

1 AMENDMENT TO HOUSE BILL 3717

2 AMENDMENT NO. _____. Amend House Bill 3717 by replacing
3 the title with the following:

4 "AN ACT in relation to criminal law."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Department of State Police Law of the
8 Civil Administrative Code of Illinois is amended by adding
9 Section 2605-560 as follows:

10 (20 ILCS 2605/2605-560 new)

11 Sec. 2605-560. Pilot program; Project Safe Child.

12 (a) In this Section:

13 "Child" means a person under 18 years of age or a
14 severely or profoundly mentally retarded person at the time
15 of the offense.

16 "Sex offense" has the meaning ascribed to it in
17 subsection (c) of Section 10 of the Sex Offender Management
18 Board Act.

19 "Severely or profoundly mentally retarded person" has the
20 meaning ascribed to it in Section 2-10.1 of the Criminal Code
21 of 1961.

1 (b) The Department shall establish a Project Safe Child
2 pilot program to combat crimes against children facilitated
3 by the Internet.

4 (c) Through the pilot program, the Department, in
5 coordination with local law enforcement agencies, State's
6 Attorneys, and United States Attorneys, shall, to the extent
7 it is appropriate based on a joint review of the case,
8 encourage the prosecution in federal court of all persons who
9 use the Internet, directly or indirectly, to commit or
10 attempt to commit illegal solicitation of a child or a sex
11 offense if the sex offense is committed or attempted against
12 a child. The program shall also encourage public outreach by
13 law enforcement agencies.

14 (d) There is created the Project Safe Child Fund, a
15 special fund in the State treasury. Moneys appropriated for
16 the purposes of Project Safe Child and moneys from any other
17 private or public source, including without limitation grants
18 from the Department of Commerce and Community Affairs or the
19 United States Department of Justice, shall be deposited into
20 the Fund. Moneys in the Fund, subject to appropriation, may
21 be used by the Department of State Police to develop and
22 administer the Project Safe Child program.

23 (e) The Department shall report to the General Assembly
24 by March 1, 2005 regarding the implementation and effects of
25 the Project Safe Child pilot program and shall by that date
26 make recommendations to the General Assembly for changes in
27 the program that the Department deems appropriate.

28 The requirement for reporting to the General Assembly
29 shall be satisfied by filing copies of the report with the
30 Speaker, the Minority Leader, and the Clerk of the House of
31 Representatives, with the President, the Minority Leader, and
32 the Secretary of the Senate, and with the Legislative
33 Research Unit, as required by Section 3.1 of the General
34 Assembly Organization Act, and filing such additional copies

1 with the State Government Report Distribution Center for the
 2 General Assembly as is required under paragraph (t) of
 3 Section 7 of the State Library Act.

4 Section 10. The Sex Offender Management Board Act is
 5 amended by changing Section 10 as follows:

6 (20 ILCS 4026/10)

7 Sec. 10. Definitions. In this Act, unless the context
 8 otherwise requires:

9 (a) "Board" means the Sex Offender Management Board
 10 created in Section 15.

11 (b) "Sex offender" means any person who is convicted or
 12 found delinquent in the State of Illinois, or under any
 13 substantially similar federal law or law of another state, of
 14 any sex offense or attempt of a sex offense as defined in
 15 subsection (c) of this Section, or any former statute of this
 16 State that defined a felony sex offense, or who has been
 17 certified as a sexually dangerous person under the Sexually
 18 Dangerous Persons Act or declared a sexually violent person
 19 under the Sexually Violent Persons Commitment Act, or any
 20 substantially similar federal law or law of another state.

21 (c) "Sex offense" means any felony or misdemeanor
 22 offense described in this subsection (c) as follows:

23 (1) Indecent solicitation of a child, in violation
 24 of Section 11-6 of the Criminal Code of 1961;

25 (2) Indecent solicitation of an adult, in violation
 26 of Section 11-6.5 of the Criminal Code of 1961;

27 (3) Public indecency, in violation of Section 11-9
 28 of the Criminal Code of 1961;

29 (4) Sexual exploitation of a child, in violation of
 30 Section 11-9.1 of the Criminal Code of 1961;

31 (5) Sexual relations within families, in violation
 32 of Section 11-11 of the Criminal Code of 1961;

1 (6) Soliciting for a juvenile prostitute, in
2 violation of Section 11-15.1 of the Criminal Code of
3 1961;

4 (7) Keeping a place of juvenile prostitution, in
5 violation of Section 11-17.1 of the Criminal Code of
6 1961;

7 (8) Patronizing a juvenile prostitute, in violation
8 of Section 11-18.1 of the Criminal Code of 1961;

9 (9) Juvenile pimping, in violation of Section
10 11-19.1 of the Criminal Code of 1961;

11 (10) Exploitation of a child, in violation of
12 Section 11-19.2 of the Criminal Code of 1961;

13 (11) Child pornography, in violation of Section
14 11-20.1 of the Criminal Code of 1961;

15 (12) Harmful material for a child, in violation of
16 Section 11-21 of the Criminal Code of 1961;

17 (13) Criminal sexual assault, in violation of
18 Section 12-13 of the Criminal Code of 1961;

19 (14) Aggravated criminal sexual assault, in
20 violation of Section 12-14 of the Criminal Code of 1961;

21 (15) Predatory criminal sexual assault of a child,
22 in violation of Section 12-14.1 of the Criminal Code of
23 1961;

24 (16) Criminal sexual abuse, in violation of Section
25 12-15 of the Criminal Code of 1961;

26 (17) Aggravated criminal sexual abuse, in violation
27 of Section 12-16 of the Criminal Code of 1961;

28 (18) Ritualized abuse of a child, in violation of
29 Section 12-33 of the Criminal Code of 1961;

30 (19) An attempt to commit any of the offenses
31 enumerated in this subsection (c).

32 (d) "Management" means counseling, monitoring, and
33 supervision of any sex offender that conforms to the
34 standards created by the Board under Section 15.

1 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98.)

2 Section 15. The State Finance Act is amended by adding
3 Section 5.595 as follows:

4 (30 ILCS 105/5.595 new)

5 Sec. 5.595. The Project Safe Child Fund.

6 Section 20. The Criminal Code of 1961 is amended by
7 changing Sections 10-7, 11-9.3, 11-9.4, 11-20.1, and 11-21
8 and adding Sections 11-6.1 and 11-24 as follows:

9 (720 ILCS 5/10-7) (from Ch. 38, par. 10-7)

10 Sec. 10-7. Aiding and abetting child abduction or
11 illegal solicitation of a child. (a) A person violates this
12 Section when:

13 (i) Before or during the commission of a child abduction
14 as defined in Section 10-5 or illegal solicitation of a child
15 as defined in Section 11-6.1 and with the intent to promote
16 or facilitate such offense, he or she intentionally aids or
17 abets another in the planning or commission of child
18 abduction or illegal solicitation of a child, unless before
19 the commission of the offense he or she makes proper effort
20 to prevent the commission of the offense; or

21 (ii) With the intent to prevent the apprehension of a
22 person known to have committed the offense of child abduction
23 or illegal solicitation of a child, or with the intent to
24 obstruct or prevent efforts to locate the child victim of a
25 child abduction or illegal solicitation of a child, he or she
26 knowingly destroys, alters, conceals or disguises physical
27 evidence or furnishes false information.

28 (b) Sentence. A person who violates this Section commits
29 a Class 4 felony.

30 (Source: P.A. 84-1308.)

1 (720 ILCS 5/11-6.1 new)

2 Sec. 11-6.1. Illegal solicitation of a child.

3 (a) In this Section:

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

5 "Contacts or communicates with" includes direct and
6 indirect contact or communication, by any means, including in
7 person or through an agent or agency, and includes the use of
8 any print medium, the mails, a common carrier or
9 communication common carrier, any electronic communications
10 system, and any telecommunications, wire, computer, or radio
11 communications device or system.

12 "Detains" means taking or retaining physical custody of a
13 child, whether or not the child resists or objects.

14 "Solicit" means to command, authorize, urge, incite,
15 request, or advise another person to perform an act by any
16 means including, but not limited to, in person, over the
17 phone, in writing, by computer, or by advertisement of any
18 kind.

19 (b) A person commits the offense of illegal solicitation
20 of a child when he or she:

21 (1) intentionally solicits, lures, or attempts to
22 solicit or lure a child to any location without the
23 consent of the parent or lawful custodian of the child
24 for other than a lawful purpose; or

25 (2) intentionally contacts or communicates with, or
26 attempts to contact or communicate with, any child, with
27 belief or knowledge or reason to know the person is a
28 child, for the purpose of or with intent to engage in any
29 unlawful act upon or with any child, including aggravated
30 battery of a child, criminal sexual assault, aggravated
31 criminal sexual assault, predatory criminal sexual
32 assault of a child, criminal sexual abuse, aggravated
33 criminal sexual abuse, child pornography, a crime of
34 violence or theft, or any unlawful interference with

1 custody or control over a child, or any other act for
2 which any person can be charged with a criminal offense
3 under a state or federal law.

