
4 represented by the state shall operate as a dismissal without  
5 prejudice.

6 (c) Voluntary dismissal or withdrawal of any delinquency  
7 petition or criminal prosecution or a finding of not guilty  
8 shall not require dismissal of the action for the order of  
9 protection; instead, in the discretion of the State's Attorney,  
10 it may be treated as an independent action and, if necessary  
11 and appropriate, transferred to a different court or division.  
12 Dismissal of any delinquency petition or criminal prosecution  
13 shall not affect the validity of any previously issued order of  
14 protection, and thereafter subsection (b) of Section 112A-20  
15 shall be inapplicable to that order.

16 (Source: P.A. 90-590, eff. 1-1-99.)

17 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

18 Sec. 112A-20. Duration and extension of orders.

19 (a) Duration of emergency and interim orders. Unless  
20 re-opened or extended or voided by entry of an order of greater  
21 duration:

22 (1) Emergency orders issued under Section 112A-17  
23 shall be effective for not less than 14 nor more than 21  
24 days;

25 (2) Interim orders shall be effective for up to 30

1 days.

2 (b) Duration of plenary orders. Except as otherwise  
3 provided in this Section, a plenary order of protection shall  
4 be valid for a fixed period of time not to exceed 2 years. A  
5 plenary order of protection entered in conjunction with a  
6 criminal prosecution shall remain in effect as follows:

7 (1) if entered during pre-trial release, until  
8 disposition, withdrawal, or dismissal of the underlying  
9 charge; if, however, the case is continued as an  
10 independent cause of action, the order's duration may be  
11 for a fixed period of time not to exceed 2 years;

12 (2) if in effect in conjunction with a bond forfeiture  
13 warrant, until final disposition or an additional period of  
14 time not exceeding 2 years; no order of protection,  
15 however, shall be terminated by a dismissal that is  
16 accompanied by the issuance of a bond forfeiture warrant;

17 (3) until expiration of any supervision, conditional  
18 discharge, probation, periodic imprisonment, parole,  
19 aftercare release, or mandatory supervised release and for  
20 an additional period of time thereafter not exceeding 2  
21 years; or

22 (4) until the date set by the court for expiration of  
23 any sentence of imprisonment and subsequent parole,  
24 aftercare release, or mandatory supervised release and for  
25 an additional period of time thereafter not exceeding 2  
26 years.

1           (c) Computation of time. The duration of an order of  
2 protection shall not be reduced by the duration of any prior  
3 order of protection.

4           (d) Law enforcement records. When a plenary order of  
5 protection expires upon the occurrence of a specified event,  
6 rather than upon a specified date as provided in subsection  
7 (b), no expiration date shall be entered in Department of State  
8 Police records. To remove the plenary order from those records,  
9 either party shall request the clerk of the court to file a  
10 certified copy of an order stating that the specified event has  
11 occurred or that the plenary order has been vacated or modified  
12 with the sheriff, and the sheriff shall direct that law  
13 enforcement records shall be promptly corrected in accordance  
14 with the filed order.

15           (e) Extension of Orders. Any emergency, interim or plenary  
16 order of protection may be extended one or more times, as  
17 required, provided that the requirements of Section 112A-17,  
18 112A-18 or 112A-19, as appropriate, are satisfied. If the  
19 motion for extension is uncontested and petitioner seeks no  
20 modification of the order, the order may be extended on the  
21 basis of petitioner's motion or affidavit stating that there  
22 has been no material change in relevant circumstances since  
23 entry of the order and stating the reason for the requested  
24 extension. An extension of a plenary order of protection may be  
25 granted, upon good cause shown, to remain in effect until the  
26 order of protection is vacated or modified. Extensions may be

1 granted only in open court and not under the provisions of  
2 Section 112A-17(c), which applies only when the court is  
3 unavailable at the close of business or on a court holiday.

4 (f) Termination date. Any order of protection which would  
5 expire on a court holiday shall instead expire at the close of  
6 the next court business day.

7 (g) Statement of purpose. The practice of dismissing or  
8 suspending a criminal prosecution in exchange for issuing an  
9 order of protection undermines the purposes of this Article.  
10 This Section shall not be construed as encouraging that  
11 practice.

12 (Source: P.A. 95-886, eff. 1-1-09.)

13 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

14 Sec. 112A-22. Notice of orders.

15 (a) Entry and issuance. Upon issuance of any order of  
16 protection, the clerk shall immediately, or on the next court  
17 day if an emergency order is issued in accordance with  
18 subsection (c) of Section 112A-17, (i) enter the order on the  
19 record and file it in accordance with the circuit court  
20 procedures and (ii) provide a file stamped copy of the order to  
21 respondent, if present, and to petitioner.

22 (b) Filing with sheriff. The clerk of the issuing judge  
23 shall, or the petitioner may, on the same day that an order of  
24 protection is issued, file a copy of that order with the  
25 sheriff or other law enforcement officials charged with

1 maintaining Department of State Police records or charged with  
2 serving the order upon respondent. If the order was issued in  
3 accordance with subsection (c) of Section 112A-17, the clerk  
4 shall on the next court day, file a certified copy of the order  
5 with the Sheriff or other law enforcement officials charged  
6 with maintaining Department of State Police records. If the  
7 respondent, at the time of the issuance of the order, is  
8 committed to the custody of the Illinois Department of  
9 Corrections or Department of Juvenile Justice or is on parole,  
10 aftercare release, or mandatory supervised release, the  
11 sheriff or other law enforcement officials charged with  
12 maintaining Department of State Police records shall notify the  
13 Department of Corrections or Department of Juvenile Justice  
14 within 48 hours of receipt of a copy of the order of protection  
15 from the clerk of the issuing judge or the petitioner. Such  
16 notice shall include the name of the respondent, the  
17 respondent's IDOC or IDJJ inmate number, the respondent's date  
18 of birth, and the LEADS Record Index Number.

19 (c) Service by sheriff. Unless respondent was present in  
20 court when the order was issued, the sheriff, other law  
21 enforcement official or special process server shall promptly  
22 serve that order upon respondent and file proof of such  
23 service, in the manner provided for service of process in civil  
24 proceedings. Instead of serving the order upon the respondent,  
25 however, the sheriff, other law enforcement official, special  
26 process server, or other persons defined in Section 112A-22.10



1 may serve the respondent with a short form notification as  
2 provided in Section 112A-22.10. If process has not yet been  
3 served upon the respondent, it shall be served with the order  
4 or short form notification if such service is made by the  
5 sheriff, other law enforcement official, or special process  
6 server.

7 (c-5) If the person against whom the order of protection is  
8 issued is arrested and the written order is issued in  
9 accordance with subsection (c) of Section 112A-17 and received  
10 by the custodial law enforcement agency before the respondent  
11 or arrestee is released from custody, the custodial law  
12 enforcement agent shall promptly serve the order upon the  
13 respondent or arrestee before the respondent or arrestee is  
14 released from custody. In no event shall detention of the  
15 respondent or arrestee be extended for hearing on the petition  
16 for order of protection or receipt of the order issued under  
17 Section 112A-17 of this Code.

18 (d) Extensions, modifications and revocations. Any order  
19 extending, modifying or revoking any order of protection shall  
20 be promptly recorded, issued and served as provided in this  
21 Section.

22 (e) Notice to health care facilities and health care  
23 practitioners. Upon the request of the petitioner, the clerk of  
24 the circuit court shall send a certified copy of the order of  
25 protection to any specified health care facility or health care  
26 practitioner requested by the petitioner at the mailing address

1 provided by the petitioner.

2 (f) Disclosure by health care facilities and health care  
3 practitioners. After receiving a certified copy of an order of  
4 protection that prohibits a respondent's access to records, no  
5 health care facility or health care practitioner shall allow a  
6 respondent access to the records of any child who is a  
7 protected person under the order of protection, or release  
8 information in those records to the respondent, unless the  
9 order has expired or the respondent shows a certified copy of  
10 the court order vacating the corresponding order of protection  
11 that was sent to the health care facility or practitioner.  
12 Nothing in this Section shall be construed to require health  
13 care facilities or health care practitioners to alter  
14 procedures related to billing and payment. The health care  
15 facility or health care practitioner may file the copy of the  
16 order of protection in the records of a child who is a  
17 protected person under the order of protection, or may employ  
18 any other method to identify the records to which a respondent  
19 is prohibited access. No health care facility or health care  
20 practitioner shall be civilly or professionally liable for  
21 reliance on a copy of an order of protection, except for  
22 willful and wanton misconduct.

23 (g) Notice to schools. Upon the request of the petitioner,  
24 within 24 hours of the issuance of an order of protection, the  
25 clerk of the issuing judge shall send a certified copy of the  
26 order of protection to the day-care facility, pre-school or

1 pre-kindergarten, or private school or the principal office of  
2 the public school district or any college or university in  
3 which any child who is a protected person under the order of  
4 protection or any child of the petitioner is enrolled as  
5 requested by the petitioner at the mailing address provided by  
6 the petitioner. If the child transfers enrollment to another  
7 day-care facility, pre-school, pre-kindergarten, private  
8 school, public school, college, or university, the petitioner  
9 may, within 24 hours of the transfer, send to the clerk written  
10 notice of the transfer, including the name and address of the  
11 institution to which the child is transferring. Within 24 hours  
12 of receipt of notice from the petitioner that a child is  
13 transferring to another day-care facility, pre-school,  
14 pre-kindergarten, private school, public school, college, or  
15 university, the clerk shall send a certified copy of the order  
16 to the institution to which the child is transferring.

17 (h) Disclosure by schools. After receiving a certified copy  
18 of an order of protection that prohibits a respondent's access  
19 to records, neither a day-care facility, pre-school,  
20 pre-kindergarten, public or private school, college, or  
21 university nor its employees shall allow a respondent access to  
22 a protected child's records or release information in those  
23 records to the respondent. The school shall file the copy of  
24 the order of protection in the records of a child who is a  
25 protected person under the order of protection. When a child  
26 who is a protected person under the order of protection

1 transfers to another day-care facility, pre-school,  
2 pre-kindergarten, public or private school, college, or  
3 university, the institution from which the child is  
4 transferring may, at the request of the petitioner, provide,  
5 within 24 hours of the transfer, written notice of the order of  
6 protection, along with a certified copy of the order, to the  
7 institution to which the child is transferring.

8 (Source: P.A. 96-651, eff. 1-1-10; 97-50, eff. 6-28-11; 97-904,  
9 eff. 1-1-13.)

10 (725 ILCS 5/112A-22.10)

11 Sec. 112A-22.10. Short form notification.

12 (a) Instead of personal service of an order of protection  
13 under Section 112A-22, a sheriff, other law enforcement  
14 official, special process server, or personnel assigned by the  
15 Department of Corrections or Department of Juvenile Justice to  
16 investigate the alleged misconduct of committed persons or  
17 alleged violations of a parolee's or releasee's conditions of  
18 parole, aftercare release, or mandatory supervised release may  
19 serve a respondent with a short form notification. The short  
20 form notification must include the following items:

21 (1) The respondent's name.

22 (2) The respondent's date of birth, if known.

23 (3) The petitioner's name.

24 (4) The names of other protected parties.

25 (5) The date and county in which the order of

1 protection was filed.

2 (6) The court file number.

3 (7) The hearing date and time, if known.

4 (8) The conditions that apply to the respondent, either  
5 in checklist form or handwritten.

6 (9) The name of the judge who signed the order.

7 (b) The short form notification must contain the following  
8 notice in bold print:

9 "The order of protection is now enforceable. You must  
10 report to the office of the sheriff or the office of the  
11 circuit court in (name of county) County to obtain a copy  
12 of the order of protection. You are subject to arrest and  
13 may be charged with a misdemeanor or felony if you violate  
14 any of the terms of the order of protection."

15 (c) Upon verification of the identity of the respondent and  
16 the existence of an unserved order of protection against the  
17 respondent, a sheriff or other law enforcement official may  
18 detain the respondent for a reasonable time necessary to  
19 complete and serve the short form notification.

20 (d) When service is made by short form notification under  
21 this Section, it may be proved by the affidavit of the person  
22 making the service.

23 (e) The Attorney General shall provide adequate copies of  
24 the short form notification form to law enforcement agencies in  
25 this State.

26 (Source: P.A. 97-50, eff. 6-28-11.)

1           Section 85. The Rights of Crime Victims and Witnesses Act  
2 is amended by changing Sections 3, 4.5, and 5 as follows:

3           (725 ILCS 120/3) (from Ch. 38, par. 1403)

4           Sec. 3. The terms used in this Act, unless the context  
5 clearly requires otherwise, shall have the following meanings:

6           (a) "Crime victim" and "victim" mean (1) a person  
7 physically injured in this State as a result of a violent crime  
8 perpetrated or attempted against that person or (2) a person  
9 who suffers injury to or loss of property as a result of a  
10 violent crime perpetrated or attempted against that person or  
11 (3) a single representative who may be the spouse, parent,  
12 child or sibling of a person killed as a result of a violent  
13 crime perpetrated against the person killed or the spouse,  
14 parent, child or sibling of any person granted rights under  
15 this Act who is physically or mentally incapable of exercising  
16 such rights, except where the spouse, parent, child or sibling  
17 is also the defendant or prisoner or (4) any person against  
18 whom a violent crime has been committed or (5) any person who  
19 has suffered personal injury as a result of a violation of  
20 Section 11-501 of the Illinois Vehicle Code, or of a similar  
21 provision of a local ordinance, or of Section 9-3 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012 or (6) in  
23 proceedings under the Juvenile Court Act of 1987, both parents,  
24 legal guardians, foster parents, or a single adult

1 representative of a minor or disabled person who is a crime  
2 victim.

3 (b) "Witness" means any person who personally observed the  
4 commission of a violent crime and who will testify on behalf of  
5 the State of Illinois in the criminal prosecution of the  
6 violent crime.

7 (c) "Violent Crime" means any felony in which force or  
8 threat of force was used against the victim, or any offense  
9 involving sexual exploitation, sexual conduct or sexual  
10 penetration, or a violation of Section 11-20.1, 11-20.1B, or  
11 11-20.3 of the Criminal Code of 1961 or the Criminal Code of  
12 2012, domestic battery, violation of an order of protection,  
13 stalking, or any misdemeanor which results in death or great  
14 bodily harm to the victim or any violation of Section 9-3 of  
15 the Criminal Code of 1961 or the Criminal Code of 2012, or  
16 Section 11-501 of the Illinois Vehicle Code, or a similar  
17 provision of a local ordinance, if the violation resulted in  
18 personal injury or death, and includes any action committed by  
19 a juvenile that would be a violent crime if committed by an  
20 adult. For the purposes of this paragraph, "personal injury"  
21 shall include any Type A injury as indicated on the traffic  
22 accident report completed by a law enforcement officer that  
23 requires immediate professional attention in either a doctor's  
24 office or medical facility. A type A injury shall include  
25 severely bleeding wounds, distorted extremities, and injuries  
26 that require the injured party to be carried from the scene.

1 (d) "Sentencing Hearing" means any hearing where a sentence  
2 is imposed by the court on a convicted defendant and includes  
3 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2  
4 and 5-7-7 of the Unified Code of Corrections.

5 (e) "Court proceedings" includes the preliminary hearing,  
6 any hearing the effect of which may be the release of the  
7 defendant from custody or to alter the conditions of bond, the  
8 trial, sentencing hearing, notice of appeal, any modification  
9 of sentence, probation revocation hearings, aftercare release,  
10 or parole hearings.

11 (f) "Concerned citizen" includes relatives of the victim,  
12 friends of the victim, witnesses to the crime, or any other  
13 person associated with the victim or prisoner.

14 (Source: P.A. 96-292, eff. 1-1-10; 96-875, eff. 1-22-10;  
15 96-1551, eff. 7-1-11; 97-572, eff. 1-1-12; 97-1150, eff.  
16 1-25-13.)

17 (725 ILCS 120/4.5)

18 Sec. 4.5. Procedures to implement the rights of crime  
19 victims. To afford crime victims their rights, law enforcement,  
20 prosecutors, judges and corrections will provide information,  
21 as appropriate of the following procedures:

22 (a) At the request of the crime victim, law enforcement  
23 authorities investigating the case shall provide notice of the  
24 status of the investigation, except where the State's Attorney  
25 determines that disclosure of such information would



1 unreasonably interfere with the investigation, until such time  
2 as the alleged assailant is apprehended or the investigation is  
3 closed.

4 (a-5) When law enforcement authorities re-open a closed  
5 case to resume investigating, they shall provide notice of the  
6 re-opening of the case, except where the State's Attorney  
7 determines that disclosure of such information would  
8 unreasonably interfere with the investigation.

9 (b) The office of the State's Attorney:

10 (1) shall provide notice of the filing of information,  
11 the return of an indictment by which a prosecution for any  
12 violent crime is commenced, or the filing of a petition to  
13 adjudicate a minor as a delinquent for a violent crime;

14 (2) shall provide notice of the date, time, and place  
15 of trial;

16 (3) or victim advocate personnel shall provide  
17 information of social services and financial assistance  
18 available for victims of crime, including information of  
19 how to apply for these services and assistance;

20 (3.5) or victim advocate personnel shall provide  
21 information about available victim services, including  
22 referrals to programs, counselors, and agencies that  
23 assist a victim to deal with trauma, loss, and grief;

24 (4) shall assist in having any stolen or other personal  
25 property held by law enforcement authorities for  
26 evidentiary or other purposes returned as expeditiously as

1 possible, pursuant to the procedures set out in Section  
2 115-9 of the Code of Criminal Procedure of 1963;

3 (5) or victim advocate personnel shall provide  
4 appropriate employer intercession services to ensure that  
5 employers of victims will cooperate with the criminal  
6 justice system in order to minimize an employee's loss of  
7 pay and other benefits resulting from court appearances;

8 (6) shall provide information whenever possible, of a  
9 secure waiting area during court proceedings that does not  
10 require victims to be in close proximity to defendant or  
11 juveniles accused of a violent crime, and their families  
12 and friends;

13 (7) shall provide notice to the crime victim of the  
14 right to have a translator present at all court proceedings  
15 and, in compliance with the federal Americans with  
16 Disabilities Act of 1990, the right to communications  
17 access through a sign language interpreter or by other  
18 means;

19 (8) in the case of the death of a person, which death  
20 occurred in the same transaction or occurrence in which  
21 acts occurred for which a defendant is charged with an  
22 offense, shall notify the spouse, parent, child or sibling  
23 of the decedent of the date of the trial of the person or  
24 persons allegedly responsible for the death;

25 (9) shall inform the victim of the right to have  
26 present at all court proceedings, subject to the rules of

1 evidence, an advocate or other support person of the  
2 victim's choice, and the right to retain an attorney, at  
3 the victim's own expense, who, upon written notice filed  
4 with the clerk of the court and State's Attorney, is to  
5 receive copies of all notices, motions and court orders  
6 filed thereafter in the case, in the same manner as if the  
7 victim were a named party in the case;

8 (10) at the sentencing hearing shall make a good faith  
9 attempt to explain the minimum amount of time during which  
10 the defendant may actually be physically imprisoned. The  
11 Office of the State's Attorney shall further notify the  
12 crime victim of the right to request from the Prisoner  
13 Review Board information concerning the release of the  
14 defendant under subparagraph (d) (1) of this Section;

15 (11) shall request restitution at sentencing and shall  
16 consider restitution in any plea negotiation, as provided  
17 by law; and

18 (12) shall, upon the court entering a verdict of not  
19 guilty by reason of insanity, inform the victim of the  
20 notification services available from the Department of  
21 Human Services, including the statewide telephone number,  
22 under subparagraph (d) (2) of this Section.

23 (c) At the written request of the crime victim, the office  
24 of the State's Attorney shall:

25 (1) provide notice a reasonable time in advance of the  
26 following court proceedings: preliminary hearing, any

1 hearing the effect of which may be the release of defendant  
2 from custody, or to alter the conditions of bond and the  
3 sentencing hearing. The crime victim shall also be notified  
4 of the cancellation of the court proceeding in sufficient  
5 time, wherever possible, to prevent an unnecessary  
6 appearance in court;

7 (2) provide notice within a reasonable time after  
8 receipt of notice from the custodian, of the release of the  
9 defendant on bail or personal recognizance or the release  
10 from detention of a minor who has been detained for a  
11 violent crime;

12 (3) explain in nontechnical language the details of any  
13 plea or verdict of a defendant, or any adjudication of a  
14 juvenile as a delinquent for a violent crime;

15 (4) where practical, consult with the crime victim  
16 before the Office of the State's Attorney makes an offer of  
17 a plea bargain to the defendant or enters into negotiations  
18 with the defendant concerning a possible plea agreement,  
19 and shall consider the written victim impact statement, if  
20 prepared prior to entering into a plea agreement;

21 (5) provide notice of the ultimate disposition of the  
22 cases arising from an indictment or an information, or a  
23 petition to have a juvenile adjudicated as a delinquent for  
24 a violent crime;

25 (6) provide notice of any appeal taken by the defendant  
26 and information on how to contact the appropriate agency

1 handling the appeal;

2 (7) provide notice of any request for post-conviction  
3 review filed by the defendant under Article 122 of the Code  
4 of Criminal Procedure of 1963, and of the date, time and  
5 place of any hearing concerning the petition. Whenever  
6 possible, notice of the hearing shall be given in advance;

7 (8) forward a copy of any statement presented under  
8 Section 6 to the Prisoner Review Board to be considered by  
9 the Board in making its determination under subsection (b)  
10 of Section 3-3-8 of the Unified Code of Corrections.

11 (d) (1) The Prisoner Review Board shall inform a victim or  
12 any other concerned citizen, upon written request, of the  
13 prisoner's release on parole, aftercare release, mandatory  
14 supervised release, electronic detention, work release,  
15 international transfer or exchange, or by the custodian of the  
16 discharge of any individual who was adjudicated a delinquent  
17 for a violent crime from State custody and by the sheriff of  
18 the appropriate county of any such person's final discharge  
19 from county custody. The Prisoner Review Board, upon written  
20 request, shall provide to a victim or any other concerned  
21 citizen a recent photograph of any person convicted of a  
22 felony, upon his or her release from custody. The Prisoner  
23 Review Board, upon written request, shall inform a victim or  
24 any other concerned citizen when feasible at least 7 days prior  
25 to the prisoner's release on furlough of the times and dates of  
26 such furlough. Upon written request by the victim or any other

1 concerned citizen, the State's Attorney shall notify the person  
2 once of the times and dates of release of a prisoner sentenced  
3 to periodic imprisonment. Notification shall be based on the  
4 most recent information as to victim's or other concerned  
5 citizen's residence or other location available to the  
6 notifying authority.

7 (2) When the defendant has been committed to the Department  
8 of Human Services pursuant to Section 5-2-4 or any other  
9 provision of the Unified Code of Corrections, the victim may  
10 request to be notified by the releasing authority of the  
11 approval by the court of an on-grounds pass, a supervised  
12 off-grounds pass, an unsupervised off-grounds pass, or  
13 conditional release; the release on an off-grounds pass; the  
14 return from an off-grounds pass; transfer to another facility;  
15 conditional release; escape; death; or final discharge from  
16 State custody. The Department of Human Services shall establish  
17 and maintain a statewide telephone number to be used by victims  
18 to make notification requests under these provisions and shall  
19 publicize this telephone number on its website and to the  
20 State's Attorney of each county.

21 (3) In the event of an escape from State custody, the  
22 Department of Corrections or the Department of Juvenile Justice  
23 immediately shall notify the Prisoner Review Board of the  
24 escape and the Prisoner Review Board shall notify the victim.  
25 The notification shall be based upon the most recent  
26 information as to the victim's residence or other location

1 available to the Board. When no such information is available,  
2 the Board shall make all reasonable efforts to obtain the  
3 information and make the notification. When the escapee is  
4 apprehended, the Department of Corrections or the Department of  
5 Juvenile Justice immediately shall notify the Prisoner Review  
6 Board and the Board shall notify the victim.

7 (4) The victim of the crime for which the prisoner has been  
8 sentenced shall receive reasonable written notice not less than  
9 30 days prior to the parole or aftercare release hearing  
10 ~~interview~~ and may submit, in writing, on film, videotape or  
11 other electronic means or in the form of a recording or in  
12 person at the parole or aftercare release hearing ~~interview~~ or  
13 if a victim of a violent crime, by calling the toll-free number  
14 established in subsection (f) of this Section, information for  
15 consideration by the Prisoner Review Board. The victim shall be  
16 notified within 7 days after the prisoner has been granted  
17 parole or aftercare release and shall be informed of the right  
18 to inspect the registry of parole or aftercare release  
19 decisions, established under subsection (g) of Section 3-3-5 of  
20 the Unified Code of Corrections. The provisions of this  
21 paragraph (4) are subject to the Open Parole Hearings Act.

22 (5) If a statement is presented under Section 6, the  
23 Prisoner Review Board shall inform the victim of any order of  
24 discharge entered by the Board pursuant to Section 3-3-8 of the  
25 Unified Code of Corrections.

26 (6) At the written request of the victim of the crime for

1 which the prisoner was sentenced or the State's Attorney of the  
2 county where the person seeking parole or aftercare release was  
3 prosecuted, the Prisoner Review Board shall notify the victim  
4 and the State's Attorney of the county where the person seeking  
5 parole or aftercare release was prosecuted of the death of the  
6 prisoner if the prisoner died while on parole or aftercare  
7 release or mandatory supervised release.

8 (7) When a defendant who has been committed to the  
9 Department of Corrections, the Department of Juvenile Justice,  
10 or the Department of Human Services is released or discharged  
11 and subsequently committed to the Department of Human Services  
12 as a sexually violent person and the victim had requested to be  
13 notified by the releasing authority of the defendant's  
14 discharge, conditional release, death, or escape from State  
15 custody, the releasing authority shall provide to the  
16 Department of Human Services such information that would allow  
17 the Department of Human Services to contact the victim.

18 (8) When a defendant has been convicted of a sex offense as  
19 defined in Section 2 of the Sex Offender Registration Act and  
20 has been sentenced to the Department of Corrections or the  
21 Department of Juvenile Justice, the Prisoner Review Board shall  
22 notify the victim of the sex offense of the prisoner's  
23 eligibility for release on parole, aftercare release,  
24 mandatory supervised release, electronic detention, work  
25 release, international transfer or exchange, or by the  
26 custodian of the discharge of any individual who was



1 adjudicated a delinquent for a sex offense from State custody  
2 and by the sheriff of the appropriate county of any such  
3 person's final discharge from county custody. The notification  
4 shall be made to the victim at least 30 days, whenever  
5 possible, before release of the sex offender.

6 (e) The officials named in this Section may satisfy some or  
7 all of their obligations to provide notices and other  
8 information through participation in a statewide victim and  
9 witness notification system established by the Attorney  
10 General under Section 8.5 of this Act.

11 (f) To permit a victim of a violent crime to provide  
12 information to the Prisoner Review Board for consideration by  
13 the Board at a parole or aftercare release hearing of a person  
14 who committed the crime against the victim in accordance with  
15 clause (d)(4) of this Section or at a proceeding to determine  
16 the conditions of mandatory supervised release of a person  
17 sentenced to a determinate sentence or at a hearing on  
18 revocation of mandatory supervised release of a person  
19 sentenced to a determinate sentence, the Board shall establish  
20 a toll-free number that may be accessed by the victim of a  
21 violent crime to present that information to the Board.

22 (Source: P.A. 96-328, eff. 8-11-09; 96-875, eff. 1-22-10;  
23 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; 97-813, eff. 7-13-12;  
24 97-815, eff. 1-1-13.)

1           Sec. 5. Rights of Witnesses.

2           (a) Witnesses as defined in subsection (b) of Section 3 of  
3 this Act shall have the following rights:

4           (1) to be notified by the Office of the State's  
5 Attorney of all court proceedings at which the witness'  
6 presence is required in a reasonable amount of time prior  
7 to the proceeding, and to be notified of the cancellation  
8 of any scheduled court proceeding in sufficient time to  
9 prevent an unnecessary appearance in court, where  
10 possible;

11           (2) to be provided with appropriate employer  
12 intercession services by the Office of the State's Attorney  
13 or the victim advocate personnel to ensure that employers  
14 of witnesses will cooperate with the criminal justice  
15 system in order to minimize an employee's loss of pay and  
16 other benefits resulting from court appearances;

17           (3) to be provided, whenever possible, a secure waiting  
18 area during court proceedings that does not require  
19 witnesses to be in close proximity to defendants and their  
20 families and friends;

21           (4) to be provided with notice by the Office of the  
22 State's Attorney, where necessary, of the right to have a  
23 translator present whenever the witness' presence is  
24 required and, in compliance with the federal Americans with  
25 Disabilities Act of 1990, to be provided with notice of the  
26 right to communications access through a sign language

1 interpreter or by other means.

2 (b) At the written request of the witness, the witness  
3 shall:

4 (1) receive notice from the office of the State's  
5 Attorney of any request for post-conviction review filed by  
6 the defendant under Article 122 of the Code of Criminal  
7 Procedure of 1963, and of the date, time, and place of any  
8 hearing concerning the petition for post-conviction  
9 review; whenever possible, notice of the hearing on the  
10 petition shall be given in advance;

11 (2) receive notice by the releasing authority of the  
12 defendant's discharge from State custody if the defendant  
13 was committed to the Department of Human Services under  
14 Section 5-2-4 or any other provision of the Unified Code of  
15 Corrections;

16 (3) receive notice from the Prisoner Review Board of  
17 the prisoner's escape from State custody, after the Board  
18 has been notified of the escape by the Department of  
19 Corrections or the Department of Juvenile Justice; when the  
20 escapee is apprehended, the Department of Corrections or  
21 the Department of Juvenile Justice shall immediately  
22 notify the Prisoner Review Board and the Board shall notify  
23 the witness;

24 (4) receive notice from the Prisoner Review Board of  
25 the prisoner's release on parole, aftercare release,  
26 electronic detention, work release or mandatory supervised

1 release and of the prisoner's final discharge from parole,  
2 aftercare release, electronic detention, work release, or  
3 mandatory supervised release.

4 (Source: P.A. 94-696, eff. 6-1-06; 95-897, eff. 1-1-09.)

5 Section 90. The Privacy of Child Victims of Criminal Sexual  
6 Offenses Act is amended by changing Section 3 as follows:

7 (725 ILCS 190/3) (from Ch. 38, par. 1453)

8 Sec. 3. Confidentiality of Law Enforcement and Court  
9 Records. Notwithstanding any other law to the contrary,  
10 inspection and copying of law enforcement records maintained by  
11 any law enforcement agency or circuit court records maintained  
12 by any circuit clerk relating to any investigation or  
13 proceeding pertaining to a criminal sexual offense, by any  
14 person, except a judge, state's attorney, assistant state's  
15 attorney, psychologist, psychiatrist, social worker, doctor,  
16 parent, parole agent, aftercare specialist, probation officer,  
17 defendant or defendant's attorney in any criminal proceeding or  
18 investigation related thereto, shall be restricted to exclude  
19 the identity of any child who is a victim of such criminal  
20 sexual offense or alleged criminal sexual offense. A court may  
21 for the child's protection and for good cause shown, prohibit  
22 any person or agency present in court from further disclosing  
23 the child's identity.

24 When a criminal sexual offense is committed or alleged to

1 have been committed by a school district employee or any  
2 individual contractually employed by a school district, a copy  
3 of the criminal history record information relating to the  
4 investigation of the offense or alleged offense shall be  
5 transmitted to the superintendent of schools of the district  
6 immediately upon request or if the law enforcement agency knows  
7 that a school district employee or any individual contractually  
8 employed by a school district has committed or is alleged to  
9 have committed a criminal sexual offense, the superintendent of  
10 schools of the district shall be immediately provided a copy of  
11 the criminal history record information. The superintendent  
12 shall be restricted from specifically revealing the name of the  
13 victim without written consent of the victim or victim's parent  
14 or guardian.

15 A court may prohibit such disclosure only after giving  
16 notice and a hearing to all affected parties. In determining  
17 whether to prohibit disclosure of the minor's identity the  
18 court shall consider:

19 (a) the best interest of the child; and

20 (b) whether such nondisclosure would further a  
21 compelling State interest.

