

1 AN ACT concerning criminal law.

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

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
17 under Section 3-14-1 or Section 3-2.5-70 of the Unified Code of
18 Corrections, together with the prescribed fees. No
19 identification card shall be issued to any person who holds a
20 valid foreign state identification card, license, or permit
21 unless the person first surrenders to the Secretary of State
22 the valid foreign state identification card, license, or
23 permit. The card shall be prepared and supplied by the

1 Secretary of State and shall include a photograph and signature
2 or mark of the applicant. However, the Secretary of State may
3 provide by rule for the issuance of Illinois Identification
4 Cards without photographs if the applicant has a bona fide
5 religious objection to being photographed or to the display of
6 his or her photograph. The Illinois Identification Card may be
7 used for identification purposes in any lawful situation only
8 by the person to whom it was issued. As used in this Act,
9 "photograph" means any color photograph or digitally produced
10 and captured image of an applicant for an identification card.
11 As used in this Act, "signature" means the name of a person as
12 written by that person and captured in a manner acceptable to
13 the Secretary of State.

14 (a-5) If an applicant for an identification card has a
15 current driver's license or instruction permit issued by the
16 Secretary of State, the Secretary may require the applicant to
17 utilize the same residence address and name on the
18 identification card, driver's license, and instruction permit
19 records maintained by the Secretary. The Secretary may
20 promulgate rules to implement this provision.

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

26 (b) The Secretary of State shall issue a special Illinois

1 Identification Card, which shall be known as an Illinois Person
2 with a Disability Identification Card, to any natural person
3 who is a resident of the State of Illinois, who is a person
4 with a disability as defined in Section 4A of this Act, who
5 applies for such card, or renewal thereof. No Illinois Person
6 with a Disability Identification Card shall be issued to any
7 person who holds a valid foreign state identification card,
8 license, or permit unless the person first surrenders to the
9 Secretary of State the valid foreign state identification card,
10 license, or permit. The Secretary of State shall charge no fee
11 to issue such card. The card shall be prepared and supplied by
12 the Secretary of State, and shall include a photograph and
13 signature or mark of the applicant, a designation indicating
14 that the card is an Illinois Person with a Disability
15 Identification Card, and shall include a comprehensible
16 designation of the type and classification of the applicant's
17 disability as set out in Section 4A of this Act. However, the
18 Secretary of State may provide by rule for the issuance of
19 Illinois ~~Disabled~~ Person with a Disability Identification
20 Cards without photographs if the applicant has a bona fide
21 religious objection to being photographed or to the display of
22 his or her photograph. If the applicant so requests, the card
23 shall include a description of the applicant's disability and
24 any information about the applicant's disability or medical
25 history which the Secretary determines would be helpful to the
26 applicant in securing emergency medical care. If a mark is used

1 in lieu of a signature, such mark shall be affixed to the card
2 in the presence of two witnesses who attest to the authenticity
3 of the mark. The Illinois Person with a Disability
4 Identification Card may be used for identification purposes in
5 any lawful situation by the person to whom it was issued.

6 The Illinois Person with a Disability Identification Card
7 may be used as adequate documentation of disability in lieu of
8 a physician's determination of disability, a determination of
9 disability from a physician assistant who has been delegated
10 the authority to make this determination by his or her
11 supervising physician, a determination of disability from an
12 advanced practice nurse who has a written collaborative
13 agreement with a collaborating physician that authorizes the
14 advanced practice nurse to make this determination, or any
15 other documentation of disability whenever any State law
16 requires that a disabled person provide such documentation of
17 disability, however an Illinois Person with a Disability
18 Identification Card shall not qualify the cardholder to
19 participate in any program or to receive any benefit which is
20 not available to all persons with like disabilities.
21 Notwithstanding any other provisions of law, an Illinois Person
22 with a Disability Identification Card, or evidence that the
23 Secretary of State has issued an Illinois Person with a
24 Disability Identification Card, shall not be used by any person
25 other than the person named on such card to prove that the
26 person named on such card is a disabled person or for any other

1 purpose unless the card is used for the benefit of the person
2 named on such card, and the person named on such card consents
3 to such use at the time the card is so used.

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

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

12 (c) The Secretary of State shall provide that each original
13 or renewal Illinois Identification Card or Illinois Person with
14 a Disability Identification Card issued to a person under the
15 age of 21~~7~~ shall be of a distinct nature from those Illinois
16 Identification Cards or Illinois Person with a Disability
17 Identification Cards issued to individuals 21 years of age or
18 older. The color designated for Illinois Identification Cards
19 or Illinois Person with a Disability Identification Cards for
20 persons under the age of 21 shall be at the discretion of the
21 Secretary of State.

22 (c-1) Each original or renewal Illinois Identification
23 Card or Illinois Person with a Disability Identification Card
24 issued to a person under the age of 21 shall display the date
25 upon which the person becomes 18 years of age and the date upon
26 which the person becomes 21 years of age.

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

16 (c-5) Beginning on or before July 1, 2015, the Secretary of
17 State shall designate a space on each original or renewal
18 identification card where, at the request of the applicant, the
19 word "veteran" shall be placed. The veteran designation shall
20 be available to a person identified as a veteran under
21 subsection (b) of Section 5 of this Act who was discharged or
22 separated under honorable conditions.

23 (d) The Secretary of State may issue a Senior Citizen
24 discount card, to any natural person who is a resident of the
25 State of Illinois who is 60 years of age or older and who
26 applies for such a card or renewal thereof. The Secretary of

1 State shall charge no fee to issue such card. The card shall be
2 issued in every county and applications shall be made available
3 at, but not limited to, nutrition sites, senior citizen centers
4 and Area Agencies on Aging. The applicant, upon receipt of such
5 card and prior to its use for any purpose, shall have affixed
6 thereon in the space provided therefor his signature or mark.

7 (e) The Secretary of State, in his or her discretion, may
8 designate on each Illinois Identification Card or Illinois
9 Person with a Disability Identification Card a space where the
10 card holder may place a sticker or decal, issued by the
11 Secretary of State, of uniform size as the Secretary may
12 specify, that shall indicate in appropriate language that the
13 card holder has renewed his or her Illinois Identification Card
14 or Illinois Person with a Disability Identification Card.

15 (Source: P.A. 96-146, eff. 1-1-10; 96-328, eff. 8-11-09;
16 96-1231, eff. 7-23-10; 97-371, eff. 1-1-12; 97-739, eff.
17 1-1-13; 97-847, eff. 1-1-13; 97-1064, eff. 1-1-13; revised
18 9-5-12.)

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

21 (20 ILCS 301/40-15)

22 Sec. 40-15. Acceptance for treatment as a parole or
23 aftercare release condition. Acceptance for treatment for drug
24 addiction or alcoholism under the supervision of a designated

1 program may be made a condition of parole or aftercare release,
2 and failure to comply with such treatment may be treated as a
3 violation of parole or aftercare release. A designated program
4 shall establish the conditions under which a parolee or
5 releasee is accepted for treatment. No parolee or releasee may
6 be placed under the supervision of a designated program for
7 treatment unless the designated program accepts him or her for
8 treatment. The designated program shall make periodic progress
9 reports regarding each such parolee or releasee to the
10 appropriate parole authority and shall report failures to
11 comply with the prescribed treatment program.

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

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

15 (20 ILCS 505/34.2) (from Ch. 23, par. 5034.2)

16 Sec. 34.2. To conduct meetings in each service region
17 between local youth service, police, probation and aftercare
18 ~~parole~~ workers to develop inter-agency plans to combat gang
19 crime. The Department shall develop a model policy for local
20 interagency cooperation in dealing with gangs.

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

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

1 (20 ILCS 515/25)

2 Sec. 25. Team access to information.

3 (a) The Department shall provide to a child death review
4 team, on the request of the team chairperson, all records and
5 information in the Department's possession that are relevant to
6 the team's review of a child death, including records and
7 information concerning previous reports or investigations of
8 suspected child abuse or neglect.

9 (b) A child death review team shall have access to all
10 records and information that are relevant to its review of a
11 child death and in the possession of a State or local
12 governmental agency, including, but not limited to,
13 information gained through the Child Advocacy Center protocol
14 for cases of serious or fatal injury to a child. These records
15 and information include, without limitation, birth
16 certificates, all relevant medical and mental health records,
17 records of law enforcement agency investigations, records of
18 coroner or medical examiner investigations, records of the
19 Department of Corrections and Department of Juvenile Justice
20 concerning a person's parole or aftercare release, records of a
21 probation and court services department, and records of a
22 social services agency that provided services to the child or
23 the child's family.

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

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

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

4 Sec. 3. Definitions. Whenever used in this Act, and for the
5 purposes of this Act unless the context clearly denotes
6 otherwise:

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

18 (b) The term "Authority" means the Illinois Criminal
19 Justice Information Authority created by this Act.

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

23 (d) The term "criminal history record information" means
24 data identifiable to an individual and consisting of
25 descriptions or notations of arrests, detentions, indictments,

1 informations, pre-trial proceedings, trials, or other formal
2 events in the criminal justice system or descriptions or
3 notations of criminal charges (including criminal violations
4 of local municipal ordinances) and the nature of any
5 disposition arising therefrom, including sentencing, court or
6 correctional supervision, rehabilitation, and release. The
7 term does not apply to statistical records and reports in which
8 individuals are not identified and from which their identities
9 are not ascertainable, or to information that is for criminal
10 investigative or intelligence purposes.

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

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

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

17 (20 ILCS 4026/17)

18 Sec. 17. Sentencing of sex offenders; treatment based upon
19 evaluation required.

20 (a) Each felony sex offender sentenced by the court for a
21 sex offense shall be required as a part of any sentence to
22 probation, conditional release, or periodic imprisonment to
23 undergo treatment based upon the recommendations of the
24 evaluation made pursuant to Section 16 or based upon any

1 subsequent recommendations by the Administrative Office of the
2 Illinois Courts or the county probation department, whichever
3 is appropriate. Beginning on January 1, 2014, the treatment
4 shall be with a sex offender treatment provider or associate
5 sex offender provider as defined in Section 10 of this Act and
6 at the offender's own expense based upon the offender's ability
7 to pay for such treatment.

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

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

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

22 (210 ILCS 28/25)

23 Sec. 25. Review team access to information.

24 (a) The Department shall provide to a review team, on the

1 request of the review team chairperson, all records and
2 information in the Department's possession that are relevant to
3 the review team's review of a sexual assault or death described
4 in subsection (b) of Section 20, including records and
5 information concerning previous reports or investigations of
6 suspected abuse or neglect.

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

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

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

22 (210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

23 Sec. 2-110. (a) Any employee or agent of a public agency,
24 any representative of a community legal services program or any

1 other member of the general public shall be permitted access at
2 reasonable hours to any individual resident of any facility,
3 but only if there is neither a commercial purpose nor effect to
4 such access and if the purpose is to do any of the following:

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

7 (2) Inform residents of their rights and entitlements
8 and their corresponding obligations, under federal and
9 State laws, by means of educational materials and
10 discussions in groups and with individual residents;

11 (3) Assist residents in asserting their legal rights
12 regarding claims for public assistance, medical assistance
13 and social security benefits, as well as in all other
14 matters in which residents are aggrieved. Assistance may
15 include counseling and litigation; or

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

19 (a-5) If a resident of a licensed facility is an identified
20 offender, any federal, State, or local law enforcement officer
21 or county probation officer shall be permitted reasonable
22 access to the individual resident to verify compliance with the
23 requirements of the Sex Offender Registration Act, to verify
24 compliance with the requirements of Public Act 94-163 and this
25 amendatory Act of the 94th General Assembly, or to verify
26 compliance with applicable terms of probation, parole,

1 aftercare release, or mandatory supervised release.

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

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

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

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

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

3 (210 ILCS 47/2-110)

4 Sec. 2-110. Access to residents.

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

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

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

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

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

1 (a-5) If a resident of a licensed facility is an identified
2 offender, any federal, State, or local law enforcement officer
3 or county probation officer shall be permitted reasonable
4 access to the individual resident to verify compliance with the
5 requirements of the Sex Offender Registration Act or to verify
6 compliance with applicable terms of probation, parole,
7 aftercare release, or mandatory supervised release.

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

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

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

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

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

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

9 (210 ILCS 48/2-110)

10 Sec. 2-110. Access to residents.

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

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

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

23 (3) Assist residents in asserting their legal rights
24 regarding claims for public assistance, medical assistance

1 and social security benefits, as well as in all other
2 matters in which residents are aggrieved. Assistance may
3 include counseling and litigation; or

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

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

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

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

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

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

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

15 (305 ILCS 5/12-10.4)

16 Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid
17 Matching Fund. There is created in the State Treasury the
18 Juvenile Rehabilitation Services Medicaid Matching Fund.
19 Deposits to this Fund shall consist of all moneys received from
20 the federal government for behavioral health services secured
21 by counties pursuant to an agreement with the Department of
22 Healthcare and Family Services with respect to Title XIX of the
23 Social Security Act or under the Children's Health Insurance
24 Program pursuant to the Children's Health Insurance Program Act

1 and Title XXI of the Social Security Act for minors who are
2 committed to mental health facilities by the Illinois court
3 system and for residential placements secured by the Department
4 of Juvenile Justice for minors as a condition of their
5 aftercare release ~~parole~~.

6 Disbursements from the Fund shall be made, subject to
7 appropriation, by the Department of Healthcare and Family
8 Services for grants to the Department of Juvenile Justice and
9 those counties which secure behavioral health services ordered
10 by the courts and which have an interagency agreement with the
11 Department and submit detailed bills according to standards
12 determined by the Department.

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

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

16 (405 ILCS 82/20)

17 Sec. 20. Independent team of experts' access to
18 information.

19 (a) The Secretary of Human Services shall provide to the
20 independent team of experts, on the request of the team
21 Chairperson, all records and information in the Department's
22 possession that are relevant to the team's examination of a
23 death of the sort described in subsection (c) of Section 10,
24 including records and information concerning previous reports

1 or investigations of any matter, as determined by the team.

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

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

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

17 (705 ILCS 405/5-105)

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

19 (1) "Aftercare release" means the conditional and
20 revocable release of an adjudicated delinquent juvenile
21 committed to the Department of Juvenile Justice under the
22 supervision of the Department of Juvenile Justice.

23 (1.5) ~~(1)~~ "Court" means the circuit court in a session or
24 division assigned to hear proceedings under this Act, and

1 includes the term Juvenile Court.

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

4 (2.5) "Community service agency" means a not-for-profit
5 organization, community organization, church, charitable
6 organization, individual, public office, or other public body
7 whose purpose is to enhance the physical or mental health of a
8 delinquent minor or to rehabilitate the minor, or to improve
9 the environmental quality or social welfare of the community
10 which agrees to accept community service from juvenile
11 delinquents and to report on the progress of the community
12 service to the State's Attorney pursuant to an agreement or to
13 the court or to any agency designated by the court or to the
14 authorized diversion program that has referred the delinquent
15 minor for community service.

16 (3) "Delinquent minor" means any minor who prior to his or
17 her 17th birthday has violated or attempted to violate,
18 regardless of where the act occurred, any federal or State law,
19 county or municipal ordinance, and any minor who prior to his
20 or her 18th birthday has violated or attempted to violate,
21 regardless of where the act occurred, any federal, State,
22 county or municipal law or ordinance classified as a
23 misdemeanor offense.

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

26 (5) "Detention" means the temporary care of a minor who is

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

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

16 (7) "Juvenile detention home" means a public facility with
17 specially trained staff that conforms to the county juvenile
18 detention standards promulgated by the Department of
19 Corrections.

20 (8) "Juvenile justice continuum" means a set of delinquency
21 prevention programs and services designed for the purpose of
22 preventing or reducing delinquent acts, including criminal
23 activity by youth gangs, as well as intervention,
24 rehabilitation, and prevention services targeted at minors who
25 have committed delinquent acts, and minors who have previously
26 been committed to residential treatment programs for

1 delinquents. The term includes children-in-need-of-services
2 and families-in-need-of-services programs; aftercare and
3 reentry services; substance abuse and mental health programs;
4 community service programs; community service work programs;
5 and alternative-dispute resolution programs serving
6 youth-at-risk of delinquency and their families, whether
7 offered or delivered by State or local governmental entities,
8 public or private for-profit or not-for-profit organizations,
9 or religious or charitable organizations. This term would also
10 encompass any program or service consistent with the purpose of
11 those programs and services enumerated in this subsection.

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

20 (10) "Minor" means a person under the age of 21 years
21 subject to this Act.

22 (11) "Non-secure custody" means confinement where the
23 minor is not physically restricted by being placed in a locked
24 cell or room, by being handcuffed to a rail or other stationary
25 object, or by other means. Non-secure custody may include, but
26 is not limited to, electronic monitoring, foster home

1 placement, home confinement, group home placement, or physical
2 restriction of movement or activity solely through facility
3 staff.

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

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

20 (14) "Shelter" means the temporary care of a minor in
21 physically unrestricting facilities pending court disposition
22 or execution of court order for placement.

23 (15) "Site" means a not-for-profit organization, public
24 body, church, charitable organization, or individual agreeing
25 to accept community service from offenders and to report on the
26 progress of ordered or required public or community service to

1 the court or to the authorized diversion program that has
2 referred the offender for public or community service.

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

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

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

12 (705 ILCS 405/5-750)

13 Sec. 5-750. Commitment to the Department of Juvenile
14 Justice.

15 (1) Except as provided in subsection (2) of this Section,
16 when any delinquent has been adjudged a ward of the court under
17 this Act, the court may commit him or her to the Department of
18 Juvenile Justice, if it finds that (a) his or her parents,
19 guardian or legal custodian are unfit or are unable, for some
20 reason other than financial circumstances alone, to care for,
21 protect, train or discipline the minor, or are unwilling to do
22 so, and the best interests of the minor and the public will not
23 be served by placement under Section 5-740, or it is necessary
24 to ensure the protection of the public from the consequences of
25 criminal activity of the delinquent; and (b) commitment to the

1 Department of Juvenile Justice is the least restrictive
2 alternative based on evidence that efforts were made to locate
3 less restrictive alternatives to secure confinement and the
4 reasons why efforts were unsuccessful in locating a less
5 restrictive alternative to secure confinement. Before the
6 court commits a minor to the Department of Juvenile Justice, it
7 shall make a finding that secure confinement is necessary,
8 following a review of the following individualized factors:

9 (A) Age of the minor.

10 (B) Criminal background of the minor.

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

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

17 (E) Physical, mental and emotional health of the minor,
18 indicating whether the minor has ever been diagnosed with a
19 health issue and if so what services were provided and
20 whether the minor was compliant with services.

21 (F) Community based services that have been provided to
22 the minor, and whether the minor was compliant with the
23 services, and the reason the services were unsuccessful.

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

26 (1.5) Before the court commits a minor to the Department of

1 Juvenile Justice, the court must find reasonable efforts have
2 been made to prevent or eliminate the need for the minor to be
3 removed from the home, or reasonable efforts cannot, at this
4 time, for good cause, prevent or eliminate the need for
5 removal, and removal from home is in the best interests of the
6 minor, the minor's family, and the public.

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

21 (3) Except as provided in subsection (2), the commitment of
22 a delinquent to the Department of Juvenile Justice shall be for
23 an indeterminate term which shall automatically terminate upon
24 the delinquent attaining the age of 21 years unless the
25 delinquent is sooner discharged from aftercare release ~~parole~~
26 or custodianship is otherwise terminated in accordance with

1 this Act or as otherwise provided for by law.

2 (3.5) Every delinquent minor committed to the Department of
3 Juvenile Justice under this Act shall be eligible for aftercare
4 release without regard to the length of time the minor has been
5 confined or whether the minor has served any minimum term
6 imposed. Aftercare release shall be administered by the
7 Department of Juvenile Justice, under the direction of the
8 Director.

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

18 (5) If a minor is committed to the Department of Juvenile
19 Justice, the clerk of the court shall forward to the
20 Department:

21 (a) the disposition ordered;

22 (b) all reports;

23 (c) the court's statement of the basis for ordering the
24 disposition; and

25 (d) all additional matters which the court directs the
26 clerk to transmit.

1 (6) Whenever the Department of Juvenile Justice lawfully
2 discharges from its custody and control a minor committed to
3 it, the Director of Juvenile Justice shall petition the court
4 for an order terminating his or her custodianship. The
5 custodianship shall terminate automatically 30 days after
6 receipt of the petition unless the court orders otherwise.

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

8 (705 ILCS 405/5-815)

9 Sec. 5-815. Habitual Juvenile Offender.

10 (a) Definition. Any minor having been twice adjudicated a
11 delinquent minor for offenses which, had he been prosecuted as
12 an adult, would have been felonies under the laws of this
13 State, and who is thereafter adjudicated a delinquent minor for
14 a third time shall be adjudged an Habitual Juvenile Offender
15 where:

16 1. the third adjudication is for an offense occurring
17 after adjudication on the second; and

18 2. the second adjudication was for an offense occurring
19 after adjudication on the first; and

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

22 4. the third offense was based upon the commission of
23 or attempted commission of the following offenses: first
24 degree murder, second degree murder or involuntary
25 manslaughter; criminal sexual assault or aggravated

1 criminal sexual assault; aggravated or heinous battery
2 involving permanent disability or disfigurement or great
3 bodily harm to the victim; burglary of a home or other
4 residence intended for use as a temporary or permanent
5 dwelling place for human beings; home invasion; robbery or
6 armed robbery; or aggravated arson.

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

10 A continuance under supervision authorized by Section
11 5-615 of this Act shall not be permitted under this Section.

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

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

20 The petition upon which such Habitual Juvenile Offender
21 notice is based shall contain the information and averments
22 required for all other delinquency petitions filed under this
23 Act and its service shall be according to the provisions of
24 this Act.

25 No prior adjudication shall be alleged in the petition.

26 (d) Trial. Trial on such petition shall be by jury unless

1 the minor demands, in open court and with advice of counsel, a
2 trial by the court without jury.

3 Except as otherwise provided herein, the provisions of this
4 Act concerning delinquency proceedings generally shall be
5 applicable to Habitual Juvenile Offender proceedings.

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

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

1 The court shall then cause the minor to be brought before
2 it; shall inform him of the allegations of the statement so
3 filed, and of his right to a hearing before the court on the
4 issue of such prior adjudication and of his right to counsel at
5 such hearing; and unless the minor admits such adjudication,
6 the court shall hear and determine such issue, and shall make a
7 written finding thereon.

8 A duly authenticated copy of the record of any such alleged
9 prior adjudication shall be prima facie evidence of such prior
10 adjudication or of any offense that involved dishonesty or
11 false statement.

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

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

1 for each day served as reductions against the period of his
2 confinement. Such good conduct credits shall be earned or
3 revoked according to the procedures applicable to the allowance
4 and revocation of good conduct credit for adult prisoners
5 serving determinate sentences for felonies.

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

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

12 (705 ILCS 405/5-820)

13 Sec. 5-820. Violent Juvenile Offender.

14 (a) Definition. A minor having been previously adjudicated
15 a delinquent minor for an offense which, had he or she been
16 prosecuted as an adult, would have been a Class 2 or greater
17 felony involving the use or threat of physical force or
18 violence against an individual or a Class 2 or greater felony
19 for which an element of the offense is possession or use of a
20 firearm, and who is thereafter adjudicated a delinquent minor
21 for a second time for any of those offenses shall be
22 adjudicated a Violent Juvenile Offender if:

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

25 (2) The second offense occurred on or after January 1,

1 1995.