4 (c) It is not a defense to a violation of this Section
5 that the person solicited or lured is a peace officer whom
6 the defendant reasonably believes to be a child.

7 (d) For the purposes of this Section, the solicitation
8 or luring or attempted solicitation or luring of a child to
9 any location without the consent of the parent or lawful
10 custodian of the child is prima facie evidence of other than
11 a lawful purpose.

12 (e) Sentence. A person convicted of illegal solicitation
13 of a child is guilty of a Class 4 felony. A person convicted
14 of a second or subsequent violation of this Section is guilty
15 of a Class 3 felony. It is a factor in aggravation for which
16 a court may impose a more severe sentence under Section 5-8-1
17 of the Unified Code of Corrections if, upon sentencing, the
18 court finds evidence of any of the following aggravating
19 factors:

20 (1) that the defendant abused or neglected the child
21 following the concealment, detention, or removal of the
22 child; or

23 (2) that the defendant has previously been
24 convicted of illegal solicitation of a child or a sex
25 offense as defined in clause (c)(2), (c)(2.5), or (c)(3)
26 of Section 11-9.3; or

27 (3) that the defendant committed the offense while
28 armed with a deadly weapon or the taking of the child
29 resulted in serious bodily injury to another; or

30 (4) that the defendant committed the offense while
31 in a school, regardless of the time of day or time of
32 year; in a playground; on any conveyance owned, leased,
33 or contracted by a school to transport students to or
34 from school or a school related activity; on the real

1 property of a school; or on a public way within 1,000
2 feet of the real property comprising any school or
3 playground. For purposes of this paragraph (4),
4 "playground" means a piece of land owned or controlled by
5 a unit of local government that is designated by the unit
6 of local government for use solely or primarily for
7 children's recreation; and "school" means a public or
8 private elementary or secondary school, community
9 college, college, or university.

10 (720 ILCS 5/11-9.3)

11 Sec. 11-9.3. Presence within school zone by child sex
12 offenders prohibited.

13 (a) It is unlawful for a child sex offender to knowingly
14 be present in any school building, on real property
15 comprising any school, or in any conveyance owned, leased, or
16 contracted by a school to transport students to or from
17 school or a school related activity when persons under the
18 age of 18 are present in the building, on the grounds or in
19 the conveyance, unless the offender is a parent or guardian
20 of a student present in the building, on the grounds or in
21 the conveyance or unless the offender has permission to be
22 present from the superintendent or the school board or in the
23 case of a private school from the principal. In the case of
24 a public school, if permission is granted, the superintendent
25 or school board president must inform the principal of the
26 school where the sex offender will be present. Notification
27 includes the nature of the sex offender's visit and the hours
28 in which the sex offender will be present in the school. The
29 sex offender is responsible for notifying the principal's
30 office when he or she arrives on school property and when he
31 or she departs from school property. If the sex offender is
32 to be present in the vicinity of children, the sex offender
33 has the duty to remain under the direct supervision of a

1 school official. A child sex offender who violates this
2 provision is guilty of a Class 4 felony.

3 (1) (Blank; or)

4 (2) (Blank.)

5 (b) It is unlawful for a child sex offender to knowingly
6 loiter on a public way within 500 feet of a school building
7 or real property comprising any school while persons under
8 the age of 18 are present in the building or on the grounds,
9 unless the offender is a parent or guardian of a student
10 present in the building or on the grounds or has permission
11 to be present from the superintendent or the school board or
12 in the case of a private school from the principal. In the
13 case of a public school, if permission is granted, the
14 superintendent or school board president must inform the
15 principal of the school where the sex offender will be
16 present. Notification includes the nature of the sex
17 offender's visit and the hours in which the sex offender will
18 be present in the school. The sex offender is responsible
19 for notifying the principal's office when he or she arrives
20 on school property and when he or she departs from school
21 property. If the sex offender is to be present in the
22 vicinity of children, the sex offender has the duty to remain
23 under the direct supervision of a school official. A child
24 sex offender who violates this provision is guilty of a Class
25 4 felony.

26 (1) (Blank; or)

27 (2) (Blank.)

28 (b-5) It is unlawful for a child sex offender to
29 knowingly reside within 500 feet of a school building or the
30 real property comprising any school that persons under the
31 age of 18 attend. Nothing in this subsection (b-5) prohibits
32 a child sex offender from residing within 500 feet of a
33 school building or the real property comprising any school
34 that persons under 18 attend if the property is owned by the

1 child sex offender and was purchased before the effective
2 date of this amendatory Act of the 91st General Assembly.

3 (c) Definitions. In this Section:

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

5 (i) has been charged under Illinois law, or
6 any substantially similar federal law or law of
7 another state, with a sex offense set forth in
8 paragraph (2) of this subsection (c) or the attempt
9 to commit an included sex offense, and:

10 (A) is convicted of such offense or an
11 attempt to commit such offense; or

12 (B) is found not guilty by reason of
13 insanity of such offense or an attempt to
14 commit such offense; or

15 (C) is found not guilty by reason of
16 insanity pursuant to subsection (c) of Section
17 104-25 of the Code of Criminal Procedure of
18 1963 of such offense or an attempt to commit
19 such offense; or

20 (D) is the subject of a finding not
21 resulting in an acquittal at a hearing
22 conducted pursuant to subsection (a) of Section
23 104-25 of the Code of Criminal Procedure of
24 1963 for the alleged commission or attempted
25 commission of such offense; or

26 (E) is found not guilty by reason of
27 insanity following a hearing conducted pursuant
28 to a federal law or the law of another state
29 substantially similar to subsection (c) of
30 Section 104-25 of the Code of Criminal
31 Procedure of 1963 of such offense or of the
32 attempted commission of such offense; or

33 (F) is the subject of a finding not
34 resulting in an acquittal at a hearing

1 conducted pursuant to a federal law or the law
2 of another state substantially similar to
3 subsection (a) of Section 104-25 of the Code of
4 Criminal Procedure of 1963 for the alleged
5 violation or attempted commission of such
6 offense; or

7 (ii) is certified as a sexually dangerous
8 person pursuant to the Illinois Sexually Dangerous
9 Persons Act, or any substantially similar federal
10 law or the law of another state, when any conduct
11 giving rise to such certification is committed or
12 attempted against a person less than 18 years of
13 age; or

14 (iii) is subject to the provisions of Section
15 2 of the Interstate Agreements on Sexually Dangerous
16 Persons Act.

17 Convictions that result from or are connected with
18 the same act, or result from offenses committed at the
19 same time, shall be counted for the purpose of this
20 Section as one conviction. Any conviction set aside
21 pursuant to law is not a conviction for purposes of this
22 Section.

23 (2) Except as otherwise provided in paragraph
24 (2.5), "sex offense" means:

25 (i) A violation of any of the following
26 Sections of the Criminal Code of 1961: 10-7 (aiding
27 and abetting child abduction under Section
28 10-5(b)(10)) or aiding and abetting illegal
29 solicitation of a child under Section 11-6.1),
30 10-5(b)(10) (child luring), 11-6 (indecent
31 solicitation of a child), 11-6.1 (illegal
32 solicitation of a child), 11-6.5 (indecent
33 solicitation of an adult), 11-9 (public indecency
34 when committed in a school, on the real property

1 comprising a school, or on a conveyance, owned,
2 leased, or contracted by a school to transport
3 students to or from school or a school related
4 activity), 11-9.1 (sexual exploitation of a child),
5 11-15.1 (soliciting for a juvenile prostitute),
6 11-17.1 (keeping a place of juvenile prostitution),
7 11-18.1 (patronizing a juvenile prostitute), 11-19.1
8 (juvenile pimping), 11-19.2 (exploitation of a
9 child), 11-20.1 (child pornography), 11-21 (harmful
10 material for a child), 12-14.1 (predatory criminal
11 sexual assault of a child), 12-33 (ritualized abuse
12 of a child), 11-20 (obscenity) (when that offense
13 was committed in any school, on real property
14 comprising any school, in any conveyance owned,
15 leased, or contracted by a school to transport
16 students to or from school or a school related
17 activity). An attempt to commit any of these
18 offenses.

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

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

30 10-1 (kidnapping),
31 10-2 (aggravated kidnapping),
32 10-3 (unlawful restraint),
33 10-3.1 (aggravated unlawful restraint).

34 An attempt to commit any of these offenses.

1 (iv) A violation of any former law of this
2 State substantially equivalent to any offense listed
3 in clause (2)(i) of subsection (c) of this Section.