22 For the purposes of this Act, "criminal history record  
23 information" means:

24 (i) chronologically maintained arrest information,  
25 such as traditional arrest logs or blotters;

26 (ii) the name of a person in the custody of a law

1 enforcement agency and the charges for which that person is  
2 being held;

3 (iii) court records that are public;

4 (iv) records that are otherwise available under State  
5 or local law; or

6 (v) records in which the requesting party is the  
7 individual identified, except as provided under part (vii)  
8 of paragraph (c) of subsection (1) of Section 7 of the  
9 Freedom of Information Act.

10 (Source: P.A. 95-69, eff. 1-1-08; 95-599, eff. 6-1-08; 95-876,  
11 eff. 8-21-08.)

12 Section 95. The Sexually Violent Persons Commitment Act is  
13 amended by changing Sections 15, 30, and 40 as follows:

14 (725 ILCS 207/15)

15 Sec. 15. Sexually violent person petition; contents;  
16 filing.

17 (a) A petition alleging that a person is a sexually violent  
18 person must be filed before the release or discharge of the  
19 person or within 30 days of placement onto parole, aftercare  
20 release, or mandatory supervised release for an offense  
21 enumerated in paragraph (e) of Section 5 of this Act. A  
22 petition may be filed by the following:

23 (1) The Attorney General on his or her own motion,  
24 after consulting with and advising the State's Attorney of

1 the county in which the person was convicted of a sexually  
2 violent offense, adjudicated delinquent for a sexually  
3 violent offense or found not guilty of or not responsible  
4 for a sexually violent offense by reason of insanity,  
5 mental disease, or mental defect; or

6 (2) The State's Attorney of the county referenced in  
7 paragraph (1)(a)(1) of this Section, on his or her own  
8 motion; or

9 (3) The Attorney General and the State's Attorney of  
10 the county referenced in paragraph (1)(a)(1) of this  
11 Section may jointly file a petition on their own motion; or

12 (4) A petition may be filed at the request of the  
13 agency with jurisdiction over the person, as defined in  
14 subsection (a) of Section 10 of this Act, by:

15 (a) the Attorney General;

16 (b) the State's Attorney of the county referenced  
17 in paragraph (1)(a)(1) of this Section; or

18 (c) the Attorney General and the State's Attorney  
19 jointly.

20 (b) A petition filed under this Section shall allege that  
21 all of the following apply to the person alleged to be a  
22 sexually violent person:

23 (1) The person satisfies any of the following criteria:

24 (A) The person has been convicted of a sexually  
25 violent offense;

26 (B) The person has been found delinquent for a

1 sexually violent offense; or

2 (C) The person has been found not guilty of a  
3 sexually violent offense by reason of insanity, mental  
4 disease, or mental defect.

5 (2) (Blank).

6 (3) (Blank).

7 (4) The person has a mental disorder.

8 (5) The person is dangerous to others because the  
9 person's mental disorder creates a substantial probability  
10 that he or she will engage in acts of sexual violence.

11 (b-5) The petition must be filed no more than 90 days  
12 before discharge or entry into mandatory supervised release  
13 from a Department of Corrections or the Department of Juvenile  
14 Justice correctional facility for a sentence that was imposed  
15 upon a conviction for a sexually violent offense. For inmates  
16 sentenced under the law in effect prior to February 1, 1978,  
17 the petition shall be filed no more than 90 days after the  
18 Prisoner Review Board's order granting parole pursuant to  
19 Section 3-3-5 of the Unified Code of Corrections.

20 (b-6) The petition must be filed no more than 90 days  
21 before discharge or release:

22 (1) from a Department of Juvenile Justice juvenile  
23 correctional facility if the person was placed in the  
24 facility for being adjudicated delinquent under Section  
25 5-20 of the Juvenile Court Act of 1987 or found guilty  
26 under Section 5-620 of that Act on the basis of a sexually



1 violent offense; or

2 (2) from a commitment order that was entered as a  
3 result of a sexually violent offense.

4 (b-7) A person convicted of a sexually violent offense  
5 remains eligible for commitment as a sexually violent person  
6 pursuant to this Act under the following circumstances: (1) the  
7 person is in custody for a sentence that is being served  
8 concurrently or consecutively with a sexually violent offense;  
9 (2) the person returns to the custody of the Illinois  
10 Department of Corrections or the Department of Juvenile Justice  
11 for any reason during the term of parole, aftercare release, or  
12 mandatory supervised release being served for a sexually  
13 violent offense; or (3) the person is convicted or adjudicated  
14 delinquent for any offense committed during the term of parole, aftercare release,  
15 aftercare release, or mandatory supervised release being  
16 served for a sexually violent offense, regardless of whether  
17 that conviction or adjudication was for a sexually violent  
18 offense.

19 (c) A petition filed under this Section shall state with  
20 particularity essential facts to establish probable cause to  
21 believe the person is a sexually violent person. If the  
22 petition alleges that a sexually violent offense or act that is  
23 a basis for the allegation under paragraph (b)(1) of this  
24 Section was an act that was sexually motivated as provided  
25 under paragraph (e)(2) of Section 5 of this Act, the petition  
26 shall state the grounds on which the offense or act is alleged

1 to be sexually motivated.

2 (d) A petition under this Section shall be filed in either  
3 of the following:

4 (1) The circuit court for the county in which the  
5 person was convicted of a sexually violent offense,  
6 adjudicated delinquent for a sexually violent offense or  
7 found not guilty of a sexually violent offense by reason of  
8 insanity, mental disease or mental defect.

9 (2) The circuit court for the county in which the  
10 person is in custody under a sentence, a placement to a  
11 Department of Corrections correctional facility or a  
12 Department of Juvenile Justice juvenile correctional  
13 facility, or a commitment order.

14 (e) The filing of a petition under this Act shall toll the  
15 running of the term of parole or mandatory supervised release  
16 until:

17 (1) dismissal of the petition filed under this Act;

18 (2) a finding by a judge or jury that the respondent is  
19 not a sexually violent person; or

20 (3) the sexually violent person is discharged under  
21 Section 65 of this Act.

22 (f) The State has the right to have the person evaluated by  
23 experts chosen by the State. The agency with jurisdiction as  
24 defined in Section 10 of this Act shall allow the expert  
25 reasonable access to the person for purposes of examination, to  
26 the person's records, and to past and present treatment

1 providers and any other staff members relevant to the  
2 examination.

3 (Source: P.A. 96-1128, eff. 1-1-11.)

4 (725 ILCS 207/30)

5 Sec. 30. Detention; probable cause hearing; transfer for  
6 examination.

7 (a) Upon the filing of a petition under Section 15 of this  
8 Act, the court shall review the petition to determine whether  
9 to issue an order for detention of the person who is the  
10 subject of the petition. The person shall be detained only if  
11 there is cause to believe that the person is eligible for  
12 commitment under subsection (f) of Section 35 of this Act. A  
13 person detained under this Section shall be held in a facility  
14 approved by the Department. If the person is serving a sentence  
15 of imprisonment, is in a Department of Corrections correctional  
16 facility or juvenile correctional facility or is committed to  
17 institutional care, and the court orders detention under this  
18 Section, the court shall order that the person be transferred  
19 to a detention facility approved by the Department. A detention  
20 order under this Section remains in effect until the person is  
21 discharged after a trial under Section 35 of this Act or until  
22 the effective date of a commitment order under Section 40 of  
23 this Act, whichever is applicable.

24 (b) Whenever a petition is filed under Section 15 of this  
25 Act, the court shall hold a hearing to determine whether there

1 is probable cause to believe that the person named in the  
2 petition is a sexually violent person. If the person named in  
3 the petition is in custody, the court shall hold the probable  
4 cause hearing within 72 hours after the petition is filed,  
5 excluding Saturdays, Sundays and legal holidays. The court may  
6 grant a continuance of the probable cause hearing for no more  
7 than 7 additional days upon the motion of the respondent, for  
8 good cause. If the person named in the petition has been  
9 released, is on parole, is on aftercare release, is on  
10 mandatory supervised release, or otherwise is not in custody,  
11 the court shall hold the probable cause hearing within a  
12 reasonable time after the filing of the petition. At the  
13 probable cause hearing, the court shall admit and consider all  
14 relevant hearsay evidence.

15 (c) If the court determines after a hearing that there is  
16 probable cause to believe that the person named in the petition  
17 is a sexually violent person, the court shall order that the  
18 person be taken into custody if he or she is not in custody and  
19 shall order the person to be transferred within a reasonable  
20 time to an appropriate facility for an evaluation as to whether  
21 the person is a sexually violent person. If the person who is  
22 named in the petition refuses to speak to, communicate with, or  
23 otherwise fails to cooperate with the examining evaluator from  
24 the Department of Human Services or the Department of  
25 Corrections, that person may only introduce evidence and  
26 testimony from any expert or professional person who is

1 retained or court-appointed to conduct an examination of the  
2 person that results from a review of the records and may not  
3 introduce evidence resulting from an examination of the person.  
4 Notwithstanding the provisions of Section 10 of the Mental  
5 Health and Developmental Disabilities Confidentiality Act, all  
6 evaluations conducted pursuant to this Act and all Illinois  
7 Department of Corrections treatment records shall be  
8 admissible at all proceedings held pursuant to this Act,  
9 including the probable cause hearing and the trial.

10 If the court determines that probable cause does not exist  
11 to believe that the person is a sexually violent person, the  
12 court shall dismiss the petition.

13 (d) The Department shall promulgate rules that provide the  
14 qualifications for persons conducting evaluations under  
15 subsection (c) of this Section.

16 (e) If the person named in the petition claims or appears  
17 to be indigent, the court shall, prior to the probable cause  
18 hearing under subsection (b) of this Section, appoint counsel.

19 (Source: P.A. 92-415, eff. 8-17-01; 93-616, eff. 1-1-04;  
20 93-970, eff. 8-20-04.)

21 (725 ILCS 207/40)

22 (Text of Section before amendment by P.A. 97-1098)

23 Sec. 40. Commitment.

24 (a) If a court or jury determines that the person who is  
25 the subject of a petition under Section 15 of this Act is a

1 sexually violent person, the court shall order the person to be  
2 committed to the custody of the Department for control, care  
3 and treatment until such time as the person is no longer a  
4 sexually violent person.

5 (b)(1) The court shall enter an initial commitment order  
6 under this Section pursuant to a hearing held as soon as  
7 practicable after the judgment is entered that the person who  
8 is the subject of a petition under Section 15 is a sexually  
9 violent person. If the court lacks sufficient information to  
10 make the determination required by paragraph (b)(2) of this  
11 Section immediately after trial, it may adjourn the hearing and  
12 order the Department to conduct a predisposition investigation  
13 or a supplementary mental examination, or both, to assist the  
14 court in framing the commitment order. If the Department's  
15 examining evaluator previously rendered an opinion that the  
16 person who is the subject of a petition under Section 15 does  
17 not meet the criteria to be found a sexually violent person,  
18 then another evaluator shall conduct the predisposition  
19 investigation and/or supplementary mental examination. A  
20 supplementary mental examination under this Section shall be  
21 conducted in accordance with Section 3-804 of the Mental Health  
22 and Developmental Disabilities Code. The State has the right to  
23 have the person evaluated by experts chosen by the State.

24 (2) An order for commitment under this Section shall  
25 specify either institutional care in a secure facility, as  
26 provided under Section 50 of this Act, or conditional release.

1 In determining whether commitment shall be for institutional  
2 care in a secure facility or for conditional release, the court  
3 shall consider the nature and circumstances of the behavior  
4 that was the basis of the allegation in the petition under  
5 paragraph (b) (1) of Section 15, the person's mental history and  
6 present mental condition, and what arrangements are available  
7 to ensure that the person has access to and will participate in  
8 necessary treatment. All treatment, whether in institutional  
9 care, in a secure facility, or while on conditional release,  
10 shall be conducted in conformance with the standards developed  
11 under the Sex Offender Management Board Act and conducted by a  
12 treatment provider approved by the Board. The Department shall  
13 arrange for control, care and treatment of the person in the  
14 least restrictive manner consistent with the requirements of  
15 the person and in accordance with the court's commitment order.

16 (3) If the court finds that the person is appropriate for  
17 conditional release, the court shall notify the Department. The  
18 Department shall prepare a plan that identifies the treatment  
19 and services, if any, that the person will receive in the  
20 community. The plan shall address the person's need, if any,  
21 for supervision, counseling, medication, community support  
22 services, residential services, vocational services, and  
23 alcohol or other drug abuse treatment. The Department may  
24 contract with a county health department, with another public  
25 agency or with a private agency to provide the treatment and  
26 services identified in the plan. The plan shall specify who

1 will be responsible for providing the treatment and services  
2 identified in the plan. The plan shall be presented to the  
3 court for its approval within 60 days after the court finding  
4 that the person is appropriate for conditional release, unless  
5 the Department and the person to be released request additional  
6 time to develop the plan. The conditional release program  
7 operated under this Section is not subject to the provisions of  
8 the Mental Health and Developmental Disabilities  
9 Confidentiality Act.

10 (4) An order for conditional release places the person in  
11 the custody and control of the Department. A person on  
12 conditional release is subject to the conditions set by the  
13 court and to the rules of the Department. Before a person is  
14 placed on conditional release by the court under this Section,  
15 the court shall so notify the municipal police department and  
16 county sheriff for the municipality and county in which the  
17 person will be residing. The notification requirement under  
18 this Section does not apply if a municipal police department or  
19 county sheriff submits to the court a written statement waiving  
20 the right to be notified. Notwithstanding any other provision  
21 in the Act, the person being supervised on conditional release  
22 shall not reside at the same street address as another sex  
23 offender being supervised on conditional release under this  
24 Act, mandatory supervised release, parole, aftercare release,  
25 probation, or any other manner of supervision. If the  
26 Department alleges that a released person has violated any



1 condition or rule, or that the safety of others requires that  
2 conditional release be revoked, he or she may be taken into  
3 custody under the rules of the Department.

4 At any time during which the person is on conditional  
5 release, if the Department determines that the person has  
6 violated any condition or rule, or that the safety of others  
7 requires that conditional release be revoked, the Department  
8 may request the Attorney General or State's Attorney to request  
9 the court to issue an emergency ex parte order directing any  
10 law enforcement officer to take the person into custody and  
11 transport the person to the county jail. The Department may  
12 request, or the Attorney General or State's Attorney may  
13 request independently of the Department, that a petition to  
14 revoke conditional release be filed. When a petition is filed,  
15 the court may order the Department to issue a notice to the  
16 person to be present at the Department or other agency  
17 designated by the court, order a summons to the person to be  
18 present, or order a body attachment for all law enforcement  
19 officers to take the person into custody and transport him or  
20 her to the county jail, hospital, or treatment facility. The  
21 Department shall submit a statement showing probable cause of  
22 the detention and a petition to revoke the order for  
23 conditional release to the committing court within 48 hours  
24 after the detention. The court shall hear the petition within  
25 30 days, unless the hearing or time deadline is waived by the  
26 detained person. Pending the revocation hearing, the

1 Department may detain the person in a jail, in a hospital or  
2 treatment facility. The State has the burden of proving by  
3 clear and convincing evidence that any rule or condition of  
4 release has been violated, or that the safety of others  
5 requires that the conditional release be revoked. If the court  
6 determines after hearing that any rule or condition of release  
7 has been violated, or that the safety of others requires that  
8 conditional release be revoked, it may revoke the order for  
9 conditional release and order that the released person be  
10 placed in an appropriate institution until the person is  
11 discharged from the commitment under Section 65 of this Act or  
12 until again placed on conditional release under Section 60 of  
13 this Act.

14 (5) An order for conditional release places the person in  
15 the custody, care, and control of the Department. The court  
16 shall order the person be subject to the following rules of  
17 conditional release, in addition to any other conditions  
18 ordered, and the person shall be given a certificate setting  
19 forth the conditions of conditional release. These conditions  
20 shall be that the person:

21 (A) not violate any criminal statute of any  
22 jurisdiction;

23 (B) report to or appear in person before such person or  
24 agency as directed by the court and the Department;

25 (C) refrain from possession of a firearm or other  
26 dangerous weapon;

1 (D) not leave the State without the consent of the  
2 court or, in circumstances in which the reason for the  
3 absence is of such an emergency nature, that prior consent  
4 by the court is not possible without the prior notification  
5 and approval of the Department;

6 (E) at the direction of the Department, notify third  
7 parties of the risks that may be occasioned by his or her  
8 criminal record or sexual offending history or  
9 characteristics, and permit the supervising officer or  
10 agent to make the notification requirement;

11 (F) attend and fully participate in assessment,  
12 treatment, and behavior monitoring including, but not  
13 limited to, medical, psychological or psychiatric  
14 treatment specific to sexual offending, drug addiction, or  
15 alcoholism, to the extent appropriate to the person based  
16 upon the recommendation and findings made in the Department  
17 evaluation or based upon any subsequent recommendations by  
18 the Department;

19 (G) waive confidentiality allowing the court and  
20 Department access to assessment or treatment results or  
21 both;

22 (H) work regularly at a Department approved occupation  
23 or pursue a course of study or vocational training and  
24 notify the Department within 72 hours of any change in  
25 employment, study, or training;

26 (I) not be employed or participate in any volunteer

1 activity that involves contact with children, except under  
2 circumstances approved in advance and in writing by the  
3 Department officer;

4 (J) submit to the search of his or her person,  
5 residence, vehicle, or any personal or real property under  
6 his or her control at any time by the Department;

7 (K) financially support his or her dependents and  
8 provide the Department access to any requested financial  
9 information;

10 (L) serve a term of home confinement, the conditions of  
11 which shall be that the person:

12 (i) remain within the interior premises of the  
13 place designated for his or her confinement during the  
14 hours designated by the Department;

15 (ii) admit any person or agent designated by the  
16 Department into the offender's place of confinement at  
17 any time for purposes of verifying the person's  
18 compliance with the condition of his or her  
19 confinement;

20 (iii) if deemed necessary by the Department, be  
21 placed on an electronic monitoring device;

22 (M) comply with the terms and conditions of an order of  
23 protection issued by the court pursuant to the Illinois  
24 Domestic Violence Act of 1986. A copy of the order of  
25 protection shall be transmitted to the Department by the  
26 clerk of the court;

1 (N) refrain from entering into a designated geographic  
2 area except upon terms the Department finds appropriate.  
3 The terms may include consideration of the purpose of the  
4 entry, the time of day, others accompanying the person, and  
5 advance approval by the Department;

6 (O) refrain from having any contact, including written  
7 or oral communications, directly or indirectly, with  
8 certain specified persons including, but not limited to,  
9 the victim or the victim's family, and report any  
10 incidental contact with the victim or the victim's family  
11 to the Department within 72 hours; refrain from entering  
12 onto the premises of, traveling past, or loitering near the  
13 victim's residence, place of employment, or other places  
14 frequented by the victim;

15 (P) refrain from having any contact, including written  
16 or oral communications, directly or indirectly, with  
17 particular types of persons, including but not limited to  
18 members of street gangs, drug users, drug dealers, or  
19 prostitutes;

20 (Q) refrain from all contact, direct or indirect,  
21 personally, by telephone, letter, or through another  
22 person, with minor children without prior identification  
23 and approval of the Department;

24 (R) refrain from having in his or her body the presence  
25 of alcohol or any illicit drug prohibited by the Cannabis  
26 Control Act, the Illinois Controlled Substances Act, or the

1 Methamphetamine Control and Community Protection Act,  
2 unless prescribed by a physician, and submit samples of his  
3 or her breath, saliva, blood, or urine for tests to  
4 determine the presence of alcohol or any illicit drug;

5 (S) not establish a dating, intimate, or sexual  
6 relationship with a person without prior written  
7 notification to the Department;

8 (T) neither possess or have under his or her control  
9 any material that is pornographic, sexually oriented, or  
10 sexually stimulating, or that depicts or alludes to sexual  
11 activity or depicts minors under the age of 18, including  
12 but not limited to visual, auditory, telephonic,  
13 electronic media, or any matter obtained through access to  
14 any computer or material linked to computer access use;

15 (U) not patronize any business providing sexually  
16 stimulating or sexually oriented entertainment nor utilize  
17 "900" or adult telephone numbers or any other sex-related  
18 telephone numbers;

19 (V) not reside near, visit, or be in or about parks,  
20 schools, day care centers, swimming pools, beaches,  
21 theaters, or any other places where minor children  
22 congregate without advance approval of the Department and  
23 report any incidental contact with minor children to the  
24 Department within 72 hours;

25 (W) not establish any living arrangement or residence  
26 without prior approval of the Department;

1           (X) not publish any materials or print any  
2 advertisements without providing a copy of the proposed  
3 publications to the Department officer and obtaining  
4 permission prior to publication;

5           (Y) not leave the county except with prior permission  
6 of the Department and provide the Department officer or  
7 agent with written travel routes to and from work and any  
8 other designated destinations;

9           (Z) not possess or have under his or her control  
10 certain specified items of contraband related to the  
11 incidence of sexually offending items including video or  
12 still camera items or children's toys;

13           (AA) provide a written daily log of activities as  
14 directed by the Department;

15           (BB) comply with all other special conditions that the  
16 Department may impose that restrict the person from  
17 high-risk situations and limit access or potential  
18 victims.

19           (6) A person placed on conditional release and who during  
20 the term undergoes mandatory drug or alcohol testing or is  
21 assigned to be placed on an approved electronic monitoring  
22 device may be ordered to pay all costs incidental to the  
23 mandatory drug or alcohol testing and all costs incidental to  
24 the approved electronic monitoring in accordance with the  
25 person's ability to pay those costs. The Department may  
26 establish reasonable fees for the cost of maintenance, testing,

1 and incidental expenses related to the mandatory drug or  
2 alcohol testing and all costs incidental to approved electronic  
3 monitoring.

4 (Source: P.A. 96-1128, eff. 1-1-11.)

5 (Text of Section after amendment by P.A. 97-1098)

6 Sec. 40. Commitment.

7 (a) If a court or jury determines that the person who is  
8 the subject of a petition under Section 15 of this Act is a  
9 sexually violent person, the court shall order the person to be  
10 committed to the custody of the Department for control, care  
11 and treatment until such time as the person is no longer a  
12 sexually violent person.

13 (b)(1) The court shall enter an initial commitment order  
14 under this Section pursuant to a hearing held as soon as  
15 practicable after the judgment is entered that the person who  
16 is the subject of a petition under Section 15 is a sexually  
17 violent person. If the court lacks sufficient information to  
18 make the determination required by paragraph (b)(2) of this  
19 Section immediately after trial, it may adjourn the hearing and  
20 order the Department to conduct a predisposition investigation  
21 or a supplementary mental examination, or both, to assist the  
22 court in framing the commitment order. If the Department's  
23 examining evaluator previously rendered an opinion that the  
24 person who is the subject of a petition under Section 15 does  
25 not meet the criteria to be found a sexually violent person,



1 then another evaluator shall conduct the predisposition  
2 investigation and/or supplementary mental examination. A  
3 supplementary mental examination under this Section shall be  
4 conducted in accordance with Section 3-804 of the Mental Health  
5 and Developmental Disabilities Code. The State has the right to  
6 have the person evaluated by experts chosen by the State.

7 (2) An order for commitment under this Section shall  
8 specify either institutional care in a secure facility, as  
9 provided under Section 50 of this Act, or conditional release.

10 In determining whether commitment shall be for institutional  
11 care in a secure facility or for conditional release, the court  
12 shall consider the nature and circumstances of the behavior  
13 that was the basis of the allegation in the petition under  
14 paragraph (b) (1) of Section 15, the person's mental history and  
15 present mental condition, and what arrangements are available  
16 to ensure that the person has access to and will participate in  
17 necessary treatment. All treatment, whether in institutional  
18 care, in a secure facility, or while on conditional release,  
19 shall be conducted in conformance with the standards developed  
20 under the Sex Offender Management Board Act and conducted by a  
21 treatment provider licensed under the Sex Offender Evaluation  
22 and Treatment Provider Act. The Department shall arrange for  
23 control, care and treatment of the person in the least  
24 restrictive manner consistent with the requirements of the  
25 person and in accordance with the court's commitment order.

26 (3) If the court finds that the person is appropriate for

1 conditional release, the court shall notify the Department. The  
2 Department shall prepare a plan that identifies the treatment  
3 and services, if any, that the person will receive in the  
4 community. The plan shall address the person's need, if any,  
5 for supervision, counseling, medication, community support  
6 services, residential services, vocational services, and  
7 alcohol or other drug abuse treatment. The Department may  
8 contract with a county health department, with another public  
9 agency or with a private agency to provide the treatment and  
10 services identified in the plan. The plan shall specify who  
11 will be responsible for providing the treatment and services  
12 identified in the plan. The plan shall be presented to the  
13 court for its approval within 60 days after the court finding  
14 that the person is appropriate for conditional release, unless  
15 the Department and the person to be released request additional  
16 time to develop the plan. The conditional release program  
17 operated under this Section is not subject to the provisions of  
18 the Mental Health and Developmental Disabilities  
19 Confidentiality Act.

20 (4) An order for conditional release places the person in  
21 the custody and control of the Department. A person on  
22 conditional release is subject to the conditions set by the  
23 court and to the rules of the Department. Before a person is  
24 placed on conditional release by the court under this Section,  
25 the court shall so notify the municipal police department and  
26 county sheriff for the municipality and county in which the

1 person will be residing. The notification requirement under  
2 this Section does not apply if a municipal police department or  
3 county sheriff submits to the court a written statement waiving  
4 the right to be notified. Notwithstanding any other provision  
5 in the Act, the person being supervised on conditional release  
6 shall not reside at the same street address as another sex  
7 offender being supervised on conditional release under this  
8 Act, mandatory supervised release, parole, aftercare release,  
9 probation, or any other manner of supervision. If the  
10 Department alleges that a released person has violated any  
11 condition or rule, or that the safety of others requires that  
12 conditional release be revoked, he or she may be taken into  
13 custody under the rules of the Department.

14 At any time during which the person is on conditional  
15 release, if the Department determines that the person has  
16 violated any condition or rule, or that the safety of others  
17 requires that conditional release be revoked, the Department  
18 may request the Attorney General or State's Attorney to request  
19 the court to issue an emergency ex parte order directing any  
20 law enforcement officer to take the person into custody and  
21 transport the person to the county jail. The Department may  
22 request, or the Attorney General or State's Attorney may  
23 request independently of the Department, that a petition to  
24 revoke conditional release be filed. When a petition is filed,  
25 the court may order the Department to issue a notice to the  
26 person to be present at the Department or other agency

1 designated by the court, order a summons to the person to be  
2 present, or order a body attachment for all law enforcement  
3 officers to take the person into custody and transport him or  
4 her to the county jail, hospital, or treatment facility. The  
5 Department shall submit a statement showing probable cause of  
6 the detention and a petition to revoke the order for  
7 conditional release to the committing court within 48 hours  
8 after the detention. The court shall hear the petition within  
9 30 days, unless the hearing or time deadline is waived by the  
10 detained person. Pending the revocation hearing, the  
11 Department may detain the person in a jail, in a hospital or  
12 treatment facility. The State has the burden of proving by  
13 clear and convincing evidence that any rule or condition of  
14 release has been violated, or that the safety of others  
15 requires that the conditional release be revoked. If the court  
16 determines after hearing that any rule or condition of release  
17 has been violated, or that the safety of others requires that  
18 conditional release be revoked, it may revoke the order for  
19 conditional release and order that the released person be  
20 placed in an appropriate institution until the person is  
21 discharged from the commitment under Section 65 of this Act or  
22 until again placed on conditional release under Section 60 of  
23 this Act.

24 (5) An order for conditional release places the person in  
25 the custody, care, and control of the Department. The court  
26 shall order the person be subject to the following rules of

1 conditional release, in addition to any other conditions  
2 ordered, and the person shall be given a certificate setting  
3 forth the conditions of conditional release. These conditions  
4 shall be that the person:

5 (A) not violate any criminal statute of any  
6 jurisdiction;

7 (B) report to or appear in person before such person or  
8 agency as directed by the court and the Department;

9 (C) refrain from possession of a firearm or other  
10 dangerous weapon;

11 (D) not leave the State without the consent of the  
12 court or, in circumstances in which the reason for the  
13 absence is of such an emergency nature, that prior consent  
14 by the court is not possible without the prior notification  
15 and approval of the Department;

16 (E) at the direction of the Department, notify third  
17 parties of the risks that may be occasioned by his or her  
18 criminal record or sexual offending history or  
19 characteristics, and permit the supervising officer or  
20 agent to make the notification requirement;

21 (F) attend and fully participate in assessment,  
22 treatment, and behavior monitoring including, but not  
23 limited to, medical, psychological or psychiatric  
24 treatment specific to sexual offending, drug addiction, or  
25 alcoholism, to the extent appropriate to the person based  
26 upon the recommendation and findings made in the Department

1 evaluation or based upon any subsequent recommendations by  
2 the Department;

3 (G) waive confidentiality allowing the court and  
4 Department access to assessment or treatment results or  
5 both;

6 (H) work regularly at a Department approved occupation  
7 or pursue a course of study or vocational training and  
8 notify the Department within 72 hours of any change in  
9 employment, study, or training;

10 (I) not be employed or participate in any volunteer  
11 activity that involves contact with children, except under  
12 circumstances approved in advance and in writing by the  
13 Department officer;

14 (J) submit to the search of his or her person,  
15 residence, vehicle, or any personal or real property under  
16 his or her control at any time by the Department;

17 (K) financially support his or her dependents and  
18 provide the Department access to any requested financial  
19 information;

20 (L) serve a term of home confinement, the conditions of  
21 which shall be that the person:

22 (i) remain within the interior premises of the  
23 place designated for his or her confinement during the  
24 hours designated by the Department;

25 (ii) admit any person or agent designated by the  
26 Department into the offender's place of confinement at

1           any time for purposes of verifying the person's  
2           compliance with the condition of his or her  
3           confinement;

4           (iii) if deemed necessary by the Department, be  
5           placed on an electronic monitoring device;

6           (M) comply with the terms and conditions of an order of  
7           protection issued by the court pursuant to the Illinois  
8           Domestic Violence Act of 1986. A copy of the order of  
9           protection shall be transmitted to the Department by the  
10          clerk of the court;

11          (N) refrain from entering into a designated geographic  
12          area except upon terms the Department finds appropriate.  
13          The terms may include consideration of the purpose of the  
14          entry, the time of day, others accompanying the person, and  
15          advance approval by the Department;

16          (O) refrain from having any contact, including written  
17          or oral communications, directly or indirectly, with  
18          certain specified persons including, but not limited to,  
19          the victim or the victim's family, and report any  
20          incidental contact with the victim or the victim's family  
21          to the Department within 72 hours; refrain from entering  
22          onto the premises of, traveling past, or loitering near the  
23          victim's residence, place of employment, or other places  
24          frequented by the victim;

25          (P) refrain from having any contact, including written  
26          or oral communications, directly or indirectly, with

1 particular types of persons, including but not limited to  
2 members of street gangs, drug users, drug dealers, or  
3 prostitutes;

4 (Q) refrain from all contact, direct or indirect,  
5 personally, by telephone, letter, or through another  
6 person, with minor children without prior identification  
7 and approval of the Department;

8 (R) refrain from having in his or her body the presence  
9 of alcohol or any illicit drug prohibited by the Cannabis  
10 Control Act, the Illinois Controlled Substances Act, or the  
11 Methamphetamine Control and Community Protection Act,  
12 unless prescribed by a physician, and submit samples of his  
13 or her breath, saliva, blood, or urine for tests to  
14 determine the presence of alcohol or any illicit drug;

15 (S) not establish a dating, intimate, or sexual  
16 relationship with a person without prior written  
17 notification to the Department;

18 (T) neither possess or have under his or her control  
19 any material that is pornographic, sexually oriented, or  
20 sexually stimulating, or that depicts or alludes to sexual  
21 activity or depicts minors under the age of 18, including  
22 but not limited to visual, auditory, telephonic,  
23 electronic media, or any matter obtained through access to  
24 any computer or material linked to computer access use;

25 (U) not patronize any business providing sexually  
26 stimulating or sexually oriented entertainment nor utilize



1 "900" or adult telephone numbers or any other sex-related  
2 telephone numbers;

3 (V) not reside near, visit, or be in or about parks,  
4 schools, day care centers, swimming pools, beaches,  
5 theaters, or any other places where minor children  
6 congregate without advance approval of the Department and  
7 report any incidental contact with minor children to the  
8 Department within 72 hours;

9 (W) not establish any living arrangement or residence  
10 without prior approval of the Department;

11 (X) not publish any materials or print any  
12 advertisements without providing a copy of the proposed  
13 publications to the Department officer and obtaining  
14 permission prior to publication;

15 (Y) not leave the county except with prior permission  
16 of the Department and provide the Department officer or  
17 agent with written travel routes to and from work and any  
18 other designated destinations;

19 (Z) not possess or have under his or her control  
20 certain specified items of contraband related to the  
21 incidence of sexually offending items including video or  
22 still camera items or children's toys;

23 (AA) provide a written daily log of activities as  
24 directed by the Department;

25 (BB) comply with all other special conditions that the  
26 Department may impose that restrict the person from

1 high-risk situations and limit access or potential  
2 victims.