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

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

10 The petition upon which the Violent Juvenile Offender
11 notice is based shall contain the information and averments
12 required for all other delinquency petitions filed under this
13 Act and its service shall be according to the provisions of
14 this Act.

15 No prior adjudication shall be alleged in the petition.

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

19 Except as otherwise provided in this Section, the
20 provisions of this Act concerning delinquency proceedings
21 generally shall be applicable to Violent Juvenile Offender
22 proceedings.

23 (e) Proof of prior adjudications. No evidence or other
24 disclosure of prior adjudications shall be presented to the
25 court or jury during an adjudicatory hearing provided for under
26 this Section unless otherwise permitted by the issues properly

1 raised in that hearing. In the event the minor who is the
2 subject of these proceedings elects to testify on his or her
3 own behalf, it shall be competent to introduce evidence, for
4 purposes of impeachment, that he or she has previously been
5 adjudicated a delinquent minor upon facts which, had the minor
6 been tried as an adult, would have resulted in the minor's
7 conviction of a felony or of any offense that involved
8 dishonesty or false statement. Introduction of such evidence
9 shall be according to the rules and procedures applicable to
10 the impeachment of an adult defendant by prior conviction.

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

18 The court shall then cause the minor to be brought before
19 it; shall inform the minor of the allegations of the statement
20 so filed, of his or her right to a hearing before the court on
21 the issue of the prior adjudication and of his or her right to
22 counsel at the hearing; and unless the minor admits the
23 adjudication, the court shall hear and determine the issue, and
24 shall make a written finding of the issue.

25 A duly authenticated copy of the record of any alleged
26 prior adjudication shall be prima facie evidence of the prior

1 adjudication or of any offense that involved dishonesty or
2 false statement.

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

13 (f) Disposition. If the court finds that the prerequisites
14 established in subsection (a) of this Section have been proven,
15 it shall adjudicate the minor a Violent Juvenile Offender and
16 commit the minor to the Department of Juvenile Justice until
17 his or her 21st birthday, without possibility of aftercare
18 release ~~parole~~, furlough, or non-emergency authorized absence.
19 However, the minor shall be entitled to earn one day of good
20 conduct credit for each day served as reductions against the
21 period of his or her confinement. The good conduct credits
22 shall be earned or revoked according to the procedures
23 applicable to the allowance and revocation of good conduct
24 credit for adult prisoners serving determinate sentences for
25 felonies.

26 For purposes of determining good conduct credit,

1 commitment as a Violent Juvenile Offender shall be considered a
2 determinate commitment, and the difference between the date of
3 the commitment and the minor's 21st birthday shall be
4 considered the determinate period of his or her confinement.

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

9 (h) A continuance under supervision authorized by Section
10 5-615 of this Act shall not be permitted under this Section.

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

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

15 (720 ILCS 5/11-9.2)

16 Sec. 11-9.2. Custodial sexual misconduct.

17 (a) A person commits custodial sexual misconduct when: (1)
18 he or she is an employee of a penal system and engages in
19 sexual conduct or sexual penetration with a person who is in
20 the custody of that penal system or (2) he or she is an
21 employee of a treatment and detention facility and engages in
22 sexual conduct or sexual penetration with a person who is in
23 the custody of that treatment and detention facility.

24 (b) A probation or supervising officer, ~~or~~ surveillance

1 agent, or aftercare specialist commits custodial sexual
2 misconduct when the probation or supervising officer, ~~or~~
3 surveillance agent, or aftercare specialist engages in sexual
4 conduct or sexual penetration with a probationer, parolee, or
5 releasee or person serving a term of conditional release who is
6 under the supervisory, disciplinary, or custodial authority of
7 the officer or agent or employee so engaging in the sexual
8 conduct or sexual penetration.

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

10 (d) Any person convicted of violating this Section
11 immediately shall forfeit his or her employment with a penal
12 system, treatment and detention facility, or conditional
13 release program.

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

23 (f) This Section does not apply to:

24 (1) Any employee, probation or supervising officer, ~~or~~
25 surveillance agent, or aftercare specialist who is
26 lawfully married to a person in custody if the marriage

1 occurred before the date of custody.

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

7 (g) In this Section:

8 (0.5) "Aftercare specialist" means any person employed
9 by the Department of Juvenile Justice to supervise and
10 facilitate services for persons placed on aftercare
11 release.

12 (1) "Custody" means:

13 (i) pretrial incarceration or detention;

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

16 (iii) parole, aftercare release, or mandatory
17 supervised release;

18 (iv) electronic home detention;

19 (v) probation;

20 (vi) detention or civil commitment either in
21 secure care or in the community under the Sexually
22 Violent Persons Commitment Act.

23 (2) "Penal system" means any system which includes
24 institutions as defined in Section 2-14 of this Code or a
25 county shelter care or detention home established under
26 Section 1 of the County Shelter Care and Detention Home

1 Act.

2 (2.1) "Treatment and detention facility" means any
3 Department of Human Services facility established for the
4 detention or civil commitment of persons under the Sexually
5 Violent Persons Commitment Act.

6 (2.2) "Conditional release" means a program of
7 treatment and services, vocational services, and alcohol
8 or other drug abuse treatment provided to any person
9 civilly committed and conditionally released to the
10 community under the Sexually Violent Persons Commitment
11 Act;

12 (3) "Employee" means:

13 (i) an employee of any governmental agency of this
14 State or any county or municipal corporation that has
15 by statute, ordinance, or court order the
16 responsibility for the care, control, or supervision
17 of pretrial or sentenced persons in a penal system or
18 persons detained or civilly committed under the
19 Sexually Violent Persons Commitment Act;

20 (ii) a contractual employee of a penal system as
21 defined in paragraph (g) (2) of this Section who works
22 in a penal institution as defined in Section 2-14 of
23 this Code;

24 (iii) a contractual employee of a "treatment and
25 detention facility" as defined in paragraph (g) (2.1)
26 of this Code or a contractual employee of the

1 Department of Human Services who provides supervision
2 of persons serving a term of conditional release as
3 defined in paragraph (g) (2.2) of this Code.

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

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

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

14 (7) "Surveillance agent" means any person employed or
15 contracted to supervise persons placed on conditional
16 release in the community under the Sexually Violent Persons
17 Commitment Act.

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

19 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

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

22 (a) A person who knowingly resists or obstructs the
23 performance by one known to the person to be a peace officer,
24 firefighter, or correctional institution employee of any
25 authorized act within his or her official capacity commits a

1 Class A misdemeanor.

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

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

15 (b) For purposes of this Section, "correctional
16 institution employee" means any person employed to supervise
17 and control inmates incarcerated in a penitentiary, State farm,
18 reformatory, prison, jail, house of correction, police
19 detention area, half-way house, or other institution or place
20 for the incarceration or custody of persons under sentence for
21 offenses or awaiting trial or sentence for offenses, under
22 arrest for an offense, a violation of probation, a violation of
23 parole, a violation of aftercare release, ~~or~~ a violation of
24 mandatory supervised release, or awaiting a bail setting
25 hearing or preliminary hearing, or who are sexually dangerous
26 persons or who are sexually violent persons; and "firefighter"

1 means any individual, either as an employee or volunteer, of a
2 regularly constituted fire department of a municipality or fire
3 protection district who performs fire fighting duties,
4 including, but not limited to, the fire chief, assistant fire
5 chief, captain, engineer, driver, ladder person, hose person,
6 pipe person, and any other member of a regularly constituted
7 fire department. "Firefighter" also means a person employed by
8 the Office of the State Fire Marshal to conduct arson
9 investigations.

10 (c) It is an affirmative defense to a violation of this
11 Section if a person resists or obstructs the performance of one
12 known by the person to be a firefighter by returning to or
13 remaining in a dwelling, residence, building, or other
14 structure to rescue or to attempt to rescue any person.

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

16 (720 ILCS 5/31-6) (from Ch. 38, par. 31-6)

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

19 (a) A person convicted of a felony or charged with the
20 commission of a felony, or charged with or adjudicated
21 delinquent for an act which, if committed by an adult, would
22 constitute a felony, who intentionally escapes from any penal
23 institution or from the custody of an employee of that
24 institution commits a Class 2 felony; however, a person
25 convicted of a felony, or adjudicated delinquent for an act

1 which, if committed by an adult, would constitute a felony, who
2 knowingly fails to report to a penal institution or to report
3 for periodic imprisonment at any time or knowingly fails to
4 return from furlough or from work and day release or who
5 knowingly fails to abide by the terms of home confinement is
6 guilty of a Class 3 felony.

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

20 (b-1) A person committed to the Department of Human
21 Services under the provisions of the Sexually Violent Persons
22 Commitment Act or in detention with the Department of Human
23 Services awaiting such a commitment who intentionally escapes
24 from any secure residential facility or from the custody of an
25 employee of that facility commits a Class 2 felony.

26 (c) A person in the lawful custody of a peace officer for

1 the alleged commission of a felony offense or an act which, if
2 committed by an adult, would constitute a felony, and who
3 intentionally escapes from custody commits a Class 2 felony;
4 however, a person in the lawful custody of a peace officer for
5 the alleged commission of a misdemeanor offense or an act
6 which, if committed by an adult, would constitute a
7 misdemeanor, who intentionally escapes from custody commits a
8 Class A misdemeanor.

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

15 (c-6) A person in the lawful custody of a peace officer for
16 an alleged violation of a term or condition of supervision,
17 probation, or conditional discharge for a misdemeanor or an act
18 which, if committed by an adult, would constitute a
19 misdemeanor, who intentionally escapes from custody is guilty
20 of a Class A misdemeanor.

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

23 (Source: P.A. 95-839, eff. 8-15-08; 95-921, eff. 1-1-09;
24 96-328, eff. 8-11-09.)

25 (720 ILCS 5/31-7) (from Ch. 38, par. 31-7)

1 Sec. 31-7. Aiding escape.

2 (a) Whoever, with intent to aid any prisoner in escaping
3 from any penal institution, conveys into the institution or
4 transfers to the prisoner anything for use in escaping commits
5 a Class A misdemeanor.

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

17 (c) Whoever knowingly aids a person convicted of a
18 misdemeanor or charged with the commission of a misdemeanor, or
19 charged with or adjudicated delinquent for an act which, if
20 committed by an adult, would constitute a misdemeanor, in
21 escaping from any penal institution or from the custody of an
22 employee of that institution commits a Class A misdemeanor;
23 however, whoever knowingly aids a person convicted of a
24 misdemeanor or charged with the commission of a misdemeanor, or
25 charged with or adjudicated delinquent for an act which, if
26 committed by an adult, would constitute a misdemeanor, in

1 failing to return from furlough or from work and day release is
2 guilty of a Class B misdemeanor.

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

7 (e) Whoever knowingly aids a person in the lawful custody
8 of a peace officer for the alleged commission of a felony
9 offense or an act which, if committed by an adult, would
10 constitute a felony, in escaping from custody commits a Class 2
11 felony; however, whoever knowingly aids a person in the lawful
12 custody of a peace officer for the alleged commission of a
13 misdemeanor offense or an act which, if committed by an adult,
14 would constitute a misdemeanor, in escaping from custody
15 commits a Class A misdemeanor.

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

19 (f-5) With respect to a person in the lawful custody of a
20 peace officer for an alleged violation of a term or condition
21 of probation, conditional discharge, parole, aftercare
22 release, or mandatory supervised release for a felony, whoever
23 intentionally aids that person to escape from that custody is
24 guilty of a Class 2 felony.

25 (f-6) With respect to a person who is in the lawful custody
26 of a peace officer for an alleged violation of a term or

1 condition of supervision, probation, or conditional discharge
2 for a misdemeanor, whoever intentionally aids that person to
3 escape from that custody is guilty of a Class A misdemeanor.

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

6 (Source: P.A. 95-839, eff. 8-15-08; 95-921, eff. 1-1-09;
7 96-328, eff. 8-11-09.)

8 (720 ILCS 5/31A-0.1)

9 Sec. 31A-0.1. Definitions. For the purposes of this
10 Article:

11 "Deliver" or "delivery" means the actual, constructive or
12 attempted transfer of possession of an item of contraband, with
13 or without consideration, whether or not there is an agency
14 relationship.

15 "Employee" means any elected or appointed officer, trustee
16 or employee of a penal institution or of the governing
17 authority of the penal institution, or any person who performs
18 services for the penal institution pursuant to contract with
19 the penal institution or its governing authority.

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

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

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

25 (iii) "Controlled substance" as that term is defined in

1 the Illinois Controlled Substances Act.

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

5 (iv) "Hypodermic syringe" or hypodermic needle, or any
6 instrument adapted for use of controlled substances or
7 cannabis by subcutaneous injection.

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

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

19 (A) any pneumatic gun, spring gun, or B-B gun which
20 expels a single globular projectile not exceeding .18
21 inch in diameter; or

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

25 (C) any device used exclusively for the firing of
26 stud cartridges, explosive rivets or industrial

1 ammunition; or

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

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

14 (A) any ammunition exclusively designed for use
15 with a device used exclusively for signaling or safety
16 and required or recommended by the United States Coast
17 Guard or the Interstate Commerce Commission; or

18 (B) any ammunition designed exclusively for use
19 with a stud or rivet driver or other similar industrial
20 ammunition.

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

26 (ix) "Tool to defeat security mechanisms" means, but is

1 not limited to, handcuff or security restraint key, tool
2 designed to pick locks, popper, or any device or instrument
3 used to or capable of unlocking or preventing from locking
4 any handcuff or security restraints, doors to cells, rooms,
5 gates or other areas of the penal institution.

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

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

24 "Penal institution" means any penitentiary, State farm,
25 reformatory, prison, jail, house of correction, police
26 detention area, half-way house or other institution or place

1 for the incarceration or custody of persons under sentence for
2 offenses awaiting trial or sentence for offenses, under arrest
3 for an offense, a violation of probation, a violation of
4 parole, a violation of aftercare release, or a violation of
5 mandatory supervised release, or awaiting a bail setting
6 hearing or preliminary hearing; provided that where the place
7 for incarceration or custody is housed within another public
8 building this Article shall not apply to that part of the
9 building unrelated to the incarceration or custody of persons.

10 (Source: P.A. 97-1108, eff. 1-1-13.)

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

13 (720 ILCS 570/509) (from Ch. 56 1/2, par. 1509)

14 Sec. 509.

15 Whenever any court in this State grants probation to any
16 person that the court has reason to believe is or has been an
17 addict or unlawful possessor of controlled substances, the
18 court shall require, as a condition of probation, that the
19 probationer submit to periodic tests by the Department of
20 Corrections to determine by means of appropriate chemical
21 detection tests whether the probationer is using controlled
22 substances. The court may require as a condition of probation
23 that the probationer enter an approved treatment program, if
24 the court determines that the probationer is addicted to a

1 controlled substance. Whenever the Parole and Pardon Board
2 grants parole or aftercare release to a person whom the Board
3 has reason to believe has been an unlawful possessor or addict
4 of controlled substances, the Board shall require as a
5 condition of parole that the parolee or aftercare releasee
6 submit to appropriate periodic chemical tests by the Department
7 of Corrections or the Department of Juvenile Justice to
8 determine whether the parolee or aftercare releasee is using
9 controlled substances.

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

11 Section 80. The Code of Criminal Procedure of 1963 is
12 amended by changing Sections 102-16, 103-5, 110-5, 110-6.1,
13 110-6.3, 112A-2, 112A-20, 112A-22, and 112A-22.10 and by adding
14 Section 102-3.5 as follows:

15 (725 ILCS 5/102-3.5 new)

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

17 "Aftercare release" means the conditional and revocable
18 release of a person committed to the Department of Juvenile
19 Justice under the Juvenile Court Act of 1987, under the
20 supervision of the Department of Juvenile Justice.

21 (725 ILCS 5/102-16) (from Ch. 38, par. 102-16)

22 Sec. 102-16. "Parole".

23 "Parole" means the conditional and revocable release of a

1 person committed to the Department of Corrections ~~person~~ under
2 the supervision of a paroling authority.

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

4 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

5 Sec. 103-5. Speedy trial.)

6 (a) Every person in custody in this State for an alleged
7 offense shall be tried by the court having jurisdiction within
8 120 days from the date he or she was taken into custody unless
9 delay is occasioned by the defendant, by an examination for
10 fitness ordered pursuant to Section 104-13 of this Act, by a
11 fitness hearing, by an adjudication of unfitness to stand
12 trial, by a continuance allowed pursuant to Section 114-4 of
13 this Act after a court's determination of the defendant's
14 physical incapacity for trial, or by an interlocutory appeal.
15 Delay shall be considered to be agreed to by the defendant
16 unless he or she objects to the delay by making a written
17 demand for trial or an oral demand for trial on the record. The
18 provisions of this subsection (a) do not apply to a person on
19 bail or recognizance for an offense but who is in custody for a
20 violation of his or her parole, aftercare release, or mandatory
21 supervised release for another offense.

22 The 120-day term must be one continuous period of
23 incarceration. In computing the 120-day term, separate periods
24 of incarceration may not be combined. If a defendant is taken
25 into custody a second (or subsequent) time for the same

1 offense, the term will begin again at day zero.

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

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

23 (c) If the court determines that the State has exercised
24 without success due diligence to obtain evidence material to
25 the case and that there are reasonable grounds to believe that
26 such evidence may be obtained at a later day the court may

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

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

13 (e) If a person is simultaneously in custody upon more than
14 one charge pending against him in the same county, or
15 simultaneously demands trial upon more than one charge pending
16 against him in the same county, he shall be tried, or adjudged
17 guilty after waiver of trial, upon at least one such charge
18 before expiration relative to any of such pending charges of
19 the period prescribed by subsections (a) and (b) of this
20 Section. Such person shall be tried upon all of the remaining
21 charges thus pending within 160 days from the date on which
22 judgment relative to the first charge thus prosecuted is
23 rendered pursuant to the Unified Code of Corrections or, if
24 such trial upon such first charge is terminated without
25 judgment and there is no subsequent trial of, or adjudication
26 of guilt after waiver of trial of, such first charge within a

1 reasonable time, the person shall be tried upon all of the
2 remaining charges thus pending within 160 days from the date on
3 which such trial is terminated; if either such period of 160
4 days expires without the commencement of trial of, or
5 adjudication of guilt after waiver of trial of, any of such
6 remaining charges thus pending, such charge or charges shall be
7 dismissed and barred for want of prosecution unless delay is
8 occasioned by the defendant, by an examination for fitness
9 ordered pursuant to Section 104-13 of this Act, by a fitness
10 hearing, by an adjudication of unfitness for trial, by a
11 continuance allowed pursuant to Section 114-4 of this Act after
12 a court's determination of the defendant's physical incapacity
13 for trial, or by an interlocutory appeal; provided, however,
14 that if the court determines that the State has exercised
15 without success due diligence to obtain evidence material to
16 the case and that there are reasonable grounds to believe that
17 such evidence may be obtained at a later day the court may
18 continue the cause on application of the State for not more
19 than an additional 60 days.

20 (f) Delay occasioned by the defendant shall temporarily
21 suspend for the time of the delay the period within which a
22 person shall be tried as prescribed by subsections (a), (b), or
23 (e) of this Section and on the day of expiration of the delay
24 the said period shall continue at the point at which it was
25 suspended. Where such delay occurs within 21 days of the end of
26 the period within which a person shall be tried as prescribed

1 by subsections (a), (b), or (e) of this Section, the court may
2 continue the cause on application of the State for not more
3 than an additional 21 days beyond the period prescribed by
4 subsections (a), (b), or (e). This subsection (f) shall become
5 effective on, and apply to persons charged with alleged
6 offenses committed on or after, March 1, 1977.

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

8 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

9 Sec. 110-5. Determining the amount of bail and conditions
10 of release.

11 (a) In determining the amount of monetary bail or
12 conditions of release, if any, which will reasonably assure the
13 appearance of a defendant as required or the safety of any
14 other person or the community and the likelihood of compliance
15 by the defendant with all the conditions of bail, the court
16 shall, on the basis of available information, take into account
17 such matters as the nature and circumstances of the offense
18 charged, whether the evidence shows that as part of the offense
19 there was a use of violence or threatened use of violence,
20 whether the offense involved corruption of public officials or
21 employees, whether there was physical harm or threats of
22 physical harm to any public official, public employee, judge,
23 prosecutor, juror or witness, senior citizen, child or
24 handicapped person, whether evidence shows that during the
25 offense or during the arrest the defendant possessed or used a

1 firearm, machine gun, explosive or metal piercing ammunition or
2 explosive bomb device or any military or paramilitary armament,
3 whether the evidence shows that the offense committed was
4 related to or in furtherance of the criminal activities of an
5 organized gang or was motivated by the defendant's membership
6 in or allegiance to an organized gang, the condition of the
7 victim, any written statement submitted by the victim or
8 proffer or representation by the State regarding the impact
9 which the alleged criminal conduct has had on the victim and
10 the victim's concern, if any, with further contact with the
11 defendant if released on bail, whether the offense was based on
12 racial, religious, sexual orientation or ethnic hatred, the
13 likelihood of the filing of a greater charge, the likelihood of
14 conviction, the sentence applicable upon conviction, the
15 weight of the evidence against such defendant, whether there
16 exists motivation or ability to flee, whether there is any
17 verification as to prior residence, education, or family ties
18 in the local jurisdiction, in another county, state or foreign
19 country, the defendant's employment, financial resources,
20 character and mental condition, past conduct, prior use of
21 alias names or dates of birth, and length of residence in the
22 community, the consent of the defendant to periodic drug
23 testing in accordance with Section 110-6.5, whether a foreign
24 national defendant is lawfully admitted in the United States of
25 America, whether the government of the foreign national
26 maintains an extradition treaty with the United States by which

1 the foreign government will extradite to the United States its
2 national for a trial for a crime allegedly committed in the
3 United States, whether the defendant is currently subject to
4 deportation or exclusion under the immigration laws of the
5 United States, whether the defendant, although a United States
6 citizen, is considered under the law of any foreign state a
7 national of that state for the purposes of extradition or
8 non-extradition to the United States, the amount of unrecovered
9 proceeds lost as a result of the alleged offense, the source of
10 bail funds tendered or sought to be tendered for bail, whether
11 from the totality of the court's consideration, the loss of
12 funds posted or sought to be posted for bail will not deter the
13 defendant from flight, whether the evidence shows that the
14 defendant is engaged in significant possession, manufacture,
15 or delivery of a controlled substance or cannabis, either
16 individually or in consort with others, whether at the time of
17 the offense charged he or she was on bond or pre-trial release
18 pending trial, probation, periodic imprisonment or conditional
19 discharge pursuant to this Code or the comparable Code of any
20 other state or federal jurisdiction, whether the defendant is
21 on bond or pre-trial release pending the imposition or
22 execution of sentence or appeal of sentence for any offense
23 under the laws of Illinois or any other state or federal
24 jurisdiction, whether the defendant is under parole, aftercare
25 release, ~~or~~ mandatory supervised release, or work release from
26 the Illinois Department of Corrections or Illinois Department

1 of Juvenile Justice or any penal institution or corrections
2 department of any state or federal jurisdiction, the
3 defendant's record of convictions, whether the defendant has
4 been convicted of a misdemeanor or ordinance offense in
5 Illinois or similar offense in other state or federal
6 jurisdiction within the 10 years preceding the current charge
7 or convicted of a felony in Illinois, whether the defendant was
8 convicted of an offense in another state or federal
9 jurisdiction that would be a felony if committed in Illinois
10 within the 20 years preceding the current charge or has been
11 convicted of such felony and released from the penitentiary
12 within 20 years preceding the current charge if a penitentiary
13 sentence was imposed in Illinois or other state or federal
14 jurisdiction, the defendant's records of juvenile adjudication
15 of delinquency in any jurisdiction, any record of appearance or
16 failure to appear by the defendant at court proceedings,
17 whether there was flight to avoid arrest or prosecution,
18 whether the defendant escaped or attempted to escape to avoid
19 arrest, whether the defendant refused to identify himself or
20 herself, or whether there was a refusal by the defendant to be
21 fingerprinted as required by law. Information used by the court
22 in its findings or stated in or offered in connection with this
23 Section may be by way of proffer based upon reliable
24 information offered by the State or defendant. All evidence
25 shall be admissible if it is relevant and reliable regardless
26 of whether it would be admissible under the rules of evidence

1 applicable at criminal trials. If the State presents evidence
2 that the offense committed by the defendant was related to or
3 in furtherance of the criminal activities of an organized gang
4 or was motivated by the defendant's membership in or allegiance
5 to an organized gang, and if the court determines that the
6 evidence may be substantiated, the court shall prohibit the
7 defendant from associating with other members of the organized
8 gang as a condition of bail or release. For the purposes of
9 this Section, "organized gang" has the meaning ascribed to it
10 in Section 10 of the Illinois Streetgang Terrorism Omnibus
11 Prevention Act.