4 (2.5) For the purposes of subsection (b-5) only, a
5 sex offense means:

6 (i) A violation of any of the following
7 Sections of the Criminal Code of 1961:

8 10-5(b)(10) (child luring), 10-7 (aiding
9 and abetting child abduction under Section
10 10-5(b)(10) or aiding and abetting illegal
11 solicitation of a child under Section 11-6.1),
12 11-6 (indecent solicitation of a child), 11-6.1
13 (illegal solicitation of a child), 11-6.5
14 (indecent solicitation of an adult), 11-15.1
15 (soliciting for a juvenile prostitute), 11-17.1
16 (keeping a place of juvenile prostitution),
17 11-18.1 (patronizing a juvenile prostitute),
18 11-19.1 (juvenile pimping), 11-19.2
19 (exploitation of a child), 11-20.1 (child
20 pornography), 12-14.1 (predatory criminal
21 sexual assault of a child), or 12-33
22 (ritualized abuse of a child). An attempt to
23 commit any of these offenses.

24 (ii) A violation of any of the following
25 Sections of the Criminal Code of 1961, when the
26 victim is a person under 18 years of age: 12-13
27 (criminal sexual assault), 12-14 (aggravated
28 criminal sexual assault), 12-16 (aggravated criminal
29 sexual abuse), and subsection (a) of Section 12-15
30 (criminal sexual abuse). An attempt to commit any
31 of these offenses.

32 (iii) A violation of any of the following
33 Sections of the Criminal Code of 1961, when the
34 victim is a person under 18 years of age and the

1 defendant is not a parent of the victim:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 An attempt to commit any of these offenses.

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

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

19 (4) "School" means a public or private pre-school,
20 elementary, or secondary school.

21 (5) "Loiter" means:

22 (i) Standing, sitting idly, whether or not the
23 person is in a vehicle or remaining in or around
24 school property.

25 (ii) Standing, sitting idly, whether or not
26 the person is in a vehicle or remaining in or around
27 school property, for the purpose of committing or
28 attempting to commit a sex offense.

29 (6) "School official" means the principal, a
30 teacher, or any other certified employee of the school,
31 the superintendent of schools or a member of the school
32 board.

33 (d) Sentence. A person who violates this Section is
34 guilty of a Class 4 felony.

1 (Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98;
2 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)

3 (720 ILCS 5/11-9.4)

4 Sec. 11-9.4. Approaching, contacting, residing, or
5 communicating with a child within certain places by child sex
6 offenders prohibited.

7 (a) It is unlawful for a child sex offender to knowingly
8 be present in any public park building or on real property
9 comprising any public park when persons under the age of 18
10 are present in the building or on the grounds and to
11 approach, contact, or communicate with a child under 18 years
12 of age, unless the offender is a parent or guardian of a
13 person under 18 years of age present in the building or on
14 the grounds.

15 (b) It is unlawful for a child sex offender to knowingly
16 loiter on a public way within 500 feet of a public park
17 building or real property comprising any public park while
18 persons under the age of 18 are present in the building or on
19 the grounds and to approach, contact, or communicate with a
20 child under 18 years of age, unless the offender is a parent
21 or guardian of a person under 18 years of age present in the
22 building or on the grounds.

23 (b-5) It is unlawful for a child sex offender to
24 knowingly reside within 500 feet of a playground or a
25 facility providing programs or services exclusively directed
26 toward persons under 18 years of age. Nothing in this
27 subsection (b-5) prohibits a child sex offender from residing
28 within 500 feet of a playground or a facility providing
29 programs or services exclusively directed toward persons
30 under 18 years of age if the property is owned by the child
31 sex offender and was purchased before the effective date of
32 this amendatory Act of the 91st General Assembly.

33 (b-6) It is unlawful for a child sex offender to

1 knowingly reside within 500 feet of the victim of the sex
2 offense. Nothing in this subsection (b-6) prohibits a child
3 sex offender from residing within 500 feet of the victim if
4 the property in which the child sex offender resides is owned
5 by the child sex offender and was purchased before the
6 effective date of this amendatory Act of the 92nd General
7 Assembly.

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

10 (c) It is unlawful for a child sex offender to knowingly
11 operate, manage, be employed by, volunteer at, be associated
12 with, or knowingly be present at any facility providing
13 programs or services exclusively directed towards persons
14 under the age of 18. This does not prohibit a child sex
15 offender from owning the real property upon which the
16 programs or services are offered, provided the child sex
17 offender refrains from being present on the premises for the
18 hours during which the programs or services are being
19 offered.

20 (d) Definitions. In this Section:

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

22 (i) has been charged under Illinois law, or
23 any substantially similar federal law or law of
24 another state, with a sex offense set forth in
25 paragraph (2) of this subsection (d) or the attempt
26 to commit an included sex offense, and:

27 (A) is convicted of such offense or an
28 attempt to commit such offense; or

29 (B) is found not guilty by reason of
30 insanity of such offense or an attempt to
31 commit such offense; or

32 (C) is found not guilty by reason of
33 insanity pursuant to subsection (c) of Section
34 104-25 of the Code of Criminal Procedure of

1 1963 of such offense or an attempt to commit
2 such offense; or

3 (D) is the subject of a finding not
4 resulting in an acquittal at a hearing
5 conducted pursuant to subsection (a) of Section
6 104-25 of the Code of Criminal Procedure of
7 1963 for the alleged commission or attempted
8 commission of such offense; or

9 (E) is found not guilty by reason of
10 insanity following a hearing conducted pursuant
11 to a federal law or the law of another state
12 substantially similar to subsection (c) of
13 Section 104-25 of the Code of Criminal
14 Procedure of 1963 of such offense or of the
15 attempted commission of such offense; or

16 (F) is the subject of a finding not
17 resulting in an acquittal at a hearing
18 conducted pursuant to a federal law or the law
19 of another state substantially similar to
20 subsection (a) of Section 104-25 of the Code of
21 Criminal Procedure of 1963 for the alleged
22 violation or attempted commission of such
23 offense; or

24 (ii) is certified as a sexually dangerous
25 person pursuant to the Illinois Sexually Dangerous
26 Persons Act, or any substantially similar federal
27 law or the law of another state, when any conduct
28 giving rise to such certification is committed or
29 attempted against a person less than 18 years of
30 age; or

31 (iii) is subject to the provisions of Section
32 2 of the Interstate Agreements on Sexually Dangerous
33 Persons Act.

34 Convictions that result from or are connected with

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

6 (2) Except as otherwise provided in paragraph
7 (2.5), "sex offense" means:

8 (i) A violation of any of the following
9 Sections of the Criminal Code of 1961: 10-7 (aiding
10 and abetting child abduction under Section
11 10-5(b)(10) or aiding and abetting illegal
12 solicitation of a child under Section 11-6.1),
13 10-5(b)(10) (child luring), 11-6 (indecent
14 solicitation of a child), 11-6.1 (illegal
15 solicitation of a child), 11-6.5 (indecent
16 solicitation of an adult), 11-9 (public indecency
17 when committed in a school, on the real property
18 comprising a school, on a conveyance owned, leased,
19 or contracted by a school to transport students to
20 or from school or a school related activity, or in a
21 public park), 11-9.1 (sexual exploitation of a
22 child), 11-15.1 (soliciting for a juvenile
23 prostitute), 11-17.1 (keeping a place of juvenile
24 prostitution), 11-18.1 (patronizing a juvenile
25 prostitute), 11-19.1 (juvenile pimping), 11-19.2
26 (exploitation of a child), 11-20.1 (child
27 pornography), 11-21 (harmful material for a child),
28 12-14.1 (predatory criminal sexual assault of a
29 child), 12-33 (ritualized abuse of a child), 11-20
30 (obscenity) (when that offense was committed in any
31 school, on real property comprising any school, on
32 any conveyance owned, leased, or contracted by a
33 school to transport students to or from school or a
34 school related activity, or in a public park). An

1 attempt to commit any of these offenses.

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

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

- 13 10-1 (kidnapping),
- 14 10-2 (aggravated kidnapping),
- 15 10-3 (unlawful restraint),
- 16 10-3.1 (aggravated unlawful restraint).

17 An attempt to commit any of these offenses.

18 (iv) A violation of any former law of this
19 State substantially equivalent to any offense listed
20 in clause (2)(i) of this subsection (d).

21 (2.5) For the purposes of subsection (b-5) only, a
22 sex offense means:

23 (i) A violation of any of the following
24 Sections of the Criminal Code of 1961:

- 25 10-5(b)(10) (child luring), 10-7 (aiding
- 26 and abetting child abduction under Section
- 27 10-5(b)(10) or aiding and abetting illegal
- 28 solicitation of a child under Section 11-6.1),
- 29 11-6 (indecent solicitation of a child), 11-6.1
- 30 (illegal solicitation of a child), 11-6.5
- 31 (indecent solicitation of an adult), 11-15.1
- 32 (soliciting for a juvenile prostitute), 11-17.1
- 33 (keeping a place of juvenile prostitution),
- 34 11-18.1 (patronizing a juvenile prostitute),

1 11-19.1 (juvenile pimping), 11-19.2
2 (exploitation of a child), 11-20.1 (child
3 pornography), 12-14.1 (predatory criminal
4 sexual assault of a child), or 12-33
5 (ritualized abuse of a child). An attempt to
6 commit any of these offenses.