3 (6) A person placed on conditional release and who during  
4 the term undergoes mandatory drug or alcohol testing or is  
5 assigned to be placed on an approved electronic monitoring  
6 device may be ordered to pay all costs incidental to the  
7 mandatory drug or alcohol testing and all costs incidental to  
8 the approved electronic monitoring in accordance with the  
9 person's ability to pay those costs. The Department may  
10 establish reasonable fees for the cost of maintenance, testing,  
11 and incidental expenses related to the mandatory drug or  
12 alcohol testing and all costs incidental to approved electronic  
13 monitoring.

14 (Source: P.A. 96-1128, eff. 1-1-11; 97-1098, eff. 1-1-14.)

15 Section 100. The Uniform Criminal Extradition Act is  
16 amended by changing Section 22 as follows:

17 (725 ILCS 225/22) (from Ch. 60, par. 39)

18 Sec. 22. Fugitives from this state; duty of Governors.

19 Whenever the Governor of this State shall demand a person  
20 charged with crime or with escaping from confinement or  
21 breaking the terms of his or her bail, probation, aftercare  
22 release, or parole in this State, from the Executive Authority  
23 of any other state, or from the chief justice or an associate  
24 justice of the Supreme Court of the District of Columbia

1 authorized to receive such demand under the laws of the United  
2 States, he or she shall issue a warrant under the seal of this  
3 State, to some agent, commanding him or her to receive the  
4 person so charged if delivered to him or her and convey him or  
5 her to the proper officer of the county in this State in which  
6 the offense was committed.

7 (Source: Laws 1955, p. 1982.)

8 Section 105. The Unified Code of Corrections is amended by  
9 changing Sections 3-1-2, 3-2-2, 3-2.5-20, 3-2.5-65, 3-3-1,  
10 3-3-2, 3-3-3, 3-3-4, 3-3-5, 3-3-7, 3-3-8, 3-3-9, 3-3-10, 3-4-3,  
11 3-5-1, 3-10-6, 5-1-16, 5-4-3, 5-8A-3, 5-8A-5, and 5-8A-7 and by  
12 adding Sections 3-2.5-70, 3-2.5-75, 3-2.5-80, and 5-1-1.1 as  
13 follows:

14 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

15 Sec. 3-1-2. Definitions.

16 (a) "Chief Administrative Officer" means the person  
17 designated by the Director to exercise the powers and duties of  
18 the Department of Corrections in regard to committed persons  
19 within a correctional institution or facility, and includes the  
20 superintendent of any juvenile institution or facility.

21 (a-3) "Aftercare release" means the conditional and  
22 revocable release of a person committed to the Department of  
23 Juvenile Justice under the Juvenile Court Act of 1987, under  
24 the supervision of the Department of Juvenile Justice.

1 (a-5) "Sex offense" for the purposes of paragraph (16) of  
2 subsection (a) of Section 3-3-7, paragraph (10) of subsection  
3 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of  
4 Section 5-6-3.1 only means:

5 (i) A violation of any of the following Sections of the  
6 Criminal Code of 1961 or the Criminal Code of 2012: 10-7  
7 (aiding or abetting child abduction under Section  
8 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent  
9 solicitation of a child), 11-6.5 (indecent solicitation of  
10 an adult), 11-14.4 (promoting juvenile prostitution),  
11 11-15.1 (soliciting for a juvenile prostitute), 11-17.1  
12 (keeping a place of juvenile prostitution), 11-18.1  
13 (patronizing a juvenile prostitute), 11-19.1 (juvenile  
14 pimping), 11-19.2 (exploitation of a child), 11-20.1  
15 (child pornography), 11-20.1B or 11-20.3 (aggravated child  
16 pornography), 11-1.40 or 12-14.1 (predatory criminal  
17 sexual assault of a child), or 12-33 (ritualized abuse of a  
18 child). An attempt to commit any of these offenses.

19 (ii) A violation of any of the following Sections of  
20 the Criminal Code of 1961 or the Criminal Code of 2012:  
21 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or  
22 12-14 (aggravated criminal sexual assault), 11-1.60 or  
23 12-16 (aggravated criminal sexual abuse), and subsection  
24 (a) of Section 11-1.50 or subsection (a) of Section 12-15  
25 (criminal sexual abuse). An attempt to commit any of these  
26 offenses.

1           (iii) A violation of any of the following Sections of  
2           the Criminal Code of 1961 or the Criminal Code of 2012 when  
3           the defendant is not a parent of the victim:

4                     10-1 (kidnapping),

5                     10-2 (aggravated kidnapping),

6                     10-3 (unlawful restraint),

7                     10-3.1 (aggravated unlawful restraint).

8                     An attempt to commit any of these offenses.

9           (iv) A violation of any former law of this State  
10           substantially equivalent to any offense listed in this  
11           subsection (a-5).

12           An offense violating federal law or the law of another  
13           state that is substantially equivalent to any offense listed in  
14           this subsection (a-5) shall constitute a sex offense for the  
15           purpose of this subsection (a-5). A finding or adjudication as  
16           a sexually dangerous person under any federal law or law of  
17           another state that is substantially equivalent to the Sexually  
18           Dangerous Persons Act shall constitute an adjudication for a  
19           sex offense for the purposes of this subsection (a-5).

20           (b) "Commitment" means a judicially determined placement  
21           in the custody of the Department of Corrections on the basis of  
22           delinquency or conviction.

23           (c) "Committed Person" is a person committed to the  
24           Department, however a committed person shall not be considered  
25           to be an employee of the Department of Corrections for any  
26           purpose, including eligibility for a pension, benefits, or any

1 other compensation or rights or privileges which may be  
2 provided to employees of the Department.

3 (c-5) "Computer scrub software" means any third-party  
4 added software, designed to delete information from the  
5 computer unit, the hard drive, or other software, which would  
6 eliminate and prevent discovery of browser activity, including  
7 but not limited to Internet history, address bar or bars, cache  
8 or caches, and/or cookies, and which would over-write files in  
9 a way so as to make previous computer activity, including but  
10 not limited to website access, more difficult to discover.

11 (d) "Correctional Institution or Facility" means any  
12 building or part of a building where committed persons are kept  
13 in a secured manner.

14 (e) In the case of functions performed before the effective  
15 date of this amendatory Act of the 94th General Assembly,  
16 "Department" means the Department of Corrections of this State.  
17 In the case of functions performed on or after the effective  
18 date of this amendatory Act of the 94th General Assembly,  
19 "Department" has the meaning ascribed to it in subsection  
20 (f-5).

21 (f) In the case of functions performed before the effective  
22 date of this amendatory Act of the 94th General Assembly,  
23 "Director" means the Director of the Department of Corrections.  
24 In the case of functions performed on or after the effective  
25 date of this amendatory Act of the 94th General Assembly,  
26 "Director" has the meaning ascribed to it in subsection (f-5).

1 (f-5) In the case of functions performed on or after the  
2 effective date of this amendatory Act of the 94th General  
3 Assembly, references to "Department" or "Director" refer to  
4 either the Department of Corrections or the Director of  
5 Corrections or to the Department of Juvenile Justice or the  
6 Director of Juvenile Justice unless the context is specific to  
7 the Department of Juvenile Justice or the Director of Juvenile  
8 Justice.

9 (g) "Discharge" means the final termination of a commitment  
10 to the Department of Corrections.

11 (h) "Discipline" means the rules and regulations for the  
12 maintenance of order and the protection of persons and property  
13 within the institutions and facilities of the Department and  
14 their enforcement.

15 (i) "Escape" means the intentional and unauthorized  
16 absence of a committed person from the custody of the  
17 Department.

18 (j) "Furlough" means an authorized leave of absence from  
19 the Department of Corrections for a designated purpose and  
20 period of time.

21 (k) "Parole" means the conditional and revocable release of  
22 a person committed to the Department of Corrections ~~person~~  
23 under the supervision of a parole officer.

24 (l) "Prisoner Review Board" means the Board established in  
25 Section 3-3-1(a), independent of the Department, to review  
26 rules and regulations with respect to good time credits, to

1 hear charges brought by the Department against certain  
2 prisoners alleged to have violated Department rules with  
3 respect to good time credits, to set release dates for certain  
4 prisoners sentenced under the law in effect prior to the  
5 effective date of this Amendatory Act of 1977, to hear and  
6 decide the time of aftercare release for persons committed to  
7 the Department of Juvenile Justice under the Juvenile Court Act  
8 of 1987 to hear requests and make recommendations to the  
9 Governor with respect to pardon, reprieve or commutation, to  
10 set conditions for parole and mandatory supervised release and  
11 determine whether violations of those conditions justify  
12 revocation of parole or release, and to assume all other  
13 functions previously exercised by the Illinois Parole and  
14 Pardon Board.

15 (m) Whenever medical treatment, service, counseling, or  
16 care is referred to in this Unified Code of Corrections, such  
17 term may be construed by the Department or Court, within its  
18 discretion, to include treatment, service or counseling by a  
19 Christian Science practitioner or nursing care appropriate  
20 therewith whenever request therefor is made by a person subject  
21 to the provisions of this Act.

22 (n) "Victim" shall have the meaning ascribed to it in  
23 subsection (a) of Section 3 of the Bill of Rights for Victims  
24 and Witnesses of Violent Crime Act.

25 (o) "Wrongfully imprisoned person" means a person who has  
26 been discharged from a prison of this State and has received:



1           (1) a pardon from the Governor stating that such pardon  
2           is issued on the ground of innocence of the crime for which  
3           he or she was imprisoned; or

4           (2) a certificate of innocence from the Circuit Court  
5           as provided in Section 2-702 of the Code of Civil  
6           Procedure.

7           (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10;  
8           96-1000, eff. 7-2-10; 96-1550, eff. 7-1-11; 96-1551, eff.  
9           7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

10           (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

11           Sec. 3-2-2. Powers and Duties of the Department.

12           (1) In addition to the powers, duties and responsibilities  
13           which are otherwise provided by law, the Department shall have  
14           the following powers:

15           (a) To accept persons committed to it by the courts of  
16           this State for care, custody, treatment and  
17           rehabilitation, and to accept federal prisoners and aliens  
18           over whom the Office of the Federal Detention Trustee is  
19           authorized to exercise the federal detention function for  
20           limited purposes and periods of time.

21           (b) To develop and maintain reception and evaluation  
22           units for purposes of analyzing the custody and  
23           rehabilitation needs of persons committed to it and to  
24           assign such persons to institutions and programs under its  
25           control or transfer them to other appropriate agencies. In

1           consultation with the Department of Alcoholism and  
2           Substance Abuse (now the Department of Human Services), the  
3           Department of Corrections shall develop a master plan for  
4           the screening and evaluation of persons committed to its  
5           custody who have alcohol or drug abuse problems, and for  
6           making appropriate treatment available to such persons;  
7           the Department shall report to the General Assembly on such  
8           plan not later than April 1, 1987. The maintenance and  
9           implementation of such plan shall be contingent upon the  
10          availability of funds.

11           (b-1) To create and implement, on January 1, 2002, a  
12          pilot program to establish the effectiveness of  
13          pupillometer technology (the measurement of the pupil's  
14          reaction to light) as an alternative to a urine test for  
15          purposes of screening and evaluating persons committed to  
16          its custody who have alcohol or drug problems. The pilot  
17          program shall require the pupillometer technology to be  
18          used in at least one Department of Corrections facility.  
19          The Director may expand the pilot program to include an  
20          additional facility or facilities as he or she deems  
21          appropriate. A minimum of 4,000 tests shall be included in  
22          the pilot program. The Department must report to the  
23          General Assembly on the effectiveness of the program by  
24          January 1, 2003.

25           (b-5) To develop, in consultation with the Department  
26          of State Police, a program for tracking and evaluating each

1 inmate from commitment through release for recording his or  
2 her gang affiliations, activities, or ranks.

3 (c) To maintain and administer all State correctional  
4 institutions and facilities under its control and to  
5 establish new ones as needed. Pursuant to its power to  
6 establish new institutions and facilities, the Department  
7 may, with the written approval of the Governor, authorize  
8 the Department of Central Management Services to enter into  
9 an agreement of the type described in subsection (d) of  
10 Section 405-300 of the Department of Central Management  
11 Services Law (20 ILCS 405/405-300). The Department shall  
12 designate those institutions which shall constitute the  
13 State Penitentiary System.

14 Pursuant to its power to establish new institutions and  
15 facilities, the Department may authorize the Department of  
16 Central Management Services to accept bids from counties  
17 and municipalities for the construction, remodeling or  
18 conversion of a structure to be leased to the Department of  
19 Corrections for the purposes of its serving as a  
20 correctional institution or facility. Such construction,  
21 remodeling or conversion may be financed with revenue bonds  
22 issued pursuant to the Industrial Building Revenue Bond Act  
23 by the municipality or county. The lease specified in a bid  
24 shall be for a term of not less than the time needed to  
25 retire any revenue bonds used to finance the project, but  
26 not to exceed 40 years. The lease may grant to the State

1 the option to purchase the structure outright.

2 Upon receipt of the bids, the Department may certify  
3 one or more of the bids and shall submit any such bids to  
4 the General Assembly for approval. Upon approval of a bid  
5 by a constitutional majority of both houses of the General  
6 Assembly, pursuant to joint resolution, the Department of  
7 Central Management Services may enter into an agreement  
8 with the county or municipality pursuant to such bid.

9 (c-5) To build and maintain regional juvenile  
10 detention centers and to charge a per diem to the counties  
11 as established by the Department to defray the costs of  
12 housing each minor in a center. In this subsection (c-5),  
13 "juvenile detention center" means a facility to house  
14 minors during pendency of trial who have been transferred  
15 from proceedings under the Juvenile Court Act of 1987 to  
16 prosecutions under the criminal laws of this State in  
17 accordance with Section 5-805 of the Juvenile Court Act of  
18 1987, whether the transfer was by operation of law or  
19 permissive under that Section. The Department shall  
20 designate the counties to be served by each regional  
21 juvenile detention center.

22 (d) To develop and maintain programs of control,  
23 rehabilitation and employment of committed persons within  
24 its institutions.

25 (d-5) To provide a pre-release job preparation program  
26 for inmates at Illinois adult correctional centers.

1           (e) To establish a system of supervision and guidance  
2 of committed persons in the community.

3           (f) To establish in cooperation with the Department of  
4 Transportation to supply a sufficient number of prisoners  
5 for use by the Department of Transportation to clean up the  
6 trash and garbage along State, county, township, or  
7 municipal highways as designated by the Department of  
8 Transportation. The Department of Corrections, at the  
9 request of the Department of Transportation, shall furnish  
10 such prisoners at least annually for a period to be agreed  
11 upon between the Director of Corrections and the Director  
12 of Transportation. The prisoners used on this program shall  
13 be selected by the Director of Corrections on whatever  
14 basis he deems proper in consideration of their term,  
15 behavior and earned eligibility to participate in such  
16 program - where they will be outside of the prison facility  
17 but still in the custody of the Department of Corrections.  
18 Prisoners convicted of first degree murder, or a Class X  
19 felony, or armed violence, or aggravated kidnapping, or  
20 criminal sexual assault, aggravated criminal sexual abuse  
21 or a subsequent conviction for criminal sexual abuse, or  
22 forcible detention, or arson, or a prisoner adjudged a  
23 Habitual Criminal shall not be eligible for selection to  
24 participate in such program. The prisoners shall remain as  
25 prisoners in the custody of the Department of Corrections  
26 and such Department shall furnish whatever security is

1 necessary. The Department of Transportation shall furnish  
2 trucks and equipment for the highway cleanup program and  
3 personnel to supervise and direct the program. Neither the  
4 Department of Corrections nor the Department of  
5 Transportation shall replace any regular employee with a  
6 prisoner.

7 (g) To maintain records of persons committed to it and  
8 to establish programs of research, statistics and  
9 planning.

10 (h) To investigate the grievances of any person  
11 committed to the Department, to inquire into any alleged  
12 misconduct by employees or committed persons, and to  
13 investigate the assets of committed persons to implement  
14 Section 3-7-6 of this Code; and for these purposes it may  
15 issue subpoenas and compel the attendance of witnesses and  
16 the production of writings and papers, and may examine  
17 under oath any witnesses who may appear before it; to also  
18 investigate alleged violations of a parolee's or  
19 releasee's conditions of parole or release; and for this  
20 purpose it may issue subpoenas and compel the attendance of  
21 witnesses and the production of documents only if there is  
22 reason to believe that such procedures would provide  
23 evidence that such violations have occurred.

24 If any person fails to obey a subpoena issued under  
25 this subsection, the Director may apply to any circuit  
26 court to secure compliance with the subpoena. The failure

1 to comply with the order of the court issued in response  
2 thereto shall be punishable as contempt of court.

3 (i) To appoint and remove the chief administrative  
4 officers, and administer programs of training and  
5 development of personnel of the Department. Personnel  
6 assigned by the Department to be responsible for the  
7 custody and control of committed persons or to investigate  
8 the alleged misconduct of committed persons or employees or  
9 alleged violations of a parolee's or releasee's conditions  
10 of parole shall be conservators of the peace for those  
11 purposes, and shall have the full power of peace officers  
12 outside of the facilities of the Department in the  
13 protection, arrest, retaking and reconfining of committed  
14 persons or where the exercise of such power is necessary to  
15 the investigation of such misconduct or violations. This  
16 subsection shall not apply to persons committed to the  
17 Department of Juvenile Justice under the Juvenile Court Act  
18 of 1987 on aftercare release.

19 (j) To cooperate with other departments and agencies  
20 and with local communities for the development of standards  
21 and programs for better correctional services in this  
22 State.

23 (k) To administer all moneys and properties of the  
24 Department.

25 (l) To report annually to the Governor on the committed  
26 persons, institutions and programs of the Department.

1 (l-5) (Blank).

2 (m) To make all rules and regulations and exercise all  
3 powers and duties vested by law in the Department.

4 (n) To establish rules and regulations for  
5 administering a system of sentence credits, established in  
6 accordance with Section 3-6-3, subject to review by the  
7 Prisoner Review Board.

8 (o) To administer the distribution of funds from the  
9 State Treasury to reimburse counties where State penal  
10 institutions are located for the payment of assistant  
11 state's attorneys' salaries under Section 4-2001 of the  
12 Counties Code.

13 (p) To exchange information with the Department of  
14 Human Services and the Department of Healthcare and Family  
15 Services for the purpose of verifying living arrangements  
16 and for other purposes directly connected with the  
17 administration of this Code and the Illinois Public Aid  
18 Code.

19 (q) To establish a diversion program.

20 The program shall provide a structured environment for  
21 selected technical parole or mandatory supervised release  
22 violators and committed persons who have violated the rules  
23 governing their conduct while in work release. This program  
24 shall not apply to those persons who have committed a new  
25 offense while serving on parole or mandatory supervised  
26 release or while committed to work release.



1 Elements of the program shall include, but shall not be  
2 limited to, the following:

3 (1) The staff of a diversion facility shall provide  
4 supervision in accordance with required objectives set  
5 by the facility.

6 (2) Participants shall be required to maintain  
7 employment.

8 (3) Each participant shall pay for room and board  
9 at the facility on a sliding-scale basis according to  
10 the participant's income.

11 (4) Each participant shall:

12 (A) provide restitution to victims in  
13 accordance with any court order;

14 (B) provide financial support to his  
15 dependents; and

16 (C) make appropriate payments toward any other  
17 court-ordered obligations.

18 (5) Each participant shall complete community  
19 service in addition to employment.

20 (6) Participants shall take part in such  
21 counseling, educational and other programs as the  
22 Department may deem appropriate.

23 (7) Participants shall submit to drug and alcohol  
24 screening.

25 (8) The Department shall promulgate rules  
26 governing the administration of the program.

1           (r) To enter into intergovernmental cooperation  
2 agreements under which persons in the custody of the  
3 Department may participate in a county impact  
4 incarceration program established under Section 3-6038 or  
5 3-15003.5 of the Counties Code.

6           (r-5) (Blank).

7           (r-10) To systematically and routinely identify with  
8 respect to each streetgang active within the correctional  
9 system: (1) each active gang; (2) every existing inter-gang  
10 affiliation or alliance; and (3) the current leaders in  
11 each gang. The Department shall promptly segregate leaders  
12 from inmates who belong to their gangs and allied gangs.  
13 "Segregate" means no physical contact and, to the extent  
14 possible under the conditions and space available at the  
15 correctional facility, prohibition of visual and sound  
16 communication. For the purposes of this paragraph (r-10),  
17 "leaders" means persons who:

18           (i) are members of a criminal streetgang;

19           (ii) with respect to other individuals within the  
20 streetgang, occupy a position of organizer,  
21 supervisor, or other position of management or  
22 leadership; and

23           (iii) are actively and personally engaged in  
24 directing, ordering, authorizing, or requesting  
25 commission of criminal acts by others, which are  
26 punishable as a felony, in furtherance of streetgang

1           related activity both within and outside of the  
2           Department of Corrections.

3           "Streetgang", "gang", and "streetgang related" have the  
4           meanings ascribed to them in Section 10 of the Illinois  
5           Streetgang Terrorism Omnibus Prevention Act.

6           (s) To operate a super-maximum security institution,  
7           in order to manage and supervise inmates who are disruptive  
8           or dangerous and provide for the safety and security of the  
9           staff and the other inmates.

10          (t) To monitor any unprivileged conversation or any  
11          unprivileged communication, whether in person or by mail,  
12          telephone, or other means, between an inmate who, before  
13          commitment to the Department, was a member of an organized  
14          gang and any other person without the need to show cause or  
15          satisfy any other requirement of law before beginning the  
16          monitoring, except as constitutionally required. The  
17          monitoring may be by video, voice, or other method of  
18          recording or by any other means. As used in this  
19          subdivision (1)(t), "organized gang" has the meaning  
20          ascribed to it in Section 10 of the Illinois Streetgang  
21          Terrorism Omnibus Prevention Act.

22          As used in this subdivision (1)(t), "unprivileged  
23          conversation" or "unprivileged communication" means a  
24          conversation or communication that is not protected by any  
25          privilege recognized by law or by decision, rule, or order  
26          of the Illinois Supreme Court.

1           (u) To establish a Women's and Children's Pre-release  
2           Community Supervision Program for the purpose of providing  
3           housing and services to eligible female inmates, as  
4           determined by the Department, and their newborn and young  
5           children.

6           (u-5) To issue an order, whenever a person committed to  
7           the Department absconds or absents himself or herself,  
8           without authority to do so, from any facility or program to  
9           which he or she is assigned. The order shall be certified  
10          by the Director, the Supervisor of the Apprehension Unit,  
11          or any person duly designated by the Director, with the  
12          seal of the Department affixed. The order shall be directed  
13          to all sheriffs, coroners, and police officers, or to any  
14          particular person named in the order. Any order issued  
15          pursuant to this subdivision (1) (u-5) shall be sufficient  
16          warrant for the officer or person named in the order to  
17          arrest and deliver the committed person to the proper  
18          correctional officials and shall be executed the same as  
19          criminal process.

20          (v) To do all other acts necessary to carry out the  
21          provisions of this Chapter.

22          (2) The Department of Corrections shall by January 1, 1998,  
23          consider building and operating a correctional facility within  
24          100 miles of a county of over 2,000,000 inhabitants, especially  
25          a facility designed to house juvenile participants in the  
26          impact incarceration program.

1           (3) When the Department lets bids for contracts for medical  
2 services to be provided to persons committed to Department  
3 facilities by a health maintenance organization, medical  
4 service corporation, or other health care provider, the bid may  
5 only be let to a health care provider that has obtained an  
6 irrevocable letter of credit or performance bond issued by a  
7 company whose bonds have an investment grade or higher rating  
8 by a bond rating organization.

9           (4) When the Department lets bids for contracts for food or  
10 commissary services to be provided to Department facilities,  
11 the bid may only be let to a food or commissary services  
12 provider that has obtained an irrevocable letter of credit or  
13 performance bond issued by a company whose bonds have an  
14 investment grade or higher rating by a bond rating  
15 organization.

16           (Source: P.A. 96-1265, eff. 7-26-10; 97-697, eff. 6-22-12;  
17 97-800, eff. 7-13-12; 97-802, eff. 7-13-12; revised 7-23-12.)

18           (730 ILCS 5/3-2.5-20)

19           Sec. 3-2.5-20. General powers and duties.

20           (a) In addition to the powers, duties, and responsibilities  
21 which are otherwise provided by law or transferred to the  
22 Department as a result of this Article, the Department, as  
23 determined by the Director, shall have, but are not limited to,  
24 the following rights, powers, functions and duties:

25           (1) To accept juveniles committed to it by the courts

1 of this State for care, custody, treatment, and  
2 rehabilitation.

3 (2) To maintain and administer all State juvenile  
4 correctional institutions previously under the control of  
5 the Juvenile and Women's & Children Divisions of the  
6 Department of Corrections, and to establish and maintain  
7 institutions as needed to meet the needs of the youth  
8 committed to its care.

9 (3) To identify the need for and recommend the funding  
10 and implementation of an appropriate mix of programs and  
11 services within the juvenile justice continuum, including  
12 but not limited to prevention, nonresidential and  
13 residential commitment programs, day treatment, and  
14 conditional release programs and services, with the  
15 support of educational, vocational, alcohol, drug abuse,  
16 and mental health services where appropriate.

17 (3.5) To assist youth committed to the Department of  
18 Juvenile Justice under the Juvenile Court Act of 1987 with  
19 successful reintegration into society, the Department  
20 shall retain custody and control of all adjudicated  
21 delinquent juveniles released under Section 3-3-10 of this  
22 Code, shall provide a continuum of post-release treatment  
23 and services to those youth, and shall supervise those  
24 youth during their release period in accordance with the  
25 conditions set by the Prisoner Review Board.

26 (4) To establish and provide transitional and

1 post-release treatment programs for juveniles committed to  
2 the Department. Services shall include but are not limited  
3 to:

4 (i) family and individual counseling and treatment  
5 placement;

6 (ii) referral services to any other State or local  
7 agencies;

8 (iii) mental health services;

9 (iv) educational services;

10 (v) family counseling services; and

11 (vi) substance abuse services.

12 (5) To access vital records of juveniles for the  
13 purposes of providing necessary documentation for  
14 transitional services such as obtaining identification,  
15 educational enrollment, employment, and housing.

16 (6) To develop staffing and workload standards and  
17 coordinate staff development and training appropriate for  
18 juvenile populations.

19 (7) To develop, with the approval of the Office of the  
20 Governor and the Governor's Office of Management and  
21 Budget, annual budget requests.

22 (8) To administer the Interstate Compact for  
23 Juveniles, with respect to all juveniles under its  
24 jurisdiction, and to cooperate with the Department of Human  
25 Services with regard to all non-offender juveniles subject  
26 to the Interstate Compact for Juveniles.

1 (b) The Department may employ personnel in accordance with  
2 the Personnel Code and Section 3-2.5-15 of this Code, provide  
3 facilities, contract for goods and services, and adopt rules as  
4 necessary to carry out its functions and purposes, all in  
5 accordance with applicable State and federal law.

6 (Source: P.A. 94-696, eff. 6-1-06; 95-937, eff. 8-26-08.)

7 (730 ILCS 5/3-2.5-65)

8 Sec. 3-2.5-65. Juvenile Advisory Board.

9 (a) There is created a Juvenile Advisory Board composed of  
10 11 persons, appointed by the Governor to advise the Director on  
11 matters pertaining to juvenile offenders. The members of the  
12 Board shall be qualified for their positions by demonstrated  
13 interest in and knowledge of juvenile correctional work  
14 consistent with the definition of purpose and mission of the  
15 Department in Section 3-2.5-5 and shall not be officials of the  
16 State in any other capacity. The members under this amendatory  
17 Act of the 94th General Assembly shall be appointed as soon as  
18 possible after the effective date of this amendatory Act of the  
19 94th General Assembly and be appointed to staggered terms 3  
20 each expiring in 2007, 2008, and 2009 and 2 of the members'  
21 terms expiring in 2010. Thereafter all members will serve for a  
22 term of 6 years, except that members shall continue to serve  
23 until their replacements are appointed. Any vacancy occurring  
24 shall be filled in the same manner for the remainder of the  
25 term. The Director of Juvenile Justice shall be an ex officio



1 member of the Board. The Board shall elect a chair from among  
2 its appointed members. The Director shall serve as secretary of  
3 the Board. Members of the Board shall serve without  
4 compensation but shall be reimbursed for expenses necessarily  
5 incurred in the performance of their duties. The Board shall  
6 meet quarterly and at other times at the call of the chair.

7 (b) The Board shall:

8 (1) Advise the Director concerning policy matters and  
9 programs of the Department with regard to the custody,  
10 care, study, discipline, training, and treatment of  
11 juveniles in the State juvenile correctional institutions  
12 and for the care and supervision of juveniles on aftercare  
13 release ~~released on parole~~.

14 (2) Establish, with the Director and in conjunction  
15 with the Office of the Governor, outcome measures for the  
16 Department in order to ascertain that it is successfully  
17 fulfilling the mission mandated in Section 3-2.5-5 of this  
18 Code. The annual results of the Department's work as  
19 defined by those measures shall be approved by the Board  
20 and shall be included in an annual report transmitted to  
21 the Governor and General Assembly jointly by the Director  
22 and the Board.

23 (Source: P.A. 94-696, eff. 6-1-06.)

24 (730 ILCS 5/3-2.5-70 new)

25 Sec. 3-2.5-70. Aftercare.

1       (a) The Department shall implement an aftercare program  
2 that includes, at a minimum, the following program elements:

3           (1) A process of case management plan for timely and  
4 successful reentry into the community beginning upon  
5 commitment.

6           (2) A process for reviewing committed youth for  
7 recommendation for aftercare release.

8           (3) An aftercare release program that includes  
9 supervision in accordance with the conditions set by the  
10 Prisoner Review Board and referral to and facilitation of  
11 community-based services as indicated including education,  
12 social and mental health services, substance abuse  
13 treatment, employment and vocational training, individual  
14 and family counseling, financial counseling, and other  
15 services as appropriate; and assistance in locating  
16 appropriate residential placement and obtaining suitable  
17 employment. The Department may purchase necessary services  
18 for a releasee if they are otherwise unavailable and the  
19 releasee is unable to pay for the services. It may assess  
20 all or part of the costs of these services to a releasee in  
21 accordance with his or her ability to pay for the services.

22           (4) Procedures for sanctions for violations of  
23 conditions of aftercare release that ensure that juvenile  
24 offenders face uniform and consistent consequences that  
25 hold them accountable taking into account aggravating and  
26 mitigating factors and prioritizing public safety.

1           (5) A process for reviewing youth on aftercare release  
2           for discharge.

3           (b) The Department of Juvenile Justice shall have the  
4           following rights, powers, functions, and duties:

5           (1) To investigate alleged violations of an aftercare  
6           releasee's conditions of release; and for this purpose it  
7           may issue subpoenas and compel the attendance of witnesses  
8           and the production of documents only if there is reason to  
9           believe that the procedures would provide evidence that the  
10           violations have occurred. If any person fails to obey a  
11           subpoena issued under this subsection, the Director may  
12           apply to any circuit court to secure compliance with the  
13           subpoena. The failure to comply with the order of the court  
14           issued in response thereto shall be punishable as contempt  
15           of court.

16           (2) To issue a violation warrant for the apprehension  
17           of an aftercare releasee for violations of the conditions  
18           of aftercare release. Aftercare Specialists and  
19           Supervisors have the full power of peace officers in the  
20           retaking of any youth alleged to have violated the  
21           conditions of aftercare release.

22           (c) The Department of Juvenile Justice shall designate  
23           Aftercare Specialists qualified in juvenile matters to perform  
24           case management and post-release programming functions under  
25           this Section.