12 (b) The amount of bail shall be:

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

21 (2) Not oppressive.

22 (3) Considerate of the financial ability of the
23 accused.

24 (4) When a person is charged with a drug related
25 offense involving possession or delivery of cannabis or
26 possession or delivery of a controlled substance as defined

1 in the Cannabis Control Act, the Illinois Controlled
2 Substances Act, or the Methamphetamine Control and
3 Community Protection Act, the full street value of the
4 drugs seized shall be considered. "Street value" shall be
5 determined by the court on the basis of a proffer by the
6 State based upon reliable information of a law enforcement
7 official contained in a written report as to the amount
8 seized and such proffer may be used by the court as to the
9 current street value of the smallest unit of the drug
10 seized.

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

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

25 (2) the source of any money or property deposited by
26 any surety, and whether any such money or property

1 constitutes the fruits of criminal or unlawful conduct; and

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

5 (4) the background, character, reputation, and
6 relationship to the accused of the person posting cash
7 bail.

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

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

20 (c) When a person is charged with an offense punishable by
21 fine only the amount of the bail shall not exceed double the
22 amount of the maximum penalty.

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

26 (e) The State may appeal any order granting bail or setting

1 a given amount for bail.

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

5 (1) whether the alleged incident involved harassment
6 or abuse, as defined in the Illinois Domestic Violence Act
7 of 1986;

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

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

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

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

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

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

20 (8) based on the severity of the alleged incident that
21 is the basis of the alleged offense, including, but not
22 limited to, the duration of the current incident, and
23 whether the alleged incident involved physical injury,
24 sexual assault, strangulation, abuse during the alleged
25 victim's pregnancy, abuse of pets, or forcible entry to
26 gain access to the alleged victim;

1 (9) whether a separation of the person from the alleged
2 victim or a termination of the relationship between the
3 person and the alleged victim has recently occurred or is
4 pending;

5 (10) whether the person has exhibited obsessive or
6 controlling behaviors toward the alleged victim,
7 including, but not limited to, stalking, surveillance, or
8 isolation of the alleged victim or victim's family member
9 or members;

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

12 (12) based on any information contained in the
13 complaint and any police reports, affidavits, or other
14 documents accompanying the complaint,

15 the court may, in its discretion, order the respondent to
16 undergo a risk assessment evaluation conducted by an Illinois
17 Department of Human Services approved partner abuse
18 intervention program provider, pretrial service, probation, or
19 parole agency. These agencies shall have access to summaries of
20 the defendant's criminal history, which shall not include
21 victim interviews or information, for the risk evaluation.
22 Based on the information collected from the 12 points to be
23 considered at a bail hearing for a violation of an order of
24 protection, the results of any risk evaluation conducted and
25 the other circumstances of the violation, the court may order
26 that the person, as a condition of bail, be placed under

1 electronic surveillance as provided in Section 5-8A-7 of the
2 Unified Code of Corrections.

3 (Source: P.A. 96-688, eff. 8-25-09; 96-1551, eff. 7-1-11;
4 97-1150, eff. 1-25-13.)

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

6 Sec. 110-6.1. Denial of bail in non-probationable felony
7 offenses.

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

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

23 (2) The hearing shall be held immediately upon the
24 defendant's appearance before the court, unless for good
25 cause shown the defendant or the State seeks a continuance.

1 A continuance on motion of the defendant may not exceed 5
2 calendar days, and a continuance on the motion of the State
3 may not exceed 3 calendar days. The defendant may be held
4 in custody during such continuance.

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

7 (1) the proof is evident or the presumption great that
8 the defendant has committed an offense for which a sentence
9 of imprisonment, without probation, periodic imprisonment
10 or conditional discharge, must be imposed by law as a
11 consequence of conviction, and

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

20 (3) the court finds that no condition or combination of
21 conditions set forth in subsection (b) of Section 110-10 of
22 this Article, can reasonably assure the physical safety of
23 any other person or persons.

24 (c) Conduct of the hearings.

25 (1) The hearing on the defendant's culpability and
26 dangerousness shall be conducted in accordance with the

1 following provisions:

2 (A) Information used by the court in its findings
3 or stated in or offered at such hearing may be by way
4 of proffer based upon reliable information offered by
5 the State or by defendant. Defendant has the right to
6 be represented by counsel, and if he is indigent, to
7 have counsel appointed for him. Defendant shall have
8 the opportunity to testify, to present witnesses in his
9 own behalf, and to cross-examine witnesses if any are
10 called by the State. The defendant has the right to
11 present witnesses in his favor. When the ends of
12 justice so require, the court may exercises its
13 discretion and compel the appearance of a complaining
14 witness. The court shall state on the record reasons
15 for granting a defense request to compel the presence
16 of a complaining witness. Cross-examination of a
17 complaining witness at the pretrial detention hearing
18 for the purpose of impeaching the witness' credibility
19 is insufficient reason to compel the presence of the
20 witness. In deciding whether to compel the appearance
21 of a complaining witness, the court shall be
22 considerate of the emotional and physical well-being
23 of the witness. The pre-trial detention hearing is not
24 to be used for purposes of discovery, and the post
25 arraignment rules of discovery do not apply. The State
26 shall tender to the defendant, prior to the hearing,

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

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

20 (2) The facts relied upon by the court to support a
21 finding that the defendant poses a real and present threat
22 to the physical safety of any person or persons shall be
23 supported by clear and convincing evidence presented by the
24 State.

25 (d) Factors to be considered in making a determination of
26 dangerousness. The court may, in determining whether the

1 defendant poses a real and present threat to the physical
2 safety of any person or persons, consider but shall not be
3 limited to evidence or testimony concerning:

4 (1) The nature and circumstances of any offense
5 charged, including whether the offense is a crime of
6 violence, involving a weapon.

7 (2) The history and characteristics of the defendant
8 including:

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

15 (B) Any evidence of the defendant's psychological,
16 psychiatric or other similar social history which
17 tends to indicate a violent, abusive, or assaultive
18 nature, or lack of any such history.

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

22 (4) Any statements made by, or attributed to the
23 defendant, together with the circumstances surrounding
24 them;

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

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

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

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

14 (e) Detention order. The court shall, in any order for
15 detention:

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

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

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

26 (4) direct that the sheriff deliver the defendant as

1 required for appearances in connection with court
2 proceedings.

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

13 (g) Rights of the defendant. Any person shall be entitled
14 to appeal any order entered under this Section denying bail to
15 the defendant.

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

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

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

22 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

23 Sec. 110-6.3. Denial of bail in stalking and aggravated
24 stalking offenses.

25 (a) Upon verified petition by the State, the court shall

1 hold a hearing to determine whether bail should be denied to a
2 defendant who is charged with stalking or aggravated stalking,
3 when it is alleged that the defendant's admission to bail poses
4 a real and present threat to the physical safety of the alleged
5 victim of the offense, and denial of release on bail or
6 personal recognizance is necessary to prevent fulfillment of
7 the threat upon which the charge is based.

8 (1) A petition may be filed without prior notice to the
9 defendant at the first appearance before a judge, or within
10 21 calendar days, except as provided in Section 110-6,
11 after arrest and release of the defendant upon reasonable
12 notice to defendant; provided that while the petition is
13 pending before the court, the defendant if previously
14 released shall not be detained.

15 (2) The hearing shall be held immediately upon the
16 defendant's appearance before the court, unless for good
17 cause shown the defendant or the State seeks a continuance.
18 A continuance on motion of the defendant may not exceed 5
19 calendar days, and the defendant may be held in custody
20 during the continuance. A continuance on the motion of the
21 State may not exceed 3 calendar days; however, the
22 defendant may be held in custody during the continuance
23 under this provision if the defendant has been previously
24 found to have violated an order of protection or has been
25 previously convicted of, or granted court supervision for,
26 any of the offenses set forth in Sections 11-1.20, 11-1.30,

1 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,
2 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15
3 or 12-16 of the Criminal Code of 1961 or the Criminal Code
4 of 2012, against the same person as the alleged victim of
5 the stalking or aggravated stalking offense.

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

8 (1) the proof is evident or the presumption great that
9 the defendant has committed the offense of stalking or
10 aggravated stalking; and

11 (2) the defendant poses a real and present threat to
12 the physical safety of the alleged victim of the offense;
13 and

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

17 (4) the court finds that no condition or combination of
18 conditions set forth in subsection (b) of Section 110-10 of
19 this Code, including mental health treatment at a community
20 mental health center, hospital, or facility of the
21 Department of Human Services, can reasonably assure the
22 physical safety of the alleged victim of the offense.

23 (c) Conduct of the hearings.

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

1 (A) Information used by the court in its findings
2 or stated in or offered at the hearing may be by way of
3 proffer based upon reliable information offered by the
4 State or by defendant. Defendant has the right to be
5 represented by counsel, and if he is indigent, to have
6 counsel appointed for him. Defendant shall have the
7 opportunity to testify, to present witnesses in his own
8 behalf, and to cross-examine witnesses if any are
9 called by the State. The defendant has the right to
10 present witnesses in his favor. When the ends of
11 justice so require, the court may exercise its
12 discretion and compel the appearance of a complaining
13 witness. The court shall state on the record reasons
14 for granting a defense request to compel the presence
15 of a complaining witness. Cross-examination of a
16 complaining witness at the pretrial detention hearing
17 for the purpose of impeaching the witness' credibility
18 is insufficient reason to compel the presence of the
19 witness. In deciding whether to compel the appearance
20 of a complaining witness, the court shall be
21 considerate of the emotional and physical well-being
22 of the witness. The pretrial detention hearing is not
23 to be used for the purposes of discovery, and the post
24 arraignment rules of discovery do not apply. The State
25 shall tender to the defendant, prior to the hearing,
26 copies of defendant's criminal history, if any, if

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

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

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

21 (A) the defendant poses a real and present threat
22 to the physical safety of the alleged victim of the
23 offense; and

24 (B) the denial of release on bail or personal
25 recognizance is necessary to prevent fulfillment of
26 the threat upon which the charge is based;

1 shall be supported by clear and convincing evidence
2 presented by the State.

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

9 (1) The nature and circumstances of the offense
10 charged;

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

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

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

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

25 (4) Any statements made by, or attributed to the
26 defendant, together with the circumstances surrounding

1 them;

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

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

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

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

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

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

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

25 (3) direct that the defendant be given a reasonable
26 opportunity for private consultation with counsel, and for

1 communication with others of his choice by visitation, mail
2 and telephone; and

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

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

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

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

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

25 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
26 96-1551, Article 2, Section 1040, eff. 7-1-11; 97-1109, eff.

1 1-1-13; 97-1150, eff. 1-25-13.)

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

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

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

15 (i) the violation is alleged in an information,
16 complaint, indictment or delinquency petition on file, and
17 the alleged offender and victim are family or household
18 members; and

19 (ii) the petition, which is filed by the State's
20 Attorney, names a victim of the alleged crime as a
21 petitioner.

22 (b) Withdrawal or dismissal of any petition for an order of
23 protection prior to adjudication where the petitioner is
24 represented by the state shall operate as a dismissal without
25 prejudice.

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

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

12 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

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

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

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

20 (2) Interim orders shall be effective for up to 30
21 days.

22 (b) Duration of plenary orders. Except as otherwise
23 provided in this Section, a plenary order of protection shall
24 be valid for a fixed period of time not to exceed 2 years. A
25 plenary order of protection entered in conjunction with a

1 criminal prosecution shall remain in effect as follows:

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

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

12 (3) until expiration of any supervision, conditional
13 discharge, probation, periodic imprisonment, parole,
14 aftercare release, or mandatory supervised release and for
15 an additional period of time thereafter not exceeding 2
16 years; or

17 (4) until the date set by the court for expiration of
18 any sentence of imprisonment and subsequent parole,
19 aftercare release, or mandatory supervised release and for
20 an additional period of time thereafter not exceeding 2
21 years.

22 (c) Computation of time. The duration of an order of
23 protection shall not be reduced by the duration of any prior
24 order of protection.

25 (d) Law enforcement records. When a plenary order of
26 protection expires upon the occurrence of a specified event,

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

10 (e) Extension of Orders. Any emergency, interim or plenary
11 order of protection may be extended one or more times, as
12 required, provided that the requirements of Section 112A-17,
13 112A-18 or 112A-19, as appropriate, are satisfied. If the
14 motion for extension is uncontested and petitioner seeks no
15 modification of the order, the order may be extended on the
16 basis of petitioner's motion or affidavit stating that there
17 has been no material change in relevant circumstances since
18 entry of the order and stating the reason for the requested
19 extension. An extension of a plenary order of protection may be
20 granted, upon good cause shown, to remain in effect until the
21 order of protection is vacated or modified. Extensions may be
22 granted only in open court and not under the provisions of
23 Section 112A-17(c), which applies only when the court is
24 unavailable at the close of business or on a court holiday.

25 (f) Termination date. Any order of protection which would
26 expire on a court holiday shall instead expire at the close of

1 the next court business day.

2 (g) Statement of purpose. The practice of dismissing or
3 suspending a criminal prosecution in exchange for issuing an
4 order of protection undermines the purposes of this Article.
5 This Section shall not be construed as encouraging that
6 practice.

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

8 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

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

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

17 (b) Filing with sheriff. The clerk of the issuing judge
18 shall, or the petitioner may, on the same day that an order of
19 protection is issued, file a copy of that order with the
20 sheriff or other law enforcement officials charged with
21 maintaining Department of State Police records or charged with
22 serving the order upon respondent. If the order was issued in
23 accordance with subsection (c) of Section 112A-17, the clerk
24 shall on the next court day, file a certified copy of the order
25 with the Sheriff or other law enforcement officials charged

1 with maintaining Department of State Police records. If the
2 respondent, at the time of the issuance of the order, is
3 committed to the custody of the Illinois Department of
4 Corrections or Illinois Department of Juvenile Justice or is on
5 parole, aftercare release, or mandatory supervised release,
6 the sheriff or other law enforcement officials charged with
7 maintaining Department of State Police records shall notify the
8 Department of Corrections or Department of Juvenile Justice
9 within 48 hours of receipt of a copy of the order of protection
10 from the clerk of the issuing judge or the petitioner. Such
11 notice shall include the name of the respondent, the
12 respondent's IDOC inmate number or IDJJ youth identification
13 number, the respondent's date of birth, and the LEADS Record
14 Index Number.

15 (c) Service by sheriff. Unless respondent was present in
16 court when the order was issued, the sheriff, other law
17 enforcement official or special process server shall promptly
18 serve that order upon respondent and file proof of such
19 service, in the manner provided for service of process in civil
20 proceedings. Instead of serving the order upon the respondent,
21 however, the sheriff, other law enforcement official, special
22 process server, or other persons defined in Section 112A-22.10
23 may serve the respondent with a short form notification as
24 provided in Section 112A-22.10. If process has not yet been
25 served upon the respondent, it shall be served with the order
26 or short form notification if such service is made by the

1 sheriff, other law enforcement official, or special process
2 server.

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 112A-17 and received
6 by the custodial law enforcement agency before the respondent
7 or 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 112A-17 of this Code.

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 health care facilities and health care
19 practitioners. Upon the request of the petitioner, the clerk of
20 the circuit court shall send a certified copy of the order of
21 protection to any specified health care facility or health care
22 practitioner requested by the petitioner at the mailing address
23 provided by the petitioner.

24 (f) Disclosure by health care facilities and health care
25 practitioners. After receiving a certified copy of an order of
26 protection that prohibits a respondent's access to records, no

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

19 (g) Notice to schools. Upon the request of the petitioner,
20 within 24 hours of the issuance of an order of protection, the
21 clerk of the issuing judge shall send a certified copy of the
22 order of protection to the day-care facility, pre-school or
23 pre-kindergarten, or private school or the principal office of
24 the public school district or any college or university in
25 which any child who is a protected person under the order of
26 protection or any child of the petitioner is enrolled as

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

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

1 within 24 hours of the transfer, written notice of the order of
2 protection, along with a certified copy of the order, to the
3 institution to which the child is transferring.

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

6 (725 ILCS 5/112A-22.10)

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

8 (a) Instead of personal service of an order of protection
9 under Section 112A-22, a sheriff, other law enforcement
10 official, special process server, or personnel assigned by the
11 Department of Corrections or Department of Juvenile Justice to
12 investigate the alleged misconduct of committed persons or
13 alleged violations of a parolee's or releasee's conditions of
14 parole, aftercare release, or mandatory supervised release may
15 serve a respondent with a short form notification. The short
16 form 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 (9) The name of the judge who signed the order.

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

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

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

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

19 (e) The Attorney General shall provide adequate copies of
20 the short form notification form to law enforcement agencies in
21 this State.

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

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

1 (725 ILCS 120/3) (from Ch. 38, par. 1403)

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

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

25 (b) "Witness" means any person who personally observed the
26 commission of a violent crime and who will testify on behalf of

1 the State of Illinois in the criminal prosecution of the
2 violent crime.

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

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

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

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

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

13 (725 ILCS 120/4.5)

14 Sec. 4.5. Procedures to implement the rights of crime
15 victims. To afford crime victims their rights, law enforcement,
16 prosecutors, judges and corrections will provide information,
17 as appropriate of the following procedures:

18 (a) At the request of the crime victim, law enforcement
19 authorities investigating the case shall provide notice of the
20 status of the investigation, except where the State's Attorney
21 determines that disclosure of such information would
22 unreasonably interfere with the investigation, until such time
23 as the alleged assailant is apprehended or the investigation is
24 closed.

25 (a-5) When law enforcement authorities re-open a closed

1 case to resume investigating, they shall provide notice of the
2 re-opening of the case, except where the State's Attorney
3 determines that disclosure of such information would
4 unreasonably interfere with the investigation.

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

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

10 (2) shall provide notice of the date, time, and place
11 of trial;

12 (3) or victim advocate personnel shall provide
13 information of social services and financial assistance
14 available for victims of crime, including information of
15 how to apply for these services and assistance;

16 (3.5) or victim advocate personnel shall provide
17 information about available victim services, including
18 referrals to programs, counselors, and agencies that
19 assist a victim to deal with trauma, loss, and grief;

20 (4) shall assist in having any stolen or other personal
21 property held by law enforcement authorities for
22 evidentiary or other purposes returned as expeditiously as
23 possible, pursuant to the procedures set out in Section
24 115-9 of the Code of Criminal Procedure of 1963;

25 (5) or victim advocate personnel shall provide
26 appropriate employer intercession services to ensure that

1 employers of victims will cooperate with the criminal
2 justice system in order to minimize an employee's loss of
3 pay and other benefits resulting from court appearances;

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

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

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

21 (9) shall inform the victim of the right to have
22 present at all court proceedings, subject to the rules of
23 evidence, an advocate or other support person of the
24 victim's choice, and the right to retain an attorney, at
25 the victim's own expense, who, upon written notice filed
26 with the clerk of the court and State's Attorney, is to

1 receive copies of all notices, motions and court orders
2 filed thereafter in the case, in the same manner as if the
3 victim were a named party in the case;

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

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

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

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

21 (1) provide notice a reasonable time in advance of the
22 following court proceedings: preliminary hearing, any
23 hearing the effect of which may be the release of defendant
24 from custody, or to alter the conditions of bond and the
25 sentencing hearing. The crime victim shall also be notified
26 of the cancellation of the court proceeding in sufficient

1 time, wherever possible, to prevent an unnecessary
2 appearance in court;

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

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

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

17 (5) provide notice of the ultimate disposition of the
18 cases arising from an indictment or an information, or a
19 petition to have a juvenile adjudicated as a delinquent for
20 a violent crime;

21 (6) provide notice of any appeal taken by the defendant
22 and information on how to contact the appropriate agency
23 handling the appeal;

24 (7) provide notice of any request for post-conviction
25 review filed by the defendant under Article 122 of the Code
26 of Criminal Procedure of 1963, and of the date, time and

1 place of any hearing concerning the petition. Whenever
2 possible, notice of the hearing shall be given in advance;

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

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

1 citizen's residence or other location available to the
2 notifying authority.

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

17 (3) In the event of an escape from State custody, the
18 Department of Corrections or the Department of Juvenile Justice
19 immediately shall notify the Prisoner Review Board of the
20 escape and the Prisoner Review Board shall notify the victim.
21 The notification shall be based upon the most recent
22 information as to the victim's residence or other location
23 available to the Board. When no such information is available,
24 the Board shall make all reasonable efforts to obtain the
25 information and make the notification. When the escapee is
26 apprehended, the Department of Corrections or the Department of

1 Juvenile Justice immediately shall notify the Prisoner Review
2 Board and the Board shall notify the victim.

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

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

22 (6) At the written request of the victim of the crime for
23 which the prisoner was sentenced or the State's Attorney of the
24 county where the person seeking parole or aftercare release was
25 prosecuted, the Prisoner Review Board shall notify the victim
26 and the State's Attorney of the county where the person seeking

1 parole or aftercare release was prosecuted of the death of the
2 prisoner if the prisoner died while on parole or aftercare
3 release or mandatory supervised release.

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

14 (8) When a defendant has been convicted of a sex offense as
15 defined in Section 2 of the Sex Offender Registration Act and
16 has been sentenced to the Department of Corrections or the
17 Department of Juvenile Justice, the Prisoner Review Board shall
18 notify the victim of the sex offense of the prisoner's
19 eligibility for release on parole, aftercare release,
20 mandatory supervised release, electronic detention, work
21 release, international transfer or exchange, or by the
22 custodian of the discharge of any individual who was
23 adjudicated a delinquent for a sex offense from State custody
24 and by the sheriff of the appropriate county of any such
25 person's final discharge from county custody. The notification
26 shall be made to the victim at least 30 days, whenever

1 possible, before release of the sex offender.

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

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

18 (Source: P.A. 96-328, eff. 8-11-09; 96-875, eff. 1-22-10;
19 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; 97-813, eff. 7-13-12;
20 97-815, eff. 1-1-13.)