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

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

- 19 10-1 (kidnapping),
- 20 10-2 (aggravated kidnapping),
- 21 10-3 (unlawful restraint),
- 22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

24 (iv) A violation of any former law of this
25 State substantially equivalent to any offense listed
26 in this paragraph (2.5) of this subsection.

27 (3) A conviction for an offense of federal law or
28 the law of another state that is substantially equivalent
29 to any offense listed in paragraph (2) of this
30 subsection (d) shall constitute a conviction for the
31 purpose of this Section. A finding or adjudication as a
32 sexually dangerous person under any federal law or law of
33 another state that is substantially equivalent to the
34 Sexually Dangerous Persons Act shall constitute an

1 adjudication for the purposes of this Section.

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

5 (5) "Facility providing programs or services
6 directed towards persons under the age of 18" means any
7 facility providing programs or services exclusively
8 directed towards persons under the age of 18.

9 (6) "Loiter" means:

10 (i) Standing, sitting idly, whether or not the
11 person is in a vehicle or remaining in or around
12 public park property.

13 (ii) Standing, sitting idly, whether or not
14 the person is in a vehicle or remaining in or around
15 public park property, for the purpose of committing
16 or attempting to commit a sex offense.

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

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

23 (Source: P.A. 91-458, eff. 1-1-00; 91-911, eff. 7-7-00;
24 92-828, eff. 8-22-02.)

25 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)
26 Sec. 11-20.1. Child pornography.

27 (a) A person commits the offense of child pornography
28 who:

29 (1) films, videotapes, photographs, or otherwise
30 depicts or portrays by means of any similar visual medium
31 or reproduction or depicts by computer any child whom he
32 knows or reasonably should know to be under the age of 18
33 or any severely or profoundly mentally retarded person

1 where such child or severely or profoundly mentally
2 retarded person is:

3 (i) actually or by simulation engaged in any
4 act of sexual penetration or sexual conduct with any
5 person or animal; or

6 (ii) actually or by simulation engaged in any
7 act of sexual penetration or sexual conduct
8 involving the sex organs of the child or severely or
9 profoundly mentally retarded person and the mouth,
10 anus, or sex organs of another person or animal; or
11 which involves the mouth, anus or sex organs of the
12 child or severely or profoundly mentally retarded
13 person and the sex organs of another person or
14 animal; or

15 (iii) actually or by simulation engaged in any
16 act of masturbation; or

17 (iv) actually or by simulation portrayed as
18 being the object of, or otherwise engaged in, any
19 act of lewd fondling, touching, or caressing
20 involving another person or animal; or

21 (v) actually or by simulation engaged in any
22 act of excretion or urination within a sexual
23 context; or

24 (vi) actually or by simulation portrayed or
25 depicted as bound, fettered, or subject to sadistic,
26 masochistic, or sadomasochistic abuse in any sexual
27 context; or

28 (vii) depicted or portrayed in any pose,
29 posture or setting involving a lewd exhibition of
30 the unclothed genitals, pubic area, buttocks, or, if
31 such person is female, a fully or partially
32 developed breast of the child or other person; or

33 (2) with the knowledge of the nature or content
34 thereof, reproduces, disseminates, offers to disseminate,

1 exhibits or possesses with intent to disseminate any
2 film, videotape, photograph or other similar visual
3 reproduction or depiction by computer of any child or
4 severely or profoundly mentally retarded person whom the
5 person knows or reasonably should know to be under the
6 age of 18 or to be a severely or profoundly mentally
7 retarded person, engaged in any activity described in
8 subparagraphs (i) through (vii) of paragraph (1) of this
9 subsection; or

10 (3) with knowledge of the subject matter or theme
11 thereof, produces any stage play, live performance, film,
12 videotape or other similar visual portrayal or depiction
13 by computer which includes a child whom the person knows
14 or reasonably should know to be under the age of 18 or a
15 severely or profoundly mentally retarded person engaged
16 in any activity described in subparagraphs (i) through
17 (vii) of paragraph (1) of this subsection; or

18 (4) solicits, uses, persuades, induces, entices, or
19 coerces any child whom he knows or reasonably should know
20 to be under the age of 18 or a severely or profoundly
21 mentally retarded person to appear in any stage play,
22 live presentation, film, videotape, photograph or other
23 similar visual reproduction or depiction by computer in
24 which the child or severely or profoundly mentally
25 retarded person is or will be depicted, actually or by
26 simulation, in any act, pose or setting described in
27 subparagraphs (i) through (vii) of paragraph (1) of this
28 subsection; or

29 (5) is a parent, step-parent, legal guardian or
30 other person having care or custody of a child whom the
31 person knows or reasonably should know to be under the
32 age of 18 or a severely or profoundly mentally retarded
33 person and who knowingly permits, induces, promotes, or
34 arranges for such child or severely or profoundly

1 mentally retarded person to appear in any stage play,
2 live performance, film, videotape, photograph or other
3 similar visual presentation, portrayal or simulation or
4 depiction by computer of any act or activity described in
5 subparagraphs (i) through (vii) of paragraph (1) of this
6 subsection; or

7 (6) with knowledge of the nature or content
8 thereof, possesses any film, videotape, photograph or
9 other similar visual reproduction or depiction by
10 computer of any child or severely or profoundly mentally
11 retarded person whom the person knows or reasonably
12 should know to be under the age of 18 or to be a severely
13 or profoundly mentally retarded person, engaged in any
14 activity described in subparagraphs (i) through (vii) of
15 paragraph (1) of this subsection; or

16 (7) solicits, uses, persuades, induces, entices, or
17 coerces a person to provide a child under the age of 18
18 or a severely or profoundly mentally retarded person to
19 appear in any videotape, photograph, film, stage play,
20 live presentation, or other similar visual reproduction
21 or depiction by computer in which the child or severely
22 or profoundly mentally retarded person will be depicted,
23 actually or by simulation, in any act, pose, or setting
24 described in subparagraphs (i) through (vii) of paragraph
25 (1) of this subsection; or;

26 (8) solicits, persuades, induces, entices, seduces,
27 or coerces a child under 18 years of age to pose for a
28 photograph, video, or a digital image in any posture or
29 setting that could be construed as child erotica.

30 (b) (1) It shall be an affirmative defense to a charge
31 of child pornography that the defendant reasonably
32 believed, under all of the circumstances, that the child
33 was 18 years of age or older or that the person was not a
34 severely or profoundly mentally retarded person but only

1 where, prior to the act or acts giving rise to a
2 prosecution under this Section, he took some affirmative
3 action or made a bonafide inquiry designed to ascertain
4 whether the child was 18 years of age or older or that
5 the person was not a severely or profoundly mentally
6 retarded person and his reliance upon the information so
7 obtained was clearly reasonable.

8 (2) (Blank).

9 (3) The charge of child pornography shall not apply
10 to the performance of official duties by law enforcement
11 or prosecuting officers, court personnel or attorneys,
12 nor to bonafide treatment or professional education
13 programs conducted by licensed physicians, psychologists
14 or social workers.

15 (4) Possession by the defendant of more than one of
16 the same film, videotape or visual reproduction or
17 depiction by computer in which child pornography is
18 depicted shall raise a rebuttable presumption that the
19 defendant possessed such materials with the intent to
20 disseminate them.

21 (5) The charge of child pornography does not apply
22 to a person who does not voluntarily possess a film,
23 videotape, or visual reproduction or depiction by
24 computer in which child pornography is depicted.
25 Possession is voluntary if the defendant knowingly
26 procures or receives a film, videotape, or visual
27 reproduction or depiction for a sufficient time to be
28 able to terminate his or her possession.

29 (6) The charge of child pornography does not apply
30 to the generation, depiction, or possession of computer
31 generated images that are not depictions of actual
32 persons.

33 (c) Violation of paragraph (1), (4), (5), or (7) of
34 subsection (a) is a Class 1 felony with a mandatory minimum

1 fine of \$2,000 and a maximum fine of \$100,000. Violation of
2 paragraph (3) of subsection (a) is a Class 1 felony with a
3 mandatory minimum fine of \$1500 and a maximum fine of
4 \$100,000. Violation of paragraph (2) of subsection (a) is a
5 Class 1 felony with a mandatory minimum fine of \$1000 and a
6 maximum fine of \$100,000. Violation of paragraph (6) or (8)
7 of subsection (a) is a Class 3 felony with a mandatory
8 minimum fine of \$1000 and a maximum fine of \$100,000.