1 (730 ILCS 5/3-2.5-75 new)

2 Sec. 3-2.5-75. Release from Department of Juvenile  
3 Justice.

4 (a) Upon release of a youth on aftercare, the Department  
5 shall return all property held for the youth, provide the youth  
6 with suitable clothing, and procure necessary transportation  
7 for the youth to his or her designated place of residence and  
8 employment. It may provide the youth with a grant of money for  
9 travel and expenses which may be paid in installments. The  
10 amount of the money grant shall be determined by the  
11 Department.

12 (b) Before a wrongfully imprisoned person, as defined in  
13 Section 3-1-2 of this Code, is discharged from the Department,  
14 the Department shall provide him or her with any documents  
15 necessary after discharge, including an identification card  
16 under subsection (e) of this Section.

17 (c) The Department of Juvenile Justice may establish and  
18 maintain, in any institution it administers, revolving funds to  
19 be known as "Travel and Allowances Revolving Funds". These  
20 revolving funds shall be used for advancing travel and expense  
21 allowances to committed, released, and discharged youth. The  
22 moneys paid into these revolving funds shall be from  
23 appropriations to the Department for committed, released, and  
24 discharged prisoners.

25 (d) Upon the release of a youth on aftercare, the  
26 Department shall provide that youth with information

1 concerning programs and services of the Illinois Department of  
2 Public Health to ascertain whether that youth has been exposed  
3 to the human immunodeficiency virus (HIV) or any identified  
4 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

5 (e) Upon the release of a youth on aftercare or who has  
6 been wrongfully imprisoned, the Department shall provide the  
7 youth with an identification card identifying the youth as  
8 being on aftercare or wrongfully imprisoned, as the case may  
9 be. The Department, in consultation with the Office of the  
10 Secretary of State, shall prescribe the form of the  
11 identification card, which may be similar to the form of the  
12 standard Illinois Identification Card. The Department shall  
13 inform the youth that he or she may present the identification  
14 card to the Office of the Secretary of State upon application  
15 for a standard Illinois Identification Card in accordance with  
16 the Illinois Identification Card Act. The Department shall  
17 require the youth to pay a \$1 fee for the identification card.  
18 The Department shall adopt rules governing the issuance of  
19 identification cards to youth being released on aftercare or  
20 pardon.

21 (730 ILCS 5/3-2.5-80 new)

22 Sec. 3-2.5-80. Supervision on Aftercare Release.  
23 Supervision on Aftercare Release.

24 (a) The Department shall retain custody of all youth placed  
25 on aftercare release or released under Section 3-3-10 of this

1 Code. The Department shall supervise those youth during their  
2 aftercare release period in accordance with the conditions set  
3 by the Prisoner Review Board.

4 (b) A copy of youth's conditions of aftercare release shall  
5 be signed by the youth and given to the youth and to his or her  
6 Aftercare Specialist who shall report on the youth's progress  
7 under the rules of the Prisoner Review Board. Aftercare  
8 Specialists and Supervisors shall have the full power of peace  
9 officers in the retaking of any releasees who has allegedly  
10 violated his or her aftercare release conditions. The Aftercare  
11 Specialist may request the Department of Juvenile Justice to  
12 issue a warrant for the arrest of any releasee who has  
13 allegedly violated his or her aftercare release conditions.

14 (c) The Aftercare Supervisor shall request the Department  
15 of Juvenile Justice to issue an aftercare release violation  
16 warrant, and the Department of Juvenile Justice shall issue an  
17 aftercare release violation warrant, under the following  
18 circumstances:

19 (1) if the releasee commits an act that constitutes a  
20 felony using a firearm or knife;

21 (2) if applicable, the releasee fails to comply with  
22 the requirements of the Sex Offender Registration Act;

23 (3) if the releasee is charged with:

24 (A) a felony offense of domestic battery under  
25 Section 12-3.2 of the Criminal Code of 2012;

26 (B) aggravated domestic battery under Section

1           12-3.3 of the Criminal Code of 2012,

2           (C) stalking under Section 12-7.3 of the Criminal  
3           Code of 2012;

4           (D) aggravated stalking under Section 12-7.4 of  
5           the Criminal Code of 2012;

6           (E) violation of an order of protection under  
7           Section 12-3.4 of the Criminal Code of 2012; or

8           (F) any offense that would require registration as  
9           a sex offender under the Sex Offender Registration Act;  
10          or

11          (4) if the releasee is on aftercare release for a  
12          murder, a Class X felony or a Class 1 felony violation of  
13          the Criminal Code of 2012, or any felony that requires  
14          registration as a sex offender under the Sex Offender  
15          Registration Act and commits an act that constitutes first  
16          degree murder, a Class X felony, a Class 1 felony, a Class  
17          2 felony, or a Class 3 felony.

18          Personnel designated by the Department of Juvenile  
19          Justice or another peace officer may detain an alleged  
20          aftercare release violator until a warrant for his or her  
21          return to the Department of Juvenile Justice can be issued.  
22          The releasee may be delivered to any secure place until he  
23          or she can be transported to the Department of Juvenile  
24          Justice. The Aftercare Specialist or the Department of  
25          Juvenile Justice shall file a violation report with notice  
26          of charges with the Prisoner Review Board.

1       (d) The Aftercare Specialist shall regularly advise and  
2 consult with the releasee and assist the youth in adjusting to  
3 community life in accord with this Section.

4       (e) If the aftercare releasee has been convicted of a sex  
5 offense as defined in the Sex Offender Management Board Act,  
6 the Aftercare Specialist shall periodically, but not less than  
7 once a month, verify that the releasee is in compliance with  
8 paragraph (7.6) of subsection (a) of Section 3-3-7.

9       (f) The Aftercare Specialist shall keep those records as  
10 the Prisoner Review Board or Department may require. All  
11 records shall be entered in the master file of the youth.

12       (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

13       Sec. 3-3-1. Establishment and Appointment of Prisoner  
14 Review Board.

15       (a) There shall be a Prisoner Review Board independent of  
16 the Department of Corrections which shall be:

17           (1) the paroling authority for persons sentenced under  
18 the law in effect prior to the effective date of this  
19 amendatory Act of 1977;

20           (1.5) the authority for hearing and deciding the time  
21 of aftercare release for persons adjudicated delinquent  
22 under the Juvenile Court Act of 1987;

23           (2) the board of review for cases involving the  
24 revocation of sentence credits or a suspension or reduction  
25 in the rate of accumulating the credit;



1           (3) the board of review and recommendation for the  
2           exercise of executive clemency by the Governor;

3           (4) the authority for establishing release dates for  
4           certain prisoners sentenced under the law in existence  
5           prior to the effective date of this amendatory Act of 1977,  
6           in accordance with Section 3-3-2.1 of this Code;

7           (5) the authority for setting conditions for parole,  
8           mandatory supervised release under Section 5-8-1(a) of  
9           this Code, and aftercare release, and determining whether a  
10          violation of those conditions warrant revocation of  
11          parole, aftercare release, or mandatory supervised release  
12          or the imposition of other sanctions.

13          (b) The Board shall consist of 15 persons appointed by the  
14          Governor by and with the advice and consent of the Senate. One  
15          member of the Board shall be designated by the Governor to be  
16          Chairman and shall serve as Chairman at the pleasure of the  
17          Governor. The members of the Board shall have had at least 5  
18          years of actual experience in the fields of penology,  
19          corrections work, law enforcement, sociology, law, education,  
20          social work, medicine, psychology, other behavioral sciences,  
21          or a combination thereof. At least 6 members so appointed must  
22          have had at least 3 years experience in the field of juvenile  
23          matters. No more than 8 Board members may be members of the  
24          same political party.

25          Each member of the Board shall serve on a full-time basis  
26          and shall not hold any other salaried public office, whether

1 elective or appointive, nor any other office or position of  
2 profit, nor engage in any other business, employment, or  
3 vocation. The Chairman of the Board shall receive \$35,000 a  
4 year, or an amount set by the Compensation Review Board,  
5 whichever is greater, and each other member \$30,000, or an  
6 amount set by the Compensation Review Board, whichever is  
7 greater.

8 (c) Notwithstanding any other provision of this Section,  
9 the term of each member of the Board who was appointed by the  
10 Governor and is in office on June 30, 2003 shall terminate at  
11 the close of business on that date or when all of the successor  
12 members to be appointed pursuant to this amendatory Act of the  
13 93rd General Assembly have been appointed by the Governor,  
14 whichever occurs later. As soon as possible, the Governor shall  
15 appoint persons to fill the vacancies created by this  
16 amendatory Act.

17 Of the initial members appointed under this amendatory Act  
18 of the 93rd General Assembly, the Governor shall appoint 5  
19 members whose terms shall expire on the third Monday in January  
20 2005, 5 members whose terms shall expire on the third Monday in  
21 January 2007, and 5 members whose terms shall expire on the  
22 third Monday in January 2009. Their respective successors shall  
23 be appointed for terms of 6 years from the third Monday in  
24 January of the year of appointment. Each member shall serve  
25 until his or her successor is appointed and qualified.

26 Any member may be removed by the Governor for incompetence,

1 neglect of duty, malfeasance or inability to serve.

2 (d) The Chairman of the Board shall be its chief executive  
3 and administrative officer. The Board may have an Executive  
4 Director; if so, the Executive Director shall be appointed by  
5 the Governor with the advice and consent of the Senate. The  
6 salary and duties of the Executive Director shall be fixed by  
7 the Board.

8 (Source: P.A. 97-697, eff. 6-22-12.)

9 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

10 Sec. 3-3-2. Powers and Duties.

11 (a) The Parole and Pardon Board is abolished and the term  
12 "Parole and Pardon Board" as used in any law of Illinois, shall  
13 read "Prisoner Review Board." After the effective date of this  
14 amendatory Act of 1977, the Prisoner Review Board shall provide  
15 by rule for the orderly transition of all files, records, and  
16 documents of the Parole and Pardon Board and for such other  
17 steps as may be necessary to effect an orderly transition and  
18 shall:

19 (1) hear by at least one member and through a panel of  
20 at least 3 members decide, cases of prisoners who were  
21 sentenced under the law in effect prior to the effective  
22 date of this amendatory Act of 1977, and who are eligible  
23 for parole;

24 (2) hear by at least one member and through a panel of  
25 at least 3 members decide, the conditions of parole and the

1 time of discharge from parole, impose sanctions for  
2 violations of parole, and revoke parole for those sentenced  
3 under the law in effect prior to this amendatory Act of  
4 1977; provided that the decision to parole and the  
5 conditions of parole for all prisoners who were sentenced  
6 for first degree murder or who received a minimum sentence  
7 of 20 years or more under the law in effect prior to  
8 February 1, 1978 shall be determined by a majority vote of  
9 the Prisoner Review Board. One representative supporting  
10 parole and one representative opposing parole will be  
11 allowed to speak. Their comments shall be limited to making  
12 corrections and filling in omissions to the Board's  
13 presentation and discussion;

14 (3) hear by at least one member and through a panel of  
15 at least 3 members decide, the conditions of mandatory  
16 supervised release and the time of discharge from mandatory  
17 supervised release, impose sanctions for violations of  
18 mandatory supervised release, and revoke mandatory  
19 supervised release for those sentenced under the law in  
20 effect after the effective date of this amendatory Act of  
21 1977;

22 (3.5) hear by at least one member and through a panel  
23 of at least 3 members decide, the conditions of mandatory  
24 supervised release and the time of discharge from mandatory  
25 supervised release, to impose sanctions for violations of  
26 mandatory supervised release and revoke mandatory

1 supervised release for those serving extended supervised  
2 release terms pursuant to paragraph (4) of subsection (d)  
3 of Section 5-8-1;

4 (3.6) hear by at least one member and through a panel  
5 of at least 3 members decide, the time of aftercare  
6 release, the conditions of aftercare release and the time  
7 of discharge from aftercare release, impose sanctions for  
8 violations of aftercare release, and revoke aftercare  
9 release for those adjudicated delinquent under the  
10 Juvenile Court Act of 1987;

11 (4) hear by at least one member and through a panel of  
12 at least 3 members, decide cases brought by the Department  
13 of Corrections against a prisoner in the custody of the  
14 Department for alleged violation of Department rules with  
15 respect to sentence credits under Section 3-6-3 of this  
16 Code in which the Department seeks to revoke sentence  
17 credits, if the amount of time at issue exceeds 30 days or  
18 when, during any 12 month period, the cumulative amount of  
19 credit revoked exceeds 30 days except where the infraction  
20 is committed or discovered within 60 days of scheduled  
21 release. In such cases, the Department of Corrections may  
22 revoke up to 30 days of sentence credit. The Board may  
23 subsequently approve the revocation of additional sentence  
24 credit, if the Department seeks to revoke sentence credit  
25 in excess of thirty days. However, the Board shall not be  
26 empowered to review the Department's decision with respect

1 to the loss of 30 days of sentence credit for any prisoner  
2 or to increase any penalty beyond the length requested by  
3 the Department;

4 (5) hear by at least one member and through a panel of  
5 at least 3 members decide, the release dates for certain  
6 prisoners sentenced under the law in existence prior to the  
7 effective date of this amendatory Act of 1977, in  
8 accordance with Section 3-3-2.1 of this Code;

9 (6) hear by at least one member and through a panel of  
10 at least 3 members decide, all requests for pardon,  
11 reprieve or commutation, and make confidential  
12 recommendations to the Governor;

13 (7) comply with the requirements of the Open Parole  
14 Hearings Act;

15 (8) hear by at least one member and, through a panel of  
16 at least 3 members, decide cases brought by the Department  
17 of Corrections against a prisoner in the custody of the  
18 Department for court dismissal of a frivolous lawsuit  
19 pursuant to Section 3-6-3(d) of this Code in which the  
20 Department seeks to revoke up to 180 days of sentence  
21 credit, and if the prisoner has not accumulated 180 days of  
22 sentence credit at the time of the dismissal, then all  
23 sentence credit accumulated by the prisoner shall be  
24 revoked;

25 (9) hear by at least 3 members, and, through a panel of  
26 at least 3 members, decide whether to grant certificates of

1 relief from disabilities or certificates of good conduct as  
2 provided in Article 5.5 of Chapter V; and

3 (10) upon a petition by a person who has been convicted  
4 of a Class 3 or Class 4 felony and who meets the  
5 requirements of this paragraph, hear by at least 3 members  
6 and, with the unanimous vote of a panel of 3 members, issue  
7 a certificate of eligibility for sealing recommending that  
8 the court order the sealing of all official records of the  
9 arresting authority, the circuit court clerk, and the  
10 Department of State Police concerning the arrest and  
11 conviction for the Class 3 or 4 felony. A person may not  
12 apply to the Board for a certificate of eligibility for  
13 sealing:

14 (A) until 5 years have elapsed since the expiration  
15 of his or her sentence;

16 (B) until 5 years have elapsed since any arrests or  
17 detentions by a law enforcement officer for an alleged  
18 violation of law, other than a petty offense, traffic  
19 offense, conservation offense, or local ordinance  
20 offense;

21 (C) if convicted of a violation of the Cannabis  
22 Control Act, Illinois Controlled Substances Act, the  
23 Methamphetamine Control and Community Protection Act,  
24 the Methamphetamine Precursor Control Act, or the  
25 Methamphetamine Precursor Tracking Act unless the  
26 petitioner has completed a drug abuse program for the

1 offense on which sealing is sought and provides proof  
2 that he or she has completed the program successfully;

3 (D) if convicted of:

4 (i) a sex offense described in Article 11 or  
5 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
6 the Criminal Code of 1961 or the Criminal Code of  
7 2012;

8 (ii) aggravated assault;

9 (iii) aggravated battery;

10 (iv) domestic battery;

11 (v) aggravated domestic battery;

12 (vi) violation of an order of protection;

13 (vii) an offense under the Criminal Code of  
14 1961 or the Criminal Code of 2012 involving a  
15 firearm;

16 (viii) driving while under the influence of  
17 alcohol, other drug or drugs, intoxicating  
18 compound or compounds or any combination thereof;

19 (ix) aggravated driving while under the  
20 influence of alcohol, other drug or drugs,  
21 intoxicating compound or compounds or any  
22 combination thereof; or

23 (x) any crime defined as a crime of violence  
24 under Section 2 of the Crime Victims Compensation  
25 Act.

26 If a person has applied to the Board for a certificate of



1 eligibility for sealing and the Board denies the certificate,  
2 the person must wait at least 4 years before filing again or  
3 filing for pardon from the Governor unless the Chairman of the  
4 Prisoner Review Board grants a waiver.

5 The decision to issue or refrain from issuing a certificate  
6 of eligibility for sealing shall be at the Board's sole  
7 discretion, and shall not give rise to any cause of action  
8 against either the Board or its members.

9 The Board may only authorize the sealing of Class 3 and 4  
10 felony convictions of the petitioner from one information or  
11 indictment under this paragraph (10). A petitioner may only  
12 receive one certificate of eligibility for sealing under this  
13 provision for life.

14 (a-5) The Prisoner Review Board, with the cooperation of  
15 and in coordination with the Department of Corrections and the  
16 Department of Central Management Services, shall implement a  
17 pilot project in 3 correctional institutions providing for the  
18 conduct of hearings under paragraphs (1) and (4) of subsection  
19 (a) of this Section through interactive video conferences. The  
20 project shall be implemented within 6 months after the  
21 effective date of this amendatory Act of 1996. Within 6 months  
22 after the implementation of the pilot project, the Prisoner  
23 Review Board, with the cooperation of and in coordination with  
24 the Department of Corrections and the Department of Central  
25 Management Services, shall report to the Governor and the  
26 General Assembly regarding the use, costs, effectiveness, and

1 future viability of interactive video conferences for Prisoner  
2 Review Board hearings.

3 (b) Upon recommendation of the Department the Board may  
4 restore sentence credit previously revoked.

5 (c) The Board shall cooperate with the Department in  
6 promoting an effective system of parole, aftercare release, and  
7 mandatory supervised release.

8 (d) The Board shall promulgate rules for the conduct of its  
9 work, and the Chairman shall file a copy of such rules and any  
10 amendments thereto with the Director and with the Secretary of  
11 State.

12 (e) The Board shall keep records of all of its official  
13 actions and shall make them accessible in accordance with law  
14 and the rules of the Board.

15 (f) The Board or one who has allegedly violated the  
16 conditions of his or her parole, aftercare release, or  
17 mandatory supervised release may require by subpoena the  
18 attendance and testimony of witnesses and the production of  
19 documentary evidence relating to any matter under  
20 investigation or hearing. The Chairman of the Board may sign  
21 subpoenas which shall be served by any agent or public official  
22 authorized by the Chairman of the Board, or by any person  
23 lawfully authorized to serve a subpoena under the laws of the  
24 State of Illinois. The attendance of witnesses, and the  
25 production of documentary evidence, may be required from any  
26 place in the State to a hearing location in the State before

1 the Chairman of the Board or his or her designated agent or  
2 agents or any duly constituted Committee or Subcommittee of the  
3 Board. Witnesses so summoned shall be paid the same fees and  
4 mileage that are paid witnesses in the circuit courts of the  
5 State, and witnesses whose depositions are taken and the  
6 persons taking those depositions are each entitled to the same  
7 fees as are paid for like services in actions in the circuit  
8 courts of the State. Fees and mileage shall be vouchered for  
9 payment when the witness is discharged from further attendance.

10 In case of disobedience to a subpoena, the Board may  
11 petition any circuit court of the State for an order requiring  
12 the attendance and testimony of witnesses or the production of  
13 documentary evidence or both. A copy of such petition shall be  
14 served by personal service or by registered or certified mail  
15 upon the person who has failed to obey the subpoena, and such  
16 person shall be advised in writing that a hearing upon the  
17 petition will be requested in a court room to be designated in  
18 such notice before the judge hearing motions or extraordinary  
19 remedies at a specified time, on a specified date, not less  
20 than 10 nor more than 15 days after the deposit of the copy of  
21 the written notice and petition in the U.S. mails addressed to  
22 the person at his last known address or after the personal  
23 service of the copy of the notice and petition upon such  
24 person. The court upon the filing of such a petition, may order  
25 the person refusing to obey the subpoena to appear at an  
26 investigation or hearing, or to there produce documentary

1 evidence, if so ordered, or to give evidence relative to the  
2 subject matter of that investigation or hearing. Any failure to  
3 obey such order of the circuit court may be punished by that  
4 court as a contempt of court.

5 Each member of the Board and any hearing officer designated  
6 by the Board shall have the power to administer oaths and to  
7 take the testimony of persons under oath.

8 (g) Except under subsection (a) of this Section, a majority  
9 of the members then appointed to the Prisoner Review Board  
10 shall constitute a quorum for the transaction of all business  
11 of the Board.

12 (h) The Prisoner Review Board shall annually transmit to  
13 the Director a detailed report of its work for the preceding  
14 calendar year. The annual report shall also be transmitted to  
15 the Governor for submission to the Legislature.

16 (Source: P.A. 96-875, eff. 1-22-10; 97-697, eff. 6-22-12;  
17 97-1120, eff. 1-1-13; 97-1150, eff. 1-25-13.)

18 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

19 Sec. 3-3-3. Eligibility for Parole or Release.

20 (a) Except for those offenders who accept the fixed release  
21 date established by the Prisoner Review Board under Section  
22 3-3-2.1, every person serving a term of imprisonment under the  
23 law in effect prior to the effective date of this amendatory  
24 Act of 1977 shall be eligible for parole when he or she has  
25 served:

1           (1) the minimum term of an indeterminate sentence less  
2           time credit for good behavior, or 20 years less time credit  
3           for good behavior, whichever is less; or

4           (2) 20 years of a life sentence less time credit for  
5           good behavior; or

6           (3) 20 years or one-third of a determinate sentence,  
7           whichever is less, less time credit for good behavior.

8           (b) No person sentenced under this amendatory Act of 1977  
9           or who accepts a release date under Section 3-3-2.1 shall be  
10          eligible for parole.

11          (c) Except for those sentenced to a term of natural life  
12          imprisonment, every person sentenced to imprisonment under  
13          this amendatory Act of 1977 or given a release date under  
14          Section 3-3-2.1 of this Act shall serve the full term of a  
15          determinate sentence less time credit for good behavior and  
16          shall then be released under the mandatory supervised release  
17          provisions of paragraph (d) of Section 5-8-1 of this Code.

18          (d) No person serving a term of natural life imprisonment  
19          may be paroled or released except through executive clemency.

20          (e) Every person committed to the Department of Juvenile  
21          Justice under Section 5-10 of the Juvenile Court Act or Section  
22          5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of  
23          this Code and confined in the State correctional institutions  
24          or facilities if such juvenile has not been tried as an adult  
25          shall be eligible for aftercare release ~~parole~~ without regard  
26          to the length of time the person has been confined or whether

1 the person has served any minimum term imposed. However, if a  
2 juvenile has been tried as an adult he or she shall only be  
3 eligible for parole or mandatory supervised release as an adult  
4 under this Section.

5 (Source: P.A. 94-696, eff. 6-1-06.)

6 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

7 Sec. 3-3-4. Preparation for Parole Hearing.

8 (a) The Prisoner Review Board shall consider the parole of  
9 each eligible person committed to the Department of Corrections  
10 at least 30 days prior to the date he or she shall first become  
11 eligible for parole, and shall consider the aftercare release  
12 ~~parole~~ of each person committed to the Department of Juvenile  
13 Justice as a delinquent at least 30 days prior to the  
14 expiration of the first year of confinement.

15 (b) A person eligible for parole or aftercare release  
16 shall, no less than 15 days in advance of his or her parole  
17 interview, prepare a parole or aftercare release plan in  
18 accordance with the rules of the Prisoner Review Board. The  
19 person shall be assisted in preparing his or her parole or  
20 aftercare release plan by personnel of the Department of  
21 Corrections, or the Department of Juvenile Justice in the case  
22 of a person committed to that Department, and may, for this  
23 purpose, be released on furlough under Article 11 or on  
24 authorized absence under Section 3-9-4. The appropriate  
25 Department shall also provide assistance in obtaining

1 information and records helpful to the individual for his or  
2 her parole hearing. If the person eligible for parole or  
3 aftercare release has a petition or any written submissions  
4 prepared on his or her behalf by an attorney or other  
5 representative, the attorney or representative for the person  
6 eligible for parole or aftercare release must serve by  
7 certified mail the State's Attorney of the county where he or  
8 she was prosecuted with the petition or any written submissions  
9 15 days after his or her parole interview. The State's Attorney  
10 shall provide the attorney for the person eligible for parole  
11 or aftercare release with a copy of his or her letter in  
12 opposition to parole or aftercare release via certified mail  
13 within 5 business days of the en banc hearing.

14 (c) Any member of the Board shall have access at all  
15 reasonable times to any committed person and to his or her  
16 master record file within the Department, and the Department  
17 shall furnish such a report to the Board concerning the conduct  
18 and character of any such person prior to his or her parole  
19 interview.

20 (d) In making its determination of parole or aftercare  
21 release, the Board shall consider:

22 (1) material transmitted to the Department of Juvenile  
23 Justice by the clerk of the committing court under Section  
24 5-4-1 or Section 5-10 of the Juvenile Court Act or Section  
25 5-750 of the Juvenile Court Act of 1987;

26 (2) the report under Section 3-8-2 or 3-10-2;

1           (3) a report by the Department and any report by the  
2 chief administrative officer of the institution or  
3 facility;

4           (4) a parole or aftercare release progress report;

5           (5) a medical and psychological report, if requested by  
6 the Board;

7           (6) material in writing, or on film, video tape or  
8 other electronic means in the form of a recording submitted  
9 by the person whose parole or aftercare release is being  
10 considered;

11           (7) material in writing, or on film, video tape or  
12 other electronic means in the form of a recording or  
13 testimony submitted by the State's Attorney and the victim  
14 or a concerned citizen pursuant to the Rights of Crime  
15 Victims and Witnesses Act; and

16           (8) the person's eligibility for commitment under the  
17 Sexually Violent Persons Commitment Act.

18           (e) The prosecuting State's Attorney's office shall  
19 receive from the Board reasonable written notice not less than  
20 30 days prior to the parole or aftercare release interview and  
21 may submit relevant information by oral argument or testimony  
22 of victims and concerned citizens, or both, in writing, or on  
23 film, video tape or other electronic means or in the form of a  
24 recording to the Board for its consideration. Upon written  
25 request of the State's Attorney's office, the Prisoner Review  
26 Board shall hear protests to parole, or aftercare release,



1 except in counties of 1,500,000 or more inhabitants where there  
2 shall be standing objections to all such petitions. If a  
3 State's Attorney who represents a county of less than 1,500,000  
4 inhabitants requests a protest hearing, the inmate's counsel or  
5 other representative shall also receive notice of such request.  
6 This hearing shall take place the month following the inmate's  
7 parole or aftercare release interview. If the inmate's parole  
8 or aftercare release interview is rescheduled then the Prisoner  
9 Review Board shall promptly notify the State's Attorney of the  
10 new date. The person eligible for parole or aftercare release  
11 shall be heard at the next scheduled en banc hearing date. If  
12 the case is to be continued, the State's Attorney's office and  
13 the attorney or representative for the person eligible for  
14 parole or aftercare release will be notified of any continuance  
15 within 5 business days. The State's Attorney may waive the  
16 written notice.

17 (f) The victim of the violent crime for which the prisoner  
18 has been sentenced shall receive notice of a parole or  
19 aftercare release hearing as provided in paragraph (4) of  
20 subsection (d) of Section 4.5 of the Rights of Crime Victims  
21 and Witnesses Act.

22 (g) Any recording considered under the provisions of  
23 subsection (d)(6), (d)(7) or (e) of this Section shall be in  
24 the form designated by the Board. Such recording shall be both  
25 visual and aural. Every voice on the recording and person  
26 present shall be identified and the recording shall contain

1 either a visual or aural statement of the person submitting  
2 such recording, the date of the recording and the name of the  
3 person whose parole or aftercare release eligibility is being  
4 considered. Such recordings shall be retained by the Board and  
5 shall be deemed to be submitted at any subsequent parole or  
6 aftercare release hearing if the victim or State's Attorney  
7 submits in writing a declaration clearly identifying such  
8 recording as representing the present position of the victim or  
9 State's Attorney regarding the issues to be considered at the  
10 parole or aftercare release hearing.

11 (h) The Board shall not release any material to the inmate,  
12 the inmate's attorney, any third party, or any other person  
13 containing any information from the victim or from a person  
14 related to the victim by blood, adoption, or marriage who has  
15 written objections, testified at any hearing, or submitted  
16 audio or visual objections to the inmate's parole, or aftercare  
17 release, unless provided with a waiver from that objecting  
18 party.

19 (Source: P.A. 96-875, eff. 1-22-10; 97-523, eff. 1-1-12;  
20 97-1075, eff. 8-24-12; 97-1083, eff. 8-24-12; revised  
21 9-20-12.)

22 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

23 Sec. 3-3-5. Hearing and Determination.

24 (a) The Prisoner Review Board shall meet as often as need  
25 requires to consider the cases of persons eligible for parole

1 and aftercare release. Except as otherwise provided in  
2 paragraph (2) of subsection (a) of Section 3-3-2 of this Act,  
3 the Prisoner Review Board may meet and order its actions in  
4 panels of 3 or more members. The action of a majority of the  
5 panel shall be the action of the Board. In consideration of  
6 persons committed to the Department of Juvenile Justice, the  
7 panel shall have at least a majority of members experienced in  
8 juvenile matters.

9 (b) If the person under consideration for parole or  
10 aftercare release is in the custody of the Department, at least  
11 one member of the Board shall interview him or her, and a  
12 report of that interview shall be available for the Board's  
13 consideration. However, in the discretion of the Board, the  
14 interview need not be conducted if a psychiatric examination  
15 determines that the person could not meaningfully contribute to  
16 the Board's consideration. The Board may in its discretion  
17 parole or release on aftercare a person who is then outside the  
18 jurisdiction on his or her record without an interview. The  
19 Board need not hold a hearing or interview a person who is  
20 paroled or released on aftercare under paragraphs (d) or (e) of  
21 this Section or released on Mandatory release under Section  
22 3-3-10.

23 (c) The Board shall not parole or release a person eligible  
24 for parole or aftercare release if it determines that:

25 (1) there is a substantial risk that he or she will not  
26 conform to reasonable conditions of parole or aftercare

1       release; or

2           (2) his or her release at that time would deprecate the  
3       seriousness of his or her offense or promote disrespect for  
4       the law; or

5           (3) his or her release would have a substantially  
6       adverse effect on institutional discipline.

7           (d) A person committed under the Juvenile Court Act or the  
8       Juvenile Court Act of 1987 who has not been sooner released  
9       shall be released on aftercare ~~paroled~~ on or before his or her  
10      20th birthday to begin serving a period of aftercare release  
11      ~~parole~~ under Section 3-3-8.

12          (e) A person who has served the maximum term of  
13      imprisonment imposed at the time of sentencing less time credit  
14      for good behavior shall be released on parole to serve a period  
15      of parole under Section 5-8-1.

16          (f) The Board shall render its decision within a reasonable  
17      time after hearing and shall state the basis therefor both in  
18      the records of the Board and in written notice to the person on  
19      whose application it has acted. In its decision, the Board  
20      shall set the person's time for parole or aftercare release, or  
21      if it denies parole or aftercare release it shall provide for a  
22      rehearing not less frequently than once every year, except that  
23      the Board may, after denying parole, schedule a rehearing no  
24      later than 5 years from the date of the parole denial, if the  
25      Board finds that it is not reasonable to expect that parole  
26      would be granted at a hearing prior to the scheduled rehearing

1 date. If the Board shall parole or release a person, and, if he  
2 or she is not released within 90 days from the effective date  
3 of the order granting parole, or aftercare release, the matter  
4 shall be returned to the Board for review.

5 (f-1) If the Board paroles or releases a person who is  
6 eligible for commitment as a sexually violent person, the  
7 effective date of the Board's order shall be stayed for 90 days  
8 for the purpose of evaluation and proceedings under the  
9 Sexually Violent Persons Commitment Act.

10 (g) The Board shall maintain a registry of decisions in  
11 which parole has been granted, which shall include the name and  
12 case number of the prisoner, the highest charge for which the  
13 prisoner was sentenced, the length of sentence imposed, the  
14 date of the sentence, the date of the parole, and the basis for  
15 the decision of the Board to grant parole and the vote of the  
16 Board on any such decisions. The registry shall be made  
17 available for public inspection and copying during business  
18 hours and shall be a public record pursuant to the provisions  
19 of the Freedom of Information Act.