21 (725 ILCS 120/5) (from Ch. 38, par. 1405)

22 Sec. 5. Rights of Witnesses.

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

25 (1) to be notified by the Office of the State's

1 Attorney of all court proceedings at which the witness'
2 presence is required in a reasonable amount of time prior
3 to the proceeding, and to be notified of the cancellation
4 of any scheduled court proceeding in sufficient time to
5 prevent an unnecessary appearance in court, where
6 possible;

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

13 (3) to be provided, whenever possible, a secure waiting
14 area during court proceedings that does not require
15 witnesses to be in close proximity to defendants and their
16 families and friends;

17 (4) to be provided with notice by the Office of the
18 State's Attorney, where necessary, of the right to have a
19 translator present whenever the witness' presence is
20 required and, in compliance with the federal Americans with
21 Disabilities Act of 1990, to be provided with notice of the
22 right to communications access through a sign language
23 interpreter or by other means.

24 (b) At the written request of the witness, the witness
25 shall:

26 (1) receive notice from the office of the State's

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

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

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

20 (4) receive notice from the Prisoner Review Board of
21 the prisoner's release on parole, aftercare release,
22 electronic detention, work release or mandatory supervised
23 release and of the prisoner's final discharge from parole, aftercare release,
24 aftercare release, electronic detention, work release, or
25 mandatory supervised release.

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

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

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

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

20 When a criminal sexual offense is committed or alleged to
21 have been committed by a school district employee or any
22 individual contractually employed by a school district, a copy
23 of the criminal history record information relating to the
24 investigation of the offense or alleged offense shall be

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

11 A court may prohibit such disclosure only after giving
12 notice and a hearing to all affected parties. In determining
13 whether to prohibit disclosure of the minor's identity the
14 court shall consider:

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

16 (b) whether such nondisclosure would further a
17 compelling State interest.

18 For the purposes of this Act, "criminal history record
19 information" means:

20 (i) chronologically maintained arrest information,
21 such as traditional arrest logs or blotters;

22 (ii) the name of a person in the custody of a law
23 enforcement agency and the charges for which that person is
24 being held;

25 (iii) court records that are public;

26 (iv) records that are otherwise available under State

1 or local law; or

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

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

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

10 (725 ILCS 207/15)

11 Sec. 15. Sexually violent person petition; contents;
12 filing.

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

19 (1) The Attorney General on his or her own motion,
20 after consulting with and advising the State's Attorney of
21 the county in which the person was convicted of a sexually
22 violent offense, adjudicated delinquent for a sexually
23 violent offense or found not guilty of or not responsible
24 for a sexually violent offense by reason of insanity,

1 mental disease, or mental defect; or

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

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

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

11 (a) the Attorney General;

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

14 (c) the Attorney General and the State's Attorney
15 jointly.

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

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

20 (A) The person has been convicted of a sexually
21 violent offense;

22 (B) The person has been found delinquent for a
23 sexually violent offense; or

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

1 (2) (Blank).

2 (3) (Blank).

3 (4) The person has a mental disorder.

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

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

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

18 (1) from a Department of Juvenile Justice juvenile
19 correctional facility if the person was placed in the
20 facility for being adjudicated delinquent under Section
21 5-20 of the Juvenile Court Act of 1987 or found guilty
22 under Section 5-620 of that Act on the basis of a sexually
23 violent offense; or

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

26 (b-7) A person convicted of a sexually violent offense

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

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

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

26 (1) The circuit court for the county in which the

1 person was convicted of a sexually violent offense,
2 adjudicated delinquent for a sexually violent offense or
3 found not guilty of a sexually violent offense by reason of
4 insanity, mental disease or mental defect.

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

10 (e) The filing of a petition under this Act shall toll the
11 running of the term of parole or mandatory supervised release
12 until:

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

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

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

18 (f) The State has the right to have the person evaluated by
19 experts chosen by the State. The agency with jurisdiction as
20 defined in Section 10 of this Act shall allow the expert
21 reasonable access to the person for purposes of examination, to
22 the person's records, and to past and present treatment
23 providers and any other staff members relevant to the
24 examination.

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

1 (725 ILCS 207/30)

2 Sec. 30. Detention; probable cause hearing; transfer for
3 examination.

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

21 (b) Whenever a petition is filed under Section 15 of this
22 Act, the court shall hold a hearing to determine whether there
23 is probable cause to believe that the person named in the
24 petition is a sexually violent person. If the person named in
25 the petition is in custody, the court shall hold the probable
26 cause hearing within 72 hours after the petition is filed,

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

11 (c) If the court determines after a hearing that there is
12 probable cause to believe that the person named in the petition
13 is a sexually violent person, the court shall order that the
14 person be taken into custody if he or she is not in custody and
15 shall order the person to be transferred within a reasonable
16 time to an appropriate facility for an evaluation as to whether
17 the person is a sexually violent person. If the person who is
18 named in the petition refuses to speak to, communicate with, or
19 otherwise fails to cooperate with the examining evaluator from
20 the Department of Human Services or the Department of
21 Corrections, that person may only introduce evidence and
22 testimony from any expert or professional person who is
23 retained or court-appointed to conduct an examination of the
24 person that results from a review of the records and may not
25 introduce evidence resulting from an examination of the person.
26 Notwithstanding the provisions of Section 10 of the Mental

1 Health and Developmental Disabilities Confidentiality Act, all
2 evaluations conducted pursuant to this Act and all Illinois
3 Department of Corrections treatment records shall be
4 admissible at all proceedings held pursuant to this Act,
5 including the probable cause hearing and the trial.

6 If the court determines that probable cause does not exist
7 to believe that the person is a sexually violent person, the
8 court shall dismiss the petition.

9 (d) The Department shall promulgate rules that provide the
10 qualifications for persons conducting evaluations under
11 subsection (c) of this Section.

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

15 (Source: P.A. 92-415, eff. 8-17-01; 93-616, eff. 1-1-04;
16 93-970, eff. 8-20-04.)

17 (725 ILCS 207/40)

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

19 Sec. 40. Commitment.

20 (a) If a court or jury determines that the person who is
21 the subject of a petition under Section 15 of this Act is a
22 sexually violent person, the court shall order the person to be
23 committed to the custody of the Department for control, care
24 and treatment until such time as the person is no longer a
25 sexually violent person.

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

20 (2) An order for commitment under this Section shall
21 specify either institutional care in a secure facility, as
22 provided under Section 50 of this Act, or conditional release.
23 In determining whether commitment shall be for institutional
24 care in a secure facility or for conditional release, the court
25 shall consider the nature and circumstances of the behavior
26 that was the basis of the allegation in the petition under

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

12 (3) If the court finds that the person is appropriate for
13 conditional release, the court shall notify the Department. The
14 Department shall prepare a plan that identifies the treatment
15 and services, if any, that the person will receive in the
16 community. The plan shall address the person's need, if any,
17 for supervision, counseling, medication, community support
18 services, residential services, vocational services, and
19 alcohol or other drug abuse treatment. The Department may
20 contract with a county health department, with another public
21 agency or with a private agency to provide the treatment and
22 services identified in the plan. The plan shall specify who
23 will be responsible for providing the treatment and services
24 identified in the plan. The plan shall be presented to the
25 court for its approval within 60 days after the court finding
26 that the person is appropriate for conditional release, unless

1 the Department and the person to be released request additional
2 time to develop the plan. The conditional release program
3 operated under this Section is not subject to the provisions of
4 the Mental Health and Developmental Disabilities
5 Confidentiality Act.

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

26 At any time during which the person is on conditional

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

1 requires that the conditional release be revoked. If the court
2 determines after hearing that any rule or condition of release
3 has been violated, or that the safety of others requires that
4 conditional release be revoked, it may revoke the order for
5 conditional release and order that the released person be
6 placed in an appropriate institution until the person is
7 discharged from the commitment under Section 65 of this Act or
8 until again placed on conditional release under Section 60 of
9 this Act.

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

17 (A) not violate any criminal statute of any
18 jurisdiction;

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

21 (C) refrain from possession of a firearm or other
22 dangerous weapon;

23 (D) not leave the State without the consent of the
24 court or, in circumstances in which the reason for the
25 absence is of such an emergency nature, that prior consent
26 by the court is not possible without the prior notification

1 and approval of the Department;

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

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

15 (G) waive confidentiality allowing the court and
16 Department access to assessment or treatment results or
17 both;

18 (H) work regularly at a Department approved occupation
19 or pursue a course of study or vocational training and
20 notify the Department within 72 hours of any change in
21 employment, study, or training;

22 (I) not be employed or participate in any volunteer
23 activity that involves contact with children, except under
24 circumstances approved in advance and in writing by the
25 Department officer;

26 (J) submit to the search of his or her person,

1 residence, vehicle, or any personal or real property under
2 his or her control at any time by the Department;

3 (K) financially support his or her dependents and
4 provide the Department access to any requested financial
5 information;

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

8 (i) remain within the interior premises of the
9 place designated for his or her confinement during the
10 hours designated by the Department;

11 (ii) admit any person or agent designated by the
12 Department into the offender's place of confinement at
13 any time for purposes of verifying the person's
14 compliance with the condition of his or her
15 confinement;

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

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

23 (N) refrain from entering into a designated geographic
24 area except upon terms the Department finds appropriate.
25 The terms may include consideration of the purpose of the
26 entry, the time of day, others accompanying the person, and

1 advance approval by the Department;

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

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

16 (Q) refrain from all contact, direct or indirect,
17 personally, by telephone, letter, or through another
18 person, with minor children without prior identification
19 and approval of the Department;

20 (R) refrain from having in his or her body the presence
21 of alcohol or any illicit drug prohibited by the Cannabis
22 Control Act, the Illinois Controlled Substances Act, or the
23 Methamphetamine Control and Community Protection Act,
24 unless prescribed by a physician, and submit samples of his
25 or her breath, saliva, blood, or urine for tests to
26 determine the presence of alcohol or any illicit drug;

1 (S) not establish a dating, intimate, or sexual
2 relationship with a person without prior written
3 notification to the Department;

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

11 (U) not patronize any business providing sexually
12 stimulating or sexually oriented entertainment nor utilize
13 "900" or adult telephone numbers or any other sex-related
14 telephone numbers;

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

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

23 (X) not publish any materials or print any
24 advertisements without providing a copy of the proposed
25 publications to the Department officer and obtaining
26 permission prior to publication;

1 (Y) not leave the county except with prior permission
2 of the Department and provide the Department officer or
3 agent with written travel routes to and from work and any
4 other designated destinations;

5 (Z) not possess or have under his or her control
6 certain specified items of contraband related to the
7 incidence of sexually offending items including video or
8 still camera items or children's toys;

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

11 (BB) comply with all other special conditions that the
12 Department may impose that restrict the person from
13 high-risk situations and limit access or potential
14 victims.

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

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

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

2 Sec. 40. Commitment.

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

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

1 and Developmental Disabilities Code. The State has the right to
2 have the person evaluated by experts chosen by the State.

3 (2) An order for commitment under this Section shall
4 specify either institutional care in a secure facility, as
5 provided under Section 50 of this Act, or conditional release.
6 In determining whether commitment shall be for institutional
7 care in a secure facility or for conditional release, the court
8 shall consider the nature and circumstances of the behavior
9 that was the basis of the allegation in the petition under
10 paragraph (b) (1) of Section 15, the person's mental history and
11 present mental condition, and what arrangements are available
12 to ensure that the person has access to and will participate in
13 necessary treatment. All treatment, whether in institutional
14 care, in a secure facility, or while on conditional release,
15 shall be conducted in conformance with the standards developed
16 under the Sex Offender Management Board Act and conducted by a
17 treatment provider licensed under the Sex Offender Evaluation
18 and Treatment Provider Act. The Department shall arrange for
19 control, care and treatment of the person in the least
20 restrictive manner consistent with the requirements of the
21 person and in accordance with the court's commitment order.

22 (3) If the court finds that the person is appropriate for
23 conditional release, the court shall notify the Department. The
24 Department shall prepare a plan that identifies the treatment
25 and services, if any, that the person will receive in the
26 community. The plan shall address the person's need, if any,

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

16 (4) An order for conditional release places the person in
17 the custody and control of the Department. A person on
18 conditional release is subject to the conditions set by the
19 court and to the rules of the Department. Before a person is
20 placed on conditional release by the court under this Section,
21 the court shall so notify the municipal police department and
22 county sheriff for the municipality and county in which the
23 person will be residing. The notification requirement under
24 this Section does not apply if a municipal police department or
25 county sheriff submits to the court a written statement waiving
26 the right to be notified. Notwithstanding any other provision

1 in the Act, the person being supervised on conditional release
2 shall not reside at the same street address as another sex
3 offender being supervised on conditional release under this
4 Act, mandatory supervised release, parole, aftercare release,
5 probation, or any other manner of supervision. If the
6 Department alleges that a released person has violated any
7 condition or rule, or that the safety of others requires that
8 conditional release be revoked, he or she may be taken into
9 custody under the rules of the Department.

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

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

20 (5) An order for conditional release places the person in
21 the custody, care, and control of the Department. The court
22 shall order the person be subject to the following rules of
23 conditional release, in addition to any other conditions
24 ordered, and the person shall be given a certificate setting
25 forth the conditions of conditional release. These conditions
26 shall be that the person:

1 (A) not violate any criminal statute of any
2 jurisdiction;

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

5 (C) refrain from possession of a firearm or other
6 dangerous weapon;

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

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

17 (F) attend and fully participate in assessment,
18 treatment, and behavior monitoring including, but not
19 limited to, medical, psychological or psychiatric
20 treatment specific to sexual offending, drug addiction, or
21 alcoholism, to the extent appropriate to the person based
22 upon the recommendation and findings made in the Department
23 evaluation or based upon any subsequent recommendations by
24 the Department;

25 (G) waive confidentiality allowing the court and
26 Department access to assessment or treatment results or

1 both;

2 (H) work regularly at a Department approved occupation
3 or pursue a course of study or vocational training and
4 notify the Department within 72 hours of any change in
5 employment, study, or training;

6 (I) not be employed or participate in any volunteer
7 activity that involves contact with children, except under
8 circumstances approved in advance and in writing by the
9 Department officer;

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

13 (K) financially support his or her dependents and
14 provide the Department access to any requested financial
15 information;

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

18 (i) remain within the interior premises of the
19 place designated for his or her confinement during the
20 hours designated by the Department;

21 (ii) admit any person or agent designated by the
22 Department into the offender's place of confinement at
23 any time for purposes of verifying the person's
24 compliance with the condition of his or her
25 confinement;

26 (iii) if deemed necessary by the Department, be

1 placed on an electronic monitoring device;

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

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

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

21 (P) refrain from having any contact, including written
22 or oral communications, directly or indirectly, with
23 particular types of persons, including but not limited to
24 members of street gangs, drug users, drug dealers, or
25 prostitutes;

26 (Q) refrain from all contact, direct or indirect,

1 personally, by telephone, letter, or through another
2 person, with minor children without prior identification
3 and approval of the Department;

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

11 (S) not establish a dating, intimate, or sexual
12 relationship with a person without prior written
13 notification to the Department;

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

21 (U) not patronize any business providing sexually
22 stimulating or sexually oriented entertainment nor utilize
23 "900" or adult telephone numbers or any other sex-related
24 telephone numbers;

25 (V) not reside near, visit, or be in or about parks,
26 schools, day care centers, swimming pools, beaches,

1 theaters, or any other places where minor children
2 congregate without advance approval of the Department and
3 report any incidental contact with minor children to the
4 Department within 72 hours;

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

7 (X) not publish any materials or print any
8 advertisements without providing a copy of the proposed
9 publications to the Department officer and obtaining
10 permission prior to publication;

11 (Y) not leave the county except with prior permission
12 of the Department and provide the Department officer or
13 agent with written travel routes to and from work and any
14 other designated destinations;

15 (Z) not possess or have under his or her control
16 certain specified items of contraband related to the
17 incidence of sexually offending items including video or
18 still camera items or children's toys;

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

21 (BB) comply with all other special conditions that the
22 Department may impose that restrict the person from
23 high-risk situations and limit access or potential
24 victims.

25 (6) A person placed on conditional release and who during
26 the term undergoes mandatory drug or alcohol testing or is

1 assigned to be placed on an approved electronic monitoring
2 device may be ordered to pay all costs incidental to the
3 mandatory drug or alcohol testing and all costs incidental to
4 the approved electronic monitoring in accordance with the
5 person's ability to pay those costs. The Department may
6 establish reasonable fees for the cost of maintenance, testing,
7 and incidental expenses related to the mandatory drug or
8 alcohol testing and all costs incidental to approved electronic
9 monitoring.

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

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

13 (725 ILCS 225/22) (from Ch. 60, par. 39)

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

15 Whenever the Governor of this State shall demand a person
16 charged with crime or with escaping from confinement or
17 breaking the terms of his or her bail, probation, aftercare
18 release, or parole in this State, from the Executive Authority
19 of any other state, or from the chief justice or an associate
20 justice of the Supreme Court of the District of Columbia
21 authorized to receive such demand under the laws of the United
22 States, he or she shall issue a warrant under the seal of this
23 State, to some agent, commanding him or her to receive the
24 person so charged if delivered to him or her and convey him or

1 her to the proper officer of the county in this State in which
2 the offense was committed.

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

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

10 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

11 Sec. 3-1-2. Definitions.

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

17 (a-3) "Aftercare release" means the conditional and
18 revocable release of a person committed to the Department of
19 Juvenile Justice under the Juvenile Court Act of 1987, under
20 the supervision of the Department of Juvenile Justice.

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

1 (i) A violation of any of the following Sections of the
2 Criminal Code of 1961 or the Criminal Code of 2012: 10-7
3 (aiding or abetting child abduction under Section
4 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
5 solicitation of a child), 11-6.5 (indecent solicitation of
6 an adult), 11-14.4 (promoting juvenile prostitution),
7 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
8 (keeping a place of juvenile prostitution), 11-18.1
9 (patronizing a juvenile prostitute), 11-19.1 (juvenile
10 pimping), 11-19.2 (exploitation of a child), 11-20.1
11 (child pornography), 11-20.1B or 11-20.3 (aggravated child
12 pornography), 11-1.40 or 12-14.1 (predatory criminal
13 sexual assault of a child), or 12-33 (ritualized abuse of a
14 child). An attempt to commit any of these offenses.

15 (ii) A violation of any of the following Sections of
16 the Criminal Code of 1961 or the Criminal Code of 2012:
17 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
18 12-14 (aggravated criminal sexual assault), 11-1.60 or
19 12-16 (aggravated criminal sexual abuse), and subsection
20 (a) of Section 11-1.50 or subsection (a) of Section 12-15
21 (criminal sexual abuse). An attempt to commit any of these
22 offenses.

23 (iii) A violation of any of the following Sections of
24 the Criminal Code of 1961 or the Criminal Code of 2012 when
25 the defendant is not a parent of the victim:

26 10-1 (kidnapping),

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

4 An attempt to commit any of these offenses.

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

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

16 (b) "Commitment" means a judicially determined placement
17 in the custody of the Department of Corrections on the basis of
18 delinquency or conviction.

19 (c) "Committed Person" is a person committed to the
20 Department, however a committed person shall not be considered
21 to be an employee of the Department of Corrections for any
22 purpose, including eligibility for a pension, benefits, or any
23 other compensation or rights or privileges which may be
24 provided to employees of the Department.

25 (c-5) "Computer scrub software" means any third-party
26 added software, designed to delete information from the

1 computer unit, the hard drive, or other software, which would
2 eliminate and prevent discovery of browser activity, including
3 but not limited to Internet history, address bar or bars, cache
4 or caches, and/or cookies, and which would over-write files in
5 a way so as to make previous computer activity, including but
6 not limited to website access, more difficult to discover.

7 (d) "Correctional Institution or Facility" means any
8 building or part of a building where committed persons are kept
9 in a secured manner.

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

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

23 (f-5) In the case of functions performed on or after the
24 effective date of this amendatory Act of the 94th General
25 Assembly, references to "Department" or "Director" refer to
26 either the Department of Corrections or the Director of

1 Corrections or to the Department of Juvenile Justice or the
2 Director of Juvenile Justice unless the context is specific to
3 the Department of Juvenile Justice or the Director of Juvenile
4 Justice.

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

7 (h) "Discipline" means the rules and regulations for the
8 maintenance of order and the protection of persons and property
9 within the institutions and facilities of the Department and
10 their enforcement.

11 (i) "Escape" means the intentional and unauthorized
12 absence of a committed person from the custody of the
13 Department.

14 (j) "Furlough" means an authorized leave of absence from
15 the Department of Corrections for a designated purpose and
16 period of time.

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

20 (l) "Prisoner Review Board" means the Board established in
21 Section 3-3-1(a), independent of the Department, to review
22 rules and regulations with respect to good time credits, to
23 hear charges brought by the Department against certain
24 prisoners alleged to have violated Department rules with
25 respect to good time credits, to set release dates for certain
26 prisoners sentenced under the law in effect prior to the

1 effective date of this Amendatory Act of 1977, to hear and
2 decide the time of aftercare release for persons committed to
3 the Department of Juvenile Justice under the Juvenile Court Act
4 of 1987 to hear requests and make recommendations to the
5 Governor with respect to pardon, reprieve or commutation, to
6 set conditions for parole, aftercare release, and mandatory
7 supervised release and determine whether violations of those
8 conditions justify revocation of parole or release, and to
9 assume all other functions previously exercised by the Illinois
10 Parole and Pardon Board.

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

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

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

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

26 (2) a certificate of innocence from the Circuit Court

1 as provided in Section 2-702 of the Code of Civil
2 Procedure.

3 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10;
4 96-1000, eff. 7-2-10; 96-1550, eff. 7-1-11; 96-1551, eff.
5 7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

6 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)
7 Sec. 3-2-2. Powers and Duties of the Department.

8 (1) In addition to the powers, duties and responsibilities
9 which are otherwise provided by law, the Department shall have
10 the following powers:

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

17 (b) To develop and maintain reception and evaluation
18 units for purposes of analyzing the custody and
19 rehabilitation needs of persons committed to it and to
20 assign such persons to institutions and programs under its
21 control or transfer them to other appropriate agencies. In
22 consultation with the Department of Alcoholism and
23 Substance Abuse (now the Department of Human Services), the
24 Department of Corrections shall develop a master plan for
25 the screening and evaluation of persons committed to its

1 custody who have alcohol or drug abuse problems, and for
2 making appropriate treatment available to such persons;
3 the Department shall report to the General Assembly on such
4 plan not later than April 1, 1987. The maintenance and
5 implementation of such plan shall be contingent upon the
6 availability of funds.

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

21 (b-5) To develop, in consultation with the Department
22 of State Police, a program for tracking and evaluating each
23 inmate from commitment through release for recording his or
24 her gang affiliations, activities, or ranks.

25 (c) To maintain and administer all State correctional
26 institutions and facilities under its control and to

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

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

24 Upon receipt of the bids, the Department may certify
25 one or more of the bids and shall submit any such bids to
26 the General Assembly for approval. Upon approval of a bid

1 by a constitutional majority of both houses of the General
2 Assembly, pursuant to joint resolution, the Department of
3 Central Management Services may enter into an agreement
4 with the county or municipality pursuant to such bid.

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

18 (d) To develop and maintain programs of control,
19 rehabilitation and employment of committed persons within
20 its institutions.