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

14 (e) Any film, videotape, photograph or other similar
15 visual reproduction or depiction by computer which includes a
16 child under the age of 18 or a severely or profoundly
17 mentally retarded person engaged in any activity described in
18 subparagraphs (i) through (vii) or paragraph 1 of subsection
19 (a), and any material or equipment used or intended for use
20 in photographing, filming, printing, producing, reproducing,
21 manufacturing, projecting, exhibiting, depiction by computer,
22 or disseminating such material shall be seized and forfeited
23 in the manner, method and procedure provided by Section 36-1
24 of this Code for the seizure and forfeiture of vessels,
25 vehicles and aircraft.

26 (e-5) Upon the conclusion of a case brought under this
27 Section, the court shall seal all evidence depicting a victim
28 or witness that is sexually explicit. The evidence may be
29 unsealed and viewed, on a motion of the party seeking to
30 unseal and view the evidence, only for good cause shown and
31 in the discretion of the court. The motion must expressly
32 set forth the purpose for viewing the material. The State's
33 attorney and the victim, if possible, shall be provided
34 reasonable notice of the hearing on the motion to unseal the

1 evidence. Any person entitled to notice of a hearing under
2 this subsection (e-5) may object to the motion.

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

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

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

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

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

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

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

29 (7) "Child" includes a film, videotape, photograph,
30 or other similar visual medium or reproduction or
31 depiction by computer that is, or appears to be, that of
32 a person, either in part, or in total, under the age of
33 18, regardless of the method by which the film,
34 videotape, photograph, or other similar visual medium or

1 reproduction or depiction by computer is created,
2 adopted, or modified to appear as such. "Child" also
3 includes a film, videotape, photograph, or other similar
4 visual medium or reproduction or depiction by computer
5 that is advertised, promoted, presented, described, or
6 distributed in such a manner that conveys the impression
7 that the film, videotape, photograph, or other similar
8 visual medium or reproduction or depiction by computer is
9 of a person under the age of 18.

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

13 (9) "Child erotica" means any photograph,
14 videotape, or digital image in which the focus or the
15 concentration of the photograph, videotape, or digital
16 image is the lewd or lascivious depiction or exhibition
17 of the child's clothed or unclothed genitals, the child's
18 pubic area, or, if the child is a female, the child's
19 fully or partially developed breast exposed or through
20 transparent clothing. The following factors shall be
21 taken into consideration in determining whether a visual
22 depiction of a child constitutes a lewd or lascivious
23 exhibition of the genitals, pubic area, or breast: (i)
24 whether the focal point of the visual depiction is on the
25 child's genitalia, pubic area, or breast; (ii) whether
26 the setting of the visual depiction is sexually
27 suggestive, i.e., in a place or pose generally associated
28 with sexual activity; (iii) whether the child is depicted
29 in an unnatural pose, or in inappropriate attire,
30 considering the age of the child; (iv) whether the child
31 is fully or partially clothed, or nude; (v) whether the
32 visual depiction suggests sexual coyness or a willingness
33 to engage in sexual activity; or (vi) whether the visual
34 depiction is intended or designed to elicit a sexual

1 response in the viewer.

2 (g) Re-enactment; findings; purposes.

3 (1) The General Assembly finds and declares that:

4 (i) Section 50-5 of Public Act 88-680,
5 effective January 1, 1995, contained provisions
6 amending the child pornography statute, Section
7 11-20.1 of the Criminal Code of 1961. Section 50-5
8 also contained other provisions.

9 (ii) In addition, Public Act 88-680 was
10 entitled "AN ACT to create a Safe Neighborhoods
11 Law". (A) Article 5 was entitled JUVENILE JUSTICE
12 and amended the Juvenile Court Act of 1987. (B)
13 Article 15 was entitled GANGS and amended various
14 provisions of the Criminal Code of 1961 and the
15 Unified Code of Corrections. (C) Article 20 was
16 entitled ALCOHOL ABUSE and amended various
17 provisions of the Illinois Vehicle Code. (D)
18 Article 25 was entitled DRUG ABUSE and amended the
19 Cannabis Control Act and the Illinois Controlled
20 Substances Act. (E) Article 30 was entitled FIREARMS
21 and amended the Criminal Code of 1961 and the Code
22 of Criminal Procedure of 1963. (F) Article 35
23 amended the Criminal Code of 1961, the Rights of
24 Crime Victims and Witnesses Act, and the Unified
25 Code of Corrections. (G) Article 40 amended the
26 Criminal Code of 1961 to increase the penalty for
27 compelling organization membership of persons. (H)
28 Article 45 created the Secure Residential Youth Care
29 Facility Licensing Act and amended the State Finance
30 Act, the Juvenile Court Act of 1987, the Unified
31 Code of Corrections, and the Private Correctional
32 Facility Moratorium Act. (I) Article 50 amended the
33 WIC Vendor Management Act, the Firearm Owners
34 Identification Card Act, the Juvenile Court Act of

1 1987, the Criminal Code of 1961, the Wrongs to
2 Children Act, and the Unified Code of Corrections.

3 (iii) On September 22, 1998, the Third
4 District Appellate Court in *People v. Dainty*, 701
5 N.E. 2d 118, ruled that Public Act 88-680 violates
6 the single subject clause of the Illinois
7 Constitution (Article IV, Section 8 (d)) and was
8 unconstitutional in its entirety. As of the time
9 this amendatory Act of 1999 was prepared, *People v.*
10 *Dainty* was still subject to appeal.

11 (iv) Child pornography is a vital concern to
12 the people of this State and the validity of future
13 prosecutions under the child pornography statute of
14 the Criminal Code of 1961 is in grave doubt.

15 (2) It is the purpose of this amendatory Act of
16 1999 to prevent or minimize any problems relating to
17 prosecutions for child pornography that may result from
18 challenges to the constitutional validity of Public Act
19 88-680 by re-enacting the Section relating to child
20 pornography that was included in Public Act 88-680.

21 (3) This amendatory Act of 1999 re-enacts Section
22 11-20.1 of the Criminal Code of 1961, as it has been
23 amended. This re-enactment is intended to remove any
24 question as to the validity or content of that Section;
25 it is not intended to supersede any other Public Act that
26 amends the text of the Section as set forth in this
27 amendatory Act of 1999. The material is shown as
28 existing text (i.e., without underscoring) because, as
29 of the time this amendatory Act of 1999 was prepared,
30 *People v. Dainty* was subject to appeal to the Illinois
31 Supreme Court.

32 (4) The re-enactment by this amendatory Act of 1999
33 of Section 11-20.1 of the Criminal Code of 1961 relating
34 to child pornography that was amended by Public Act

1 88-680 is not intended, and shall not be construed, to
 2 imply that Public Act 88-680 is invalid or to limit or
 3 impair any legal argument concerning whether those
 4 provisions were substantially re-enacted by other Public
 5 Acts.

6 (Source: P.A. 91-54, eff. 6-30-99; 91-229, eff. 1-1-00;
 7 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-434, eff.
 8 1-1-02; 92-827, eff. 8-22-02.)

9 (720 ILCS 5/11-21) (from Ch. 38, par. 11-21)

10 Sec. 11-21. Harmful material for a child.

11 (a) Elements of the Offense.

12 A person who, with knowledge that a person is a child,
 13 that is a person under 18 years of age, or who fails to
 14 exercise reasonable care in ascertaining the true age of a
 15 child, knowingly distributes to or sends or causes to be sent
 16 to, or exhibits to, or offers to distribute or exhibit any
 17 harmful material to a child, is guilty of distribution of
 18 harmful material for a child a-misdemeanor. For purposes of
 19 this Section, if the distribution of the harmful material is
 20 by computer or other electronic means, a person is criminally
 21 liable for a violation of this Section if the harmful
 22 material is intentionally transmitted by him or her to a
 23 specific individual actually believed by him or her to be a
 24 minor, and the specific minor is the intended and desired
 25 recipient of the harmful material.

26 (b) Definitions.

27 (1) Material is harmful or obscene for children when it
 28 is a pornographic written, visual, or audio matter,
 29 judged in reference to the age group of children in the
 30 intended and probable recipient audience, and if: (i) the
 31 average adult person, applying contemporary community
 32 standards, would find, taken as a whole and with respect
 33 to those children, appeals to a prurient interest in

1 nudity, sex, or excretion; and (ii) the average adult
2 person, applying contemporary community standards, would
3 find depicts, describes, or represents, in a patently
4 offensive way with respect to what is suitable for those
5 children, ultimate sexual acts or sadomasochistic sexual
6 acts or abuse, whether normal or perverted, actual or
7 simulated, or masturbation, excretory functions, or lewd
8 exhibition of the genitals, pubic area, buttocks, or
9 post-pubertal female breast; and (iii) a reasonable
10 person would find, taken as a whole, that it lacks
11 serious literary, artistic, political, or scientific
12 value for those children in the intended and probable
13 recipient audience. Material--is--harmful--if,--to--the
14 average--person,--applying--contemporary--standards,--its
15 predominant--appeal,--taken--as--a--whole,--is--to--prurient
16 interest,--that--is--a--shameful--or--morbid--interest--in
17 nudity,--sex,--or--excretion,--which--goes--substantially
18 beyond--customary--limits--of--candor--in--description--or
19 representation--of--such--matters,--and--is--material--the
20 redeeming--social--importance--of--which--is--substantially
21 less--than--its--prurient--appeal.