20 (h) The Board shall promulgate rules regarding the exercise  
21 of its discretion under this Section.

22 (Source: P.A. 96-875, eff. 1-22-10; 97-522, eff. 1-1-12;  
23 97-1075, eff. 8-24-12.)

24 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

25 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised

1 Release.

2 (a) The conditions of parole, aftercare release, or  
3 mandatory supervised release shall be such as the Prisoner  
4 Review Board deems necessary to assist the subject in leading a  
5 law-abiding life. The conditions of every parole, aftercare  
6 release, and mandatory supervised release are that the subject:

7 (1) not violate any criminal statute of any  
8 jurisdiction during the parole, aftercare release, or  
9 release term;

10 (2) refrain from possessing a firearm or other  
11 dangerous weapon;

12 (3) report to an agent of the Department of Corrections  
13 or, in the case of aftercare releasees, to the Department  
14 of Juvenile Justice;

15 (4) permit the agent or aftercare specialist to visit  
16 him or her at his or her home, employment, or elsewhere to  
17 the extent necessary for the agent or aftercare specialist  
18 to discharge his or her duties;

19 (5) attend or reside in a facility established for the  
20 instruction or residence of persons on parole, aftercare  
21 release, or mandatory supervised release;

22 (6) secure permission before visiting or writing a  
23 committed person in an Illinois Department of Corrections  
24 facility;

25 (7) report all arrests to an agent of the Department of  
26 Corrections or, in the case of aftercare releasees, to the

1        Department of Juvenile Justice as soon as permitted by the  
2        arresting authority but in no event later than 24 hours  
3        after release from custody and immediately report service  
4        or notification of an order of protection, a civil no  
5        contact order, or a stalking no contact order to an agent  
6        of the Department of Corrections;

7            (7.5) if convicted of a sex offense as defined in the  
8        Sex Offender Management Board Act, the individual shall  
9        undergo and successfully complete sex offender treatment  
10       conducted in conformance with the standards developed by  
11       the Sex Offender Management Board Act by a treatment  
12       provider approved by the Board;

13           (7.6) if convicted of a sex offense as defined in the  
14       Sex Offender Management Board Act, refrain from residing at  
15       the same address or in the same condominium unit or  
16       apartment unit or in the same condominium complex or  
17       apartment complex with another person he or she knows or  
18       reasonably should know is a convicted sex offender or has  
19       been placed on supervision for a sex offense; the  
20       provisions of this paragraph do not apply to a person  
21       convicted of a sex offense who is placed in a Department of  
22       Corrections licensed transitional housing facility for sex  
23       offenders, or is in any facility operated or licensed by  
24       the Department of Children and Family Services or by the  
25       Department of Human Services, or is in any licensed medical  
26       facility;

1           (7.7) if convicted for an offense that would qualify  
2           the accused as a sexual predator under the Sex Offender  
3           Registration Act on or after January 1, 2007 (the effective  
4           date of Public Act 94-988), wear an approved electronic  
5           monitoring device as defined in Section 5-8A-2 for the  
6           duration of the person's parole, aftercare release,  
7           mandatory supervised release term, or extended mandatory  
8           supervised release term and if convicted for an offense of  
9           criminal sexual assault, aggravated criminal sexual  
10          assault, predatory criminal sexual assault of a child,  
11          criminal sexual abuse, aggravated criminal sexual abuse,  
12          or ritualized abuse of a child committed on or after August  
13          11, 2009 (the effective date of Public Act 96-236) when the  
14          victim was under 18 years of age at the time of the  
15          commission of the offense and the defendant used force or  
16          the threat of force in the commission of the offense wear  
17          an approved electronic monitoring device as defined in  
18          Section 5-8A-2 that has Global Positioning System (GPS)  
19          capability for the duration of the person's parole,  
20          aftercare release, mandatory supervised release term, or  
21          extended mandatory supervised release term;

22          (7.8) if convicted for an offense committed on or after  
23          June 1, 2008 (the effective date of Public Act 95-464) that  
24          would qualify the accused as a child sex offender as  
25          defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
26          1961 or the Criminal Code of 2012, refrain from



1 communicating with or contacting, by means of the Internet,  
2 a person who is not related to the accused and whom the  
3 accused reasonably believes to be under 18 years of age;  
4 for purposes of this paragraph (7.8), "Internet" has the  
5 meaning ascribed to it in Section 16-0.1 of the Criminal  
6 Code of 2012; and a person is not related to the accused if  
7 the person is not: (i) the spouse, brother, or sister of  
8 the accused; (ii) a descendant of the accused; (iii) a  
9 first or second cousin of the accused; or (iv) a step-child  
10 or adopted child of the accused;

11 (7.9) if convicted under Section 11-6, 11-20.1,  
12 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or  
13 the Criminal Code of 2012, consent to search of computers,  
14 PDAs, cellular phones, and other devices under his or her  
15 control that are capable of accessing the Internet or  
16 storing electronic files, in order to confirm Internet  
17 protocol addresses reported in accordance with the Sex  
18 Offender Registration Act and compliance with conditions  
19 in this Act;

20 (7.10) if convicted for an offense that would qualify  
21 the accused as a sex offender or sexual predator under the  
22 Sex Offender Registration Act on or after June 1, 2008 (the  
23 effective date of Public Act 95-640), not possess  
24 prescription drugs for erectile dysfunction;

25 (7.11) if convicted for an offense under Section 11-6,  
26 11-9.1, 11-14.4 that involves soliciting for a juvenile

1 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
2 of the Criminal Code of 1961 or the Criminal Code of 2012,  
3 or any attempt to commit any of these offenses, committed  
4 on or after June 1, 2009 (the effective date of Public Act  
5 95-983):

6 (i) not access or use a computer or any other  
7 device with Internet capability without the prior  
8 written approval of the Department;

9 (ii) submit to periodic unannounced examinations  
10 of the offender's computer or any other device with  
11 Internet capability by the offender's supervising  
12 agent, aftercare specialist, a law enforcement  
13 officer, or assigned computer or information  
14 technology specialist, including the retrieval and  
15 copying of all data from the computer or device and any  
16 internal or external peripherals and removal of such  
17 information, equipment, or device to conduct a more  
18 thorough inspection;

19 (iii) submit to the installation on the offender's  
20 computer or device with Internet capability, at the  
21 offender's expense, of one or more hardware or software  
22 systems to monitor the Internet use; and

23 (iv) submit to any other appropriate restrictions  
24 concerning the offender's use of or access to a  
25 computer or any other device with Internet capability  
26 imposed by the Board, the Department or the offender's

1 supervising agent or aftercare specialist;

2 (7.12) if convicted of a sex offense as defined in the  
3 Sex Offender Registration Act committed on or after January  
4 1, 2010 (the effective date of Public Act 96-262), refrain  
5 from accessing or using a social networking website as  
6 defined in Section 17-0.5 of the Criminal Code of 2012;

7 (7.13) if convicted of a sex offense as defined in  
8 Section 2 of the Sex Offender Registration Act committed on  
9 or after January 1, 2010 (the effective date of Public Act  
10 96-362) that requires the person to register as a sex  
11 offender under that Act, may not knowingly use any computer  
12 scrub software on any computer that the sex offender uses;

13 (8) obtain permission of an agent of the Department of  
14 Corrections or, in the case of aftercare releasees, the  
15 Department of Juvenile Justice before leaving the State of  
16 Illinois;

17 (9) obtain permission of an agent of the Department of  
18 Corrections or, in the case of aftercare releasees, the  
19 Department of Juvenile Justice before changing his or her  
20 residence or employment;

21 (10) consent to a search of his or her person,  
22 property, or residence under his or her control;

23 (11) refrain from the use or possession of narcotics or  
24 other controlled substances in any form, or both, or any  
25 paraphernalia related to those substances and submit to a  
26 urinalysis test as instructed by a parole agent of the

1 Department of Corrections or an aftercare specialist of the  
2 Department of Juvenile Justice;

3 (12) not frequent places where controlled substances  
4 are illegally sold, used, distributed, or administered;

5 (13) not knowingly associate with other persons on  
6 parole, aftercare release, or mandatory supervised release  
7 without prior written permission of his or her parole agent  
8 or aftercare specialist and not associate with persons who  
9 are members of an organized gang as that term is defined in  
10 the Illinois Streetgang Terrorism Omnibus Prevention Act;

11 (14) provide true and accurate information, as it  
12 relates to his or her adjustment in the community while on  
13 parole, aftercare release, or mandatory supervised  
14 release or to his or her conduct while incarcerated, in  
15 response to inquiries by his or her parole agent or of the  
16 Department of Corrections, or in the case of an aftercare  
17 releasee, by his or her aftercare specialist or of the  
18 Department of Juvenile Justice;

19 (15) follow any specific instructions provided by the  
20 parole agent or aftercare specialist that are consistent  
21 with furthering conditions set and approved by the Prisoner  
22 Review Board or by law, exclusive of placement on  
23 electronic detention, to achieve the goals and objectives  
24 of his or her parole, aftercare release, or mandatory  
25 supervised release or to protect the public. These  
26 instructions by the parole agent or aftercare specialist

1 may be modified at any time, as the agent or aftercare  
2 specialist deems appropriate;

3 (16) if convicted of a sex offense as defined in  
4 subsection (a-5) of Section 3-1-2 of this Code, unless the  
5 offender is a parent or guardian of the person under 18  
6 years of age present in the home and no non-familial minors  
7 are present, not participate in a holiday event involving  
8 children under 18 years of age, such as distributing candy  
9 or other items to children on Halloween, wearing a Santa  
10 Claus costume on or preceding Christmas, being employed as  
11 a department store Santa Claus, or wearing an Easter Bunny  
12 costume on or preceding Easter;

13 (17) if convicted of a violation of an order of  
14 protection under Section 12-3.4 or Section 12-30 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012, be  
16 placed under electronic surveillance as provided in  
17 Section 5-8A-7 of this Code;

18 (18) comply with the terms and conditions of an order  
19 of protection issued pursuant to the Illinois Domestic  
20 Violence Act of 1986; an order of protection issued by the  
21 court of another state, tribe, or United States territory;  
22 a no contact order issued pursuant to the Civil No Contact  
23 Order Act; or a no contact order issued pursuant to the  
24 Stalking No Contact Order Act; and

25 (19) if convicted of a violation of the Methamphetamine  
26 Control and Community Protection Act, the Methamphetamine

1 Precursor Control Act, or a methamphetamine related  
2 offense, be:

3 (A) prohibited from purchasing, possessing, or  
4 having under his or her control any product containing  
5 pseudoephedrine unless prescribed by a physician; and

6 (B) prohibited from purchasing, possessing, or  
7 having under his or her control any product containing  
8 ammonium nitrate.

9 (b) The Board may in addition to other conditions require  
10 that the subject:

11 (1) work or pursue a course of study or vocational  
12 training;

13 (2) undergo medical or psychiatric treatment, or  
14 treatment for drug addiction or alcoholism;

15 (3) attend or reside in a facility established for the  
16 instruction or residence of persons on probation or parole;

17 (4) support his or her dependents;

18 (5) (blank);

19 (6) (blank);

20 (7) (blank);

21 (7.5) if convicted for an offense committed on or after  
22 the effective date of this amendatory Act of the 95th  
23 General Assembly that would qualify the accused as a child  
24 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012, refrain  
26 from communicating with or contacting, by means of the

1 Internet, a person who is related to the accused and whom  
2 the accused reasonably believes to be under 18 years of  
3 age; for purposes of this paragraph (7.5), "Internet" has  
4 the meaning ascribed to it in Section 16-0.1 of the  
5 Criminal Code of 2012; and a person is related to the  
6 accused if the person is: (i) the spouse, brother, or  
7 sister of the accused; (ii) a descendant of the accused;  
8 (iii) a first or second cousin of the accused; or (iv) a  
9 step-child or adopted child of the accused;

10 (7.6) if convicted for an offense committed on or after  
11 June 1, 2009 (the effective date of Public Act 95-983) that  
12 would qualify as a sex offense as defined in the Sex  
13 Offender Registration Act:

14 (i) not access or use a computer or any other  
15 device with Internet capability without the prior  
16 written approval of the Department;

17 (ii) submit to periodic unannounced examinations  
18 of the offender's computer or any other device with  
19 Internet capability by the offender's supervising  
20 agent or aftercare specialist, a law enforcement  
21 officer, or assigned computer or information  
22 technology specialist, including the retrieval and  
23 copying of all data from the computer or device and any  
24 internal or external peripherals and removal of such  
25 information, equipment, or device to conduct a more  
26 thorough inspection;

1 (iii) submit to the installation on the offender's  
2 computer or device with Internet capability, at the  
3 offender's expense, of one or more hardware or software  
4 systems to monitor the Internet use; and

5 (iv) submit to any other appropriate restrictions  
6 concerning the offender's use of or access to a  
7 computer or any other device with Internet capability  
8 imposed by the Board, the Department or the offender's  
9 supervising agent or aftercare specialist; and

10 (8) in addition, if a minor:

11 (i) reside with his or her parents or in a foster  
12 home;

13 (ii) attend school;

14 (iii) attend a non-residential program for youth;

15 or

16 (iv) contribute to his or her own support at home  
17 or in a foster home.

18 (b-1) In addition to the conditions set forth in  
19 subsections (a) and (b), persons required to register as sex  
20 offenders pursuant to the Sex Offender Registration Act, upon  
21 release from the custody of the Illinois Department of  
22 Corrections or Department of Juvenile Justice, may be required  
23 by the Board to comply with the following specific conditions  
24 of release:

25 (1) reside only at a Department approved location;

26 (2) comply with all requirements of the Sex Offender



1 Registration Act;

2 (3) notify third parties of the risks that may be  
3 occasioned by his or her criminal record;

4 (4) obtain the approval of an agent of the Department  
5 of Corrections or, in the case of an aftercare releasee,  
6 the Department of Juvenile Justice prior to accepting  
7 employment or pursuing a course of study or vocational  
8 training and notify the Department prior to any change in  
9 employment, study, or training;

10 (5) not be employed or participate in any volunteer  
11 activity that involves contact with children, except under  
12 circumstances approved in advance and in writing by an  
13 agent of the Department of Corrections or, in the case of  
14 an aftercare releasee, the Department of Juvenile Justice;

15 (6) be electronically monitored for a minimum of 12  
16 months from the date of release as determined by the Board;

17 (7) refrain from entering into a designated geographic  
18 area except upon terms approved in advance by an agent of  
19 the Department of Corrections or, in the case of an  
20 aftercare releasee, the Department of Juvenile Justice.

21 The terms may include consideration of the purpose of the  
22 entry, the time of day, and others accompanying the person;

23 (8) refrain from having any contact, including written  
24 or oral communications, directly or indirectly, personally  
25 or by telephone, letter, or through a third party with  
26 certain specified persons including, but not limited to,

1 the victim or the victim's family without the prior written  
2 approval of an agent of the Department of Corrections or,  
3 in the case of an aftercare releasee, the Department of  
4 Juvenile Justice;

5 (9) refrain from all contact, directly or indirectly,  
6 personally, by telephone, letter, or through a third party,  
7 with minor children without prior identification and  
8 approval of an agent of the Department of Corrections or,  
9 in the case of an aftercare releasee, the Department of  
10 Juvenile Justice;

11 (10) neither possess or have under his or her control  
12 any material that is sexually oriented, sexually  
13 stimulating, or that shows male or female sex organs or any  
14 pictures depicting children under 18 years of age nude or  
15 any written or audio material describing sexual  
16 intercourse or that depicts or alludes to sexual activity,  
17 including but not limited to visual, auditory, telephonic,  
18 or electronic media, or any matter obtained through access  
19 to any computer or material linked to computer access use;

20 (11) not patronize any business providing sexually  
21 stimulating or sexually oriented entertainment nor utilize  
22 "900" or adult telephone numbers;

23 (12) not reside near, visit, or be in or about parks,  
24 schools, day care centers, swimming pools, beaches,  
25 theaters, or any other places where minor children  
26 congregate without advance approval of an agent of the

1 Department of Corrections or, in the case of an aftercare  
2 releasee, the Department of Juvenile Justice and  
3 immediately report any incidental contact with minor  
4 children to the Department;

5 (13) not possess or have under his or her control  
6 certain specified items of contraband related to the  
7 incidence of sexually offending as determined by an agent  
8 of the Department of Corrections or, in the case of an  
9 aftercare releasee, the Department of Juvenile Justice;

10 (14) may be required to provide a written daily log of  
11 activities if directed by an agent of the Department of  
12 Corrections or, in the case of an aftercare releasee, the  
13 Department of Juvenile Justice;

14 (15) comply with all other special conditions that the  
15 Department may impose that restrict the person from  
16 high-risk situations and limit access to potential  
17 victims;

18 (16) take an annual polygraph exam;

19 (17) maintain a log of his or her travel; or

20 (18) obtain prior approval of his or her parole officer  
21 or aftercare specialist before driving alone in a motor  
22 vehicle.

23 (c) The conditions under which the parole, aftercare  
24 release, or mandatory supervised release is to be served shall  
25 be communicated to the person in writing prior to his or her  
26 release, and he or she shall sign the same before release. A

1 signed copy of these conditions, including a copy of an order  
2 of protection where one had been issued by the criminal court,  
3 shall be retained by the person and another copy forwarded to  
4 the officer or, in the case of an aftercare releasee, aftercare  
5 specialist in charge of his or her supervision.

6 (d) After a hearing under Section 3-3-9, the Prisoner  
7 Review Board may modify or enlarge the conditions of parole,  
8 aftercare release, or mandatory supervised release.

9 (e) The Department shall inform all offenders committed to  
10 the Department of the optional services available to them upon  
11 release and shall assist inmates in availing themselves of such  
12 optional services upon their release on a voluntary basis.

13 (f) (Blank).

14 (Source: P.A. 96-236, eff. 8-11-09; 96-262, eff. 1-1-10;  
15 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-1000, eff.  
16 7-2-10; 96-1539, eff. 3-4-11; 96-1551, Article 2, Section 1065,  
17 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
18 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560, eff. 1-1-12;  
19 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff.  
20 1-25-13.)

21 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

22 Sec. 3-3-8. Length of parole, aftercare release, and  
23 mandatory supervised release; discharge.)

24 (a) The length of parole for a person sentenced under the  
25 law in effect prior to the effective date of this amendatory

1 Act of 1977 and the length of mandatory supervised release for  
2 those sentenced under the law in effect on and after such  
3 effective date shall be as set out in Section 5-8-1 unless  
4 sooner terminated under paragraph (b) of this Section. The  
5 aftercare release ~~parole~~ period of a juvenile committed to the  
6 Department under the Juvenile Court Act or the Juvenile Court  
7 Act of 1987 shall extend until he or she is 21 years of age  
8 unless sooner terminated under paragraph (b) of this Section.

9 (b) The Prisoner Review Board may enter an order releasing  
10 and discharging one from parole, aftercare release, or  
11 mandatory supervised release, and his or her commitment to the  
12 Department, when it determines that he or she is likely to  
13 remain at liberty without committing another offense.

14 (b-1) Provided that the subject is in compliance with the  
15 terms and conditions of his or her parole, aftercare release,  
16 or mandatory supervised release, the Prisoner Review Board may  
17 reduce the period of a parolee or releasee's parole, aftercare  
18 release, or mandatory supervised release by 90 days upon the  
19 parolee or releasee receiving a high school diploma or upon  
20 passage of the high school level Test of General Educational  
21 Development during the period of his or her parole, aftercare  
22 release, or mandatory supervised release. This reduction in the  
23 period of a subject's term of parole, aftercare release, or  
24 mandatory supervised release shall be available only to  
25 subjects who have not previously earned a high school diploma  
26 or who have not previously passed the high school level Test of

1 General Educational Development.

2 (c) The order of discharge shall become effective upon  
3 entry of the order of the Board. The Board shall notify the  
4 clerk of the committing court of the order. Upon receipt of  
5 such copy, the clerk shall make an entry on the record judgment  
6 that the sentence or commitment has been satisfied pursuant to  
7 the order.

8 (d) Rights of the person discharged under this Section  
9 shall be restored under Section 5-5-5. This Section is subject  
10 to Section 5-750 of the Juvenile Court Act of 1987.

11 (Source: P.A. 97-531, eff. 1-1-12.)

12 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

13 Sec. 3-3-9. Violations; changes of conditions; preliminary  
14 hearing; revocation of parole, aftercare release, or mandatory  
15 supervised release; revocation hearing.

16 (a) If prior to expiration or termination of the term of  
17 parole, aftercare release, or mandatory supervised release, a  
18 person violates a condition set by the Prisoner Review Board or  
19 a condition of parole, aftercare release, or mandatory  
20 supervised release under Section 3-3-7 of this Code to govern  
21 that term, the Board may:

22 (1) continue the existing term, with or without  
23 modifying or enlarging the conditions; or

24 (2) parole or release the person to a half-way house;

25 or

1           (3) revoke the parole, aftercare release, or mandatory  
2 supervised release and reconfine the person for a term  
3 computed in the following manner:

4           (i) (A) For those sentenced under the law in effect  
5 prior to this amendatory Act of 1977, the recommitment  
6 shall be for any portion of the imposed maximum term of  
7 imprisonment or confinement which had not been served  
8 at the time of parole and the parole term, less the  
9 time elapsed between the parole of the person and the  
10 commission of the violation for which parole was  
11 revoked;

12           (B) Except as set forth in paragraph (C), for those  
13 subject to mandatory supervised release under  
14 paragraph (d) of Section 5-8-1 of this Code, the  
15 recommitment shall be for the total mandatory  
16 supervised release term, less the time elapsed between  
17 the release of the person and the commission of the  
18 violation for which mandatory supervised release is  
19 revoked. The Board may also order that a prisoner serve  
20 up to one year of the sentence imposed by the court  
21 which was not served due to the accumulation of  
22 sentence credit;

23           (C) For those subject to sex offender supervision  
24 under clause (d) (4) of Section 5-8-1 of this Code, the  
25 reconfinement period for violations of clauses (a) (3)  
26 through (b-1) (15) of Section 3-3-7 shall not exceed 2

1 years from the date of reconfinement;~~i-~~

2 (ii) the person shall be given credit against the  
3 term of reimprisonment or reconfinement for time spent  
4 in custody since he or she was paroled or released  
5 which has not been credited against another sentence or  
6 period of confinement;

7 (iii) persons committed under the Juvenile Court  
8 Act or the Juvenile Court Act of 1987 may be continued  
9 under the existing term of aftercare release ~~parole~~  
10 with or without modifying the conditions of aftercare  
11 release ~~parole, paroled~~ ~~or~~ released on aftercare  
12 release to a group home or other residential facility,  
13 or recommitted until the age of 21 unless sooner  
14 terminated;

15 (iv) this Section is subject to the release under  
16 supervision and the reparole and rerelease provisions  
17 of Section 3-3-10.

18 (b) The Board may revoke parole, aftercare release, or  
19 mandatory supervised release for violation of a condition for  
20 the duration of the term and for any further period which is  
21 reasonably necessary for the adjudication of matters arising  
22 before its expiration. The issuance of a warrant of arrest for  
23 an alleged violation of the conditions of parole, aftercare  
24 release, or mandatory supervised release shall toll the running  
25 of the term until the final determination of the charge. When  
26 parole, aftercare release, or mandatory supervised release is



1 not revoked that period shall be credited to the term, unless a  
2 community-based sanction is imposed as an alternative to  
3 revocation and reincarceration, including a diversion  
4 established by the Illinois Department of Corrections Parole  
5 Services Unit prior to the holding of a preliminary parole  
6 revocation hearing. Parolees who are diverted to a  
7 community-based sanction shall serve the entire term of parole  
8 or mandatory supervised release, if otherwise appropriate.

9 (b-5) The Board shall revoke parole, aftercare release, or  
10 mandatory supervised release for violation of the conditions  
11 prescribed in paragraph (7.6) of subsection (a) of Section  
12 3-3-7.

13 (c) A person charged with violating a condition of parole, aftercare release,  
14 aftercare release, or mandatory supervised release shall have a  
15 preliminary hearing before a hearing officer designated by the  
16 Board to determine if there is cause to hold the person for a  
17 revocation hearing. However, no preliminary hearing need be  
18 held when revocation is based upon new criminal charges and a  
19 court finds probable cause on the new criminal charges or when  
20 the revocation is based upon a new criminal conviction and a  
21 certified copy of that conviction is available.

22 (d) Parole, aftercare release, or mandatory supervised  
23 release shall not be revoked without written notice to the  
24 offender setting forth the violation of parole, aftercare  
25 release, or mandatory supervised release charged against him or  
26 her.

1 (e) A hearing on revocation shall be conducted before at  
2 least one member of the Prisoner Review Board. The Board may  
3 meet and order its actions in panels of 3 or more members. The  
4 action of a majority of the panel shall be the action of the  
5 Board. In consideration of persons committed to the Department  
6 of Juvenile Justice, the member hearing the matter and at least  
7 a majority of the panel shall be experienced in juvenile  
8 matters. A record of the hearing shall be made. At the hearing  
9 the offender shall be permitted to:

10 (1) appear and answer the charge; and

11 (2) bring witnesses on his or her behalf.

12 (f) The Board shall either revoke parole, aftercare  
13 release, or mandatory supervised release or order the person's  
14 term continued with or without modification or enlargement of  
15 the conditions.

16 (g) Parole, aftercare release, or mandatory supervised  
17 release shall not be revoked for failure to make payments under  
18 the conditions of parole or release unless the Board determines  
19 that such failure is due to the offender's willful refusal to  
20 pay.

21 (Source: P.A. 96-1271, eff. 1-1-11; 97-697, eff. 6-22-12;  
22 revised 8-3-12.)

23 (730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

24 Sec. 3-3-10. Eligibility after Revocation; Release under  
25 Supervision.

1 (a) A person whose parole, aftercare release, or mandatory  
2 supervised release has been revoked may be reparaoled or  
3 rereleased by the Board at any time to the full parole, aftercare release,  
4 aftercare release, or mandatory supervised release term under  
5 Section 3-3-8, except that the time which the person shall  
6 remain subject to the Board shall not exceed (1) the imposed  
7 maximum term of imprisonment or confinement and the parole term  
8 for those sentenced under the law in effect prior to the  
9 effective date of this amendatory Act of 1977 or (2) the term  
10 of imprisonment imposed by the court and the mandatory  
11 supervised release term for those sentenced under the law in  
12 effect on and after such effective date.

13 (b) If the Board sets no earlier release date:

14 (1) A person sentenced for any violation of law which  
15 occurred before January 1, 1973, shall be released under  
16 supervision 6 months prior to the expiration of his or her  
17 maximum sentence of imprisonment less good time credit  
18 under Section 3-6-3.

19 (2) Any person who has violated the conditions of his  
20 or her parole or aftercare release and been reconfined  
21 under Section 3-3-9 shall be released under supervision 6  
22 months prior to the expiration of the term of his or her  
23 reconfinement under paragraph (a) of Section 3-3-9 less  
24 good time credit under Section 3-6-3. This paragraph shall  
25 not apply to persons serving terms of mandatory supervised  
26 release.

1           (3) Nothing herein shall require the release of a  
2           person who has violated his or her parole within 6 months  
3           of the date when his or her release under this Section  
4           would otherwise be mandatory.

5           (c) Persons released under this Section shall be subject to  
6           Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5,  
7           3-14-3, and 3-14-4.

8           (Source: P.A. 94-165, eff. 7-11-05; 95-331, eff. 8-21-07.)

9           (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

10          Sec. 3-4-3. Funds and Property of Persons Committed.

11          (a) The Department of Corrections and the Department of  
12          Juvenile Justice shall establish accounting records with  
13          accounts for each person who has or receives money while in an  
14          institution or facility of that Department and it shall allow  
15          the withdrawal and disbursement of money by the person under  
16          rules and regulations of that Department. Any interest or other  
17          income from moneys deposited with the Department by a resident  
18          of the Department of Juvenile Justice in excess of \$200 shall  
19          accrue to the individual's account, or in balances up to \$200  
20          shall accrue to the Residents' Benefit Fund. For an individual  
21          in an institution or facility of the Department of Corrections  
22          the interest shall accrue to the Residents' Benefit Fund. The  
23          Department shall disburse all moneys so held no later than the  
24          person's final discharge from the Department. Moneys in the  
25          account of a committed person who files a lawsuit determined

1 frivolous under Article XXII of the Code of Civil Procedure  
2 shall be deducted to pay for the filing fees and cost of the  
3 suit as provided in that Article. The Department shall under  
4 rules and regulations record and receipt all personal property  
5 not allowed to committed persons. The Department shall return  
6 such property to the individual no later than the person's  
7 release on parole or aftercare.

8 (b) Any money held in accounts of committed persons  
9 separated from the Department by death, discharge, or  
10 unauthorized absence and unclaimed for a period of 1 year  
11 thereafter by the person or his legal representative shall be  
12 transmitted to the State Treasurer who shall deposit it into  
13 the General Revenue Fund. Articles of personal property of  
14 persons so separated may be sold or used by the Department if  
15 unclaimed for a period of 1 year for the same purpose.  
16 Clothing, if unclaimed within 30 days, may be used or disposed  
17 of as determined by the Department.

18 (c) Forty percent of the profits on sales from commissary  
19 stores shall be expended by the Department for the special  
20 benefit of committed persons which shall include but not be  
21 limited to the advancement of inmate payrolls, for the special  
22 benefit of employees, and for the advancement or reimbursement  
23 of employee travel, provided that amounts expended for  
24 employees shall not exceed the amount of profits derived from  
25 sales made to employees by such commissaries, as determined by  
26 the Department. The remainder of the profits from sales from

1 commissary stores must be used first to pay for wages and  
2 benefits of employees covered under a collective bargaining  
3 agreement who are employed at commissary facilities of the  
4 Department and then to pay the costs of dietary staff.

5 (d) The Department shall confiscate any unauthorized  
6 currency found in the possession of a committed person. The  
7 Department shall transmit the confiscated currency to the State  
8 Treasurer who shall deposit it into the General Revenue Fund.

9 (Source: P.A. 97-1083, eff. 8-24-12.)

10 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

11 Sec. 3-5-1. Master Record File.

12 (a) The Department of Corrections and the Department of  
13 Juvenile Justice shall maintain a master record file on each  
14 person committed to it, which shall contain the following  
15 information:

16 (1) all information from the committing court;

17 (2) reception summary;

18 (3) evaluation and assignment reports and  
19 recommendations;

20 (4) reports as to program assignment and progress;

21 (5) reports of disciplinary infractions and  
22 disposition, including tickets and Administrative Review  
23 Board action;

24 (6) any parole or aftercare release plan;

25 (7) any parole or aftercare release reports;

- 1 (8) the date and circumstances of final discharge;
- 2 (9) criminal history;
- 3 (10) current and past gang affiliations and ranks;
- 4 (11) information regarding associations and family  
5 relationships;
- 6 (12) any grievances filed and responses to those  
7 grievances; and
- 8 (13) other information that the respective Department  
9 determines is relevant to the secure confinement and  
10 rehabilitation of the committed person.

11 (b) All files shall be confidential and access shall be  
12 limited to authorized personnel of the respective Department.  
13 Personnel of other correctional, welfare or law enforcement  
14 agencies may have access to files under rules and regulations  
15 of the respective Department. The respective Department shall  
16 keep a record of all outside personnel who have access to  
17 files, the files reviewed, any file material copied, and the  
18 purpose of access. If the respective Department or the Prisoner  
19 Review Board makes a determination under this Code which  
20 affects the length of the period of confinement or commitment,  
21 the committed person and his counsel shall be advised of  
22 factual information relied upon by the respective Department or  
23 Board to make the determination, provided that the Department  
24 or Board shall not be required to advise a person committed to  
25 the Department of Juvenile Justice any such information which  
26 in the opinion of the Department of Juvenile Justice or Board

1 would be detrimental to his treatment or rehabilitation.

2 (c) The master file shall be maintained at a place  
3 convenient to its use by personnel of the respective Department  
4 in charge of the person. When custody of a person is  
5 transferred from the Department to another department or  
6 agency, a summary of the file shall be forwarded to the  
7 receiving agency with such other information required by law or  
8 requested by the agency under rules and regulations of the  
9 respective Department.