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

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

25 (f) To establish in cooperation with the Department of
26 Transportation to supply a sufficient number of prisoners

1 for use by the Department of Transportation to clean up the
2 trash and garbage along State, county, township, or
3 municipal highways as designated by the Department of
4 Transportation. The Department of Corrections, at the
5 request of the Department of Transportation, shall furnish
6 such prisoners at least annually for a period to be agreed
7 upon between the Director of Corrections and the Director
8 of Transportation. The prisoners used on this program shall
9 be selected by the Director of Corrections on whatever
10 basis he deems proper in consideration of their term,
11 behavior and earned eligibility to participate in such
12 program - where they will be outside of the prison facility
13 but still in the custody of the Department of Corrections.
14 Prisoners convicted of first degree murder, or a Class X
15 felony, or armed violence, or aggravated kidnapping, or
16 criminal sexual assault, aggravated criminal sexual abuse
17 or a subsequent conviction for criminal sexual abuse, or
18 forcible detention, or arson, or a prisoner adjudged a
19 Habitual Criminal shall not be eligible for selection to
20 participate in such program. The prisoners shall remain as
21 prisoners in the custody of the Department of Corrections
22 and such Department shall furnish whatever security is
23 necessary. The Department of Transportation shall furnish
24 trucks and equipment for the highway cleanup program and
25 personnel to supervise and direct the program. Neither the
26 Department of Corrections nor the Department of

1 Transportation shall replace any regular employee with a
2 prisoner.

3 (g) To maintain records of persons committed to it and
4 to establish programs of research, statistics and
5 planning.

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

20 If any person fails to obey a subpoena issued under
21 this subsection, the Director may apply to any circuit
22 court to secure compliance with the subpoena. The failure
23 to comply with the order of the court issued in response
24 thereto shall be punishable as contempt of court.

25 (i) To appoint and remove the chief administrative
26 officers, and administer programs of training and

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

15 (j) To cooperate with other departments and agencies
16 and with local communities for the development of standards
17 and programs for better correctional services in this
18 State.

19 (k) To administer all moneys and properties of the
20 Department.

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

23 (l-5) (Blank).

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

26 (n) To establish rules and regulations for

1 administering a system of sentence credits, established in
2 accordance with Section 3-6-3, subject to review by the
3 Prisoner Review Board.

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

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

15 (q) To establish a diversion program.

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

23 Elements of the program shall include, but shall not be
24 limited to, the following:

25 (1) The staff of a diversion facility shall provide
26 supervision in accordance with required objectives set

1 by the facility.

2 (2) Participants shall be required to maintain
3 employment.

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

7 (4) Each participant shall:

8 (A) provide restitution to victims in
9 accordance with any court order;

10 (B) provide financial support to his
11 dependents; and

12 (C) make appropriate payments toward any other
13 court-ordered obligations.

14 (5) Each participant shall complete community
15 service in addition to employment.

16 (6) Participants shall take part in such
17 counseling, educational and other programs as the
18 Department may deem appropriate.

19 (7) Participants shall submit to drug and alcohol
20 screening.

21 (8) The Department shall promulgate rules
22 governing the administration of the program.

23 (r) To enter into intergovernmental cooperation
24 agreements under which persons in the custody of the
25 Department may participate in a county impact
26 incarceration program established under Section 3-6038 or

1 3-15003.5 of the Counties Code.

2 (r-5) (Blank).

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

14 (i) are members of a criminal streetgang;

15 (ii) with respect to other individuals within the
16 streetgang, occupy a position of organizer,
17 supervisor, or other position of management or
18 leadership; and

19 (iii) are actively and personally engaged in
20 directing, ordering, authorizing, or requesting
21 commission of criminal acts by others, which are
22 punishable as a felony, in furtherance of streetgang
23 related activity both within and outside of the
24 Department of Corrections.

25 "Streetgang", "gang", and "streetgang related" have the
26 meanings ascribed to them in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

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

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

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

23 (u) To establish a Women's and Children's Pre-release
24 Community Supervision Program for the purpose of providing
25 housing and services to eligible female inmates, as
26 determined by the Department, and their newborn and young

1 children.

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

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

18 (2) The Department of Corrections shall by January 1, 1998,
19 consider building and operating a correctional facility within
20 100 miles of a county of over 2,000,000 inhabitants, especially
21 a facility designed to house juvenile participants in the
22 impact incarceration program.

23 (3) When the Department lets bids for contracts for medical
24 services to be provided to persons committed to Department
25 facilities by a health maintenance organization, medical
26 service corporation, or other health care provider, the bid may

1 only be let to a health care provider that has obtained an
2 irrevocable letter of credit or performance bond issued by a
3 company whose bonds have an investment grade or higher rating
4 by a bond rating organization.

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

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

14 (730 ILCS 5/3-2.5-20)

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

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

21 (1) To accept juveniles committed to it by the courts
22 of this State for care, custody, treatment, and
23 rehabilitation.

24 (2) To maintain and administer all State juvenile
25 correctional institutions previously under the control of

1 the Juvenile and Women's & Children Divisions of the
2 Department of Corrections, and to establish and maintain
3 institutions as needed to meet the needs of the youth
4 committed to its care.

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

13 (3.5) To assist youth committed to the Department of
14 Juvenile Justice under the Juvenile Court Act of 1987 with
15 successful reintegration into society, the Department
16 shall retain custody and control of all adjudicated
17 delinquent juveniles released under Section 3-3-10 of this
18 Code, shall provide a continuum of post-release treatment
19 and services to those youth, and shall supervise those
20 youth during their release period in accordance with the
21 conditions set by the Prisoner Review Board.

22 (4) To establish and provide transitional and
23 post-release treatment programs for juveniles committed to
24 the Department. Services shall include but are not limited
25 to:

26 (i) family and individual counseling and treatment

1 placement;

2 (ii) referral services to any other State or local
3 agencies;

4 (iii) mental health services;

5 (iv) educational services;

6 (v) family counseling services; and

7 (vi) substance abuse services.

8 (5) To access vital records of juveniles for the
9 purposes of providing necessary documentation for
10 transitional services such as obtaining identification,
11 educational enrollment, employment, and housing.

12 (6) To develop staffing and workload standards and
13 coordinate staff development and training appropriate for
14 juvenile populations.

15 (7) To develop, with the approval of the Office of the
16 Governor and the Governor's Office of Management and
17 Budget, annual budget requests.

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

23 (b) The Department may employ personnel in accordance with
24 the Personnel Code and Section 3-2.5-15 of this Code, provide
25 facilities, contract for goods and services, and adopt rules as
26 necessary to carry out its functions and purposes, all in

1 accordance with applicable State and federal law.

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

3 (730 ILCS 5/3-2.5-65)

4 Sec. 3-2.5-65. Juvenile Advisory Board.

5 (a) There is created a Juvenile Advisory Board composed of
6 11 persons, appointed by the Governor to advise the Director on
7 matters pertaining to juvenile offenders. The members of the
8 Board shall be qualified for their positions by demonstrated
9 interest in and knowledge of juvenile correctional work
10 consistent with the definition of purpose and mission of the
11 Department in Section 3-2.5-5 and shall not be officials of the
12 State in any other capacity. The members under this amendatory
13 Act of the 94th General Assembly shall be appointed as soon as
14 possible after the effective date of this amendatory Act of the
15 94th General Assembly and be appointed to staggered terms 3
16 each expiring in 2007, 2008, and 2009 and 2 of the members'
17 terms expiring in 2010. Thereafter all members will serve for a
18 term of 6 years, except that members shall continue to serve
19 until their replacements are appointed. Any vacancy occurring
20 shall be filled in the same manner for the remainder of the
21 term. The Director of Juvenile Justice shall be an ex officio
22 member of the Board. The Board shall elect a chair from among
23 its appointed members. The Director shall serve as secretary of
24 the Board. Members of the Board shall serve without
25 compensation but shall be reimbursed for expenses necessarily

1 incurred in the performance of their duties. The Board shall
2 meet quarterly and at other times at the call of the chair.

3 (b) The Board shall:

4 (1) Advise the Director concerning policy matters and
5 programs of the Department with regard to the custody,
6 care, study, discipline, training, and treatment of
7 juveniles in the State juvenile correctional institutions
8 and for the care and supervision of juveniles on aftercare
9 release ~~released on parole~~.

10 (2) Establish, with the Director and in conjunction
11 with the Office of the Governor, outcome measures for the
12 Department in order to ascertain that it is successfully
13 fulfilling the mission mandated in Section 3-2.5-5 of this
14 Code. The annual results of the Department's work as
15 defined by those measures shall be approved by the Board
16 and shall be included in an annual report transmitted to
17 the Governor and General Assembly jointly by the Director
18 and the Board.

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

20 (730 ILCS 5/3-2.5-70 new)

21 Sec. 3-2.5-70. Aftercare.

22 (a) The Department shall implement an aftercare program
23 that includes, at a minimum, the following program elements:

24 (1) A process for developing and implementing a case
25 management plan for timely and successful reentry into the

1 community beginning upon commitment.

2 (2) A process for reviewing committed youth for
3 recommendation for aftercare release.

4 (3) Supervision in accordance with the conditions set
5 by the Prisoner Review Board and referral to and
6 facilitation of community-based services including
7 education, social and mental health services, substance
8 abuse treatment, employment and vocational training,
9 individual and family counseling, financial counseling,
10 and other services as appropriate; and assistance in
11 locating appropriate residential placement and obtaining
12 suitable employment. The Department may purchase necessary
13 services for a releasee if they are otherwise unavailable
14 and the releasee is unable to pay for the services. It may
15 assess all or part of the costs of these services to a
16 releasee in accordance with his or her ability to pay for
17 the services.

18 (4) Standards for sanctioning violations of conditions
19 of aftercare release that ensure that juvenile offenders
20 face uniform and consistent consequences that hold them
21 accountable taking into account aggravating and mitigating
22 factors and prioritizing public safety.

23 (5) A process for reviewing youth on aftercare release
24 for discharge.

25 (b) The Department of Juvenile Justice shall have the
26 following rights, powers, functions, and duties:

1 (1) To investigate alleged violations of an aftercare
2 releasee's conditions of release; and for this purpose it
3 may issue subpoenas and compel the attendance of witnesses
4 and the production of documents only if there is reason to
5 believe that the procedures would provide evidence that the
6 violations have occurred. If any person fails to obey a
7 subpoena issued under this subsection, the Director may
8 apply to any circuit court to secure compliance with the
9 subpoena. The failure to comply with the order of the court
10 issued in response thereto shall be punishable as contempt
11 of court.

12 (2) To issue a violation warrant for the apprehension
13 of an aftercare releasee for violations of the conditions
14 of aftercare release. Aftercare specialists and
15 supervisors have the full power of peace officers in the
16 retaking of any youth alleged to have violated the
17 conditions of aftercare release.

18 (c) The Department of Juvenile Justice shall designate
19 aftercare specialists qualified in juvenile matters to perform
20 case management and post-release programming functions under
21 this Section.

22 (730 ILCS 5/3-2.5-75 new)

23 Sec. 3-2.5-75. Release from Department of Juvenile
24 Justice.

25 (a) Upon release of a youth on aftercare, the Department

1 shall return all property held for the youth, provide the youth
2 with suitable clothing, and procure necessary transportation
3 for the youth to his or her designated place of residence and
4 employment. It may provide the youth with a grant of money for
5 travel and expenses which may be paid in installments. The
6 amount of the money grant shall be determined by the
7 Department.

8 (b) Before a wrongfully imprisoned person, as defined in
9 Section 3-1-2 of this Code, is discharged from the Department,
10 the Department shall provide him or her with any documents
11 necessary after discharge, including an identification card
12 under subsection (e) of this Section.

13 (c) The Department of Juvenile Justice may establish and
14 maintain, in any institution it administers, revolving funds to
15 be known as "Travel and Allowances Revolving Funds". These
16 revolving funds shall be used for advancing travel and expense
17 allowances to committed, released, and discharged youth. The
18 moneys paid into these revolving funds shall be from
19 appropriations to the Department for committed, released, and
20 discharged prisoners.

21 (d) Upon the release of a youth on aftercare, the
22 Department shall provide that youth with information
23 concerning programs and services of the Department of Public
24 Health to ascertain whether that youth has been exposed to the
25 human immunodeficiency virus (HIV) or any identified causative
26 agent of Acquired Immunodeficiency Syndrome (AIDS).

1 (e) Upon the release of a youth on aftercare or who has
2 been wrongfully imprisoned, the Department shall provide the
3 youth with an identification card identifying the youth as
4 being on aftercare or wrongfully imprisoned, as the case may
5 be. The Department, in consultation with the Office of the
6 Secretary of State, shall prescribe the form of the
7 identification card, which may be similar to the form of the
8 standard Illinois Identification Card. The Department shall
9 inform the youth that he or she may present the identification
10 card to the Office of the Secretary of State upon application
11 for a standard Illinois Identification Card in accordance with
12 the Illinois Identification Card Act. The Department shall
13 require the youth to pay a \$1 fee for the identification card.
14 The Department shall adopt rules governing the issuance of
15 identification cards to youth being released on aftercare or
16 pardon.

17 (730 ILCS 5/3-2.5-80 new)

18 Sec. 3-2.5-80. Supervision on Aftercare Release.

19 (a) The Department shall retain custody of all youth placed
20 on aftercare release or released under Section 3-3-10 of this
21 Code. The Department shall supervise those youth during their
22 aftercare release period in accordance with the conditions set
23 by the Prisoner Review Board.

24 (b) A copy of youth's conditions of aftercare release shall
25 be signed by the youth and given to the youth and to his or her

1 aftercare specialist who shall report on the youth's progress
2 under the rules of the Prisoner Review Board. Aftercare
3 specialists and supervisors shall have the full power of peace
4 officers in the retaking of any releasee who has allegedly
5 violated his or her aftercare release conditions. The aftercare
6 specialist shall request the Department of Juvenile Justice to
7 issue a warrant for the arrest of any releasee who has
8 allegedly violated his or her aftercare release conditions.

9 (c) The aftercare supervisor shall request the Department
10 of Juvenile Justice to issue an aftercare release violation
11 warrant, and the Department of Juvenile Justice shall issue an
12 aftercare release violation warrant, under the following
13 circumstances:

14 (1) if the releasee commits an act that constitutes a
15 felony using a firearm or knife;

16 (2) if the releasee is required to and fails to comply
17 with the requirements of the Sex Offender Registration Act;

18 (3) if the releasee is charged with:

19 (A) a felony offense of domestic battery under
20 Section 12-3.2 of the Criminal Code of 2012;

21 (B) aggravated domestic battery under Section
22 12-3.3 of the Criminal Code of 2012;

23 (C) stalking under Section 12-7.3 of the Criminal
24 Code of 2012;

25 (D) aggravated stalking under Section 12-7.4 of
26 the Criminal Code of 2012;

1 (E) violation of an order of protection under
2 Section 12-3.4 of the Criminal Code of 2012; or

3 (F) any offense that would require registration as
4 a sex offender under the Sex Offender Registration Act;
5 or

6 (4) if the releasee is on aftercare release for a
7 murder, a Class X felony or a Class 1 felony violation of
8 the Criminal Code of 2012, or any felony that requires
9 registration as a sex offender under the Sex Offender
10 Registration Act and commits an act that constitutes first
11 degree murder, a Class X felony, a Class 1 felony, a Class
12 2 felony, or a Class 3 felony.

13 Personnel designated by the Department of Juvenile
14 Justice or another peace officer may detain an alleged
15 aftercare release violator until a warrant for his or her
16 return to the Department of Juvenile Justice can be issued.
17 The releasee may be delivered to any secure place until he
18 or she can be transported to the Department of Juvenile
19 Justice. The aftercare specialist or the Department of
20 Juvenile Justice shall file a violation report with notice
21 of charges with the Prisoner Review Board.

22 (d) The aftercare specialist shall regularly advise and
23 consult with the releasee and assist the youth in adjusting to
24 community life in accord with this Section.

25 (e) If the aftercare releasee has been convicted of a sex
26 offense as defined in the Sex Offender Management Board Act,

1 the aftercare specialist shall periodically, but not less than
2 once a month, verify that the releasee is in compliance with
3 paragraph (7.6) of subsection (a) of Section 3-3-7.

4 (f) The aftercare specialist shall keep those records as
5 the Prisoner Review Board or Department may require. All
6 records shall be entered in the master file of the youth.

7 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

8 Sec. 3-3-1. Establishment and Appointment of Prisoner
9 Review Board.

10 (a) There shall be a Prisoner Review Board independent of
11 the Department of Corrections which shall be:

12 (1) the paroling authority for persons sentenced under
13 the law in effect prior to the effective date of this
14 amendatory Act of 1977;

15 (1.5) the authority for hearing and deciding the time
16 of aftercare release for persons adjudicated delinquent
17 under the Juvenile Court Act of 1987;

18 (2) the board of review for cases involving the
19 revocation of sentence credits or a suspension or reduction
20 in the rate of accumulating the credit;

21 (3) the board of review and recommendation for the
22 exercise of executive clemency by the Governor;

23 (4) the authority for establishing release dates for
24 certain prisoners sentenced under the law in existence
25 prior to the effective date of this amendatory Act of 1977,

1 in accordance with Section 3-3-2.1 of this Code;

2 (5) the authority for setting conditions for parole,
3 mandatory supervised release under Section 5-8-1(a) of
4 this Code, and aftercare release, and determining whether a
5 violation of those conditions warrant revocation of
6 parole, aftercare release, or mandatory supervised release
7 or the imposition of other sanctions.

8 (b) The Board shall consist of 15 persons appointed by the
9 Governor by and with the advice and consent of the Senate. One
10 member of the Board shall be designated by the Governor to be
11 Chairman and shall serve as Chairman at the pleasure of the
12 Governor. The members of the Board shall have had at least 5
13 years of actual experience in the fields of penology,
14 corrections work, law enforcement, sociology, law, education,
15 social work, medicine, psychology, other behavioral sciences,
16 or a combination thereof. At least 6 members so appointed must
17 have had at least 3 years experience in the field of juvenile
18 matters. No more than 8 Board members may be members of the
19 same political party.

20 Each member of the Board shall serve on a full-time basis
21 and shall not hold any other salaried public office, whether
22 elective or appointive, nor any other office or position of
23 profit, nor engage in any other business, employment, or
24 vocation. The Chairman of the Board shall receive \$35,000 a
25 year, or an amount set by the Compensation Review Board,
26 whichever is greater, and each other member \$30,000, or an

1 amount set by the Compensation Review Board, whichever is
2 greater.

3 (c) Notwithstanding any other provision of this Section,
4 the term of each member of the Board who was appointed by the
5 Governor and is in office on June 30, 2003 shall terminate at
6 the close of business on that date or when all of the successor
7 members to be appointed pursuant to this amendatory Act of the
8 93rd General Assembly have been appointed by the Governor,
9 whichever occurs later. As soon as possible, the Governor shall
10 appoint persons to fill the vacancies created by this
11 amendatory Act.

12 Of the initial members appointed under this amendatory Act
13 of the 93rd General Assembly, the Governor shall appoint 5
14 members whose terms shall expire on the third Monday in January
15 2005, 5 members whose terms shall expire on the third Monday in
16 January 2007, and 5 members whose terms shall expire on the
17 third Monday in January 2009. Their respective successors shall
18 be appointed for terms of 6 years from the third Monday in
19 January of the year of appointment. Each member shall serve
20 until his or her successor is appointed and qualified.

21 Any member may be removed by the Governor for incompetence,
22 neglect of duty, malfeasance or inability to serve.

23 (d) The Chairman of the Board shall be its chief executive
24 and administrative officer. The Board may have an Executive
25 Director; if so, the Executive Director shall be appointed by
26 the Governor with the advice and consent of the Senate. The

1 salary and duties of the Executive Director shall be fixed by
2 the Board.

3 (Source: P.A. 97-697, eff. 6-22-12.)

4 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

5 Sec. 3-3-2. Powers and Duties.

6 (a) The Parole and Pardon Board is abolished and the term
7 "Parole and Pardon Board" as used in any law of Illinois, shall
8 read "Prisoner Review Board." After the effective date of this
9 amendatory Act of 1977, the Prisoner Review Board shall provide
10 by rule for the orderly transition of all files, records, and
11 documents of the Parole and Pardon Board and for such other
12 steps as may be necessary to effect an orderly transition and
13 shall:

14 (1) hear by at least one member and through a panel of
15 at least 3 members decide, cases of prisoners who were
16 sentenced under the law in effect prior to the effective
17 date of this amendatory Act of 1977, and who are eligible
18 for parole;

19 (2) hear by at least one member and through a panel of
20 at least 3 members decide, the conditions of parole and the
21 time of discharge from parole, impose sanctions for
22 violations of parole, and revoke parole for those sentenced
23 under the law in effect prior to this amendatory Act of
24 1977; provided that the decision to parole and the
25 conditions of parole for all prisoners who were sentenced

1 for first degree murder or who received a minimum sentence
2 of 20 years or more under the law in effect prior to
3 February 1, 1978 shall be determined by a majority vote of
4 the Prisoner Review Board. One representative supporting
5 parole and one representative opposing parole will be
6 allowed to speak. Their comments shall be limited to making
7 corrections and filling in omissions to the Board's
8 presentation and discussion;

9 (3) hear by at least one member and through a panel of
10 at least 3 members decide, the conditions of mandatory
11 supervised release and the time of discharge from mandatory
12 supervised release, impose sanctions for violations of
13 mandatory supervised release, and revoke mandatory
14 supervised release for those sentenced under the law in
15 effect after the effective date of this amendatory Act of
16 1977;

17 (3.5) hear by at least one member and through a panel
18 of at least 3 members decide, the conditions of mandatory
19 supervised release and the time of discharge from mandatory
20 supervised release, to impose sanctions for violations of
21 mandatory supervised release and revoke mandatory
22 supervised release for those serving extended supervised
23 release terms pursuant to paragraph (4) of subsection (d)
24 of Section 5-8-1;

25 (3.6) hear by at least one member and through a panel
26 of at least 3 members decide, the time of aftercare

1 release, the conditions of aftercare release and the time
2 of discharge from aftercare release, impose sanctions for
3 violations of aftercare release, and revoke aftercare
4 release for those adjudicated delinquent under the
5 Juvenile Court Act of 1987;

6 (4) hear by at least one member and through a panel of
7 at least 3 members, decide cases brought by the Department
8 of Corrections against a prisoner in the custody of the
9 Department for alleged violation of Department rules with
10 respect to sentence credits under Section 3-6-3 of this
11 Code in which the Department seeks to revoke sentence
12 credits, if the amount of time at issue exceeds 30 days or
13 when, during any 12 month period, the cumulative amount of
14 credit revoked exceeds 30 days except where the infraction
15 is committed or discovered within 60 days of scheduled
16 release. In such cases, the Department of Corrections may
17 revoke up to 30 days of sentence credit. The Board may
18 subsequently approve the revocation of additional sentence
19 credit, if the Department seeks to revoke sentence credit
20 in excess of thirty days. However, the Board shall not be
21 empowered to review the Department's decision with respect
22 to the loss of 30 days of sentence credit for any prisoner
23 or to increase any penalty beyond the length requested by
24 the Department;

25 (5) hear by at least one member and through a panel of
26 at least 3 members decide, the release dates for certain

1 prisoners sentenced under the law in existence prior to the
2 effective date of this amendatory Act of 1977, in
3 accordance with Section 3-3-2.1 of this Code;

4 (6) hear by at least one member and through a panel of
5 at least 3 members decide, all requests for pardon,
6 reprieve or commutation, and make confidential
7 recommendations to the Governor;

8 (7) comply with the requirements of the Open Parole
9 Hearings Act;

10 (8) hear by at least one member and, through a panel of
11 at least 3 members, decide cases brought by the Department
12 of Corrections against a prisoner in the custody of the
13 Department for court dismissal of a frivolous lawsuit
14 pursuant to Section 3-6-3(d) of this Code in which the
15 Department seeks to revoke up to 180 days of sentence
16 credit, and if the prisoner has not accumulated 180 days of
17 sentence credit at the time of the dismissal, then all
18 sentence credit accumulated by the prisoner shall be
19 revoked;

20 (9) hear by at least 3 members, and, through a panel of
21 at least 3 members, decide whether to grant certificates of
22 relief from disabilities or certificates of good conduct as
23 provided in Article 5.5 of Chapter V; and

24 (10) upon a petition by a person who has been convicted
25 of a Class 3 or Class 4 felony and who meets the
26 requirements of this paragraph, hear by at least 3 members

1 and, with the unanimous vote of a panel of 3 members, issue
2 a certificate of eligibility for sealing recommending that
3 the court order the sealing of all official records of the
4 arresting authority, the circuit court clerk, and the
5 Department of State Police concerning the arrest and
6 conviction for the Class 3 or 4 felony. A person may not
7 apply to the Board for a certificate of eligibility for
8 sealing:

9 (A) until 5 years have elapsed since the expiration
10 of his or her sentence;

11 (B) until 5 years have elapsed since any arrests or
12 detentions by a law enforcement officer for an alleged
13 violation of law, other than a petty offense, traffic
14 offense, conservation offense, or local ordinance
15 offense;

16 (C) if convicted of a violation of the Cannabis
17 Control Act, Illinois Controlled Substances Act, the
18 Methamphetamine Control and Community Protection Act,
19 the Methamphetamine Precursor Control Act, or the
20 Methamphetamine Precursor Tracking Act unless the
21 petitioner has completed a drug abuse program for the
22 offense on which sealing is sought and provides proof
23 that he or she has completed the program successfully;

24 (D) if convicted of:

25 (i) a sex offense described in Article 11 or
26 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of

1 the Criminal Code of 1961 or the Criminal Code of
2 2012;

3 (ii) aggravated assault;

4 (iii) aggravated battery;

5 (iv) domestic battery;

6 (v) aggravated domestic battery;

7 (vi) violation of an order of protection;

8 (vii) an offense under the Criminal Code of
9 1961 or the Criminal Code of 2012 involving a
10 firearm;

11 (viii) driving while under the influence of
12 alcohol, other drug or drugs, intoxicating
13 compound or compounds or any combination thereof;

14 (ix) aggravated driving while under the
15 influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds or any
17 combination thereof; or

18 (x) any crime defined as a crime of violence
19 under Section 2 of the Crime Victims Compensation
20 Act.