22 (2) Material, as used in this Section means any writing,
23 picture, record or other representation or embodiment.

24 (3) Distribute means to transfer possession of, whether
25 with or without consideration.

26 (4) Knowingly, as used in this section means having
27 general knowledge or awareness of the nature or contents of
28 the subject matter, or recklessly failing to exercise
29 reasonable inspection which would have disclosed the contents
30 thereof.

31 (c) Interpretation of Evidence.

32 The predominant appeal to prurient interest of the
33 material shall be judged with reference to average children
34 of the same general age of the child to whom such material

1 was offered, distributed, sent or exhibited, unless it
2 appears from the nature of the matter or the circumstances of
3 its dissemination, distribution or exhibition that it is
4 designed for specially susceptible groups, in which case the
5 predominant appeal of the material shall be judged with
6 reference to its intended or probable recipient group.

7 In prosecutions under this section, where circumstances
8 of production, presentation, sale, dissemination,
9 distribution, or publicity indicate the material is being
10 commercially exploited for the sake of its prurient appeal,
11 such evidence is probative with respect to the nature of the
12 material and can justify the conclusion that the redeeming
13 social importance of the material is in fact substantially
14 less than its prurient appeal.

15 (d) Sentence.

16 Distribution of harmful material in violation of this
17 Section is a Class A misdemeanor. A second or subsequent
18 offense is a Class 4 felony. If a person uses a computer to
19 intentionally distribute to, send or cause to be sent to, or
20 offers to distribute or send any harmful material for a
21 child, he or she is guilty of a Class 4 felony.

22 (e) Affirmative Defenses.

23 (1) Nothing in this section shall prohibit any public
24 library or any library operated by an accredited institution
25 of higher education from circulating harmful material to any
26 person under 18 years of age, provided such circulation is in
27 aid of a legitimate scientific or educational purpose, and it
28 shall be an affirmative defense in any prosecution for a
29 violation of this section that the act charged was committed
30 in aid of legitimate scientific or educational purposes.

31 (2) Nothing in this section shall prohibit any parent
32 from distributing to his child any harmful material.

33 (3) Proof that the defendant demanded, was shown and
34 acted in reliance upon any of the following documents as

1 proof of the age of a child, shall be a defense to any
2 criminal prosecution under this section: A document issued by
3 the federal government or any state, county or municipal
4 government or subdivision or agency thereof, including, but
5 not limited to, a motor vehicle operator's license, a
6 registration certificate issued under the Federal Selective
7 Service Act or an identification card issued to a member of
8 the armed forces.

9 (4) In the event an advertisement of harmful material as
10 defined in this section culminates in the sale or
11 distribution of such harmful material to a child, under
12 circumstances where there was no personal confrontation of
13 the child by the defendant, his employees or agents, as where
14 the order or request for such harmful material was
15 transmitted by mail, telephone, or similar means of
16 communication, and delivery of such harmful material to the
17 child was by mail, freight, or similar means of transport, it
18 shall be a defense in any prosecution for a violation of this
19 section that the advertisement contained the following
20 statement, or a statement substantially similar thereto, and
21 that the defendant required the purchaser to certify that he
22 was not under 18 years of age and that the purchaser falsely
23 stated that he was not under 18 years of age: "NOTICE: It is
24 unlawful for any person under 18 years of age to purchase the
25 matter herein advertised. Any person under 18 years of age
26 who falsely states that he is not under 18 years of age for
27 the purpose of obtaining the material advertised herein, is
28 guilty of a Class B misdemeanor under the laws of the State
29 of Illinois."

30 (f) Child Falsifying Age.

31 Any person under 18 years of age who falsely states,
32 either orally or in writing, that he is not under the age of
33 18 years, or who presents or offers to any person any
34 evidence of age and identity which is false or not actually

1 his own for the purpose of ordering, obtaining, viewing, or
2 otherwise procuring or attempting to procure or view any
3 harmful material, is guilty of a Class B misdemeanor.

4 (Source: P.A. 77-2638.)

5 (720 ILCS 5/11-24 new)

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

7 (a) In this Section:

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

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

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

13 (1) conduct or operate any type of business in
14 which he or she photographs, videotapes, or takes a
15 digital image of a child;

16 (2) conduct or operate any type of business in
17 which he or she instructs or directs another person to
18 photograph, videotape, or take a digital image of a
19 child;

20 (3) conduct or operate any type of business in
21 which he or she offers for sale a photograph, videotape,
22 computer disk, digital image, or visual depiction of a
23 child;

24 (4) solicit, induce, persuade, or entice a child to
25 pose for a photograph, videotape, or digital image;

26 (5) transport a child or cause a child to be
27 transported in order to pose for a photograph, videotape,
28 or digital image; or

29 (6) arrange for a child to pose for a photograph,
30 videotape, or digital image.

31 (c) Sentence. A violation of this Section is a Class 2
32 felony.

1 Section 25. The Unified Code of Corrections is amended
2 by changing Sections 5-4-3 and 5-9-1.7 as follows:

3 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

4 Sec. 5-4-3. Persons convicted of, or found delinquent
5 for, certain offenses or institutionalized as sexually
6 dangerous; specimens; genetic marker groups.

7 (a) Any person convicted of, found guilty under the
8 Juvenile Court Act of 1987 for, or who received a disposition
9 of court supervision for, a qualifying offense or attempt of
10 a qualifying offense, convicted or found guilty of any
11 offense classified as a felony under Illinois law, found
12 guilty or given supervision for any offense classified as a
13 felony under the Juvenile Court Act of 1987, or
14 institutionalized as a sexually dangerous person under the
15 Sexually Dangerous Persons Act, or committed as a sexually
16 violent person under the Sexually Violent Persons Commitment
17 Act shall, regardless of the sentence or disposition imposed,
18 be required to submit specimens of blood, saliva, or tissue
19 to the Illinois Department of State Police in accordance with
20 the provisions of this Section, provided such person is:

21 (1) convicted of a qualifying offense or attempt of
22 a qualifying offense on or after the effective date of
23 this amendatory Act of 1989, and sentenced to a term of
24 imprisonment, periodic imprisonment, fine, probation,
25 conditional discharge or any other form of sentence, or
26 given a disposition of court supervision for the offense,
27 or

28 (1.5) found guilty or given supervision under the
29 Juvenile Court Act of 1987 for a qualifying offense or
30 attempt of a qualifying offense on or after the effective
31 date of this amendatory Act of 1996, or

32 (2) ordered institutionalized as a sexually
33 dangerous person on or after the effective date of this

1 amendatory Act of 1989, or

2 (3) convicted of a qualifying offense or attempt of
3 a qualifying offense before the effective date of this
4 amendatory Act of 1989 and is presently confined as a
5 result of such conviction in any State correctional
6 facility or county jail or is presently serving a
7 sentence of probation, conditional discharge or periodic
8 imprisonment as a result of such conviction, or

9 (3.5) convicted or found guilty of any offense
10 classified as a felony under Illinois law or found guilty
11 or given supervision for such an offense under the
12 Juvenile Court Act of 1987 on or after the effective date
13 of this amendatory Act of the 92nd General Assembly, or

14 (4) presently institutionalized as a sexually
15 dangerous person or presently institutionalized as a
16 person found guilty but mentally ill of a sexual offense
17 or attempt to commit a sexual offense; or

18 (4.5) ordered committed as a sexually violent
19 person on or after the effective date of the Sexually
20 Violent Persons Commitment Act; or

21 (5) seeking transfer to or residency in Illinois
22 under Sections 3-3-11.05 through 3-3-11.5 of the Unified
23 Code of Corrections and the Interstate Compact for Adult
24 Offenders Supervision or the Interstate Agreements on
25 Sexually Dangerous Persons Act.

26 Notwithstanding other provisions of this Section, any
27 person incarcerated in a facility of the Illinois Department
28 of Corrections on or after the effective date of this
29 amendatory Act of the 92nd General Assembly shall be required
30 to submit a specimen of blood, saliva, or tissue prior to his
31 or her release on parole or mandatory supervised release, as
32 a condition of his or her parole or mandatory supervised
33 release.

34 (a-5) Any person who was otherwise convicted of or

1 received a disposition of court supervision for any other
2 offense under the Criminal Code of 1961 or who was found
3 guilty or given supervision for such a violation under the
4 Juvenile Court Act of 1987, may, regardless of the sentence
5 imposed, be required by an order of the court to submit
6 specimens of blood, saliva, or tissue to the Illinois
7 Department of State Police in accordance with the provisions
8 of this Section.