10 (d) The master file of a person no longer in the custody of  
11 the respective Department shall be placed on inactive status  
12 and its use shall be restricted subject to rules and  
13 regulations of the Department.

14 (e) All public agencies may make available to the  
15 respective Department on request any factual data not otherwise  
16 privileged as a matter of law in their possession in respect to  
17 individuals committed to the respective Department.

18 (Source: P.A. 97-696, eff. 6-22-12.)

19 (730 ILCS 5/3-10-6) (from Ch. 38, par. 1003-10-6)

20 Sec. 3-10-6. Return and Release from Department of Human  
21 Services.

22 (a) The Department of Human Services shall return to the  
23 Department of Juvenile Justice any person committed to a  
24 facility of the Department under paragraph (a) of Section  
25 3-10-5 when the person no longer meets the standard for



1 admission of a minor to a mental health facility, or is  
2 suitable for administrative admission to a developmental  
3 disability facility.

4 (b) If a person returned to the Department of Juvenile  
5 Justice under paragraph (a) of this Section has not had an  
6 aftercare release ~~a parole~~ hearing within the preceding 6  
7 months, he or she shall have an aftercare release ~~a parole~~  
8 hearing within 45 days after his or her return.

9 (c) The Department of Juvenile Justice shall notify the  
10 Secretary of Human Services of the expiration of the commitment  
11 or sentence of any person transferred to the Department of  
12 Human Services under Section 3-10-5. If the Department of Human  
13 Services determines that such person transferred to it under  
14 paragraph (a) of Section 3-10-5 requires further  
15 hospitalization, it shall file a petition for commitment of  
16 such person under the Mental Health and Developmental  
17 Disabilities Code.

18 (d) The Department of Human Services shall release under  
19 the Mental Health and Developmental Disabilities Code, any  
20 person transferred to it pursuant to paragraph (c) of Section  
21 3-10-5, whose sentence has expired and whom it deems no longer  
22 meets the standard for admission of a minor to a mental health  
23 facility, or is suitable for administrative admission to a  
24 developmental disability facility. A person committed to the  
25 Department of Juvenile Justice under the Juvenile Court Act or  
26 the Juvenile Court Act of 1987 and transferred to the

1 Department of Human Services under paragraph (c) of Section  
2 3-10-5 shall be released to the committing juvenile court when  
3 the Department of Human Services determines that he or she no  
4 longer requires hospitalization for treatment.

5 (Source: P.A. 94-696, eff. 6-1-06.)

6 (730 ILCS 5/5-1-1.1 new)

7 Sec. 5-1-1.1. Aftercare release. "Aftercare release".  
8 "Aftercare release" means the conditional and revocable  
9 release of a person committed to the Department of Juvenile  
10 Justice under the Juvenile Court Act of 1987, under the  
11 Department of Juvenile Justice.

12 (730 ILCS 5/5-1-16) (from Ch. 38, par. 1005-1-16)

13 Sec. 5-1-16. Parole.

14 "Parole" means the conditional and revocable release of a  
15 person committed to the Department of Corrections ~~person~~ under  
16 the supervision of a parole officer.

17 (Source: P.A. 78-939.)

18 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

19 Sec. 5-4-3. Specimens; genetic marker groups.

20 (a) Any person convicted of, found guilty under the  
21 Juvenile Court Act of 1987 for, or who received a disposition  
22 of court supervision for, a qualifying offense or attempt of a  
23 qualifying offense, convicted or found guilty of any offense

1 classified as a felony under Illinois law, convicted or found  
2 guilty of any offense requiring registration under the Sex  
3 Offender Registration Act, found guilty or given supervision  
4 for any offense classified as a felony under the Juvenile Court  
5 Act of 1987, convicted or found guilty of, under the Juvenile  
6 Court Act of 1987, any offense requiring registration under the  
7 Sex Offender Registration Act, or institutionalized as a  
8 sexually dangerous person under the Sexually Dangerous Persons  
9 Act, or committed as a sexually violent person under the  
10 Sexually Violent Persons Commitment Act shall, regardless of  
11 the sentence or disposition imposed, be required to submit  
12 specimens of blood, saliva, or tissue to the Illinois  
13 Department of State Police in accordance with the provisions of  
14 this Section, provided such person is:

15 (1) convicted of a qualifying offense or attempt of a  
16 qualifying offense on or after July 1, 1990 and sentenced  
17 to a term of imprisonment, periodic imprisonment, fine,  
18 probation, conditional discharge or any other form of  
19 sentence, or given a disposition of court supervision for  
20 the offense;

21 (1.5) found guilty or given supervision under the  
22 Juvenile Court Act of 1987 for a qualifying offense or  
23 attempt of a qualifying offense on or after January 1,  
24 1997;

25 (2) ordered institutionalized as a sexually dangerous  
26 person on or after July 1, 1990;

1 (3) convicted of a qualifying offense or attempt of a  
2 qualifying offense before July 1, 1990 and is presently  
3 confined as a result of such conviction in any State  
4 correctional facility or county jail or is presently  
5 serving a sentence of probation, conditional discharge or  
6 periodic imprisonment as a result of such conviction;

7 (3.5) convicted or found guilty of any offense  
8 classified as a felony under Illinois law or found guilty  
9 or given supervision for such an offense under the Juvenile  
10 Court Act of 1987 on or after August 22, 2002;

11 (4) presently institutionalized as a sexually  
12 dangerous person or presently institutionalized as a  
13 person found guilty but mentally ill of a sexual offense or  
14 attempt to commit a sexual offense; or

15 (4.5) ordered committed as a sexually violent person on  
16 or after the effective date of the Sexually Violent Persons  
17 Commitment Act.

18 (a-1) Any person incarcerated in a facility of the Illinois  
19 Department of Corrections or the Illinois Department of  
20 Juvenile Justice on or after August 22, 2002, whether for a  
21 term of years, natural life, or a sentence of death, who has  
22 not yet submitted a specimen of blood, saliva, or tissue shall  
23 be required to submit a specimen of blood, saliva, or tissue  
24 prior to his or her final discharge, or release on parole, l  
25 aftercare release, or mandatory supervised release, as a  
26 condition of his or her parole, aftercare release, or mandatory

1 supervised release, or within 6 months from August 13, 2009  
2 (the effective date of Public Act 96-426), whichever is sooner.  
3 A person incarcerated on or after August 13, 2009 (the  
4 effective date of Public Act 96-426) shall be required to  
5 submit a specimen within 45 days of incarceration, or prior to  
6 his or her final discharge, or release on parole, aftercare  
7 release, or mandatory supervised release, as a condition of his  
8 or her parole, aftercare release, or mandatory supervised  
9 release, whichever is sooner. These specimens shall be placed  
10 into the State or national DNA database, to be used in  
11 accordance with other provisions of this Section, by the  
12 Illinois State Police.

13 (a-2) Any person sentenced to life imprisonment in a  
14 facility of the Illinois Department of Corrections after the  
15 effective date of this amendatory Act of the 94th General  
16 Assembly or sentenced to death after the effective date of this  
17 amendatory Act of the 94th General Assembly shall be required  
18 to provide a specimen of blood, saliva, or tissue within 45  
19 days after sentencing or disposition at a collection site  
20 designated by the Illinois Department of State Police. Any  
21 person serving a sentence of life imprisonment in a facility of  
22 the Illinois Department of Corrections on the effective date of  
23 this amendatory Act of the 94th General Assembly or any person  
24 who is under a sentence of death on the effective date of this  
25 amendatory Act of the 94th General Assembly shall be required  
26 to provide a specimen of blood, saliva, or tissue upon request

1 at a collection site designated by the Illinois Department of  
2 State Police.

3 (a-3) Any person seeking transfer to or residency in  
4 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this  
5 Code, the Interstate Compact for Adult Offender Supervision, or  
6 the Interstate Agreements on Sexually Dangerous Persons Act  
7 shall be required to provide a specimen of blood, saliva, or  
8 tissue within 45 days after transfer to or residency in  
9 Illinois at a collection site designated by the Illinois  
10 Department of State Police.

11 (a-3.1) Any person required by an order of the court to  
12 submit a DNA specimen shall be required to provide a specimen  
13 of blood, saliva, or tissue within 45 days after the court  
14 order at a collection site designated by the Illinois  
15 Department of State Police.

16 (a-3.2) On or after January 1, 2012 (the effective date of  
17 Public Act 97-383), any person arrested for any of the  
18 following offenses, after an indictment has been returned by a  
19 grand jury, or following a hearing pursuant to Section 109-3 of  
20 the Code of Criminal Procedure of 1963 and a judge finds there  
21 is probable cause to believe the arrestee has committed one of  
22 the designated offenses, or an arrestee has waived a  
23 preliminary hearing shall be required to provide a specimen of  
24 blood, saliva, or tissue within 14 days after such indictment  
25 or hearing at a collection site designated by the Illinois  
26 Department of State Police:

- 1 (A) first degree murder;
- 2 (B) home invasion;
- 3 (C) predatory criminal sexual assault of a child;
- 4 (D) aggravated criminal sexual assault; or
- 5 (E) criminal sexual assault.

6 (a-3.3) Any person required to register as a sex offender  
7 under the Sex Offender Registration Act, regardless of the date  
8 of conviction as set forth in subsection (c-5.2) shall be  
9 required to provide a specimen of blood, saliva, or tissue  
10 within the time period prescribed in subsection (c-5.2) at a  
11 collection site designated by the Illinois Department of State  
12 Police.

13 (a-5) Any person who was otherwise convicted of or received  
14 a disposition of court supervision for any other offense under  
15 the Criminal Code of 1961 or the Criminal Code of 2012 or who  
16 was found guilty or given supervision for such a violation  
17 under the Juvenile Court Act of 1987, may, regardless of the  
18 sentence imposed, be required by an order of the court to  
19 submit specimens of blood, saliva, or tissue to the Illinois  
20 Department of State Police in accordance with the provisions of  
21 this Section.

22 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
23 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,  
24 saliva, or tissue shall provide specimens of blood, saliva, or  
25 tissue within 45 days after sentencing or disposition at a  
26 collection site designated by the Illinois Department of State

1 Police.

2 (c) Any person required by paragraphs (a) (3), (a) (4), and  
3 (a) (4.5) to provide specimens of blood, saliva, or tissue shall  
4 be required to provide such specimens prior to final discharge  
5 or within 6 months from August 13, 2009 (the effective date of  
6 Public Act 96-426), whichever is sooner. These specimens shall  
7 be placed into the State or national DNA database, to be used  
8 in accordance with other provisions of this Act, by the  
9 Illinois State Police.

10 (c-5) Any person required by paragraph (a-3) to provide  
11 specimens of blood, saliva, or tissue shall, where feasible, be  
12 required to provide the specimens before being accepted for  
13 conditioned residency in Illinois under the interstate compact  
14 or agreement, but no later than 45 days after arrival in this  
15 State.

16 (c-5.2) Unless it is determined that a registered sex  
17 offender has previously submitted a specimen of blood, saliva,  
18 or tissue that has been placed into the State DNA database, a  
19 person registering as a sex offender shall be required to  
20 submit a specimen at the time of his or her initial  
21 registration pursuant to the Sex Offender Registration Act or,  
22 for a person registered as a sex offender on or prior to  
23 January 1, 2012 (the effective date of Public Act 97-383),  
24 within one year of January 1, 2012 (the effective date of  
25 Public Act 97-383) or at the time of his or her next required  
26 registration.



1           (c-6) The Illinois Department of State Police may determine  
2 which type of specimen or specimens, blood, saliva, or tissue,  
3 is acceptable for submission to the Division of Forensic  
4 Services for analysis. The Illinois Department of State Police  
5 may require the submission of fingerprints from anyone required  
6 to give a specimen under this Act.

7           (d) The Illinois Department of State Police shall provide  
8 all equipment and instructions necessary for the collection of  
9 blood specimens. The collection of specimens shall be performed  
10 in a medically approved manner. Only a physician authorized to  
11 practice medicine, a registered nurse or other qualified person  
12 trained in venipuncture may withdraw blood for the purposes of  
13 this Act. The specimens shall thereafter be forwarded to the  
14 Illinois Department of State Police, Division of Forensic  
15 Services, for analysis and categorizing into genetic marker  
16 groupings.

17           (d-1) The Illinois Department of State Police shall provide  
18 all equipment and instructions necessary for the collection of  
19 saliva specimens. The collection of saliva specimens shall be  
20 performed in a medically approved manner. Only a person trained  
21 in the instructions promulgated by the Illinois State Police on  
22 collecting saliva may collect saliva for the purposes of this  
23 Section. The specimens shall thereafter be forwarded to the  
24 Illinois Department of State Police, Division of Forensic  
25 Services, for analysis and categorizing into genetic marker  
26 groupings.

1           (d-2) The Illinois Department of State Police shall provide  
2 all equipment and instructions necessary for the collection of  
3 tissue specimens. The collection of tissue specimens shall be  
4 performed in a medically approved manner. Only a person trained  
5 in the instructions promulgated by the Illinois State Police on  
6 collecting tissue may collect tissue for the purposes of this  
7 Section. The specimens shall thereafter be forwarded to the  
8 Illinois Department of State Police, Division of Forensic  
9 Services, for analysis and categorizing into genetic marker  
10 groupings.

11           (d-5) To the extent that funds are available, the Illinois  
12 Department of State Police shall contract with qualified  
13 personnel and certified laboratories for the collection,  
14 analysis, and categorization of known specimens, except as  
15 provided in subsection (n) of this Section.

16           (d-6) Agencies designated by the Illinois Department of  
17 State Police and the Illinois Department of State Police may  
18 contract with third parties to provide for the collection or  
19 analysis of DNA, or both, of an offender's blood, saliva, and  
20 tissue specimens, except as provided in subsection (n) of this  
21 Section.

22           (e) The genetic marker groupings shall be maintained by the  
23 Illinois Department of State Police, Division of Forensic  
24 Services.

25           (f) The genetic marker grouping analysis information  
26 obtained pursuant to this Act shall be confidential and shall

1 be released only to peace officers of the United States, of  
2 other states or territories, of the insular possessions of the  
3 United States, of foreign countries duly authorized to receive  
4 the same, to all peace officers of the State of Illinois and to  
5 all prosecutorial agencies, and to defense counsel as provided  
6 by Section 116-5 of the Code of Criminal Procedure of 1963. The  
7 genetic marker grouping analysis information obtained pursuant  
8 to this Act shall be used only for (i) valid law enforcement  
9 identification purposes and as required by the Federal Bureau  
10 of Investigation for participation in the National DNA  
11 database, (ii) technology validation purposes, (iii) a  
12 population statistics database, (iv) quality assurance  
13 purposes if personally identifying information is removed, (v)  
14 assisting in the defense of the criminally accused pursuant to  
15 Section 116-5 of the Code of Criminal Procedure of 1963, or  
16 (vi) identifying and assisting in the prosecution of a person  
17 who is suspected of committing a sexual assault as defined in  
18 Section 1a of the Sexual Assault Survivors Emergency Treatment  
19 Act. Notwithstanding any other statutory provision to the  
20 contrary, all information obtained under this Section shall be  
21 maintained in a single State data base, which may be uploaded  
22 into a national database, and which information may be subject  
23 to expungement only as set forth in subsection (f-1).

24 (f-1) Upon receipt of notification of a reversal of a  
25 conviction based on actual innocence, or of the granting of a  
26 pardon pursuant to Section 12 of Article V of the Illinois

1 Constitution, if that pardon document specifically states that  
2 the reason for the pardon is the actual innocence of an  
3 individual whose DNA record has been stored in the State or  
4 national DNA identification index in accordance with this  
5 Section by the Illinois Department of State Police, the DNA  
6 record shall be expunged from the DNA identification index, and  
7 the Department shall by rule prescribe procedures to ensure  
8 that the record and any specimens, analyses, or other documents  
9 relating to such record, whether in the possession of the  
10 Department or any law enforcement or police agency, or any  
11 forensic DNA laboratory, including any duplicates or copies  
12 thereof, are destroyed and a letter is sent to the court  
13 verifying the expungement is completed. For specimens required  
14 to be collected prior to conviction, unless the individual has  
15 other charges or convictions that require submission of a  
16 specimen, the DNA record for an individual shall be expunged  
17 from the DNA identification databases and the specimen  
18 destroyed upon receipt of a certified copy of a final court  
19 order for each charge against an individual in which the charge  
20 has been dismissed, resulted in acquittal, or that the charge  
21 was not filed within the applicable time period. The Department  
22 shall by rule prescribe procedures to ensure that the record  
23 and any specimens in the possession or control of the  
24 Department are destroyed and a letter is sent to the court  
25 verifying the expungement is completed.

26 (f-5) Any person who intentionally uses genetic marker

1 grouping analysis information, or any other information  
2 derived from a DNA specimen, beyond the authorized uses as  
3 provided under this Section, or any other Illinois law, is  
4 guilty of a Class 4 felony, and shall be subject to a fine of  
5 not less than \$5,000.

6 (f-6) The Illinois Department of State Police may contract  
7 with third parties for the purposes of implementing this  
8 amendatory Act of the 93rd General Assembly, except as provided  
9 in subsection (n) of this Section. Any other party contracting  
10 to carry out the functions of this Section shall be subject to  
11 the same restrictions and requirements of this Section insofar  
12 as applicable, as the Illinois Department of State Police, and  
13 to any additional restrictions imposed by the Illinois  
14 Department of State Police.

15 (g) For the purposes of this Section, "qualifying offense"  
16 means any of the following:

17 (1) any violation or inchoate violation of Section  
18 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or  
19 12-16 of the Criminal Code of 1961 or the Criminal Code of  
20 2012;

21 (1.1) any violation or inchoate violation of Section  
22 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,  
23 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of  
24 1961 or the Criminal Code of 2012 for which persons are  
25 convicted on or after July 1, 2001;

26 (2) any former statute of this State which defined a

1 felony sexual offense;

2 (3) (blank);

3 (4) any inchoate violation of Section 9-3.1, 9-3.4,  
4 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012; or

6 (5) any violation or inchoate violation of Article 29D  
7 of the Criminal Code of 1961 or the Criminal Code of 2012.

8 (g-5) (Blank).

9 (h) The Illinois Department of State Police shall be the  
10 State central repository for all genetic marker grouping  
11 analysis information obtained pursuant to this Act. The  
12 Illinois Department of State Police may promulgate rules for  
13 the form and manner of the collection of blood, saliva, or  
14 tissue specimens and other procedures for the operation of this  
15 Act. The provisions of the Administrative Review Law shall  
16 apply to all actions taken under the rules so promulgated.

17 (i) (1) A person required to provide a blood, saliva, or  
18 tissue specimen shall cooperate with the collection of the  
19 specimen and any deliberate act by that person intended to  
20 impede, delay or stop the collection of the blood, saliva,  
21 or tissue specimen is a Class 4 felony.

22 (2) In the event that a person's DNA specimen is not  
23 adequate for any reason, the person shall provide another  
24 DNA specimen for analysis. Duly authorized law enforcement  
25 and corrections personnel may employ reasonable force in  
26 cases in which an individual refuses to provide a DNA

1 specimen required under this Act.

2 (j) Any person required by subsection (a), or any person  
3 who was previously required by subsection (a-3.2), to submit  
4 specimens of blood, saliva, or tissue to the Illinois  
5 Department of State Police for analysis and categorization into  
6 genetic marker grouping, in addition to any other disposition,  
7 penalty, or fine imposed, shall pay an analysis fee of \$250. If  
8 the analysis fee is not paid at the time of sentencing, the  
9 court shall establish a fee schedule by which the entire amount  
10 of the analysis fee shall be paid in full, such schedule not to  
11 exceed 24 months from the time of conviction. The inability to  
12 pay this analysis fee shall not be the sole ground to  
13 incarcerate the person.

14 (k) All analysis and categorization fees provided for by  
15 subsection (j) shall be regulated as follows:

16 (1) The State Offender DNA Identification System Fund  
17 is hereby created as a special fund in the State Treasury.

18 (2) All fees shall be collected by the clerk of the  
19 court and forwarded to the State Offender DNA  
20 Identification System Fund for deposit. The clerk of the  
21 circuit court may retain the amount of \$10 from each  
22 collected analysis fee to offset administrative costs  
23 incurred in carrying out the clerk's responsibilities  
24 under this Section.

25 (3) Fees deposited into the State Offender DNA  
26 Identification System Fund shall be used by Illinois State

1 Police crime laboratories as designated by the Director of  
2 State Police. These funds shall be in addition to any  
3 allocations made pursuant to existing laws and shall be  
4 designated for the exclusive use of State crime  
5 laboratories. These uses may include, but are not limited  
6 to, the following:

7 (A) Costs incurred in providing analysis and  
8 genetic marker categorization as required by  
9 subsection (d).

10 (B) Costs incurred in maintaining genetic marker  
11 groupings as required by subsection (e).

12 (C) Costs incurred in the purchase and maintenance  
13 of equipment for use in performing analyses.

14 (D) Costs incurred in continuing research and  
15 development of new techniques for analysis and genetic  
16 marker categorization.

17 (E) Costs incurred in continuing education,  
18 training, and professional development of forensic  
19 scientists regularly employed by these laboratories.

20 (1) The failure of a person to provide a specimen, or of  
21 any person or agency to collect a specimen, shall in no way  
22 alter the obligation of the person to submit such specimen, or  
23 the authority of the Illinois Department of State Police or  
24 persons designated by the Department to collect the specimen,  
25 or the authority of the Illinois Department of State Police to  
26 accept, analyze and maintain the specimen or to maintain or



1 upload results of genetic marker grouping analysis information  
2 into a State or national database.

3 (m) If any provision of this amendatory Act of the 93rd  
4 General Assembly is held unconstitutional or otherwise  
5 invalid, the remainder of this amendatory Act of the 93rd  
6 General Assembly is not affected.

7 (n) Neither the Department of State Police, the Division of  
8 Forensic Services, nor any laboratory of the Division of  
9 Forensic Services may contract out forensic testing for the  
10 purpose of an active investigation or a matter pending before a  
11 court of competent jurisdiction without the written consent of  
12 the prosecuting agency. For the purposes of this subsection  
13 (n), "forensic testing" includes the analysis of physical  
14 evidence in an investigation or other proceeding for the  
15 prosecution of a violation of the Criminal Code of 1961 or the  
16 Criminal Code of 2012 or for matters adjudicated under the  
17 Juvenile Court Act of 1987, and includes the use of forensic  
18 databases and databanks, including DNA, firearm, and  
19 fingerprint databases, and expert testimony.

20 (o) Mistake does not invalidate a database match. The  
21 detention, arrest, or conviction of a person based upon a  
22 database match or database information is not invalidated if it  
23 is determined that the specimen was obtained or placed in the  
24 database by mistake.

25 (p) This Section may be referred to as the Illinois DNA  
26 Database Law of 2011.

1 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;  
2 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-383, eff.  
3 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

4 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)  
5 Sec. 5-8A-3. Application.

6 (a) Except as provided in subsection (d), a person charged  
7 with or convicted of an excluded offense may not be placed in  
8 an electronic home detention program, except for bond pending  
9 trial or appeal or while on parole, aftercare release, or  
10 mandatory supervised release.

11 (b) A person serving a sentence for a conviction of a Class  
12 1 felony, other than an excluded offense, may be placed in an  
13 electronic home detention program for a period not to exceed  
14 the last 90 days of incarceration.

15 (c) A person serving a sentence for a conviction of a Class  
16 X felony, other than an excluded offense, may be placed in an  
17 electronic home detention program for a period not to exceed  
18 the last 90 days of incarceration, provided that the person was  
19 sentenced on or after the effective date of this amendatory Act  
20 of 1993 and provided that the court has not prohibited the  
21 program for the person in the sentencing order.

22 (d) A person serving a sentence for conviction of an  
23 offense other than for predatory criminal sexual assault of a  
24 child, aggravated criminal sexual assault, criminal sexual  
25 assault, aggravated criminal sexual abuse, or felony criminal

1 sexual abuse, may be placed in an electronic home detention  
2 program for a period not to exceed the last 12 months of  
3 incarceration, provided that (i) the person is 55 years of age  
4 or older; (ii) the person is serving a determinate sentence;  
5 (iii) the person has served at least 25% of the sentenced  
6 prison term; and (iv) placement in an electronic home detention  
7 program is approved by the Prisoner Review Board.

8 (e) A person serving a sentence for conviction of a Class  
9 2, 3 or 4 felony offense which is not an excluded offense may  
10 be placed in an electronic home detention program pursuant to  
11 Department administrative directives.

12 (f) Applications for electronic home detention may include  
13 the following:

14 (1) pretrial or pre-adjudicatory detention;

15 (2) probation;

16 (3) conditional discharge;

17 (4) periodic imprisonment;

18 (5) parole, aftercare release, or mandatory supervised  
19 release;

20 (6) work release;

21 (7) furlough or

22 (8) post-trial incarceration.

23 (g) A person convicted of an offense described in clause  
24 (4) or (5) of subsection (d) of Section 5-8-1 of this Code  
25 shall be placed in an electronic home detention program for at  
26 least the first 2 years of the person's mandatory supervised

1 release term.

2 (Source: P.A. 91-279, eff. 1-1-00.)

3 (730 ILCS 5/5-8A-5) (from Ch. 38, par. 1005-8A-5)

4 Sec. 5-8A-5. Consent of the participant. Before entering an  
5 order for commitment for electronic home detention, the  
6 supervising authority shall inform the participant and other  
7 persons residing in the home of the nature and extent of the  
8 approved electronic monitoring devices by doing the following:

9 (A) Securing the written consent of the participant in the  
10 program to comply with the rules and regulations of the program  
11 as stipulated in subsections (A) through (I) of Section 5-8A-4.

12 (B) Where possible, securing the written consent of other  
13 persons residing in the home of the participant, including the  
14 person in whose name the telephone is registered, at the time  
15 of the order or commitment for electronic home detention is  
16 entered and acknowledge the nature and extent of approved  
17 electronic monitoring devices.

18 (C) Insure that the approved electronic devices be  
19 minimally intrusive upon the privacy of the participant and  
20 other persons residing in the home while remaining in  
21 compliance with subsections (B) through (D) of Section 5-8A-4.

22 (D) This Section does not apply to persons subject to  
23 Electronic Home Monitoring as a term or condition of parole, l  
24 aftercare release, or mandatory supervised release under  
25 subsection (d) of Section 5-8-1 of this Code.

1 (Source: P.A. 90-399, eff. 1-1-98; 91-279, eff. 1-1-00.)

2 (730 ILCS 5/5-8A-7)

3 Sec. 5-8A-7. Domestic violence surveillance program. If  
4 the Prisoner Review Board, Department of Corrections, or court  
5 (the supervising authority) orders electronic surveillance as  
6 a condition of parole, aftercare release, mandatory supervised  
7 release, early release, probation, or conditional discharge  
8 for a violation of an order of protection or as a condition of  
9 bail for a person charged with a violation of an order of  
10 protection, the supervising authority shall use the best  
11 available global positioning technology to track domestic  
12 violence offenders. Best available technology must have  
13 real-time and interactive capabilities that facilitate the  
14 following objectives: (1) immediate notification to the  
15 supervising authority of a breach of a court ordered exclusion  
16 zone; (2) notification of the breach to the offender; and (3)  
17 communication between the supervising authority, law  
18 enforcement, and the victim, regarding the breach.

19 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09.)

20 Section 110. The Open Parole Hearings Act is amended by  
21 changing Sections 5, 10, 15, 20, 25, and 35 as follows:

22 (730 ILCS 105/5) (from Ch. 38, par. 1655)

23 Sec. 5. Definitions. As used in this Act:

1 (a) "Applicant" means an inmate who is being considered for  
2 parole or aftercare release by the Prisoner Review Board.

3 (a-1) "Aftercare releasee" means a person released from the  
4 Department of Juvenile Justice on aftercare release subject to  
5 aftercare revocation proceedings.

6 (b) "Board" means the Prisoner Review Board as established  
7 in Section 3-3-1 of the Unified Code of Corrections.

8 (c) "Parolee" means a person subject to parole revocation  
9 proceedings.

10 (d) "Parole or aftercare release hearing" means the formal  
11 hearing and determination of an inmate being considered for  
12 release from incarceration on community supervision.

13 (e) "Parole, aftercare release, or mandatory supervised  
14 release revocation hearing" means the formal hearing and  
15 determination of allegations that a parolee, aftercare  
16 releasee, or mandatory supervised releasee has violated the  
17 conditions of his or her release agreement.

18 (f) "Victim" means a victim or witness of a violent crime  
19 as defined in subsection (a) of Section 3 of the Bill of Rights  
20 for Victims and Witnesses of Violent Crime Act, or any person  
21 legally related to the victim by blood, marriage, adoption, or  
22 guardianship, or any friend of the victim, or any concerned  
23 citizen.

24 (g) "Violent crime" means a crime defined in subsection (c)  
25 of Section 3 of the Bill of Rights for Victims and Witnesses of  
26 Violent Crime Act.

1 (Source: P.A. 97-299, eff. 8-11-11.)

2 (730 ILCS 105/10) (from Ch. 38, par. 1660)

3 Sec. 10. Victim's statements.

4 (a) Upon request of the victim, the State's Attorney shall  
5 forward a copy of any statement presented at the time of trial  
6 to the Prisoner Review Board to be considered at the time of a  
7 parole or aftercare release hearing.

8 (b) The victim may enter a statement either oral, written,  
9 on video tape, or other electronic means in the form and manner  
10 described by the Prisoner Review Board to be considered at the  
11 time of a parole or aftercare release consideration hearing.

12 (Source: P.A. 87-224.)

13 (730 ILCS 105/15) (from Ch. 38, par. 1665)

14 Sec. 15. Open hearings.

15 (a) The Board may restrict the number of individuals  
16 allowed to attend parole or aftercare release or parole or  
17 aftercare release revocation hearings in accordance with  
18 confidentiality concerns of the juvenile or his or her  
19 representative, physical limitations, security requirements of  
20 the hearing facilities or those giving repetitive or cumulative  
21 testimony.

22 (b) The Board may deny admission or continued attendance at  
23 parole or aftercare release or parole or aftercare release  
24 revocation hearings to individuals who:

1           (1) threaten or present danger to the security of the  
2 institution in which the hearing is being held;

3           (2) threaten or present a danger to other attendees or  
4 participants; or

5           (3) disrupt the hearing.

6           (c) Upon formal action of a majority of the Board members  
7 present, the Board may close parole or aftercare release and  
8 parole or aftercare release revocation hearings in order to:

9           (1) deliberate upon the oral testimony and any other  
10 relevant information received from applicants, parolees,  
11 releases, victims, or others; or

12           (2) provide applicants, releasees, and parolees the  
13 opportunity to challenge information other than that which  
14 if the person's identity were to be exposed would possibly  
15 subject them to bodily harm or death, which they believe  
16 detrimental to their parole or aftercare release  
17 determination hearing or revocation proceedings.

18 (Source: P.A. 87-224.)

19 (730 ILCS 105/20) (from Ch. 38, par. 1670)

20 Sec. 20. Finality of Board decisions. A Board decision  
21 concerning parole or aftercare release or parole or aftercare  
22 release revocation shall be final at the time the decision is  
23 delivered to the inmate, subject to any rehearing granted under  
24 Board rules.

25 (Source: P.A. 87-224.)



1 (730 ILCS 105/25) (from Ch. 38, par. 1675)

2 Sec. 25. Notification of future parole or aftercare release  
3 hearings.

4 (a) The Board shall notify the State's Attorney of the  
5 committing county of the pending hearing and the victim of all  
6 forthcoming parole or aftercare release hearings at least 15  
7 days in advance. Written notification shall contain:

8 (1) notification of the place of the hearing;

9 (2) the date and approximate time of the hearing;

10 (3) their right to enter a statement, to appear in  
11 person, and to submit other information by video tape, tape  
12 recording, or other electronic means in the form and manner  
13 described by the Board or if a victim of a violent crime as  
14 defined in subsection (c) of Section 3 of the Rights of  
15 Crime Victims and Witnesses Act, by calling the toll-free  
16 number established in subsection (f) of that Section.

17 Notification to the victims shall be at the last known  
18 address of the victim. It shall be the responsibility of the  
19 victim to notify the board of any changes in address and name.

20 (b) However, at any time the victim may request by a  
21 written certified statement that the Prisoner Review Board stop  
22 sending notice under this Section.

23 (c) (Blank).