21 If a person has applied to the Board for a certificate of
22 eligibility for sealing and the Board denies the certificate,
23 the person must wait at least 4 years before filing again or
24 filing for pardon from the Governor unless the Chairman of the
25 Prisoner Review Board grants a waiver.

26 The decision to issue or refrain from issuing a certificate

1 of eligibility for sealing shall be at the Board's sole
2 discretion, and shall not give rise to any cause of action
3 against either the Board or its members.

4 The Board may only authorize the sealing of Class 3 and 4
5 felony convictions of the petitioner from one information or
6 indictment under this paragraph (10). A petitioner may only
7 receive one certificate of eligibility for sealing under this
8 provision for life.

9 (a-5) The Prisoner Review Board, with the cooperation of
10 and in coordination with the Department of Corrections and the
11 Department of Central Management Services, shall implement a
12 pilot project in 3 correctional institutions providing for the
13 conduct of hearings under paragraphs (1) and (4) of subsection
14 (a) of this Section through interactive video conferences. The
15 project shall be implemented within 6 months after the
16 effective date of this amendatory Act of 1996. Within 6 months
17 after the implementation of the pilot project, the Prisoner
18 Review Board, with the cooperation of and in coordination with
19 the Department of Corrections and the Department of Central
20 Management Services, shall report to the Governor and the
21 General Assembly regarding the use, costs, effectiveness, and
22 future viability of interactive video conferences for Prisoner
23 Review Board hearings.

24 (b) Upon recommendation of the Department the Board may
25 restore sentence credit previously revoked.

26 (c) The Board shall cooperate with the Department in

1 promoting an effective system of parole, aftercare release, and
2 mandatory supervised release.

3 (d) The Board shall promulgate rules for the conduct of its
4 work, and the Chairman shall file a copy of such rules and any
5 amendments thereto with the Director and with the Secretary of
6 State.

7 (e) The Board shall keep records of all of its official
8 actions and shall make them accessible in accordance with law
9 and the rules of the Board.

10 (f) The Board or one who has allegedly violated the
11 conditions of his or her parole, aftercare release, or
12 mandatory supervised release may require by subpoena the
13 attendance and testimony of witnesses and the production of
14 documentary evidence relating to any matter under
15 investigation or hearing. The Chairman of the Board may sign
16 subpoenas which shall be served by any agent or public official
17 authorized by the Chairman of the Board, or by any person
18 lawfully authorized to serve a subpoena under the laws of the
19 State of Illinois. The attendance of witnesses, and the
20 production of documentary evidence, may be required from any
21 place in the State to a hearing location in the State before
22 the Chairman of the Board or his or her designated agent or
23 agents or any duly constituted Committee or Subcommittee of the
24 Board. Witnesses so summoned shall be paid the same fees and
25 mileage that are paid witnesses in the circuit courts of the
26 State, and witnesses whose depositions are taken and the

1 persons taking those depositions are each entitled to the same
2 fees as are paid for like services in actions in the circuit
3 courts of the State. Fees and mileage shall be vouchered for
4 payment when the witness is discharged from further attendance.

5 In case of disobedience to a subpoena, the Board may
6 petition any circuit court of the State for an order requiring
7 the attendance and testimony of witnesses or the production of
8 documentary evidence or both. A copy of such petition shall be
9 served by personal service or by registered or certified mail
10 upon the person who has failed to obey the subpoena, and such
11 person shall be advised in writing that a hearing upon the
12 petition will be requested in a court room to be designated in
13 such notice before the judge hearing motions or extraordinary
14 remedies at a specified time, on a specified date, not less
15 than 10 nor more than 15 days after the deposit of the copy of
16 the written notice and petition in the U.S. mails addressed to
17 the person at his last known address or after the personal
18 service of the copy of the notice and petition upon such
19 person. The court upon the filing of such a petition, may order
20 the person refusing to obey the subpoena to appear at an
21 investigation or hearing, or to there produce documentary
22 evidence, if so ordered, or to give evidence relative to the
23 subject matter of that investigation or hearing. Any failure to
24 obey such order of the circuit court may be punished by that
25 court as a contempt of court.

26 Each member of the Board and any hearing officer designated

1 by the Board shall have the power to administer oaths and to
2 take the testimony of persons under oath.

3 (g) Except under subsection (a) of this Section, a majority
4 of the members then appointed to the Prisoner Review Board
5 shall constitute a quorum for the transaction of all business
6 of the Board.

7 (h) The Prisoner Review Board shall annually transmit to
8 the Director a detailed report of its work for the preceding
9 calendar year. The annual report shall also be transmitted to
10 the Governor for submission to the Legislature.

11 (Source: P.A. 96-875, eff. 1-22-10; 97-697, eff. 6-22-12;
12 97-1120, eff. 1-1-13; 97-1150, eff. 1-25-13.)

13 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

14 Sec. 3-3-3. Eligibility for Parole or Release.

15 (a) Except for those offenders who accept the fixed release
16 date established by the Prisoner Review Board under Section
17 3-3-2.1, every person serving a term of imprisonment under the
18 law in effect prior to the effective date of this amendatory
19 Act of 1977 shall be eligible for parole when he or she has
20 served:

21 (1) the minimum term of an indeterminate sentence less
22 time credit for good behavior, or 20 years less time credit
23 for good behavior, whichever is less; or

24 (2) 20 years of a life sentence less time credit for
25 good behavior; or

1 (3) 20 years or one-third of a determinate sentence,
2 whichever is less, less time credit for good behavior.

3 (b) No person sentenced under this amendatory Act of 1977
4 or who accepts a release date under Section 3-3-2.1 shall be
5 eligible for parole.

6 (c) Except for those sentenced to a term of natural life
7 imprisonment, every person sentenced to imprisonment under
8 this amendatory Act of 1977 or given a release date under
9 Section 3-3-2.1 of this Act shall serve the full term of a
10 determinate sentence less time credit for good behavior and
11 shall then be released under the mandatory supervised release
12 provisions of paragraph (d) of Section 5-8-1 of this Code.

13 (d) No person serving a term of natural life imprisonment
14 may be paroled or released except through executive clemency.

15 (e) Every person committed to the Department of Juvenile
16 Justice under Section 5-10 of the Juvenile Court Act or Section
17 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of
18 this Code and confined in the State correctional institutions
19 or facilities if such juvenile has not been tried as an adult
20 shall be eligible for aftercare release ~~parole~~ without regard
21 to the length of time the person has been confined or whether
22 the person has served any minimum term imposed. However, if a
23 juvenile has been tried as an adult he or she shall only be
24 eligible for parole or mandatory supervised release as an adult
25 under this Section.

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

1 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

2 Sec. 3-3-4. Preparation for Parole Hearing.

3 (a) The Prisoner Review Board shall consider the parole of
4 each eligible person committed to the Department of Corrections
5 at least 30 days prior to the date he or she shall first become
6 eligible for parole, and shall consider the aftercare release
7 ~~parole~~ of each person committed to the Department of Juvenile
8 Justice as a delinquent at least 30 days prior to the
9 expiration of the first year of confinement.

10 (b) A person eligible for parole or aftercare release
11 shall, no less than 15 days in advance of his or her parole
12 interview, prepare a parole or aftercare release plan in
13 accordance with the rules of the Prisoner Review Board. The
14 person shall be assisted in preparing his or her parole or
15 aftercare release plan by personnel of the Department of
16 Corrections, or the Department of Juvenile Justice in the case
17 of a person committed to that Department, and may, for this
18 purpose, be released on furlough under Article 11 or on
19 authorized absence under Section 3-9-4. The appropriate
20 Department shall also provide assistance in obtaining
21 information and records helpful to the individual for his or
22 her parole hearing. If the person eligible for parole or
23 aftercare release has a petition or any written submissions
24 prepared on his or her behalf by an attorney or other
25 representative, the attorney or representative for the person

1 eligible for parole or aftercare release must serve by
2 certified mail the State's Attorney of the county where he or
3 she was prosecuted with the petition or any written submissions
4 15 days after his or her parole interview. The State's Attorney
5 shall provide the attorney for the person eligible for parole
6 or aftercare release with a copy of his or her letter in
7 opposition to parole or aftercare release via certified mail
8 within 5 business days of the en banc hearing.

9 (c) Any member of the Board shall have access at all
10 reasonable times to any committed person and to his or her
11 master record file within the Department, and the Department
12 shall furnish such a report to the Board concerning the conduct
13 and character of any such person prior to his or her parole
14 interview.

15 (d) In making its determination of parole or aftercare
16 release, the Board shall consider:

17 (1) material transmitted to the Department of Juvenile
18 Justice by the clerk of the committing court under Section
19 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
20 5-750 of the Juvenile Court Act of 1987;

21 (2) the report under Section 3-8-2 or 3-10-2;

22 (3) a report by the Department and any report by the
23 chief administrative officer of the institution or
24 facility;

25 (4) a parole or aftercare release progress report;

26 (5) a medical and psychological report, if requested by

1 the Board;

2 (6) material in writing, or on film, video tape or
3 other electronic means in the form of a recording submitted
4 by the person whose parole or aftercare release is being
5 considered;

6 (7) material in writing, or on film, video tape or
7 other electronic means in the form of a recording or
8 testimony submitted by the State's Attorney and the victim
9 or a concerned citizen pursuant to the Rights of Crime
10 Victims and Witnesses Act; and

11 (8) the person's eligibility for commitment under the
12 Sexually Violent Persons Commitment Act.

13 (e) The prosecuting State's Attorney's office shall
14 receive from the Board reasonable written notice not less than
15 30 days prior to the parole or aftercare release interview and
16 may submit relevant information by oral argument or testimony
17 of victims and concerned citizens, or both, in writing, or on
18 film, video tape or other electronic means or in the form of a
19 recording to the Board for its consideration. Upon written
20 request of the State's Attorney's office, the Prisoner Review
21 Board shall hear protests to parole, or aftercare release,
22 except in counties of 1,500,000 or more inhabitants where there
23 shall be standing objections to all such petitions. If a
24 State's Attorney who represents a county of less than 1,500,000
25 inhabitants requests a protest hearing, the inmate's counsel or
26 other representative shall also receive notice of such request.

1 This hearing shall take place the month following the inmate's
2 parole or aftercare release interview. If the inmate's parole
3 or aftercare release interview is rescheduled then the Prisoner
4 Review Board shall promptly notify the State's Attorney of the
5 new date. The person eligible for parole or aftercare release
6 shall be heard at the next scheduled en banc hearing date. If
7 the case is to be continued, the State's Attorney's office and
8 the attorney or representative for the person eligible for
9 parole or aftercare release will be notified of any continuance
10 within 5 business days. The State's Attorney may waive the
11 written notice.

12 (f) The victim of the violent crime for which the prisoner
13 has been sentenced shall receive notice of a parole or
14 aftercare release hearing as provided in paragraph (4) of
15 subsection (d) of Section 4.5 of the Rights of Crime Victims
16 and Witnesses Act.

17 (g) Any recording considered under the provisions of
18 subsection (d)(6), (d)(7) or (e) of this Section shall be in
19 the form designated by the Board. Such recording shall be both
20 visual and aural. Every voice on the recording and person
21 present shall be identified and the recording shall contain
22 either a visual or aural statement of the person submitting
23 such recording, the date of the recording and the name of the
24 person whose parole or aftercare release eligibility is being
25 considered. Such recordings shall be retained by the Board and
26 shall be deemed to be submitted at any subsequent parole or

1 aftercare release hearing if the victim or State's Attorney
2 submits in writing a declaration clearly identifying such
3 recording as representing the present position of the victim or
4 State's Attorney regarding the issues to be considered at the
5 parole or aftercare release hearing.

6 (h) The Board shall not release any material to the inmate,
7 the inmate's attorney, any third party, or any other person
8 containing any information from the victim or from a person
9 related to the victim by blood, adoption, or marriage who has
10 written objections, testified at any hearing, or submitted
11 audio or visual objections to the inmate's parole, or aftercare
12 release, unless provided with a waiver from that objecting
13 party.

14 (Source: P.A. 96-875, eff. 1-22-10; 97-523, eff. 1-1-12;
15 97-1075, eff. 8-24-12; 97-1083, eff. 8-24-12; revised
16 9-20-12.)

17 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

18 Sec. 3-3-5. Hearing and Determination.

19 (a) The Prisoner Review Board shall meet as often as need
20 requires to consider the cases of persons eligible for parole
21 and aftercare release. Except as otherwise provided in
22 paragraph (2) of subsection (a) of Section 3-3-2 of this Act,
23 the Prisoner Review Board may meet and order its actions in
24 panels of 3 or more members. The action of a majority of the
25 panel shall be the action of the Board. In consideration of

1 persons committed to the Department of Juvenile Justice, the
2 panel shall have at least a majority of members experienced in
3 juvenile matters.

4 (b) If the person under consideration for parole or
5 aftercare release is in the custody of the Department, at least
6 one member of the Board shall interview him or her, and a
7 report of that interview shall be available for the Board's
8 consideration. However, in the discretion of the Board, the
9 interview need not be conducted if a psychiatric examination
10 determines that the person could not meaningfully contribute to
11 the Board's consideration. The Board may in its discretion
12 parole or release on aftercare a person who is then outside the
13 jurisdiction on his or her record without an interview. The
14 Board need not hold a hearing or interview a person who is
15 paroled or released on aftercare under paragraphs (d) or (e) of
16 this Section or released on Mandatory release under Section
17 3-3-10.

18 (c) The Board shall not parole or release a person eligible
19 for parole or aftercare release if it determines that:

20 (1) there is a substantial risk that he or she will not
21 conform to reasonable conditions of parole or aftercare
22 release; or

23 (2) his or her release at that time would deprecate the
24 seriousness of his or her offense or promote disrespect for
25 the law; or

26 (3) his or her release would have a substantially

1 adverse effect on institutional discipline.

2 (d) A person committed under the Juvenile Court Act or the
3 Juvenile Court Act of 1987 who has not been sooner released
4 shall be released on aftercare ~~paroled~~ on or before his or her
5 20th birthday to begin serving a period of aftercare release
6 ~~parole~~ under Section 3-3-8.

7 (e) A person who has served the maximum term of
8 imprisonment imposed at the time of sentencing less time credit
9 for good behavior shall be released on parole to serve a period
10 of parole under Section 5-8-1.

11 (f) The Board shall render its decision within a reasonable
12 time after hearing and shall state the basis therefor both in
13 the records of the Board and in written notice to the person on
14 whose application it has acted. In its decision, the Board
15 shall set the person's time for parole or aftercare release, or
16 if it denies parole or aftercare release it shall provide for a
17 rehearing not less frequently than once every year, except that
18 the Board may, after denying parole, schedule a rehearing no
19 later than 5 years from the date of the parole denial, if the
20 Board finds that it is not reasonable to expect that parole
21 would be granted at a hearing prior to the scheduled rehearing
22 date. If the Board shall parole or release a person, and, if he
23 or she is not released within 90 days from the effective date
24 of the order granting parole or aftercare release, the matter
25 shall be returned to the Board for review.

26 (f-1) If the Board paroles or releases a person who is

1 eligible for commitment as a sexually violent person, the
2 effective date of the Board's order shall be stayed for 90 days
3 for the purpose of evaluation and proceedings under the
4 Sexually Violent Persons Commitment Act.

5 (g) The Board shall maintain a registry of decisions in
6 which parole has been granted, which shall include the name and
7 case number of the prisoner, the highest charge for which the
8 prisoner was sentenced, the length of sentence imposed, the
9 date of the sentence, the date of the parole, and the basis for
10 the decision of the Board to grant parole and the vote of the
11 Board on any such decisions. The registry shall be made
12 available for public inspection and copying during business
13 hours and shall be a public record pursuant to the provisions
14 of the Freedom of Information Act.

15 (h) The Board shall promulgate rules regarding the exercise
16 of its discretion under this Section.

17 (Source: P.A. 96-875, eff. 1-22-10; 97-522, eff. 1-1-12;
18 97-1075, eff. 8-24-12.)

19 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

20 Sec. 3-3-7. Conditions of Parole, ~~or~~ Mandatory Supervised
21 Release, or Aftercare Release.

22 (a) The conditions of parole, aftercare release, or
23 mandatory supervised release shall be such as the Prisoner
24 Review Board deems necessary to assist the subject in leading a
25 law-abiding life. The conditions of every parole, aftercare

1 release, and mandatory supervised release are that the subject:

2 (1) not violate any criminal statute of any
3 jurisdiction during the parole, aftercare release, or
4 release term;

5 (2) refrain from possessing a firearm or other
6 dangerous weapon;

7 (3) report to an agent of the Department of Corrections
8 or to the Department of Juvenile Justice;

9 (4) permit the agent or aftercare specialist to visit
10 him or her at his or her home, employment, or elsewhere to
11 the extent necessary for the agent or aftercare specialist
12 to discharge his or her duties;

13 (5) attend or reside in a facility established for the
14 instruction or residence of persons on parole, aftercare
15 release, or mandatory supervised release;

16 (6) secure permission before visiting or writing a
17 committed person in an Illinois Department of Corrections
18 facility;

19 (7) report all arrests to an agent of the Department of
20 Corrections or to the Department of Juvenile Justice as
21 soon as permitted by the arresting authority but in no
22 event later than 24 hours after release from custody and
23 immediately report service or notification of an order of
24 protection, a civil no contact order, or a stalking no
25 contact order to an agent of the Department of Corrections;

26 (7.5) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, the individual shall
2 undergo and successfully complete sex offender treatment
3 conducted in conformance with the standards developed by
4 the Sex Offender Management Board Act by a treatment
5 provider approved by the Board;

6 (7.6) if convicted of a sex offense as defined in the
7 Sex Offender Management Board Act, refrain from residing at
8 the same address or in the same condominium unit or
9 apartment unit or in the same condominium complex or
10 apartment complex with another person he or she knows or
11 reasonably should know is a convicted sex offender or has
12 been placed on supervision for a sex offense; the
13 provisions of this paragraph do not apply to a person
14 convicted of a sex offense who is placed in a Department of
15 Corrections licensed transitional housing facility for sex
16 offenders, or is in any facility operated or licensed by
17 the Department of Children and Family Services or by the
18 Department of Human Services, or is in any licensed medical
19 facility;

20 (7.7) if convicted for an offense that would qualify
21 the accused as a sexual predator under the Sex Offender
22 Registration Act on or after January 1, 2007 (the effective
23 date of Public Act 94-988), wear an approved electronic
24 monitoring device as defined in Section 5-8A-2 for the
25 duration of the person's parole, aftercare release,
26 mandatory supervised release term, or extended mandatory

1 supervised release term and if convicted for an offense of
2 criminal sexual assault, aggravated criminal sexual
3 assault, predatory criminal sexual assault of a child,
4 criminal sexual abuse, aggravated criminal sexual abuse,
5 or ritualized abuse of a child committed on or after August
6 11, 2009 (the effective date of Public Act 96-236) when the
7 victim was under 18 years of age at the time of the
8 commission of the offense and the defendant used force or
9 the threat of force in the commission of the offense wear
10 an approved electronic monitoring device as defined in
11 Section 5-8A-2 that has Global Positioning System (GPS)
12 capability for the duration of the person's parole,
13 aftercare release, mandatory supervised release term, or
14 extended mandatory supervised release term;

15 (7.8) if convicted for an offense committed on or after
16 June 1, 2008 (the effective date of Public Act 95-464) that
17 would qualify the accused as a child sex offender as
18 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
19 1961 or the Criminal Code of 2012, refrain from
20 communicating with or contacting, by means of the Internet,
21 a person who is not related to the accused and whom the
22 accused reasonably believes to be under 18 years of age;
23 for purposes of this paragraph (7.8), "Internet" has the
24 meaning ascribed to it in Section 16-0.1 of the Criminal
25 Code of 2012; and a person is not related to the accused if
26 the person is not: (i) the spouse, brother, or sister of

1 the accused; (ii) a descendant of the accused; (iii) a
2 first or second cousin of the accused; or (iv) a step-child
3 or adopted child of the accused;

4 (7.9) if convicted under Section 11-6, 11-20.1,
5 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
6 the Criminal Code of 2012, consent to search of computers,
7 PDAs, cellular phones, and other devices under his or her
8 control that are capable of accessing the Internet or
9 storing electronic files, in order to confirm Internet
10 protocol addresses reported in accordance with the Sex
11 Offender Registration Act and compliance with conditions
12 in this Act;

13 (7.10) if convicted for an offense that would qualify
14 the accused as a sex offender or sexual predator under the
15 Sex Offender Registration Act on or after June 1, 2008 (the
16 effective date of Public Act 95-640), not possess
17 prescription drugs for erectile dysfunction;

18 (7.11) if convicted for an offense under Section 11-6,
19 11-9.1, 11-14.4 that involves soliciting for a juvenile
20 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
21 of the Criminal Code of 1961 or the Criminal Code of 2012,
22 or any attempt to commit any of these offenses, committed
23 on or after June 1, 2009 (the effective date of Public Act
24 95-983):

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the Department;

2 (ii) submit to periodic unannounced examinations
3 of the offender's computer or any other device with
4 Internet capability by the offender's supervising
5 agent, aftercare specialist, a law enforcement
6 officer, or assigned computer or information
7 technology specialist, including the retrieval and
8 copying of all data from the computer or device and any
9 internal or external peripherals and removal of such
10 information, equipment, or device to conduct a more
11 thorough inspection;