9 (b) Any person required by paragraphs (a)(1), (a)(1.5),
10 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
11 saliva, or tissue shall provide specimens of blood, saliva,
12 or tissue within 45 days after sentencing or disposition at a
13 collection site designated by the Illinois Department of
14 State Police.

15 (c) Any person required by paragraphs (a)(3), (a)(4),
16 and (a)(4.5) to provide specimens of blood, saliva, or tissue
17 shall be required to provide such samples prior to final
18 discharge, parole, or release at a collection site designated
19 by the Illinois Department of State Police.

20 (c-5) Any person required by paragraph (a)(5) to provide
21 specimens of blood, saliva, or tissue shall, where feasible,
22 be required to provide the specimens before being accepted
23 for conditioned residency in Illinois under the interstate
24 compact or agreement, but no later than 45 days after arrival
25 in this State.

26 (c-6) The Illinois Department of State Police may
27 determine which type of specimen or specimens, blood, saliva,
28 or tissue, is acceptable for submission to the Division of
29 Forensic Services for analysis.

30 (d) The Illinois Department of State Police shall
31 provide all equipment and instructions necessary for the
32 collection of blood samples. The collection of samples shall
33 be performed in a medically approved manner. Only a
34 physician authorized to practice medicine, a registered nurse

1 or other qualified person trained in venipuncture may
2 withdraw blood for the purposes of this Act. The samples
3 shall thereafter be forwarded to the Illinois Department of
4 State Police, Division of Forensic Services, for analysis and
5 categorizing into genetic marker groupings.

6 (d-1) The Illinois Department of State Police shall
7 provide all equipment and instructions necessary for the
8 collection of saliva samples. The collection of saliva
9 samples shall be performed in a medically approved manner.
10 Only a person trained in the instructions promulgated by the
11 Illinois State Police on collecting saliva may collect saliva
12 for the purposes of this Section. The samples shall
13 thereafter be forwarded to the Illinois Department of State
14 Police, Division of Forensic Services, for analysis and
15 categorizing into genetic marker groupings.

16 (d-2) The Illinois Department of State Police shall
17 provide all equipment and instructions necessary for the
18 collection of tissue samples. The collection of tissue
19 samples shall be performed in a medically approved manner.
20 Only a person trained in the instructions promulgated by the
21 Illinois State Police on collecting tissue may collect tissue
22 for the purposes of this Section. The samples shall
23 thereafter be forwarded to the Illinois Department of State
24 Police, Division of Forensic Services, for analysis and
25 categorizing into genetic marker groupings.

26 (d-5) To the extent that funds are available, the
27 Illinois Department of State Police shall contract with
28 qualified personnel and certified laboratories for the
29 collection, analysis, and categorization of known samples.

30 (e) The genetic marker groupings shall be maintained by
31 the Illinois Department of State Police, Division of Forensic
32 Services.

33 (f) The genetic marker grouping analysis information
34 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
3 the United States, of foreign countries duly authorized to
4 receive the same, to all peace officers of the State of
5 Illinois and to all prosecutorial agencies. The genetic
6 marker grouping analysis information obtained pursuant to
7 this Act shall be used only for (i) valid law enforcement
8 identification purposes and as required by the Federal Bureau
9 of Investigation for participation in the National DNA
10 database or (ii) technology validation purposes.
11 Notwithstanding any other statutory provision to the
12 contrary, all information obtained under this Section shall
13 be maintained in a single State data base, which may be
14 uploaded into a national database, and which information may
15 be subject to expungement only as set forth in subsection
16 (f-1).

17 (f-1) Upon receipt of notification of a reversal of a
18 conviction based on actual innocence, or of the granting of a
19 pardon pursuant to Section 12 of Article V of the Illinois
20 Constitution, if that pardon document specifically states
21 that the reason for the pardon is the actual innocence of an
22 individual whose DNA record has been stored in the State or
23 national DNA identification index in accordance with this
24 Section by the Illinois Department of State Police, the DNA
25 record shall be expunged from the DNA identification index,
26 and the Department shall by rule prescribe procedures to
27 ensure that the record and any samples, analyses, or other
28 documents relating to such record, whether in the possession
29 of the Department or any law enforcement or police agency, or
30 any forensic DNA laboratory, including any duplicates or
31 copies thereof, are destroyed and a letter is sent to the
32 court verifying the expungement is completed.

33 (f-5) Any person who intentionally uses genetic marker
34 grouping analysis information, or any other information

1 derived from a DNA sample, beyond the authorized uses as
2 provided under this Section, or any other Illinois law, is
3 guilty of a Class 4 felony, and shall be subject to a fine of
4 not less than \$5,000.

5 (g) For the purposes of this Section, "qualifying
6 offense" means any of the following:

7 (1) Any violation or inchoate violation of Section
8 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the
9 Criminal Code of 1961, or

10 (1.1) Any violation or inchoate violation of
11 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,
12 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961
13 for which persons are convicted on or after July 1, 2001,
14 or

15 (2) Any former statute of this State which defined
16 a felony sexual offense, or

17 (3) Any violation of Section 11-6.1 of the Criminal
18 Code of 1961 when the sentencing court, upon a motion by
19 the State's Attorney or Attorney General, makes a finding
20 that the child solicitation involved an intent to commit
21 sexual penetration or sexual conduct as defined in
22 Section 12-12 of the Criminal Code of 1961 (Blank), or

23 (4) Any inchoate violation of Section 9-3.1,
24 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961.

25 (g-5) (Blank).

26 (h) The Illinois Department of State Police shall be the
27 State central repository for all genetic marker grouping
28 analysis information obtained pursuant to this Act. The
29 Illinois Department of State Police may promulgate rules for
30 the form and manner of the collection of blood, saliva, or
31 tissue samples and other procedures for the operation of this
32 Act. The provisions of the Administrative Review Law shall
33 apply to all actions taken under the rules so promulgated.

34 (i) A person required to provide a blood, saliva, or

1 tissue specimen shall cooperate with the collection of the
2 specimen and any deliberate act by that person intended to
3 impede, delay or stop the collection of the blood, saliva, or
4 tissue specimen is a Class A misdemeanor.

5 (j) Any person required by subsection (a) to submit
6 specimens of blood, saliva, or tissue to the Illinois
7 Department of State Police for analysis and categorization
8 into genetic marker grouping, in addition to any other
9 disposition, penalty, or fine imposed, shall pay an analysis
10 fee of \$200. If the analysis fee is not paid at the time of
11 sentencing, the court shall establish a fee schedule by which
12 the entire amount of the analysis fee shall be paid in full,
13 such schedule not to exceed 24 months from the time of
14 conviction. The inability to pay this analysis fee shall not
15 be the sole ground to incarcerate the person.

16 (k) All analysis and categorization fees provided for by
17 subsection (j) shall be regulated as follows:

18 (1) The State Offender DNA Identification System
19 Fund is hereby created as a special fund in the State
20 Treasury.

21 (2) All fees shall be collected by the clerk of the
22 court and forwarded to the State Offender DNA
23 Identification System Fund for deposit. The clerk of the
24 circuit court may retain the amount of \$10 from each
25 collected analysis fee to offset administrative costs
26 incurred in carrying out the clerk's responsibilities
27 under this Section.

28 (3) Fees deposited into the State Offender DNA
29 Identification System Fund shall be used by Illinois
30 State Police crime laboratories as designated by the
31 Director of State Police. These funds shall be in
32 addition to any allocations made pursuant to existing
33 laws and shall be designated for the exclusive use of
34 State crime laboratories. These uses may include, but

1 are not limited to, the following:

2 (A) Costs incurred in providing analysis and
3 genetic marker categorization as required by
4 subsection (d).

5 (B) Costs incurred in maintaining genetic
6 marker groupings as required by subsection (e).

7 (C) Costs incurred in the purchase and
8 maintenance of equipment for use in performing
9 analyses.

10 (D) Costs incurred in continuing research and
11 development of new techniques for analysis and
12 genetic marker categorization.

13 (E) Costs incurred in continuing education,
14 training, and professional development of forensic
15 scientists regularly employed by these laboratories.

16 (1) The failure of a person to provide a specimen, or of
17 any person or agency to collect a specimen, within the 45 day
18 period shall in no way alter the obligation of the person to
19 submit such specimen, or the authority of the Illinois
20 Department of State Police or persons designated by the
21 Department to collect the specimen, or the authority of the
22 Illinois Department of State Police to accept, analyze and
23 maintain the specimen or to maintain or upload results of
24 genetic marker grouping analysis information into a State or
25 national database.

26 (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01;
27 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff.
28 6-28-02; 92-829, eff. 8-22-02; revised 9-19-02.)

29 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)
30 Sec. 5-9-1.7. Sexual assault fines.