24 (d) No later than 7 days after a parole hearing the Board  
25 shall send notice of its decision to the State's Attorney and

1 victim. If parole or aftercare release is denied, the Board  
2 shall within a reasonable period of time notify the victim of  
3 the month and year of the next scheduled hearing.

4 (Source: P.A. 93-235, eff. 7-22-03.)

5 (730 ILCS 105/35) (from Ch. 38, par. 1685)

6 Sec. 35. Victim impact statements.

7 (a) The Board shall receive and consider victim impact  
8 statements.

9 (b) Victim impact statements either oral, written,  
10 video-taped, tape recorded or made by other electronic means  
11 shall not be considered public documents under provisions of  
12 the Freedom of Information Act.

13 (c) The inmate or his or her attorney shall be informed of  
14 the existence of a victim impact statement and its contents  
15 under provisions of Board rules. This shall not be construed to  
16 permit disclosure to an inmate of any information which might  
17 result in the risk of threats or physical harm to a victim or  
18 complaining witness.

19 (d) The inmate shall be given the opportunity to answer a  
20 victim impact statement, either orally or in writing.

21 (e) All written victim impact statements shall be part of  
22 the applicant's, releasee's, or parolee's parole file.

23 (Source: P.A. 97-299, eff. 8-11-11.)

24 Section 115. The Sex Offender Registration Act is amended

1 by changing Sections 3, 4, and 8-5 as follows:

2 (730 ILCS 150/3)

3 Sec. 3. Duty to register.

4 (a) A sex offender, as defined in Section 2 of this Act, or  
5 sexual predator shall, within the time period prescribed in  
6 subsections (b) and (c), register in person and provide  
7 accurate information as required by the Department of State  
8 Police. Such information shall include a current photograph,  
9 current address, current place of employment, the sex  
10 offender's or sexual predator's telephone number, including  
11 cellular telephone number, the employer's telephone number,  
12 school attended, all e-mail addresses, instant messaging  
13 identities, chat room identities, and other Internet  
14 communications identities that the sex offender uses or plans  
15 to use, all Uniform Resource Locators (URLs) registered or used  
16 by the sex offender, all blogs and other Internet sites  
17 maintained by the sex offender or to which the sex offender has  
18 uploaded any content or posted any messages or information,  
19 extensions of the time period for registering as provided in  
20 this Article and, if an extension was granted, the reason why  
21 the extension was granted and the date the sex offender was  
22 notified of the extension. The information shall also include a  
23 copy of the terms and conditions of parole or release signed by  
24 the sex offender and given to the sex offender by his or her  
25 supervising officer or aftercare specialist, in the case of an

1 aftercare releasee, the county of conviction, license plate  
2 numbers for every vehicle registered in the name of the sex  
3 offender, the age of the sex offender at the time of the  
4 commission of the offense, the age of the victim at the time of  
5 the commission of the offense, and any distinguishing marks  
6 located on the body of the sex offender. A sex offender  
7 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
8 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012  
9 shall provide all Internet protocol (IP) addresses in his or  
10 her residence, registered in his or her name, accessible at his  
11 or her place of employment, or otherwise under his or her  
12 control or custody. If the sex offender is a child sex offender  
13 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
14 1961 or the Criminal Code of 2012, the sex offender shall  
15 report to the registering agency whether he or she is living in  
16 a household with a child under 18 years of age who is not his or  
17 her own child, provided that his or her own child is not the  
18 victim of the sex offense. The sex offender or sexual predator  
19 shall register:

20 (1) with the chief of police in the municipality in  
21 which he or she resides or is temporarily domiciled for a  
22 period of time of 3 or more days, unless the municipality  
23 is the City of Chicago, in which case he or she shall  
24 register at the Chicago Police Department Headquarters; or

25 (2) with the sheriff in the county in which he or she  
26 resides or is temporarily domiciled for a period of time of

1           3 or more days in an unincorporated area or, if  
2           incorporated, no police chief exists.

3           If the sex offender or sexual predator is employed at or  
4           attends an institution of higher education, he or she shall  
5           also register:

6           (i) with:

7                   (A) the chief of police in the municipality in  
8                   which he or she is employed at or attends an  
9                   institution of higher education, unless the  
10                   municipality is the City of Chicago, in which case he  
11                   or she shall register at the Chicago Police Department  
12                   Headquarters; or

13                   (B) the sheriff in the county in which he or she is  
14                   employed or attends an institution of higher education  
15                   located in an unincorporated area, or if incorporated,  
16                   no police chief exists; and

17           (ii) with the public safety or security director of the  
18           institution of higher education which he or she is employed  
19           at or attends.

20           The registration fees shall only apply to the municipality  
21           or county of primary registration, and not to campus  
22           registration.

23           For purposes of this Article, the place of residence or  
24           temporary domicile is defined as any and all places where the  
25           sex offender resides for an aggregate period of time of 3 or  
26           more days during any calendar year. Any person required to

1 register under this Article who lacks a fixed address or  
2 temporary domicile must notify, in person, the agency of  
3 jurisdiction of his or her last known address within 3 days  
4 after ceasing to have a fixed residence.

5 A sex offender or sexual predator who is temporarily absent  
6 from his or her current address of registration for 3 or more  
7 days shall notify the law enforcement agency having  
8 jurisdiction of his or her current registration, including the  
9 itinerary for travel, in the manner provided in Section 6 of  
10 this Act for notification to the law enforcement agency having  
11 jurisdiction of change of address.

12 Any person who lacks a fixed residence must report weekly,  
13 in person, with the sheriff's office of the county in which he  
14 or she is located in an unincorporated area, or with the chief  
15 of police in the municipality in which he or she is located.  
16 The agency of jurisdiction will document each weekly  
17 registration to include all the locations where the person has  
18 stayed during the past 7 days.

19 The sex offender or sexual predator shall provide accurate  
20 information as required by the Department of State Police. That  
21 information shall include the sex offender's or sexual  
22 predator's current place of employment.

23 (a-5) An out-of-state student or out-of-state employee  
24 shall, within 3 days after beginning school or employment in  
25 this State, register in person and provide accurate information  
26 as required by the Department of State Police. Such information

1 will include current place of employment, school attended, and  
2 address in state of residence. A sex offender convicted under  
3 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012 shall  
5 provide all Internet protocol (IP) addresses in his or her  
6 residence, registered in his or her name, accessible at his or  
7 her place of employment, or otherwise under his or her control  
8 or custody. The out-of-state student or out-of-state employee  
9 shall register:

10 (1) with:

11 (A) the chief of police in the municipality in  
12 which he or she attends school or is employed for a  
13 period of time of 5 or more days or for an aggregate  
14 period of time of more than 30 days during any calendar  
15 year, unless the municipality is the City of Chicago,  
16 in which case he or she shall register at the Chicago  
17 Police Department Headquarters; or

18 (B) the sheriff in the county in which he or she  
19 attends school or is employed for a period of time of 5  
20 or more days or for an aggregate period of time of more  
21 than 30 days during any calendar year in an  
22 unincorporated area or, if incorporated, no police  
23 chief exists; and

24 (2) with the public safety or security director of the  
25 institution of higher education he or she is employed at or  
26 attends for a period of time of 5 or more days or for an

1 aggregate period of time of more than 30 days during a  
2 calendar year.

3 The registration fees shall only apply to the municipality  
4 or county of primary registration, and not to campus  
5 registration.

6 The out-of-state student or out-of-state employee shall  
7 provide accurate information as required by the Department of  
8 State Police. That information shall include the out-of-state  
9 student's current place of school attendance or the  
10 out-of-state employee's current place of employment.

11 (a-10) Any law enforcement agency registering sex  
12 offenders or sexual predators in accordance with subsections  
13 (a) or (a-5) of this Section shall forward to the Attorney  
14 General a copy of sex offender registration forms from persons  
15 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
16 11-21 of the Criminal Code of 1961 or the Criminal Code of  
17 2012, including periodic and annual registrations under  
18 Section 6 of this Act.

19 (b) Any sex offender, as defined in Section 2 of this Act,  
20 or sexual predator, regardless of any initial, prior, or other  
21 registration, shall, within 3 days of beginning school, or  
22 establishing a residence, place of employment, or temporary  
23 domicile in any county, register in person as set forth in  
24 subsection (a) or (a-5).

25 (c) The registration for any person required to register  
26 under this Article shall be as follows:



1           (1) Any person registered under the Habitual Child Sex  
2 Offender Registration Act or the Child Sex Offender  
3 Registration Act prior to January 1, 1996, shall be deemed  
4 initially registered as of January 1, 1996; however, this  
5 shall not be construed to extend the duration of  
6 registration set forth in Section 7.

7           (2) Except as provided in subsection (c)(2.1) or  
8 (c)(4), any person convicted or adjudicated prior to  
9 January 1, 1996, whose liability for registration under  
10 Section 7 has not expired, shall register in person prior  
11 to January 31, 1996.

12           (2.1) A sex offender or sexual predator, who has never  
13 previously been required to register under this Act, has a  
14 duty to register if the person has been convicted of any  
15 felony offense after July 1, 2011. A person who previously  
16 was required to register under this Act for a period of 10  
17 years and successfully completed that registration period  
18 has a duty to register if: (i) the person has been  
19 convicted of any felony offense after July 1, 2011, and  
20 (ii) the offense for which the 10 year registration was  
21 served currently requires a registration period of more  
22 than 10 years. Notification of an offender's duty to  
23 register under this subsection shall be pursuant to Section  
24 5-7 of this Act.

25           (2.5) Except as provided in subsection (c)(4), any  
26 person who has not been notified of his or her

1 responsibility to register shall be notified by a criminal  
2 justice entity of his or her responsibility to register.  
3 Upon notification the person must then register within 3  
4 days of notification of his or her requirement to register.  
5 Except as provided in subsection (c)(2.1), if notification  
6 is not made within the offender's 10 year registration  
7 requirement, and the Department of State Police determines  
8 no evidence exists or indicates the offender attempted to  
9 avoid registration, the offender will no longer be required  
10 to register under this Act.

11 (3) Except as provided in subsection (c)(4), any person  
12 convicted on or after January 1, 1996, shall register in  
13 person within 3 days after the entry of the sentencing  
14 order based upon his or her conviction.

15 (4) Any person unable to comply with the registration  
16 requirements of this Article because he or she is confined,  
17 institutionalized, or imprisoned in Illinois on or after  
18 January 1, 1996, shall register in person within 3 days of  
19 discharge, parole or release.

20 (5) The person shall provide positive identification  
21 and documentation that substantiates proof of residence at  
22 the registering address.

23 (6) The person shall pay a \$100 initial registration  
24 fee and a \$100 annual renewal fee. The fees shall be used  
25 by the registering agency for official purposes. The agency  
26 shall establish procedures to document receipt and use of

1 the funds. The law enforcement agency having jurisdiction  
2 may waive the registration fee if it determines that the  
3 person is indigent and unable to pay the registration fee.  
4 Thirty-five dollars for the initial registration fee and  
5 \$35 of the annual renewal fee shall be used by the  
6 registering agency for official purposes. Five dollars of  
7 the initial registration fee and \$5 of the annual fee shall  
8 be deposited into the Sex Offender Management Board Fund  
9 under Section 19 of the Sex Offender Management Board Act.  
10 Money deposited into the Sex Offender Management Board Fund  
11 shall be administered by the Sex Offender Management Board  
12 and shall be used by the Board to comply with the  
13 provisions of the Sex Offender Management Board Act. Thirty  
14 dollars of the initial registration fee and \$30 of the  
15 annual renewal fee shall be deposited into the Sex Offender  
16 Registration Fund and shall be used by the Department of  
17 State Police to maintain and update the Illinois State  
18 Police Sex Offender Registry. Thirty dollars of the initial  
19 registration fee and \$30 of the annual renewal fee shall be  
20 deposited into the Attorney General Sex Offender  
21 Awareness, Training, and Education Fund. Moneys deposited  
22 into the Fund shall be used by the Attorney General to  
23 administer the I-SORT program and to alert and educate the  
24 public, victims, and witnesses of their rights under  
25 various victim notification laws and for training law  
26 enforcement agencies, State's Attorneys, and medical

1 providers of their legal duties concerning the prosecution  
2 and investigation of sex offenses.

3 (d) Within 3 days after obtaining or changing employment  
4 and, if employed on January 1, 2000, within 5 days after that  
5 date, a person required to register under this Section must  
6 report, in person to the law enforcement agency having  
7 jurisdiction, the business name and address where he or she is  
8 employed. If the person has multiple businesses or work  
9 locations, every business and work location must be reported to  
10 the law enforcement agency having jurisdiction.

11 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;  
12 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.  
13 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff. 1-1-12; 97-333, eff.  
14 8-12-11; 97-578, eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109,  
15 eff. 1-1-13; 97-1150, eff. 1-25-13.)

16 (730 ILCS 150/4) (from Ch. 38, par. 224)

17 Sec. 4. Discharge of sex offender, as defined in Section 2  
18 of this Act, or sexual predator from Department of Corrections  
19 facility or other penal institution; duties of official in  
20 charge. Any sex offender, as defined in Section 2 of this Act,  
21 or sexual predator, as defined by this Article, who is  
22 discharged, paroled or released from a Department of  
23 Corrections facility, a facility where such person was placed  
24 by the Department of Corrections or another penal institution,  
25 and whose liability for registration has not terminated under

1 Section 7 shall, prior to discharge, parole or release from the  
2 facility or institution, be informed of his or her duty to  
3 register in person within 3 days of release by the facility or  
4 institution in which he or she was confined. The facility or  
5 institution shall also inform any person who must register that  
6 if he or she establishes a residence outside of the State of  
7 Illinois, is employed outside of the State of Illinois, or  
8 attends school outside of the State of Illinois, he or she must  
9 register in the new state within 3 days after establishing the  
10 residence, beginning employment, or beginning school.

11 The facility shall require the person to read and sign such  
12 form as may be required by the Department of State Police  
13 stating that the duty to register and the procedure for  
14 registration has been explained to him or her and that he or  
15 she understands the duty to register and the procedure for  
16 registration. The facility shall further advise the person in  
17 writing that the failure to register or other violation of this  
18 Article shall result in revocation of parole, aftercare  
19 release, mandatory supervised release or conditional release.  
20 The facility shall obtain information about where the person  
21 expects to reside, work, and attend school upon his or her  
22 discharge, parole or release and shall report the information  
23 to the Department of State Police. The facility shall give one  
24 copy of the form to the person and shall send one copy to each  
25 of the law enforcement agencies having jurisdiction where the  
26 person expects to reside, work, and attend school upon his or

1 her discharge, parole or release and retain one copy for the  
2 files. Electronic data files which includes all notification  
3 form information and photographs of sex offenders being  
4 released from an Illinois Department of Corrections or Illinois  
5 Department of Juvenile Justice facility will be shared on a  
6 regular basis as determined between the Department of State  
7 Police, ~~and~~ the Department of Corrections, and Department of  
8 Juvenile Justice.

9 (Source: P.A. 94-168, eff. 1-1-06; 95-640, eff. 6-1-08.)

10 (730 ILCS 150/8-5)

11 Sec. 8-5. Verification requirements.

12 (a) Address verification. The agency having jurisdiction  
13 shall verify the address of sex offenders, as defined in  
14 Section 2 of this Act, or sexual predators required to register  
15 with their agency at least once per year. The verification must  
16 be documented in LEADS in the form and manner required by the  
17 Department of State Police.

18 (a-5) Internet Protocol address verification. The agency  
19 having jurisdiction may verify the Internet protocol (IP)  
20 address of sex offenders, as defined in Section 2 of this Act,  
21 who are required to register with their agency under Section 3  
22 of this Act. A copy of any such verification must be sent to  
23 the Attorney General for entrance in the Illinois Cyber-crimes  
24 Location Database pursuant to Section 5-4-3.2 of the Unified  
25 Code of Corrections.

1           (b) Registration verification. The supervising officer or  
2 aftercare specialist, in the case of an aftercare releasee  
3 shall, within 15 days of sentencing to probation or release  
4 from an Illinois Department of Corrections facility or other  
5 penal institution, contact the law enforcement agency in the  
6 jurisdiction in which the sex offender or sexual predator  
7 designated as his or her intended residence and verify  
8 compliance with the requirements of this Act. Revocation  
9 proceedings shall be immediately commenced against a sex  
10 offender or sexual predator on probation, parole, aftercare  
11 release, or mandatory supervised release who fails to comply  
12 with the requirements of this Act.

13           (c) In an effort to ensure that sexual predators and sex  
14 offenders who fail to respond to address-verification attempts  
15 or who otherwise abscond from registration are located in a  
16 timely manner, the Department of State Police shall share  
17 information with local law enforcement agencies. The  
18 Department shall use analytical resources to assist local law  
19 enforcement agencies to determine the potential whereabouts of  
20 any sexual predator or sex offender who fails to respond to  
21 address-verification attempts or who otherwise absconds from  
22 registration. The Department shall review and analyze all  
23 available information concerning any such predator or offender  
24 who fails to respond to address-verification attempts or who  
25 otherwise absconds from registration and provide the  
26 information to local law enforcement agencies in order to

1 assist the agencies in locating and apprehending the sexual  
2 predator or sex offender.

3 (Source: P.A. 94-988, eff. 1-1-07; 95-579, eff. 6-1-08.)

4 Section 120. The Murderer and Violent Offender Against  
5 Youth Registration Act is amended by changing Sections 15 and  
6 50 as follows:

7 (730 ILCS 154/15)

8 Sec. 15. Discharge of violent offender against youth.  
9 Discharge of violent offender against youth from Department of  
10 Corrections facility or other penal institution; duties of  
11 official in charge. Any violent offender against youth who is  
12 discharged, paroled, or released from a Department of  
13 Corrections facility, a facility where such person was placed  
14 by the Department of Corrections or another penal institution,  
15 and whose liability for registration has not terminated under  
16 Section 40 shall, prior to discharge, parole or release from  
17 the facility or institution, be informed of his or her duty to  
18 register in person within 5 days of release by the facility or  
19 institution in which he or she was confined. The facility or  
20 institution shall also inform any person who must register that  
21 if he or she establishes a residence outside of the State of  
22 Illinois, is employed outside of the State of Illinois, or  
23 attends school outside of the State of Illinois, he or she must  
24 register in the new state within 5 days after establishing the



1 residence, beginning employment, or beginning school.

2 The facility shall require the person to read and sign such  
3 form as may be required by the Department of State Police  
4 stating that the duty to register and the procedure for  
5 registration has been explained to him or her and that he or  
6 she understands the duty to register and the procedure for  
7 registration. The facility shall further advise the person in  
8 writing that the failure to register or other violation of this  
9 Act shall result in revocation of parole, aftercare release,  
10 mandatory supervised release or conditional release. The  
11 facility shall obtain information about where the person  
12 expects to reside, work, and attend school upon his or her  
13 discharge, parole or release and shall report the information  
14 to the Department of State Police. The facility shall give one  
15 copy of the form to the person and shall send one copy to each  
16 of the law enforcement agencies having jurisdiction where the  
17 person expects to reside, work, and attend school upon his or  
18 her discharge, parole or release and retain one copy for the  
19 files. Electronic data files which includes all notification  
20 form information and photographs of violent offenders against  
21 youth being released from an Illinois Department of Corrections  
22 or Illinois Department of Juvenile Justice facility will be  
23 shared on a regular basis as determined between the Department  
24 of State Police, ~~and~~ the Department of Corrections and  
25 Department of Juvenile Justice.

26 (Source: P.A. 94-945, eff. 6-27-06.)

1 (730 ILCS 154/50)

2 Sec. 50. Verification requirements.

3 (a) The agency having jurisdiction shall verify the address  
4 of violent offenders against youth required to register with  
5 their agency at least once per year. The verification must be  
6 documented in LEADS in the form and manner required by the  
7 Department of State Police.

8 (b) The supervising officer or aftercare specialist, in the  
9 case of an aftercare releasee shall, within 15 days of  
10 sentencing to probation or release from an Illinois Department  
11 of Corrections facility or other penal institution, contact the  
12 law enforcement agency in the jurisdiction which the violent  
13 offender against youth designated as his or her intended  
14 residence and verify compliance with the requirements of this  
15 Act. Revocation proceedings shall be immediately commenced  
16 against a violent offender against youth on probation, parole,  
17 aftercare release, or mandatory supervised release who fails to  
18 comply with the requirements of this Act.

19 (Source: P.A. 94-945, eff. 6-27-06.)

20 Section 125. The Stalking No Contact Order Act is amended  
21 by changing Sections 20, 115, and 117 as follows:

22 (740 ILCS 21/20)

23 Sec. 20. Commencement of action; filing fees.

1 (a) An action for a stalking no contact order is commenced:

2 (1) independently, by filing a petition for a stalking  
3 no contact order in any civil court, unless specific courts  
4 are designated by local rule or order; or

5 (2) in conjunction with a delinquency petition or a  
6 criminal prosecution, by filing a petition for a stalking  
7 no contact order under the same case number as the  
8 delinquency petition or criminal prosecution, to be  
9 granted during pre-trial release of a defendant, with any  
10 dispositional order issued under Section 5-710 of the  
11 Juvenile Court Act of 1987 or as a condition of release,  
12 supervision, conditional discharge, probation, periodic  
13 imprisonment, parole, aftercare release, or mandatory  
14 supervised release, or in conjunction with imprisonment or  
15 a bond forfeiture warrant, provided that (i) the violation  
16 is alleged in an information, complaint, indictment, or  
17 delinquency petition on file and the alleged victim is a  
18 person protected by this Act, and (ii) the petition, which  
19 is filed by the State's Attorney, names a victim of the  
20 alleged crime as a petitioner.

21 (b) Withdrawal or dismissal of any petition for a stalking  
22 no contact order prior to adjudication where the petitioner is  
23 represented by the State shall operate as a dismissal without  
24 prejudice. No action for a stalking no contact order shall be  
25 dismissed because the respondent is being prosecuted for a  
26 crime against the petitioner. For any action commenced under

1 item (2) of subsection (a) of this Section, dismissal of the  
2 conjoined case (or a finding of not guilty) shall not require  
3 dismissal of the action for a stalking no contact order;  
4 instead, it may be treated as an independent action and, if  
5 necessary and appropriate, transferred to a different court or  
6 division.

7 (c) No fee shall be charged by the clerk of the court for  
8 filing petitions or modifying or certifying orders. No fee  
9 shall be charged by the sheriff for service by the sheriff of a  
10 petition, rule, motion, or order in an action commenced under  
11 this Section.

12 (d) The court shall provide, through the office of the  
13 clerk of the court, simplified forms for filing of a petition  
14 under this Section by any person not represented by counsel.

15 (Source: P.A. 96-246, eff. 1-1-10.)

16 (740 ILCS 21/115)

17 Sec. 115. Notice of orders.

18 (a) Upon issuance of any stalking no contact order, the  
19 clerk shall immediately, or on the next court day if an  
20 emergency order is issued in accordance with subsection (c) of  
21 Section 95:

22 (1) enter the order on the record and file it in  
23 accordance with the circuit court procedures; and

24 (2) provide a file stamped copy of the order to the  
25 respondent, if present, and to the petitioner.

1           (b) The clerk of the issuing judge shall, or the petitioner  
2 may, on the same day that a stalking no contact order is  
3 issued, file a certified copy of that order with the sheriff or  
4 other law enforcement officials charged with maintaining  
5 Department of State Police records or charged with serving the  
6 order upon the respondent. If the order was issued in  
7 accordance with subsection (c) of Section 95, the clerk shall,  
8 on the next court day, file a certified copy of the order with  
9 the sheriff or other law enforcement officials charged with  
10 maintaining Department of State Police records. If the  
11 respondent, at the time of the issuance of the order, is  
12 committed to the custody of the Illinois Department of  
13 Corrections or Illinois Department of Juvenile Justice or is on  
14 parole, aftercare release, or mandatory supervised release,  
15 the sheriff or other law enforcement officials charged with  
16 maintaining Department of State Police records shall notify the  
17 Department of Corrections or Department of Juvenile Justice  
18 within 48 hours of receipt of a copy of the stalking no contact  
19 order from the clerk of the issuing judge or the petitioner.  
20 Such notice shall include the name of the respondent, the  
21 respondent's IDOC or IDJJ inmate number, the respondent's date  
22 of birth, and the LEADS Record Index Number.

23           (c) Unless the respondent was present in court when the  
24 order was issued, the sheriff, other law enforcement official,  
25 or special process server shall promptly serve that order upon  
26 the respondent and file proof of such service in the manner

1 provided for service of process in civil proceedings. Instead  
2 of serving the order upon the respondent, however, the sheriff,  
3 other law enforcement official, special process server, or  
4 other persons defined in Section 117 may serve the respondent  
5 with a short form notification as provided in Section 117. If  
6 process has not yet been served upon the respondent, it shall  
7 be served with the order or short form notification if such  
8 service is made by the sheriff, other law enforcement official,  
9 or special process server.

10 (d) If the person against whom the stalking no contact  
11 order is issued is arrested and the written order is issued in  
12 accordance with subsection (c) of Section 95 and received by  
13 the custodial law enforcement agency before the respondent or  
14 arrestee is released from custody, the custodial law  
15 enforcement agent shall promptly serve the order upon the  
16 respondent or arrestee before the respondent or arrestee is  
17 released from custody. In no event shall detention of the  
18 respondent or arrestee be extended for hearing on the petition  
19 for stalking no contact order or receipt of the order issued  
20 under Section 95 of this Act.

21 (e) Any order extending, modifying, or revoking any  
22 stalking no contact order shall be promptly recorded, issued,  
23 and served as provided in this Section.

24 (f) Upon the request of the petitioner, within 24 hours of  
25 the issuance of a stalking no contact order, the clerk of the  
26 issuing judge shall send written notice of the order along with

1 a certified copy of the order to any school, daycare, college,  
2 or university at which the petitioner is enrolled.

3 (Source: P.A. 96-246, eff. 1-1-10; 97-904, eff. 1-1-13;  
4 97-1017, eff. 1-1-13; revised 8-23-12.)

5 (740 ILCS 21/117)

6 Sec. 117. Short form notification.

7 (a) Instead of personal service of a stalking no contact  
8 order under Section 115, a sheriff, other law enforcement  
9 official, special process server, or personnel assigned by the  
10 Department of Corrections or Department of Juvenile Justice to  
11 investigate the alleged misconduct of committed persons or  
12 alleged violations of a parolee's or releasee's conditions of  
13 parole, aftercare release, or mandatory supervised release may  
14 serve a respondent with a short form notification. The short  
15 form notification must include the following items:

16 (1) The respondent's name.

17 (2) The respondent's date of birth, if known.

18 (3) The petitioner's name.

19 (4) The names of other protected parties.

20 (5) The date and county in which the stalking no  
21 contact order was filed.

22 (6) The court file number.

23 (7) The hearing date and time, if known.

24 (8) The conditions that apply to the respondent, either  
25 in checklist form or handwritten.

1           (b) The short form notification must contain the following  
2 notice in bold print:

3           "The order is now enforceable. You must report to the  
4 office of the sheriff or the office of the circuit court in  
5 (name of county) County to obtain a copy of the order. You are  
6 subject to arrest and may be charged with a misdemeanor or  
7 felony if you violate any of the terms of the order."

8           (c) Upon verification of the identity of the respondent and  
9 the existence of an unserved order against the respondent, a  
10 sheriff or other law enforcement official may detain the  
11 respondent for a reasonable time necessary to complete and  
12 serve the short form notification.

13           (d) When service is made by short form notification under  
14 this Section, it may be proved by the affidavit of the person  
15 making the service.

16           (e) The Attorney General shall make the short form  
17 notification form available to law enforcement agencies in this  
18 State.

19           (f) A single short form notification form may be used for  
20 orders of protection under the Illinois Domestic Violence Act  
21 of 1986, stalking no contact orders under this Act, and civil  
22 no contact orders under the Civil No Contact Order Act.

23           (Source: P.A. 97-1017, eff. 1-1-13.)

24           Section 130. The Civil No Contact Order Act is amended by  
25 changing Sections 202, 216, 218, and 218.1 as follows:



1 (740 ILCS 22/202)

2 Sec. 202. Commencement of action; filing fees.

3 (a) An action for a civil no contact order is commenced:

4 (1) independently, by filing a petition for a civil no  
5 contact order in any civil court, unless specific courts  
6 are designated by local rule or order; or

7 (2) in conjunction with a delinquency petition or a  
8 criminal prosecution, by filing a petition for a civil no  
9 contact order under the same case number as the delinquency  
10 petition or criminal prosecution, to be granted during  
11 pre-trial release of a defendant, with any dispositional  
12 order issued under Section 5-710 of the Juvenile Court Act  
13 of 1987 or as a condition of release, supervision,  
14 conditional discharge, probation, periodic imprisonment,  
15 parole, aftercare release, or mandatory supervised  
16 release, or in conjunction with imprisonment or a bond  
17 forfeiture warrant, provided that (i) the violation is  
18 alleged in an information, complaint, indictment, or  
19 delinquency petition on file and the alleged victim is a  
20 person protected by this Act, and (ii) the petition, which  
21 is filed by the State's Attorney, names a victim of the  
22 alleged crime as a petitioner.

23 (b) Withdrawal or dismissal of any petition for a civil no  
24 contact order prior to adjudication where the petitioner is  
25 represented by the State shall operate as a dismissal without

1 prejudice. No action for a civil no contact order shall be  
2 dismissed because the respondent is being prosecuted for a  
3 crime against the petitioner. For any action commenced under  
4 item (2) of subsection (a) of this Section, dismissal of the  
5 conjoined case (or a finding of not guilty) shall not require  
6 dismissal of the action for a civil no contact order; instead,  
7 it may be treated as an independent action and, if necessary  
8 and appropriate, transferred to a different court or division.

9 (c) No fee shall be charged by the clerk of the court for  
10 filing petitions or modifying or certifying orders. No fee  
11 shall be charged by the sheriff for service by the sheriff of a  
12 petition, rule, motion, or order in an action commenced under  
13 this Section.

14 (d) The court shall provide, through the office of the  
15 clerk of the court, simplified forms for filing of a petition  
16 under this Section by any person not represented by counsel.

17 (Source: P.A. 93-236, eff. 1-1-04; 93-811, eff. 1-1-05.)

18 (740 ILCS 22/216)

19 Sec. 216. Duration and extension of orders.

20 (a) Unless re-opened or extended or voided by entry of an  
21 order of greater duration, an emergency order shall be  
22 effective for not less than 14 nor more than 21 days.

23 (b) Except as otherwise provided in this Section, a plenary  
24 civil no contact order shall be effective for a fixed period of  
25 time, not to exceed 2 years. A plenary civil no contact order

1 entered in conjunction with a criminal prosecution shall remain  
2 in effect as follows:

3 (1) if entered during pre-trial release, until  
4 disposition, withdrawal, or dismissal of the underlying  
5 charge; if however, the case is continued as an independent  
6 cause of action, the order's duration may be for a fixed  
7 period of time not to exceed 2 years;

8 (2) if in effect in conjunction with a bond forfeiture  
9 warrant, until final disposition or an additional period of  
10 time not exceeding 2 years; no civil no contact order,  
11 however, shall be terminated by a dismissal that is  
12 accompanied by the issuance of a bond forfeiture warrant;

13 (3) until expiration of any supervision, conditional  
14 discharge, probation, periodic imprisonment, parole,  
15 aftercare release, or mandatory supervised release and for  
16 an additional period of time thereafter not exceeding 2  
17 years; or

18 (4) until the date set by the court for expiration of  
19 any sentence of imprisonment and subsequent parole  
20 aftercare release, or mandatory supervised release and for  
21 an additional period of time thereafter not exceeding 2  
22 years.

23 (c) Any emergency or plenary order may be extended one or  
24 more times, as required, provided that the requirements of  
25 Section 214 or 215, as appropriate, are satisfied. If the  
26 motion for extension is uncontested and the petitioner seeks no

1 modification of the order, the order may be extended on the  
2 basis of the petitioner's motion or affidavit stating that  
3 there has been no material change in relevant circumstances  
4 since entry of the order and stating the reason for the  
5 requested extension. Extensions may be granted only in open  
6 court and not under the provisions of subsection (c) of Section  
7 214, which applies only when the court is unavailable at the  
8 close of business or on a court holiday.

9 (d) Any civil no contact order which would expire on a  
10 court holiday shall instead expire at the close of the next  
11 court business day.