12 (iii) submit to the installation on the offender's
13 computer or device with Internet capability, at the
14 offender's expense, of one or more hardware or software
15 systems to monitor the Internet use; and

16 (iv) submit to any other appropriate restrictions
17 concerning the offender's use of or access to a
18 computer or any other device with Internet capability
19 imposed by the Board, the Department or the offender's
20 supervising agent or aftercare specialist;

21 (7.12) if convicted of a sex offense as defined in the
22 Sex Offender Registration Act committed on or after January
23 1, 2010 (the effective date of Public Act 96-262), refrain
24 from accessing or using a social networking website as
25 defined in Section 17-0.5 of the Criminal Code of 2012;

26 (7.13) if convicted of a sex offense as defined in

1 Section 2 of the Sex Offender Registration Act committed on
2 or after January 1, 2010 (the effective date of Public Act
3 96-362) that requires the person to register as a sex
4 offender under that Act, may not knowingly use any computer
5 scrub software on any computer that the sex offender uses;

6 (8) obtain permission of an agent of the Department of
7 Corrections or the Department of Juvenile Justice before
8 leaving the State of Illinois;

9 (9) obtain permission of an agent of the Department of
10 Corrections or the Department of Juvenile Justice before
11 changing his or her residence or employment;

12 (10) consent to a search of his or her person,
13 property, or residence under his or her control;

14 (11) refrain from the use or possession of narcotics or
15 other controlled substances in any form, or both, or any
16 paraphernalia related to those substances and submit to a
17 urinalysis test as instructed by a parole agent of the
18 Department of Corrections or an aftercare specialist of the
19 Department of Juvenile Justice;

20 (12) not frequent places where controlled substances
21 are illegally sold, used, distributed, or administered;

22 (13) not knowingly associate with other persons on
23 parole, aftercare release, or mandatory supervised release
24 without prior written permission of his or her parole agent
25 or aftercare specialist and not associate with persons who
26 are members of an organized gang as that term is defined in

1 the Illinois Streetgang Terrorism Omnibus Prevention Act;

2 (14) provide true and accurate information, as it
3 relates to his or her adjustment in the community while on
4 parole, aftercare release, or mandatory supervised release
5 or to his or her conduct while incarcerated, in response to
6 inquiries by his or her parole agent or of the Department
7 of Corrections or by his or her aftercare specialist or of
8 the Department of Juvenile Justice;

9 (15) follow any specific instructions provided by the
10 parole agent or aftercare specialist that are consistent
11 with furthering conditions set and approved by the Prisoner
12 Review Board or by law, exclusive of placement on
13 electronic detention, to achieve the goals and objectives
14 of his or her parole, aftercare release, or mandatory
15 supervised release or to protect the public. These
16 instructions by the parole agent or aftercare specialist
17 may be modified at any time, as the agent or aftercare
18 specialist deems appropriate;

19 (16) if convicted of a sex offense as defined in
20 subsection (a-5) of Section 3-1-2 of this Code, unless the
21 offender is a parent or guardian of the person under 18
22 years of age present in the home and no non-familial minors
23 are present, not participate in a holiday event involving
24 children under 18 years of age, such as distributing candy
25 or other items to children on Halloween, wearing a Santa
26 Claus costume on or preceding Christmas, being employed as

1 a department store Santa Claus, or wearing an Easter Bunny
2 costume on or preceding Easter;

3 (17) if convicted of a violation of an order of
4 protection under Section 12-3.4 or Section 12-30 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, be
6 placed under electronic surveillance as provided in
7 Section 5-8A-7 of this Code;

8 (18) comply with the terms and conditions of an order
9 of protection issued pursuant to the Illinois Domestic
10 Violence Act of 1986; an order of protection issued by the
11 court of another state, tribe, or United States territory;
12 a no contact order issued pursuant to the Civil No Contact
13 Order Act; or a no contact order issued pursuant to the
14 Stalking No Contact Order Act; and

15 (19) if convicted of a violation of the Methamphetamine
16 Control and Community Protection Act, the Methamphetamine
17 Precursor Control Act, or a methamphetamine related
18 offense, be:

19 (A) prohibited from purchasing, possessing, or
20 having under his or her control any product containing
21 pseudoephedrine unless prescribed by a physician; and

22 (B) prohibited from purchasing, possessing, or
23 having under his or her control any product containing
24 ammonium nitrate.

25 (b) The Board may in addition to other conditions require
26 that the subject:

1 (1) work or pursue a course of study or vocational
2 training;

3 (2) undergo medical or psychiatric treatment, or
4 treatment for drug addiction or alcoholism;

5 (3) attend or reside in a facility established for the
6 instruction or residence of persons on probation or parole;

7 (4) support his or her dependents;

8 (5) (blank);

9 (6) (blank);

10 (7) (blank);

11 (7.5) if convicted for an offense committed on or after
12 the effective date of this amendatory Act of the 95th
13 General Assembly that would qualify the accused as a child
14 sex offender as defined in Section 11-9.3 or 11-9.4 of the
15 Criminal Code of 1961 or the Criminal Code of 2012, refrain
16 from communicating with or contacting, by means of the
17 Internet, a person who is related to the accused and whom
18 the accused reasonably believes to be under 18 years of
19 age; for purposes of this paragraph (7.5), "Internet" has
20 the meaning ascribed to it in Section 16-0.1 of the
21 Criminal Code of 2012; and a person is related to the
22 accused if the person is: (i) the spouse, brother, or
23 sister of the accused; (ii) a descendant of the accused;
24 (iii) a first or second cousin of the accused; or (iv) a
25 step-child or adopted child of the accused;

26 (7.6) if convicted for an offense committed on or after

1 June 1, 2009 (the effective date of Public Act 95-983) that
2 would qualify as a sex offense as defined in the Sex
3 Offender Registration Act:

4 (i) not access or use a computer or any other
5 device with Internet capability without the prior
6 written approval of the Department;

7 (ii) submit to periodic unannounced examinations
8 of the offender's computer or any other device with
9 Internet capability by the offender's supervising
10 agent or aftercare specialist, a law enforcement
11 officer, or assigned computer or information
12 technology specialist, including the retrieval and
13 copying of all data from the computer or device and any
14 internal or external peripherals and removal of such
15 information, equipment, or device to conduct a more
16 thorough inspection;

17 (iii) submit to the installation on the offender's
18 computer or device with Internet capability, at the
19 offender's expense, of one or more hardware or software
20 systems to monitor the Internet use; and

21 (iv) submit to any other appropriate restrictions
22 concerning the offender's use of or access to a
23 computer or any other device with Internet capability
24 imposed by the Board, the Department or the offender's
25 supervising agent or aftercare specialist; and

26 (8) in addition, if a minor:

1 (i) reside with his or her parents or in a foster
2 home;

3 (ii) attend school;

4 (iii) attend a non-residential program for youth;

5 or

6 (iv) contribute to his or her own support at home
7 or in a foster home.

8 (b-1) In addition to the conditions set forth in
9 subsections (a) and (b), persons required to register as sex
10 offenders pursuant to the Sex Offender Registration Act, upon
11 release from the custody of the Illinois Department of
12 Corrections or Department of Juvenile Justice, may be required
13 by the Board to comply with the following specific conditions
14 of release:

15 (1) reside only at a Department approved location;

16 (2) comply with all requirements of the Sex Offender
17 Registration Act;

18 (3) notify third parties of the risks that may be
19 occasioned by his or her criminal record;

20 (4) obtain the approval of an agent of the Department
21 of Corrections or the Department of Juvenile Justice prior
22 to accepting employment or pursuing a course of study or
23 vocational training and notify the Department prior to any
24 change in employment, study, or training;

25 (5) not be employed or participate in any volunteer
26 activity that involves contact with children, except under

1 circumstances approved in advance and in writing by an
2 agent of the Department of Corrections or the Department of
3 Juvenile Justice;

4 (6) be electronically monitored for a minimum of 12
5 months from the date of release as determined by the Board;

6 (7) refrain from entering into a designated geographic
7 area except upon terms approved in advance by an agent of
8 the Department of Corrections or the Department of Juvenile
9 Justice. The terms may include consideration of the purpose
10 of the entry, the time of day, and others accompanying the
11 person;

12 (8) refrain from having any contact, including written
13 or oral communications, directly or indirectly, personally
14 or by telephone, letter, or through a third party with
15 certain specified persons including, but not limited to,
16 the victim or the victim's family without the prior written
17 approval of an agent of the Department of Corrections or
18 the Department of Juvenile Justice;

19 (9) refrain from all contact, directly or indirectly,
20 personally, by telephone, letter, or through a third party,
21 with minor children without prior identification and
22 approval of an agent of the Department of Corrections or
23 the Department of Juvenile Justice;

24 (10) neither possess or have under his or her control
25 any material that is sexually oriented, sexually
26 stimulating, or that shows male or female sex organs or any

1 pictures depicting children under 18 years of age nude or
2 any written or audio material describing sexual
3 intercourse or that depicts or alludes to sexual activity,
4 including but not limited to visual, auditory, telephonic,
5 or electronic media, or any matter obtained through access
6 to any computer or material linked to computer access use;

7 (11) not patronize any business providing sexually
8 stimulating or sexually oriented entertainment nor utilize
9 "900" or adult telephone numbers;

10 (12) not reside near, visit, or be in or about parks,
11 schools, day care centers, swimming pools, beaches,
12 theaters, or any other places where minor children
13 congregate without advance approval of an agent of the
14 Department of Corrections or the Department of Juvenile
15 Justice and immediately report any incidental contact with
16 minor children to the Department;

17 (13) not possess or have under his or her control
18 certain specified items of contraband related to the
19 incidence of sexually offending as determined by an agent
20 of the Department of Corrections or the Department of
21 Juvenile Justice;

22 (14) may be required to provide a written daily log of
23 activities if directed by an agent of the Department of
24 Corrections or the Department of Juvenile Justice;

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

1 high-risk situations and limit access to potential
2 victims;

3 (16) take an annual polygraph exam;

4 (17) maintain a log of his or her travel; or

5 (18) obtain prior approval of his or her parole officer
6 or aftercare specialist before driving alone in a motor
7 vehicle.

8 (c) The conditions under which the parole, aftercare
9 release, or mandatory supervised release is to be served shall
10 be communicated to the person in writing prior to his or her
11 release, and he or she shall sign the same before release. A
12 signed copy of these conditions, including a copy of an order
13 of protection where one had been issued by the criminal court,
14 shall be retained by the person and another copy forwarded to
15 the officer or aftercare specialist in charge of his or her
16 supervision.

17 (d) After a hearing under Section 3-3-9, the Prisoner
18 Review Board may modify or enlarge the conditions of parole, or
19 aftercare release, or mandatory supervised release.

20 (e) The Department shall inform all offenders committed to
21 the Department of the optional services available to them upon
22 release and shall assist inmates in availing themselves of such
23 optional services upon their release on a voluntary basis.

24 (f) (Blank).

25 (Source: P.A. 96-236, eff. 8-11-09; 96-262, eff. 1-1-10;
26 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-1000, eff.

1 7-2-10; 96-1539, eff. 3-4-11; 96-1551, Article 2, Section 1065,
2 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
3 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560, eff. 1-1-12;
4 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff.
5 1-25-13.)

6 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

7 Sec. 3-3-8. Length of parole, aftercare release, and
8 mandatory supervised release; discharge.)

9 (a) The length of parole for a person sentenced under the
10 law in effect prior to the effective date of this amendatory
11 Act of 1977 and the length of mandatory supervised release for
12 those sentenced under the law in effect on and after such
13 effective date shall be as set out in Section 5-8-1 unless
14 sooner terminated under paragraph (b) of this Section. The
15 aftercare release ~~parole~~ period of a juvenile committed to the
16 Department under the Juvenile Court Act or the Juvenile Court
17 Act of 1987 shall extend until he or she is 21 years of age
18 unless sooner terminated under paragraph (b) of this Section.

19 (b) The Prisoner Review Board may enter an order releasing
20 and discharging one from parole, aftercare release, or
21 mandatory supervised release, and his or her commitment to the
22 Department, when it determines that he or she is likely to
23 remain at liberty without committing another offense.

24 (b-1) Provided that the subject is in compliance with the
25 terms and conditions of his or her parole, aftercare release,

1 or mandatory supervised release, the Prisoner Review Board may
2 reduce the period of a parolee or releasee's parole, aftercare
3 release, or mandatory supervised release by 90 days upon the
4 parolee or releasee receiving a high school diploma or upon
5 passage of the high school level Test of General Educational
6 Development during the period of his or her parole, aftercare
7 release, or mandatory supervised release. This reduction in the
8 period of a subject's term of parole, aftercare release, or
9 mandatory supervised release shall be available only to
10 subjects who have not previously earned a high school diploma
11 or who have not previously passed the high school level Test of
12 General Educational Development.

13 (c) The order of discharge shall become effective upon
14 entry of the order of the Board. The Board shall notify the
15 clerk of the committing court of the order. Upon receipt of
16 such copy, the clerk shall make an entry on the record judgment
17 that the sentence or commitment has been satisfied pursuant to
18 the order.

19 (d) Rights of the person discharged under this Section
20 shall be restored under Section 5-5-5. This Section is subject
21 to Section 5-750 of the Juvenile Court Act of 1987.

22 (Source: P.A. 97-531, eff. 1-1-12.)

23 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

24 Sec. 3-3-9. Violations; changes of conditions; preliminary
25 hearing; revocation of parole, aftercare release, or mandatory

1 supervised release; revocation hearing.

2 (a) If prior to expiration or termination of the term of
3 parole, aftercare release, or mandatory supervised release, a
4 person violates a condition set by the Prisoner Review Board or
5 a condition of parole, aftercare release, or mandatory
6 supervised release under Section 3-3-7 of this Code to govern
7 that term, the Board may:

8 (1) continue the existing term, with or without
9 modifying or enlarging the conditions; or

10 (2) parole or release the person to a half-way house;
11 or

12 (3) revoke the parole, aftercare release, or mandatory
13 supervised release and reconfine the person for a term
14 computed in the following manner:

15 (i) (A) For those sentenced under the law in effect
16 prior to this amendatory Act of 1977, the recommitment
17 shall be for any portion of the imposed maximum term of
18 imprisonment or confinement which had not been served
19 at the time of parole and the parole term, less the
20 time elapsed between the parole of the person and the
21 commission of the violation for which parole was
22 revoked;

23 (B) Except as set forth in paragraph (C), for those
24 subject to mandatory supervised release under
25 paragraph (d) of Section 5-8-1 of this Code, the
26 recommitment shall be for the total mandatory

1 supervised release term, less the time elapsed between
2 the release of the person and the commission of the
3 violation for which mandatory supervised release is
4 revoked. The Board may also order that a prisoner serve
5 up to one year of the sentence imposed by the court
6 which was not served due to the accumulation of
7 sentence credit;

8 (C) For those subject to sex offender supervision
9 under clause (d) (4) of Section 5-8-1 of this Code, the
10 reconfinement period for violations of clauses (a) (3)
11 through (b-1) (15) of Section 3-3-7 shall not exceed 2
12 years from the date of reconfinement;~~;~~

13 (ii) the person shall be given credit against the
14 term of reimprisonment or reconfinement for time spent
15 in custody since he or she was paroled or released
16 which has not been credited against another sentence or
17 period of confinement;

18 (iii) persons committed under the Juvenile Court
19 Act or the Juvenile Court Act of 1987 may be continued
20 under the existing term of aftercare release ~~parole~~
21 with or without modifying the conditions of aftercare
22 release ~~parole, paroled or~~ released on aftercare
23 release to a group home or other residential facility,
24 or recommitted until the age of 21 unless sooner
25 terminated;

26 (iv) this Section is subject to the release under

1 supervision and the reparole and rerelease provisions
2 of Section 3-3-10.

3 (b) The Board may revoke parole, aftercare release, or
4 mandatory supervised release for violation of a condition for
5 the duration of the term and for any further period which is
6 reasonably necessary for the adjudication of matters arising
7 before its expiration. The issuance of a warrant of arrest for
8 an alleged violation of the conditions of parole, aftercare
9 release, or mandatory supervised release shall toll the running
10 of the term until the final determination of the charge. When
11 parole, aftercare release, or mandatory supervised release is
12 not revoked that period shall be credited to the term, unless a
13 community-based sanction is imposed as an alternative to
14 revocation and reincarceration, including a diversion
15 established by the Illinois Department of Corrections Parole
16 Services Unit prior to the holding of a preliminary parole
17 revocation hearing. Parolees who are diverted to a
18 community-based sanction shall serve the entire term of parole
19 or mandatory supervised release, if otherwise appropriate.

20 (b-5) The Board shall revoke parole, aftercare release, or
21 mandatory supervised release for violation of the conditions
22 prescribed in paragraph (7.6) of subsection (a) of Section
23 3-3-7.

24 (c) A person charged with violating a condition of parole,
25 aftercare release, or mandatory supervised release shall have a
26 preliminary hearing before a hearing officer designated by the

1 Board to determine if there is cause to hold the person for a
2 revocation hearing. However, no preliminary hearing need be
3 held when revocation is based upon new criminal charges and a
4 court finds probable cause on the new criminal charges or when
5 the revocation is based upon a new criminal conviction and a
6 certified copy of that conviction is available.

7 (d) Parole, aftercare release, or mandatory supervised
8 release shall not be revoked without written notice to the
9 offender setting forth the violation of parole, aftercare
10 release, or mandatory supervised release charged against him or
11 her.

12 (e) A hearing on revocation shall be conducted before at
13 least one member of the Prisoner Review Board. The Board may
14 meet and order its actions in panels of 3 or more members. The
15 action of a majority of the panel shall be the action of the
16 Board. In consideration of persons committed to the Department
17 of Juvenile Justice, the member hearing the matter and at least
18 a majority of the panel shall be experienced in juvenile
19 matters. A record of the hearing shall be made. At the hearing
20 the offender shall be permitted to:

21 (1) appear and answer the charge; and

22 (2) bring witnesses on his or her behalf.

23 (f) The Board shall either revoke parole, aftercare
24 release, or mandatory supervised release or order the person's
25 term continued with or without modification or enlargement of
26 the conditions.

1 (g) Parole, aftercare release, or mandatory supervised
2 release shall not be revoked for failure to make payments under
3 the conditions of parole or release unless the Board determines
4 that such failure is due to the offender's willful refusal to
5 pay.

6 (Source: P.A. 96-1271, eff. 1-1-11; 97-697, eff. 6-22-12;
7 revised 8-3-12.)

8 (730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

9 Sec. 3-3-10. Eligibility after Revocation; Release under
10 Supervision.

11 (a) A person whose parole, aftercare release, or mandatory
12 supervised release has been revoked may be reparaoled or
13 rereleased by the Board at any time to the full parole, aftercare release,
14 or mandatory supervised release term under
15 Section 3-3-8, except that the time which the person shall
16 remain subject to the Board shall not exceed (1) the imposed
17 maximum term of imprisonment or confinement and the parole term
18 for those sentenced under the law in effect prior to the
19 effective date of this amendatory Act of 1977 or (2) the term
20 of imprisonment imposed by the court and the mandatory
21 supervised release term for those sentenced under the law in
22 effect on and after such effective date.

23 (b) If the Board sets no earlier release date:

24 (1) A person sentenced for any violation of law which
25 occurred before January 1, 1973, shall be released under

1 supervision 6 months prior to the expiration of his or her
2 maximum sentence of imprisonment less good time credit
3 under Section 3-6-3.

4 (2) Any person who has violated the conditions of his
5 or her parole or aftercare release and been reconfined
6 under Section 3-3-9 shall be released under supervision 6
7 months prior to the expiration of the term of his or her
8 reconfinement under paragraph (a) of Section 3-3-9 less
9 good time credit under Section 3-6-3. This paragraph shall
10 not apply to persons serving terms of mandatory supervised
11 release.

12 (3) Nothing herein shall require the release of a
13 person who has violated his or her parole within 6 months
14 of the date when his or her release under this Section
15 would otherwise be mandatory.

16 (c) Persons released under this Section shall be subject to
17 Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5,
18 3-14-3, and 3-14-4.

19 (Source: P.A. 94-165, eff. 7-11-05; 95-331, eff. 8-21-07.)

20 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

21 Sec. 3-4-3. Funds and Property of Persons Committed.

22 (a) The Department of Corrections and the Department of
23 Juvenile Justice shall establish accounting records with
24 accounts for each person who has or receives money while in an
25 institution or facility of that Department and it shall allow

1 the withdrawal and disbursement of money by the person under
2 rules and regulations of that Department. Any interest or other
3 income from moneys deposited with the Department by a resident
4 of the Department of Juvenile Justice in excess of \$200 shall
5 accrue to the individual's account, or in balances up to \$200
6 shall accrue to the Residents' Benefit Fund. For an individual
7 in an institution or facility of the Department of Corrections
8 the interest shall accrue to the Residents' Benefit Fund. The
9 Department shall disburse all moneys so held no later than the
10 person's final discharge from the Department. Moneys in the
11 account of a committed person who files a lawsuit determined
12 frivolous under Article XXII of the Code of Civil Procedure
13 shall be deducted to pay for the filing fees and cost of the
14 suit as provided in that Article. The Department shall under
15 rules and regulations record and receipt all personal property
16 not allowed to committed persons. The Department shall return
17 such property to the individual no later than the person's
18 release on parole or aftercare.

19 (b) Any money held in accounts of committed persons
20 separated from the Department by death, discharge, or
21 unauthorized absence and unclaimed for a period of 1 year
22 thereafter by the person or his legal representative shall be
23 transmitted to the State Treasurer who shall deposit it into
24 the General Revenue Fund. Articles of personal property of
25 persons so separated may be sold or used by the Department if
26 unclaimed for a period of 1 year for the same purpose.

1 Clothing, if unclaimed within 30 days, may be used or disposed
2 of as determined by the Department.

3 (c) Forty percent of the profits on sales from commissary
4 stores shall be expended by the Department for the special
5 benefit of committed persons which shall include but not be
6 limited to the advancement of inmate payrolls, for the special
7 benefit of employees, and for the advancement or reimbursement
8 of employee travel, provided that amounts expended for
9 employees shall not exceed the amount of profits derived from
10 sales made to employees by such commissaries, as determined by
11 the Department. The remainder of the profits from sales from
12 commissary stores must be used first to pay for wages and
13 benefits of employees covered under a collective bargaining
14 agreement who are employed at commissary facilities of the
15 Department and then to pay the costs of dietary staff.

16 (d) The Department shall confiscate any unauthorized
17 currency found in the possession of a committed person. The
18 Department shall transmit the confiscated currency to the State
19 Treasurer who shall deposit it into the General Revenue Fund.

20 (Source: P.A. 97-1083, eff. 8-24-12.)

21 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

22 Sec. 3-5-1. Master Record File.

23 (a) The Department of Corrections and the Department of
24 Juvenile Justice shall maintain a master record file on each
25 person committed to it, which shall contain the following

1 information:

2 (1) all information from the committing court;

3 (2) reception summary;

4 (3) evaluation and assignment reports and
5 recommendations;

6 (4) reports as to program assignment and progress;

7 (5) reports of disciplinary infractions and
8 disposition, including tickets and Administrative Review
9 Board action;

10 (6) any parole or aftercare release plan;

11 (7) any parole or aftercare release reports;

12 (8) the date and circumstances of final discharge;

13 (9) criminal history;

14 (10) current and past gang affiliations and ranks;

15 (11) information regarding associations and family
16 relationships;

17 (12) any grievances filed and responses to those
18 grievances; and

19 (13) other information that the respective Department
20 determines is relevant to the secure confinement and
21 rehabilitation of the committed person.