31 (a) Definitions. The terms used in this Section shall
32 have the following meanings ascribed to them:

33 (1) "Sexual assault" means the commission or

1 attempted commission of the following: criminal sexual
2 assault, predatory criminal sexual assault of a child,
3 aggravated criminal sexual assault, criminal sexual
4 abuse, aggravated criminal sexual abuse, indecent
5 solicitation of a child, public indecency, sexual
6 relations within families, soliciting for a juvenile
7 prostitute, keeping a place of juvenile prostitution,
8 patronizing a juvenile prostitute, juvenile pimping,
9 exploitation of a child, obscenity, child pornography, or
10 harmful material for a child, as those offenses are
11 defined in the Criminal Code of 1961.

12 (2) "Family member" shall have the meaning ascribed
13 to it in Section 12-12 of the Criminal Code of 1961.

14 (3) "Sexual assault organization" means any
15 not-for-profit organization providing comprehensive,
16 community-based services to victims of sexual assault.
17 "Community-based services" include, but are not limited
18 to, direct crisis intervention through a 24-hour
19 response, medical and legal advocacy, counseling,
20 information and referral services, training, and
21 community education.

22 (b) Sexual assault fine; collection by clerk.

23 (1) In addition to any other penalty imposed, a
24 fine of \$100 shall be imposed upon any person who pleads
25 guilty or who is convicted of, or who receives a
26 disposition of court supervision for, a sexual assault or
27 attempt of a sexual assault. Upon request of the victim
28 or the victim's representative, the court shall determine
29 whether the fine will impose an undue burden on the
30 victim of the offense. For purposes of this paragraph,
31 the defendant may not be considered the victim's
32 representative. If the court finds that the fine would
33 impose an undue burden on the victim, the court may
34 reduce or waive the fine. The court shall order that the

1 defendant may not use funds belonging solely to the
2 victim of the offense for payment of the fine.

3 (2) Sexual assault fines shall be assessed by the
4 court imposing the sentence and shall be collected by the
5 circuit clerk. The circuit clerk shall retain 10% of the
6 penalty to cover the costs involved in administering and
7 enforcing this Section. The circuit clerk shall remit
8 the remainder of each fine within one month of its
9 receipt to the State Treasurer for deposit as follows:

10 (i) for family member offenders, one-half to
11 the Sexual Assault Services Fund, and one-half to
12 the Domestic Violence Shelter and Service Fund; and

13 (ii) for other than family member offenders,
14 the full amount to the Sexual Assault Services Fund.

15 (c) Sexual Assault Services Fund; administration. There
16 is created a Sexual Assault Services Fund. Moneys deposited
17 into the Fund under this Section shall be appropriated to the
18 Department of Public Health. Upon appropriation of moneys
19 from the Sexual Assault Services Fund, the Department of
20 Public Health shall make grants of these moneys from the Fund
21 to sexual assault organizations with whom the Department has
22 contracts for the purpose of providing community-based
23 services to victims of sexual assault. Grants made under this
24 Section are in addition to, and are not substitutes for,
25 other grants authorized and made by the Department.

26 (Source: P.A. 88-45; 89-428, eff. 12-13-95; 89-462, eff.
27 5-29-96.)

28 Section 30. The Sex Offender Registration Act is amended
29 by changing Section 2 as follows:

30 (730 ILCS 150/2) (from Ch. 38, par. 222)

31 Sec. 2. Definitions.

32 (A) As used in this Article, "sex offender" means any

1 person who is:

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

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

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

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

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

21 (e) is found not guilty by reason of insanity
22 following a hearing conducted pursuant to a federal,
23 Uniform Code of Military Justice, sister state, or
24 foreign country law substantially similar to Section
25 104-25(c) of the Code of Criminal Procedure of 1963
26 of such offense or of the attempted commission of
27 such offense; or

28 (f) is the subject of a finding not resulting
29 in an acquittal at a hearing conducted pursuant to a
30 federal, Uniform Code of Military Justice, sister
31 state, or foreign country law substantially similar
32 to Section 104-25(a) of the Code of Criminal
33 Procedure of 1963 for the alleged violation or
34 attempted commission of such offense; or

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

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

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

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

26 Convictions that result from or are connected with the
27 same act, or result from offenses committed at the same time,
28 shall be counted for the purpose of this Article as one
29 conviction. Any conviction set aside pursuant to law is not
30 a conviction for purposes of this Article.

31 For purposes of this Section, "convicted" shall have the
32 same meaning as "adjudicated".

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

34 (1) A violation of any of the following Sections of

1 the Criminal Code of 1961:

- 2 11-20.1 (child pornography),
- 3 11-6 (indecent solicitation of a child),
- 4 11-6.1 (illegal solicitation of a child),
- 5 11-9.1 (sexual exploitation of a child),
- 6 11-15.1 (soliciting for a juvenile prostitute),
- 7 11-18.1 (patronizing a juvenile prostitute),
- 8 11-17.1 (keeping a place of juvenile
- 9 prostitution),
- 10 11-19.1 (juvenile pimping),
- 11 11-19.2 (exploitation of a child),
- 12 12-13 (criminal sexual assault),
- 13 12-14 (aggravated criminal sexual assault),
- 14 12-14.1 (predatory criminal sexual assault of a
- 15 child),
- 16 12-15 (criminal sexual abuse),
- 17 12-16 (aggravated criminal sexual abuse),
- 18 12-33 (ritualized abuse of a child).

19 An attempt to commit any of these offenses.

20 (1.5) A violation of any of the following Sections
21 of the Criminal Code of 1961, when the victim is a person
22 under 18 years of age, the defendant is not a parent of
23 the victim, and the offense was committed on or after
24 January 1, 1996:

- 25 10-1 (kidnapping),
- 26 10-2 (aggravated kidnapping),
- 27 10-3 (unlawful restraint),
- 28 10-3.1 (aggravated unlawful restraint).

29 An attempt to commit any of these offenses.

30 (1.6) First degree murder under Section 9-1 of the
31 Criminal Code of 1961, when the victim was a person under
32 18 years of age, the defendant was at least 17 years of
33 age at the time of the commission of the offense, and the
34 offense was committed on or after June 1, 1996.

1 (1.7) (Blank).

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

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

14 (1.10) A violation or attempted violation of any of
15 the following Sections of the Criminal Code of 1961 when
16 the offense was committed on or after July 1, 1999:

17 10-4 (forcible detention, if the victim is
18 under 18 years of age),

19 11-6.5 (indecent solicitation of an adult),

20 11-15 (soliciting for a prostitute, if the
21 victim is under 18 years of age),

22 11-16 (pandering, if the victim is under 18
23 years of age),

24 11-18 (patronizing a prostitute, if the victim
25 is under 18 years of age),

26 11-19 (pimping, if the victim is under 18
27 years of age).

28 (1.11) A violation or attempted violation of any of
29 the following Sections of the Criminal Code of 1961 when
30 the offense was committed on or after the effective date
31 of this amendatory Act of the 92nd General Assembly:

32 11-9 (public indecency for a third or
33 subsequent conviction),

34 11-9.2 (custodial sexual misconduct).

1 (1.12) A violation or attempted violation of
2 Section 5.1 of the Wrongs to Children Act (permitting
3 sexual abuse) when the offense was committed on or after
4 the effective date of this amendatory Act of the 92nd
5 General Assembly.

6 (2) A violation of any former law of this State
7 substantially equivalent to any offense listed in
8 subsection (B) of this Section.

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

21 (C-5) A person at least 17 years of age at the time of
22 the commission of the offense who is convicted of first
23 degree murder under Section 9-1 of the Criminal Code of 1961,
24 committed on or after June 1, 1996 against a person under 18
25 years of age, shall be required to register for natural life.
26 A conviction for an offense of federal, Uniform Code of
27 Military Justice, sister state, or foreign country law that
28 is substantially equivalent to any offense listed in
29 subsection (C-5) of this Section shall constitute a
30 conviction for the purpose of this Article.

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

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

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

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

- 19 11-17.1 (keeping a place of juvenile
- 20 prostitution),
- 21 11-19.1 (juvenile pimping),
- 22 11-19.2 (exploitation of a child),
- 23 11-20.1 (child pornography),
- 24 12-13 (criminal sexual assault, if the victim
- 25 is a person under 12 years of age),
- 26 12-14 (aggravated criminal sexual assault),
- 27 12-14.1 (predatory criminal sexual assault of
- 28 a child),
- 29 12-16 (aggravated criminal sexual abuse),
- 30 12-33 (ritualized abuse of a child); or

31 (2) convicted of first degree murder under Section
 32 9-1 of the Criminal Code of 1961, when the victim was a
 33 person under 18 years of age and the defendant was at
 34 least 17 years of age at the time of the commission of

1 the offense; or

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

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

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

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

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

33 (Source: P.A. 91-48, eff. 7-1-99; 92-828, eff. 8-22-02.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".