12 (d-5) An extension of a plenary civil no contact order may  
13 be granted, upon good cause shown, to remain in effect until  
14 the civil no contact order is vacated or modified.

15 (e) The practice of dismissing or suspending a criminal  
16 prosecution in exchange for the issuance of a civil no contact  
17 order undermines the purposes of this Act. This Section shall  
18 not be construed as encouraging that practice.

19 (Source: P.A. 96-311, eff. 1-1-10.)

20 (740 ILCS 22/218)

21 Sec. 218. Notice of orders.

22 (a) Upon issuance of any civil no contact order, the clerk  
23 shall immediately, or on the next court day if an emergency  
24 order is issued in accordance with subsection (c) of Section  
25 214:

1           (1) enter the order on the record and file it in  
2 accordance with the circuit court procedures; and

3           (2) provide a file stamped copy of the order to the  
4 respondent, if present, and to the petitioner.

5           (b) The clerk of the issuing judge shall, or the petitioner  
6 may, on the same day that a civil no contact order is issued,  
7 file a certified copy of that order with the sheriff or other  
8 law enforcement officials charged with maintaining Department  
9 of State Police records or charged with serving the order upon  
10 the respondent. If the order was issued in accordance with  
11 subsection (c) of Section 214, the clerk shall, on the next  
12 court day, file a certified copy of the order with the Sheriff  
13 or other law enforcement officials charged with maintaining  
14 Department of State Police records. If the respondent, at the  
15 time of the issuance of the order, is committed to the custody  
16 of the Illinois Department of Corrections or Illinois  
17 Department of Juvenile Justice or is on parole, aftercare  
18 release, or mandatory supervised release, the sheriff or other  
19 law enforcement officials charged with maintaining Department  
20 of State Police records shall notify the Department of  
21 Corrections or Department of Juvenile Justice within 48 hours  
22 of receipt of a copy of the civil no contact order from the  
23 clerk of the issuing judge or the petitioner. Such notice shall  
24 include the name of the respondent, the respondent's IDOC or  
25 IDJJ inmate number, the respondent's date of birth, and the  
26 LEADS Record Index Number.

1           (c) Unless the respondent was present in court when the  
2 order was issued, the sheriff, other law enforcement official,  
3 or special process server shall promptly serve that order upon  
4 the respondent and file proof of such service in the manner  
5 provided for service of process in civil proceedings. Instead  
6 of serving the order upon the respondent, however, the sheriff,  
7 other law enforcement official, special process server, or  
8 other persons defined in Section 218.1 may serve the respondent  
9 with a short form notification as provided in Section 218.1. If  
10 process has not yet been served upon the respondent, it shall  
11 be served with the order or short form notification if such  
12 service is made by the sheriff, other law enforcement official,  
13 or special process server.

14           (d) If the person against whom the civil no contact order  
15 is issued is arrested and the written order is issued in  
16 accordance with subsection (c) of Section 214 and received by  
17 the custodial law enforcement agency before the respondent or  
18 arrestee is released from custody, the custodial law  
19 enforcement agent shall promptly serve the order upon the  
20 respondent or arrestee before the respondent or arrestee is  
21 released from custody. In no event shall detention of the  
22 respondent or arrestee be extended for hearing on the petition  
23 for civil no contact order or receipt of the order issued under  
24 Section 214 of this Act.

25           (e) Any order extending, modifying, or revoking any civil  
26 no contact order shall be promptly recorded, issued, and served

1 as provided in this Section.

2 (f) Upon the request of the petitioner, within 24 hours of  
3 the issuance of a civil no contact order, the clerk of the  
4 issuing judge shall send written notice of the order along with  
5 a certified copy of the order to any school, college, or  
6 university at which the petitioner is enrolled.

7 (Source: P.A. 97-904, eff. 1-1-13; 97-1017, eff. 1-1-13;  
8 revised 8-23-12.)

9 (740 ILCS 22/218.1)

10 Sec. 218.1. Short form notification.

11 (a) Instead of personal service of a civil no contact order  
12 under Section 218, a sheriff, other law enforcement official,  
13 special process server, or personnel assigned by the Department  
14 of Corrections or Department of Juvenile Justice to investigate  
15 the alleged misconduct of committed persons or alleged  
16 violations of a parolee's or releasee's conditions of parole,  
17 aftercare release, or mandatory supervised release may serve a  
18 respondent with a short form notification. The short form  
19 notification must include the following items:

20 (1) The respondent's name.

21 (2) The respondent's date of birth, if known.

22 (3) The petitioner's name.

23 (4) The names of other protected parties.

24 (5) The date and county in which the civil no contact  
25 order was filed.

1 (6) The court file number.

2 (7) The hearing date and time, if known.

3 (8) The conditions that apply to the respondent, either  
4 in checklist form or handwritten.

5 (b) The short form notification must contain the following  
6 notice in bold print:

7 "The order is now enforceable. You must report to the  
8 office of the sheriff or the office of the circuit court in  
9 (name of county) County to obtain a copy of the order. You are  
10 subject to arrest and may be charged with a misdemeanor or  
11 felony if you violate any of the terms of the order."

12 (c) Upon verification of the identity of the respondent and  
13 the existence of an unserved order against the respondent, a  
14 sheriff or other law enforcement official may detain the  
15 respondent for a reasonable time necessary to complete and  
16 serve the short form notification.

17 (d) When service is made by short form notification under  
18 this Section, it may be proved by the affidavit of the person  
19 making the service.

20 (e) The Attorney General shall make the short form  
21 notification form available to law enforcement agencies in this  
22 State.

23 (f) A single short form notification form may be used for  
24 orders of protection under the Illinois Domestic Violence Act  
25 of 1986, stalking no contact orders under the Stalking No  
26 Contact Order Act, and civil no contact orders under this Act.



1 (Source: P.A. 97-1017, eff. 1-1-13.)

2 Section 135. The Illinois Streetgang Terrorism Omnibus  
3 Prevention Act is amended by changing Section 30 as follows:

4 (740 ILCS 147/30)

5 Sec. 30. Service of process.

6 (a) All streetgangs and streetgang members engaged in a  
7 course or pattern of gang-related criminal activity within this  
8 State impliedly consent to service of process upon them as set  
9 forth in this Section, or as may be otherwise authorized by the  
10 Code of Civil Procedure.

11 (b) Service of process upon a streetgang may be had by  
12 leaving a copy of the complaint and summons directed to any  
13 officer of such gang, commanding the gang to appear and answer  
14 the complaint or otherwise plead at a time and place certain:

15 (1) with any gang officer; or

16 (2) with any individual member of the gang  
17 simultaneously named therein; or

18 (3) in the manner provided for service upon a voluntary  
19 unincorporated association in a civil action; or

20 (4) in the manner provided for service by publication  
21 in a civil action; or

22 (5) with any parent, legal guardian, or legal custodian  
23 of any persons charged with a gang-related offense when any  
24 person sued civilly under this Act is under 18 years of age

1 and is also charged criminally or as a delinquent minor; or

2 (6) with the director of any agency or department of  
3 this State who is the legal guardian, guardianship  
4 administrator, or custodian of any person sued under this  
5 Act; or

6 (7) with the probation or parole officer or aftercare  
7 specialist of any person sued under this Act; or

8 (8) with such other person or agent as the court may,  
9 upon petition of the State's Attorney or his or her  
10 designee, authorize as appropriate and reasonable under  
11 all of the circumstances.

12 (c) If after being summoned a streetgang does not appear,  
13 the court shall enter an answer for the streetgang neither  
14 affirming nor denying the allegations of the complaint but  
15 demanding strict proof thereof, and proceed to trial and  
16 judgment without further process.

17 (d) When any person is named as a defendant streetgang  
18 member in any complaint, or subsequently becomes known and is  
19 added or joined as a named defendant, service of process may be  
20 had as authorized or provided for in the Code of Civil  
21 Procedure for service of process in a civil case.

22 (e) Unknown gang members may be sued as a class and  
23 designated as such in the caption of any complaint filed under  
24 this Act. Service of process upon unknown members may be made  
25 in the manner prescribed for provision of notice to members of  
26 a class in a class action, or as the court may direct for

1 providing the best service and notice practicable under the  
2 circumstances which shall include individual, personal, or  
3 other service upon all members who can be identified and  
4 located through reasonable effort.

5 (Source: P.A. 87-932.)

6 Section 140. The Local Governmental and Governmental  
7 Employees Tort Immunity Act is amended by changing Section  
8 4-106 as follows:

9 (745 ILCS 10/4-106) (from Ch. 85, par. 4-106)

10 Sec. 4-106. Neither a local public entity nor a public  
11 employee is liable for:

12 (a) Any injury resulting from determining to parole or  
13 release a prisoner, to revoke his or her parole or release, or  
14 the terms and conditions of his or her parole or release.

15 (b) Any injury inflicted by an escaped or escaping  
16 prisoner.

17 (Source: Laws 1965, p. 2983.)

18 Section 145. The Illinois Domestic Violence Act of 1986 is  
19 amended by changing Sections 202, 220, 222, and 222.10 as  
20 follows:

21 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

22 Sec. 202. Commencement of action; filing fees; dismissal.

1           (a) How to commence action. Actions for orders of  
2 protection are commenced:

3           (1) Independently: By filing a petition for an order of  
4 protection in any civil court, unless specific courts are  
5 designated by local rule or order.

6           (2) In conjunction with another civil proceeding: By  
7 filing a petition for an order of protection under the same  
8 case number as another civil proceeding involving the  
9 parties, including but not limited to: (i) any proceeding  
10 under the Illinois Marriage and Dissolution of Marriage  
11 Act, Illinois Parentage Act of 1984, Nonsupport of Spouse  
12 and Children Act, Revised Uniform Reciprocal Enforcement  
13 of Support Act or an action for nonsupport brought under  
14 Article 10 of the Illinois Public Aid Code, provided that a  
15 petitioner and the respondent are a party to or the subject  
16 of that proceeding or (ii) a guardianship proceeding under  
17 the Probate Act of 1975, or a proceeding for involuntary  
18 commitment under the Mental Health and Developmental  
19 Disabilities Code, or any proceeding, other than a  
20 delinquency petition, under the Juvenile Court Act of 1987,  
21 provided that a petitioner or the respondent is a party to  
22 or the subject of such proceeding.

23           (3) In conjunction with a delinquency petition or a  
24 criminal prosecution: By filing a petition for an order of  
25 protection, under the same case number as the delinquency  
26 petition or criminal prosecution, to be granted during

1 pre-trial release of a defendant, with any dispositional  
2 order issued under Section 5-710 of the Juvenile Court Act  
3 of 1987 or as a condition of release, supervision,  
4 conditional discharge, probation, periodic imprisonment,  
5 parole, aftercare release, or mandatory supervised  
6 release, or in conjunction with imprisonment or a bond  
7 forfeiture warrant; provided that:

8 (i) the violation is alleged in an information,  
9 complaint, indictment or delinquency petition on file,  
10 and the alleged offender and victim are family or  
11 household members or persons protected by this Act; and

12 (ii) the petition, which is filed by the State's  
13 Attorney, names a victim of the alleged crime as a  
14 petitioner.

15 (b) Filing, certification, and service fees. No fee shall  
16 be charged by the clerk for filing, amending, vacating,  
17 certifying, or photocopying petitions or orders; or for issuing  
18 alias summons; or for any related filing service. No fee shall  
19 be charged by the sheriff for service by the sheriff of a  
20 petition, rule, motion, or order in an action commenced under  
21 this Section.

22 (c) Dismissal and consolidation. Withdrawal or dismissal  
23 of any petition for an order of protection prior to  
24 adjudication where the petitioner is represented by the State  
25 shall operate as a dismissal without prejudice. No action for  
26 an order of protection shall be dismissed because the

1 respondent is being prosecuted for a crime against the  
2 petitioner. An independent action may be consolidated with  
3 another civil proceeding, as provided by paragraph (2) of  
4 subsection (a) of this Section. For any action commenced under  
5 paragraph (2) or (3) of subsection (a) of this Section,  
6 dismissal of the conjoined case (or a finding of not guilty)  
7 shall not require dismissal of the action for the order of  
8 protection; instead, it may be treated as an independent action  
9 and, if necessary and appropriate, transferred to a different  
10 court or division. Dismissal of any conjoined case shall not  
11 affect the validity of any previously issued order of  
12 protection, and thereafter subsections (b)(1) and (b)(2) of  
13 Section 220 shall be inapplicable to such order.

14 (d) Pro se petitions. The court shall provide, through the  
15 office of the clerk of the court, simplified forms and clerical  
16 assistance to help with the writing and filing of a petition  
17 under this Section by any person not represented by counsel. In  
18 addition, that assistance may be provided by the state's  
19 attorney.

20 (Source: P.A. 93-458, eff. 1-1-04.)

21 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

22 Sec. 220. Duration and extension of orders.

23 (a) Duration of emergency and interim orders. Unless  
24 re-opened or extended or voided by entry of an order of greater  
25 duration:

1           (1) Emergency orders issued under Section 217 shall be  
2 effective for not less than 14 nor more than 21 days;

3           (2) Interim orders shall be effective for up to 30  
4 days.

5           (b) Duration of plenary orders. Except as otherwise  
6 provided in this Section, a plenary order of protection shall  
7 be valid for a fixed period of time, not to exceed two years.

8           (1) A plenary order of protection entered in  
9 conjunction with another civil proceeding shall remain in  
10 effect as follows:

11           (i) if entered as preliminary relief in that other  
12 proceeding, until entry of final judgment in that other  
13 proceeding;

14           (ii) if incorporated into the final judgment in  
15 that other proceeding, until the order of protection is  
16 vacated or modified; or

17           (iii) if incorporated in an order for involuntary  
18 commitment, until termination of both the involuntary  
19 commitment and any voluntary commitment, or for a fixed  
20 period of time not exceeding 2 years.

21           (2) A plenary order of protection entered in  
22 conjunction with a criminal prosecution shall remain in  
23 effect as follows:

24           (i) if entered during pre-trial release, until  
25 disposition, withdrawal, or dismissal of the  
26 underlying charge; if, however, the case is continued

1 as an independent cause of action, the order's duration  
2 may be for a fixed period of time not to exceed 2  
3 years;

4 (ii) if in effect in conjunction with a bond  
5 forfeiture warrant, until final disposition or an  
6 additional period of time not exceeding 2 years; no  
7 order of protection, however, shall be terminated by a  
8 dismissal that is accompanied by the issuance of a bond  
9 forfeiture warrant;

10 (iii) until expiration of any supervision,  
11 conditional discharge, probation, periodic  
12 imprisonment, parole, aftercare release, or mandatory  
13 supervised release and for an additional period of time  
14 thereafter not exceeding 2 years; or

15 (iv) until the date set by the court for expiration  
16 of any sentence of imprisonment and subsequent parole, aftercare release, or mandatory supervised release and  
17 for an additional period of time thereafter not  
18 exceeding 2 years.  
19

20 (c) Computation of time. The duration of an order of  
21 protection shall not be reduced by the duration of any prior  
22 order of protection.

23 (d) Law enforcement records. When a plenary order of  
24 protection expires upon the occurrence of a specified event,  
25 rather than upon a specified date as provided in subsection  
26 (b), no expiration date shall be entered in Department of State



1 Police records. To remove the plenary order from those records,  
2 either party shall request the clerk of the court to file a  
3 certified copy of an order stating that the specified event has  
4 occurred or that the plenary order has been vacated or modified  
5 with the Sheriff, and the Sheriff shall direct that law  
6 enforcement records shall be promptly corrected in accordance  
7 with the filed order.

8 (e) Extension of orders. Any emergency, interim or plenary  
9 order may be extended one or more times, as required, provided  
10 that the requirements of Section 217, 218 or 219, as  
11 appropriate, are satisfied. If the motion for extension is  
12 uncontested and petitioner seeks no modification of the order,  
13 the order may be extended on the basis of petitioner's motion  
14 or affidavit stating that there has been no material change in  
15 relevant circumstances since entry of the order and stating the  
16 reason for the requested extension. An extension of a plenary  
17 order of protection may be granted, upon good cause shown, to  
18 remain in effect until the order of protection is vacated or  
19 modified. Extensions may be granted only in open court and not  
20 under the provisions of subsection (c) of Section 217, which  
21 applies only when the court is unavailable at the close of  
22 business or on a court holiday.

23 (f) Termination date. Any order of protection which would  
24 expire on a court holiday shall instead expire at the close of  
25 the next court business day.

26 (g) Statement of purpose. The practice of dismissing or

1 suspending a criminal prosecution in exchange for the issuance  
2 of an order of protection undermines the purposes of this Act.  
3 This Section shall not be construed as encouraging that  
4 practice.

5 (Source: P.A. 95-886, eff. 1-1-09.)

6 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

7 Sec. 222. Notice of orders.

8 (a) Entry and issuance. Upon issuance of any order of  
9 protection, the clerk shall immediately, or on the next court  
10 day if an emergency order is issued in accordance with  
11 subsection (c) of Section 217, (i) enter the order on the  
12 record and file it in accordance with the circuit court  
13 procedures and (ii) provide a file stamped copy of the order to  
14 respondent, if present, and to petitioner.

15 (b) Filing with sheriff. The clerk of the issuing judge  
16 shall, or the petitioner may, on the same day that an order of  
17 protection is issued, file a certified copy of that order with  
18 the sheriff or other law enforcement officials charged with  
19 maintaining Department of State Police records or charged with  
20 serving the order upon respondent. If the order was issued in  
21 accordance with subsection (c) of Section 217, the clerk shall  
22 on the next court day, file a certified copy of the order with  
23 the Sheriff or other law enforcement officials charged with  
24 maintaining Department of State Police records. If the  
25 respondent, at the time of the issuance of the order, is

1 committed to the custody of the Illinois Department of  
2 Corrections or Illinois Department of Juvenile Justice or is on  
3 parole, aftercare release, or mandatory supervised release,  
4 the sheriff or other law enforcement officials charged with  
5 maintaining Department of State Police records shall notify the  
6 Department of Corrections or Department of Juvenile Justice  
7 within 48 hours of receipt of a copy of the order of protection  
8 from the clerk of the issuing judge or the petitioner. Such  
9 notice shall include the name of the respondent, the  
10 respondent's IDOC inmate number or IDJJ youth identification  
11 number, the respondent's date of birth, and the LEADS Record  
12 Index Number.

13 (c) Service by sheriff. Unless respondent was present in  
14 court when the order was issued, the sheriff, other law  
15 enforcement official or special process server shall promptly  
16 serve that order upon respondent and file proof of such  
17 service, in the manner provided for service of process in civil  
18 proceedings. Instead of serving the order upon the respondent,  
19 however, the sheriff, other law enforcement official, special  
20 process server, or other persons defined in Section 222.10 may  
21 serve the respondent with a short form notification as provided  
22 in Section 222.10. If process has not yet been served upon the  
23 respondent, it shall be served with the order or short form  
24 notification if such service is made by the sheriff, other law  
25 enforcement official, or special process server. A single fee  
26 may be charged for service of an order obtained in civil court,

1 or for service of such an order together with process, unless  
2 waived or deferred under Section 210.

3 (c-5) If the person against whom the order of protection is  
4 issued is arrested and the written order is issued in  
5 accordance with subsection (c) of Section 217 and received by  
6 the custodial law enforcement agency before the respondent or  
7 arrestee is released from custody, the custodial law  
8 enforcement agent shall promptly serve the order upon the  
9 respondent or arrestee before the respondent or arrestee is  
10 released from custody. In no event shall detention of the  
11 respondent or arrestee be extended for hearing on the petition  
12 for order of protection or receipt of the order issued under  
13 Section 217 of this Act.

14 (d) Extensions, modifications and revocations. Any order  
15 extending, modifying or revoking any order of protection shall  
16 be promptly recorded, issued and served as provided in this  
17 Section.

18 (e) Notice to schools. Upon the request of the petitioner,  
19 within 24 hours of the issuance of an order of protection, the  
20 clerk of the issuing judge shall send a certified copy of the  
21 order of protection to the day-care facility, pre-school or  
22 pre-kindergarten, or private school or the principal office of  
23 the public school district or any college or university in  
24 which any child who is a protected person under the order of  
25 protection or any child of the petitioner is enrolled as  
26 requested by the petitioner at the mailing address provided by

1 the petitioner. If the child transfers enrollment to another  
2 day-care facility, pre-school, pre-kindergarten, private  
3 school, public school, college, or university, the petitioner  
4 may, within 24 hours of the transfer, send to the clerk written  
5 notice of the transfer, including the name and address of the  
6 institution to which the child is transferring. Within 24 hours  
7 of receipt of notice from the petitioner that a child is  
8 transferring to another day-care facility, pre-school,  
9 pre-kindergarten, private school, public school, college, or  
10 university, the clerk shall send a certified copy of the order  
11 to the institution to which the child is transferring.

12 (f) Disclosure by schools. After receiving a certified copy  
13 of an order of protection that prohibits a respondent's access  
14 to records, neither a day-care facility, pre-school,  
15 pre-kindergarten, public or private school, college, or  
16 university nor its employees shall allow a respondent access to  
17 a protected child's records or release information in those  
18 records to the respondent. The school shall file the copy of  
19 the order of protection in the records of a child who is a  
20 protected person under the order of protection. When a child  
21 who is a protected person under the order of protection  
22 transfers to another day-care facility, pre-school,  
23 pre-kindergarten, public or private school, college, or  
24 university, the institution from which the child is  
25 transferring may, at the request of the petitioner, provide,  
26 within 24 hours of the transfer, written notice of the order of

1 protection, along with a certified copy of the order, to the  
2 institution to which the child is transferring.

3 (g) Notice to health care facilities and health care  
4 practitioners. Upon the request of the petitioner, the clerk of  
5 the circuit court shall send a certified copy of the order of  
6 protection to any specified health care facility or health care  
7 practitioner requested by the petitioner at the mailing address  
8 provided by the petitioner.

9 (h) Disclosure by health care facilities and health care  
10 practitioners. After receiving a certified copy of an order of  
11 protection that prohibits a respondent's access to records, no  
12 health care facility or health care practitioner shall allow a  
13 respondent access to the records of any child who is a  
14 protected person under the order of protection, or release  
15 information in those records to the respondent, unless the  
16 order has expired or the respondent shows a certified copy of  
17 the court order vacating the corresponding order of protection  
18 that was sent to the health care facility or practitioner.  
19 Nothing in this Section shall be construed to require health  
20 care facilities or health care practitioners to alter  
21 procedures related to billing and payment. The health care  
22 facility or health care practitioner may file the copy of the  
23 order of protection in the records of a child who is a  
24 protected person under the order of protection, or may employ  
25 any other method to identify the records to which a respondent  
26 is prohibited access. No health care facility or health care

1 practitioner shall be civilly or professionally liable for  
2 reliance on a copy of an order of protection, except for  
3 willful and wanton misconduct.

4 (Source: P.A. 96-651, eff. 1-1-10; 97-50, eff. 6-28-11; 97-904,  
5 eff. 1-1-13.)

6 (750 ILCS 60/222.10)

7 Sec. 222.10. Short form notification.

8 (a) Instead of personal service of an order of protection  
9 under Section 222, a sheriff, other law enforcement official,  
10 special process server, or personnel assigned by the Department  
11 of Corrections or Department of Juvenile Justice to investigate  
12 the alleged misconduct of committed persons or alleged  
13 violations of a parolee's or releasee's conditions of parole,  
14 aftercare release, or mandatory supervised release may serve a  
15 respondent with a short form notification. The short form  
16 notification must include the following items:

17 (1) The respondent's name.

18 (2) The respondent's date of birth, if known.

19 (3) The petitioner's name.

20 (4) The names of other protected parties.

21 (5) The date and county in which the order of  
22 protection was filed.

23 (6) The court file number.

24 (7) The hearing date and time, if known.

25 (8) The conditions that apply to the respondent, either

1 in checklist form or handwritten.

2 (b) The short form notification must contain the following  
3 notice in bold print:

4 "The order is now enforceable. You must report to the  
5 office of the sheriff or the office of the circuit court in  
6 (name of county) County to obtain a copy of the order. You  
7 are subject to arrest and may be charged with a misdemeanor  
8 or felony if you violate any of the terms of the order."

9 (c) Upon verification of the identity of the respondent and  
10 the existence of an unserved order against the respondent, a  
11 sheriff or other law enforcement official may detain the  
12 respondent for a reasonable time necessary to complete and  
13 serve the short form notification.

14 (d) When service is made by short form notification under  
15 this Section, it may be proved by the affidavit of the person  
16 making the service.

17 (e) The Attorney General shall make the short form  
18 notification form available to law enforcement agencies in this  
19 State.

20 (f) A single short form notification form may be used for  
21 orders of protection under this Act, stalking no contact orders  
22 under the Stalking No Contact Order Act, and civil no contact  
23 orders under the Civil No Contact Order Act.

24 (Source: P.A. 97-50, eff. 6-28-11; 97-1017, eff. 1-1-13.)

25 Section 150. The Line of Duty Compensation Act is amended



1 by changing Section 2 as follows:

2 (820 ILCS 315/2) (from Ch. 48, par. 282)

3 Sec. 2. As used in this Act, unless the context otherwise  
4 requires:

5 (a) "Law enforcement officer" or "officer" means any person  
6 employed by the State or a local governmental entity as a  
7 policeman, peace officer, auxiliary policeman or in some like  
8 position involving the enforcement of the law and protection of  
9 the public interest at the risk of that person's life. This  
10 includes supervisors, wardens, superintendents and their  
11 assistants, guards and keepers, correctional officers, youth  
12 supervisors, parole agents, aftercare specialists, school  
13 teachers and correctional counsellors in all facilities of both  
14 the Department of Corrections and the Department of Juvenile  
15 Justice, while within the facilities under the control of the  
16 Department of Corrections or the Department of Juvenile Justice  
17 or in the act of transporting inmates or wards from one  
18 location to another or while performing their official duties,  
19 and all other Department of Correction or Department of  
20 Juvenile Justice employees who have daily contact with inmates.

21 The death of the foregoing employees of the Department of  
22 Corrections or the Department of Juvenile Justice in order to  
23 be included herein must be by the direct or indirect willful  
24 act of an inmate, ward, work-releasee, parolee, aftercare  
25 releasee, parole violator, aftercare release violator, person

1 under conditional release, or any person sentenced or  
2 committed, or otherwise subject to confinement in or to the  
3 Department of Corrections or the Department of Juvenile  
4 Justice.

5 (b) "Fireman" means any person employed by the State or a  
6 local governmental entity as, or otherwise serving as, a member  
7 or officer of a fire department either for the purpose of the  
8 prevention or control of fire or the underwater recovery of  
9 drowning victims, including volunteer firemen.

10 (c) "Local governmental entity" includes counties,  
11 municipalities and municipal corporations.

12 (d) "State" means the State of Illinois and its  
13 departments, divisions, boards, bureaus, commissions,  
14 authorities and colleges and universities.

15 (e) "Killed in the line of duty" means losing one's life as  
16 a result of injury received in the active performance of duties  
17 as a law enforcement officer, civil defense worker, civil air  
18 patrol member, paramedic, fireman, or chaplain if the death  
19 occurs within one year from the date the injury was received  
20 and if that injury arose from violence or other accidental  
21 cause. In the case of a State employee, "killed in the line of  
22 duty" means losing one's life as a result of injury received in  
23 the active performance of one's duties as a State employee, if  
24 the death occurs within one year from the date the injury was  
25 received and if that injury arose from a willful act of  
26 violence by another State employee committed during such other

1 employee's course of employment and after January 1, 1988. The  
2 term excludes death resulting from the willful misconduct or  
3 intoxication of the officer, civil defense worker, civil air  
4 patrol member, paramedic, fireman, chaplain, or State  
5 employee. However, the burden of proof of such willful  
6 misconduct or intoxication of the officer, civil defense  
7 worker, civil air patrol member, paramedic, fireman, chaplain,  
8 or State employee is on the Attorney General. Subject to the  
9 conditions set forth in subsection (a) with respect to  
10 inclusion under this Act of Department of Corrections and  
11 Department of Juvenile Justice employees described in that  
12 subsection, for the purposes of this Act, instances in which a  
13 law enforcement officer receives an injury in the active  
14 performance of duties as a law enforcement officer include but  
15 are not limited to instances when:

16 (1) the injury is received as a result of a wilful act  
17 of violence committed other than by the officer and a  
18 relationship exists between the commission of such act and  
19 the officer's performance of his duties as a law  
20 enforcement officer, whether or not the injury is received  
21 while the officer is on duty as a law enforcement officer;

22 (2) the injury is received by the officer while the  
23 officer is attempting to prevent the commission of a  
24 criminal act by another or attempting to apprehend an  
25 individual the officer suspects has committed a crime,  
26 whether or not the injury is received while the officer is

1 on duty as a law enforcement officer;

2 (3) the injury is received by the officer while the  
3 officer is travelling to or from his employment as a law  
4 enforcement officer or during any meal break, or other  
5 break, which takes place during the period in which the  
6 officer is on duty as a law enforcement officer.

7 In the case of an Armed Forces member, "killed in the line  
8 of duty" means losing one's life while on active duty in  
9 connection with the September 11, 2001 terrorist attacks on the  
10 United States, Operation Enduring Freedom, or Operation Iraqi  
11 Freedom.

12 (f) "Volunteer fireman" means a person having principal  
13 employment other than as a fireman, but who is carried on the  
14 rolls of a regularly constituted fire department either for the  
15 purpose of the prevention or control of fire or the underwater  
16 recovery of drowning victims, the members of which are under  
17 the jurisdiction of the corporate authorities of a city,  
18 village, incorporated town, or fire protection district, and  
19 includes a volunteer member of a fire department organized  
20 under the "General Not for Profit Corporation Act", approved  
21 July 17, 1943, as now or hereafter amended, which is under  
22 contract with any city, village, incorporated town, fire  
23 protection district, or persons residing therein, for fire  
24 fighting services. "Volunteer fireman" does not mean an  
25 individual who volunteers assistance without being regularly  
26 enrolled as a fireman.

1 (g) "Civil defense worker" means any person employed by the  
2 State or a local governmental entity as, or otherwise serving  
3 as, a member of a civil defense work force, including volunteer  
4 civil defense work forces engaged in serving the public  
5 interest during periods of disaster, whether natural or  
6 man-made.

7 (h) "Civil air patrol member" means any person employed by  
8 the State or a local governmental entity as, or otherwise  
9 serving as, a member of the organization commonly known as the  
10 "Civil Air Patrol", including volunteer members of the  
11 organization commonly known as the "Civil Air Patrol".

12 (i) "Paramedic" means an Emergency Medical  
13 Technician-Paramedic certified by the Illinois Department of  
14 Public Health under the Emergency Medical Services (EMS)  
15 Systems Act, and all other emergency medical personnel  
16 certified by the Illinois Department of Public Health who are  
17 members of an organized body or not-for-profit corporation  
18 under the jurisdiction of a city, village, incorporated town,  
19 fire protection district or county, that provides emergency  
20 medical treatment to persons of a defined geographical area.

21 (j) "State employee" means any employee as defined in  
22 Section 14-103.05 of the Illinois Pension Code, as now or  
23 hereafter amended.

24 (k) "Chaplain" means an individual who:

25 (1) is a chaplain of (i) a fire department or (ii) a  
26 police department or other agency consisting of law

1 enforcement officers; and

2 (2) has been designated a chaplain by (i) the fire  
3 department, police department, or other agency or an  
4 officer or body having jurisdiction over the department or  
5 agency or (ii) a labor organization representing the  
6 firemen or law enforcement officers.

7 (1) "Armed Forces member" means an Illinois resident who  
8 is: a member of the Armed Forces of the United States; a member  
9 of the Illinois National Guard while on active military service  
10 pursuant to an order of the President of the United States; or  
11 a member of any reserve component of the Armed Forces of the  
12 United States while on active military service pursuant to an  
13 order of the President of the United States.

14 (Source: P.A. 93-1047, eff. 10-18-04; 93-1073, eff. 1-18-05;  
15 94-696, eff. 6-1-06.)

16 Section 995. No acceleration or delay. Where this Act makes  
17 changes in a statute that is represented in this Act by text  
18 that is not yet or no longer in effect (for example, a Section  
19 represented by multiple versions), the use of that text does  
20 not accelerate or delay the taking effect of (i) the changes  
21 made by this Act or (ii) provisions derived from any other  
22 Public Act.".