22 (b) All files shall be confidential and access shall be
23 limited to authorized personnel of the respective Department.
24 Personnel of other correctional, welfare or law enforcement
25 agencies may have access to files under rules and regulations
26 of the respective Department. The respective Department shall

1 keep a record of all outside personnel who have access to
2 files, the files reviewed, any file material copied, and the
3 purpose of access. If the respective Department or the Prisoner
4 Review Board makes a determination under this Code which
5 affects the length of the period of confinement or commitment,
6 the committed person and his counsel shall be advised of
7 factual information relied upon by the respective Department or
8 Board to make the determination, provided that the Department
9 or Board shall not be required to advise a person committed to
10 the Department of Juvenile Justice any such information which
11 in the opinion of the Department of Juvenile Justice or Board
12 would be detrimental to his treatment or rehabilitation.

13 (c) The master file shall be maintained at a place
14 convenient to its use by personnel of the respective Department
15 in charge of the person. When custody of a person is
16 transferred from the Department to another department or
17 agency, a summary of the file shall be forwarded to the
18 receiving agency with such other information required by law or
19 requested by the agency under rules and regulations of the
20 respective Department.

21 (d) The master file of a person no longer in the custody of
22 the respective Department shall be placed on inactive status
23 and its use shall be restricted subject to rules and
24 regulations of the Department.

25 (e) All public agencies may make available to the
26 respective Department on request any factual data not otherwise

1 privileged as a matter of law in their possession in respect to
2 individuals committed to the respective Department.

3 (Source: P.A. 97-696, eff. 6-22-12.)

4 (730 ILCS 5/3-10-6) (from Ch. 38, par. 1003-10-6)

5 Sec. 3-10-6. Return and Release from Department of Human
6 Services.

7 (a) The Department of Human Services shall return to the
8 Department of Juvenile Justice any person committed to a
9 facility of the Department under paragraph (a) of Section
10 3-10-5 when the person no longer meets the standard for
11 admission of a minor to a mental health facility, or is
12 suitable for administrative admission to a developmental
13 disability facility.

14 (b) If a person returned to the Department of Juvenile
15 Justice under paragraph (a) of this Section has not had an
16 aftercare release ~~a parole~~ hearing within the preceding 6
17 months, he or she shall have an aftercare release ~~a parole~~
18 hearing within 45 days after his or her return.

19 (c) The Department of Juvenile Justice shall notify the
20 Secretary of Human Services of the expiration of the commitment
21 or sentence of any person transferred to the Department of
22 Human Services under Section 3-10-5. If the Department of Human
23 Services determines that such person transferred to it under
24 paragraph (a) of Section 3-10-5 requires further
25 hospitalization, it shall file a petition for commitment of

1 such person under the Mental Health and Developmental
2 Disabilities Code.

3 (d) The Department of Human Services shall release under
4 the Mental Health and Developmental Disabilities Code, any
5 person transferred to it pursuant to paragraph (c) of Section
6 3-10-5, whose sentence has expired and whom it deems no longer
7 meets the standard for admission of a minor to a mental health
8 facility, or is suitable for administrative admission to a
9 developmental disability facility. A person committed to the
10 Department of Juvenile Justice under the Juvenile Court Act or
11 the Juvenile Court Act of 1987 and transferred to the
12 Department of Human Services under paragraph (c) of Section
13 3-10-5 shall be released to the committing juvenile court when
14 the Department of Human Services determines that he or she no
15 longer requires hospitalization for treatment.

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

17 (730 ILCS 5/5-1-1.1 new)

18 Sec. 5-1-1.1. Aftercare release. "Aftercare release" means
19 the conditional and revocable release of a person committed to
20 the Department of Juvenile Justice under the Juvenile Court Act
21 of 1987, under the Department of Juvenile Justice.

22 (730 ILCS 5/5-1-16) (from Ch. 38, par. 1005-1-16)

23 Sec. 5-1-16. Parole.

24 "Parole" means the conditional and revocable release of a

1 person committed to the Department of Corrections ~~person~~ under
2 the supervision of a parole officer.

3 (Source: P.A. 78-939.)

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

5 Sec. 5-4-3. Specimens; genetic marker groups.

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

24 (1) convicted of a qualifying offense or attempt of a
25 qualifying offense on or after July 1, 1990 and sentenced

1 to a term of imprisonment, periodic imprisonment, fine,
2 probation, conditional discharge or any other form of
3 sentence, or given a disposition of court supervision for
4 the offense;

5 (1.5) found guilty or given supervision under the
6 Juvenile Court Act of 1987 for a qualifying offense or
7 attempt of a qualifying offense on or after January 1,
8 1997;

9 (2) ordered institutionalized as a sexually dangerous
10 person on or after July 1, 1990;

11 (3) convicted of a qualifying offense or attempt of a
12 qualifying offense before July 1, 1990 and is presently
13 confined as a result of such conviction in any State
14 correctional facility or county jail or is presently
15 serving a sentence of probation, conditional discharge or
16 periodic imprisonment as a result of such conviction;

17 (3.5) convicted or found guilty of any offense
18 classified as a felony under Illinois law or found guilty
19 or given supervision for such an offense under the Juvenile
20 Court Act of 1987 on or after August 22, 2002;

21 (4) presently institutionalized as a sexually
22 dangerous person or presently institutionalized as a
23 person found guilty but mentally ill of a sexual offense or
24 attempt to commit a sexual offense; or

25 (4.5) ordered committed as a sexually violent person on
26 or after the effective date of the Sexually Violent Persons

1 Commitment Act.

2 (a-1) Any person incarcerated in a facility of the Illinois
3 Department of Corrections or the Illinois Department of
4 Juvenile Justice on or after August 22, 2002, whether for a
5 term of years, natural life, or a sentence of death, who has
6 not yet submitted a specimen of blood, saliva, or tissue shall
7 be required to submit a specimen of blood, saliva, or tissue
8 prior to his or her final discharge, or release on parole,
9 aftercare release, or mandatory supervised release, as a
10 condition of his or her parole, aftercare release, or mandatory
11 supervised release, or within 6 months from August 13, 2009
12 (the effective date of Public Act 96-426), whichever is sooner.
13 A person incarcerated on or after August 13, 2009 (the
14 effective date of Public Act 96-426) shall be required to
15 submit a specimen within 45 days of incarceration, or prior to
16 his or her final discharge, or release on parole, aftercare
17 release, or mandatory supervised release, as a condition of his
18 or her parole, aftercare release, or mandatory supervised
19 release, whichever is sooner. These specimens shall be placed
20 into the State or national DNA database, to be used in
21 accordance with other provisions of this Section, by the
22 Illinois State Police.

23 (a-2) Any person sentenced to life imprisonment in a
24 facility of the Illinois Department of Corrections after the
25 effective date of this amendatory Act of the 94th General
26 Assembly or sentenced to death after the effective date of this

1 amendatory Act of the 94th General Assembly shall be required
2 to provide a specimen of blood, saliva, or tissue within 45
3 days after sentencing or disposition at a collection site
4 designated by the Illinois Department of State Police. Any
5 person serving a sentence of life imprisonment in a facility of
6 the Illinois Department of Corrections on the effective date of
7 this amendatory Act of the 94th General Assembly or any person
8 who is under a sentence of death on the effective date of this
9 amendatory Act of the 94th General Assembly shall be required
10 to provide a specimen of blood, saliva, or tissue upon request
11 at a collection site designated by the Illinois Department of
12 State Police.

13 (a-3) Any person seeking transfer to or residency in
14 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
15 Code, the Interstate Compact for Adult Offender Supervision, or
16 the Interstate Agreements on Sexually Dangerous Persons Act
17 shall be required to provide a specimen of blood, saliva, or
18 tissue within 45 days after transfer to or residency in
19 Illinois at a collection site designated by the Illinois
20 Department of State Police.

21 (a-3.1) Any person required by an order of the court to
22 submit a DNA specimen shall be required to provide a specimen
23 of blood, saliva, or tissue within 45 days after the court
24 order at a collection site designated by the Illinois
25 Department of State Police.

26 (a-3.2) On or after January 1, 2012 (the effective date of

1 Public Act 97-383), any person arrested for any of the
2 following offenses, after an indictment has been returned by a
3 grand jury, or following a hearing pursuant to Section 109-3 of
4 the Code of Criminal Procedure of 1963 and a judge finds there
5 is probable cause to believe the arrestee has committed one of
6 the designated offenses, or an arrestee has waived a
7 preliminary hearing shall be required to provide a specimen of
8 blood, saliva, or tissue within 14 days after such indictment
9 or hearing at a collection site designated by the Illinois
10 Department of State Police:

11 (A) first degree murder;

12 (B) home invasion;

13 (C) predatory criminal sexual assault of a child;

14 (D) aggravated criminal sexual assault; or

15 (E) criminal sexual assault.

16 (a-3.3) Any person required to register as a sex offender
17 under the Sex Offender Registration Act, regardless of the date
18 of conviction as set forth in subsection (c-5.2) shall be
19 required to provide a specimen of blood, saliva, or tissue
20 within the time period prescribed in subsection (c-5.2) at a
21 collection site designated by the Illinois Department of State
22 Police.

23 (a-5) Any person who was otherwise convicted of or received
24 a disposition of court supervision for any other offense under
25 the Criminal Code of 1961 or the Criminal Code of 2012 or who
26 was found guilty or given supervision for such a violation

1 under the Juvenile Court Act of 1987, may, regardless of the
2 sentence imposed, be required by an order of the court to
3 submit specimens of blood, saliva, or tissue to the Illinois
4 Department of State Police in accordance with the provisions of
5 this Section.

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

12 (c) Any person required by paragraphs (a)(3), (a)(4), and
13 (a)(4.5) to provide specimens of blood, saliva, or tissue shall
14 be required to provide such specimens prior to final discharge
15 or within 6 months from August 13, 2009 (the effective date of
16 Public Act 96-426), whichever is sooner. These specimens shall
17 be placed into the State or national DNA database, to be used
18 in accordance with other provisions of this Act, by the
19 Illinois State Police.

20 (c-5) Any person required by paragraph (a-3) to provide
21 specimens of blood, saliva, or tissue shall, where feasible, be
22 required to provide the specimens before being accepted for
23 conditioned residency in Illinois under the interstate compact
24 or agreement, but no later than 45 days after arrival in this
25 State.

26 (c-5.2) Unless it is determined that a registered sex

1 offender has previously submitted a specimen of blood, saliva,
2 or tissue that has been placed into the State DNA database, a
3 person registering as a sex offender shall be required to
4 submit a specimen at the time of his or her initial
5 registration pursuant to the Sex Offender Registration Act or,
6 for a person registered as a sex offender on or prior to
7 January 1, 2012 (the effective date of Public Act 97-383),
8 within one year of January 1, 2012 (the effective date of
9 Public Act 97-383) or at the time of his or her next required
10 registration.

11 (c-6) The Illinois Department of State Police may determine
12 which type of specimen or specimens, blood, saliva, or tissue,
13 is acceptable for submission to the Division of Forensic
14 Services for analysis. The Illinois Department of State Police
15 may require the submission of fingerprints from anyone required
16 to give a specimen under this Act.

17 (d) The Illinois Department of State Police shall provide
18 all equipment and instructions necessary for the collection of
19 blood specimens. The collection of specimens shall be performed
20 in a medically approved manner. Only a physician authorized to
21 practice medicine, a registered nurse or other qualified person
22 trained in venipuncture may withdraw blood for the purposes of
23 this Act. 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-1) The Illinois Department of State Police shall provide
2 all equipment and instructions necessary for the collection of
3 saliva specimens. The collection of saliva 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 saliva may collect saliva 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-2) The Illinois Department of State Police shall provide
12 all equipment and instructions necessary for the collection of
13 tissue specimens. The collection of tissue specimens shall be
14 performed in a medically approved manner. Only a person trained
15 in the instructions promulgated by the Illinois State Police on
16 collecting tissue may collect tissue for the purposes of this
17 Section. The specimens shall thereafter be forwarded to the
18 Illinois Department of State Police, Division of Forensic
19 Services, for analysis and categorizing into genetic marker
20 groupings.

21 (d-5) To the extent that funds are available, the Illinois
22 Department of State Police shall contract with qualified
23 personnel and certified laboratories for the collection,
24 analysis, and categorization of known specimens, except as
25 provided in subsection (n) of this Section.

26 (d-6) Agencies designated by the Illinois Department of

1 State Police and the Illinois Department of State Police may
2 contract with third parties to provide for the collection or
3 analysis of DNA, or both, of an offender's blood, saliva, and
4 tissue specimens, except as provided in subsection (n) of this
5 Section.

6 (e) The genetic marker groupings shall be maintained by the
7 Illinois Department of State Police, Division of Forensic
8 Services.

9 (f) The genetic marker grouping analysis information
10 obtained pursuant to this Act shall be confidential and shall
11 be released only to peace officers of the United States, of
12 other states or territories, of the insular possessions of the
13 United States, of foreign countries duly authorized to receive
14 the same, to all peace officers of the State of Illinois and to
15 all prosecutorial agencies, and to defense counsel as provided
16 by Section 116-5 of the Code of Criminal Procedure of 1963. The
17 genetic marker grouping analysis information obtained pursuant
18 to this Act shall be used only for (i) valid law enforcement
19 identification purposes and as required by the Federal Bureau
20 of Investigation for participation in the National DNA
21 database, (ii) technology validation purposes, (iii) a
22 population statistics database, (iv) quality assurance
23 purposes if personally identifying information is removed, (v)
24 assisting in the defense of the criminally accused pursuant to
25 Section 116-5 of the Code of Criminal Procedure of 1963, or
26 (vi) identifying and assisting in the prosecution of a person

1 who is suspected of committing a sexual assault as defined in
2 Section 1a of the Sexual Assault Survivors Emergency Treatment
3 Act. Notwithstanding any other statutory provision to the
4 contrary, all information obtained under this Section shall be
5 maintained in a single State data base, which may be uploaded
6 into a national database, and which information may be subject
7 to expungement only as set forth in subsection (f-1).

8 (f-1) Upon receipt of notification of a reversal of a
9 conviction based on actual innocence, or of the granting of a
10 pardon pursuant to Section 12 of Article V of the Illinois
11 Constitution, if that pardon document specifically states that
12 the reason for the pardon is the actual innocence of an
13 individual whose DNA record has been stored in the State or
14 national DNA identification index in accordance with this
15 Section by the Illinois Department of State Police, the DNA
16 record shall be expunged from the DNA identification index, and
17 the Department shall by rule prescribe procedures to ensure
18 that the record and any specimens, analyses, or other documents
19 relating to such record, whether in the possession of the
20 Department or any law enforcement or police agency, or any
21 forensic DNA laboratory, including any duplicates or copies
22 thereof, are destroyed and a letter is sent to the court
23 verifying the expungement is completed. For specimens required
24 to be collected prior to conviction, unless the individual has
25 other charges or convictions that require submission of a
26 specimen, the DNA record for an individual shall be expunged

1 from the DNA identification databases and the specimen
2 destroyed upon receipt of a certified copy of a final court
3 order for each charge against an individual in which the charge
4 has been dismissed, resulted in acquittal, or that the charge
5 was not filed within the applicable time period. The Department
6 shall by rule prescribe procedures to ensure that the record
7 and any specimens in the possession or control of the
8 Department are destroyed and a letter is sent to the court
9 verifying the expungement is completed.

10 (f-5) Any person who intentionally uses genetic marker
11 grouping analysis information, or any other information
12 derived from a DNA specimen, beyond the authorized uses as
13 provided under this Section, or any other Illinois law, is
14 guilty of a Class 4 felony, and shall be subject to a fine of
15 not less than \$5,000.

16 (f-6) The Illinois Department of State Police may contract
17 with third parties for the purposes of implementing this
18 amendatory Act of the 93rd General Assembly, except as provided
19 in subsection (n) of this Section. Any other party contracting
20 to carry out the functions of this Section shall be subject to
21 the same restrictions and requirements of this Section insofar
22 as applicable, as the Illinois Department of State Police, and
23 to any additional restrictions imposed by the Illinois
24 Department of State Police.

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

1 (1) any violation or inchoate violation of Section
2 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
3 12-16 of the Criminal Code of 1961 or the Criminal Code of
4 2012;

5 (1.1) any violation or inchoate violation of Section
6 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
7 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
8 1961 or the Criminal Code of 2012 for which persons are
9 convicted on or after July 1, 2001;

10 (2) any former statute of this State which defined a
11 felony sexual offense;

12 (3) (blank);

13 (4) any inchoate violation of Section 9-3.1, 9-3.4,
14 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
15 the Criminal Code of 2012; or

16 (5) any violation or inchoate violation of Article 29D
17 of the Criminal Code of 1961 or the Criminal Code of 2012.

18 (g-5) (Blank).

19 (h) The Illinois Department of State Police shall be the
20 State central repository for all genetic marker grouping
21 analysis information obtained pursuant to this Act. The
22 Illinois Department of State Police may promulgate rules for
23 the form and manner of the collection of blood, saliva, or
24 tissue specimens and other procedures for the operation of this
25 Act. The provisions of the Administrative Review Law shall
26 apply to all actions taken under the rules so promulgated.

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

6 (2) In the event that a person's DNA specimen is not
7 adequate for any reason, the person shall provide another
8 DNA specimen for analysis. Duly authorized law enforcement
9 and corrections personnel may employ reasonable force in
10 cases in which an individual refuses to provide a DNA
11 specimen required under this Act.

12 (j) Any person required by subsection (a), or any person
13 who was previously required by subsection (a-3.2), to submit
14 specimens of blood, saliva, or tissue to the Illinois
15 Department of State Police for analysis and categorization into
16 genetic marker grouping, in addition to any other disposition,
17 penalty, or fine imposed, shall pay an analysis fee of \$250. If
18 the analysis fee is not paid at the time of sentencing, the
19 court shall establish a fee schedule by which the entire amount
20 of the analysis fee shall be paid in full, such schedule not to
21 exceed 24 months from the time of conviction. The inability to
22 pay this analysis fee shall not be the sole ground to
23 incarcerate the person.

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

26 (1) The State Offender DNA Identification System Fund

1 is hereby created as a special fund in the State Treasury.

2 (2) All fees shall be collected by the clerk of the
3 court and forwarded to the State Offender DNA
4 Identification System Fund for deposit. The clerk of the
5 circuit court may retain the amount of \$10 from each
6 collected analysis fee to offset administrative costs
7 incurred in carrying out the clerk's responsibilities
8 under this Section.

9 (3) Fees deposited into the State Offender DNA
10 Identification System Fund shall be used by Illinois State
11 Police crime laboratories as designated by the Director of
12 State Police. These funds shall be in addition to any
13 allocations made pursuant to existing laws and shall be
14 designated for the exclusive use of State crime
15 laboratories. These uses may include, but are not limited
16 to, the following:

17 (A) Costs incurred in providing analysis and
18 genetic marker categorization as required by
19 subsection (d).

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

22 (C) Costs incurred in the purchase and maintenance
23 of equipment for use in performing analyses.

24 (D) Costs incurred in continuing research and
25 development of new techniques for analysis and genetic
26 marker categorization.

1 (E) Costs incurred in continuing education,
2 training, and professional development of forensic
3 scientists regularly employed by these laboratories.

4 (1) The failure of a person to provide a specimen, or of
5 any person or agency to collect a specimen, shall in no way
6 alter the obligation of the person to submit such specimen, or
7 the authority of the Illinois Department of State Police or
8 persons designated by the Department to collect the specimen,
9 or the authority of the Illinois Department of State Police to
10 accept, analyze and maintain the specimen or to maintain or
11 upload results of genetic marker grouping analysis information
12 into a State or national database.

13 (m) If any provision of this amendatory Act of the 93rd
14 General Assembly is held unconstitutional or otherwise
15 invalid, the remainder of this amendatory Act of the 93rd
16 General Assembly is not affected.

17 (n) Neither the Department of State Police, the Division of
18 Forensic Services, nor any laboratory of the Division of
19 Forensic Services may contract out forensic testing for the
20 purpose of an active investigation or a matter pending before a
21 court of competent jurisdiction without the written consent of
22 the prosecuting agency. For the purposes of this subsection
23 (n), "forensic testing" includes the analysis of physical
24 evidence in an investigation or other proceeding for the
25 prosecution of a violation of the Criminal Code of 1961 or the
26 Criminal Code of 2012 or for matters adjudicated under the

1 Juvenile Court Act of 1987, and includes the use of forensic
2 databases and databanks, including DNA, firearm, and
3 fingerprint databases, and expert testimony.

4 (o) Mistake does not invalidate a database match. The
5 detention, arrest, or conviction of a person based upon a
6 database match or database information is not invalidated if it
7 is determined that the specimen was obtained or placed in the
8 database by mistake.

9 (p) This Section may be referred to as the Illinois DNA
10 Database Law of 2011.

11 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;
12 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-383, eff.
13 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

14 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

15 Sec. 5-8A-3. Application.

16 (a) Except as provided in subsection (d), a person charged
17 with or convicted of an excluded offense may not be placed in
18 an electronic home detention program, except for bond pending
19 trial or appeal or while on parole, aftercare release, or
20 mandatory supervised release.

21 (b) A person serving a sentence for a conviction of a Class
22 1 felony, other than an excluded offense, may be placed in an
23 electronic home detention program for a period not to exceed
24 the last 90 days of incarceration.

25 (c) A person serving a sentence for a conviction of a Class

1 X felony, other than an excluded offense, may be placed in an
2 electronic home detention program for a period not to exceed
3 the last 90 days of incarceration, provided that the person was
4 sentenced on or after the effective date of this amendatory Act
5 of 1993 and provided that the court has not prohibited the
6 program for the person in the sentencing order.

7 (d) A person serving a sentence for conviction of an
8 offense other than for predatory criminal sexual assault of a
9 child, aggravated criminal sexual assault, criminal sexual
10 assault, aggravated criminal sexual abuse, or felony criminal
11 sexual abuse, may be placed in an electronic home detention
12 program for a period not to exceed the last 12 months of
13 incarceration, provided that (i) the person is 55 years of age
14 or older; (ii) the person is serving a determinate sentence;
15 (iii) the person has served at least 25% of the sentenced
16 prison term; and (iv) placement in an electronic home detention
17 program is approved by the Prisoner Review Board.

18 (e) A person serving a sentence for conviction of a Class
19 2, 3 or 4 felony offense which is not an excluded offense may
20 be placed in an electronic home detention program pursuant to
21 Department administrative directives.

22 (f) Applications for electronic home detention may include
23 the following:

- 24 (1) pretrial or pre-adjudicatory detention;
25 (2) probation;
26 (3) conditional discharge;

- 1 (4) periodic imprisonment;
- 2 (5) parole, aftercare release, or mandatory supervised
- 3 release;
- 4 (6) work release;
- 5 (7) furlough or
- 6 (8) post-trial incarceration.

7 (g) A person convicted of an offense described in clause

8 (4) or (5) of subsection (d) of Section 5-8-1 of this Code

9 shall be placed in an electronic home detention program for at

10 least the first 2 years of the person's mandatory supervised

11 release term.

12 (Source: P.A. 91-279, eff. 1-1-00.)

13 (730 ILCS 5/5-8A-5) (from Ch. 38, par. 1005-8A-5)

14 Sec. 5-8A-5. Consent of the participant. Before entering an

15 order for commitment for electronic home detention, the

16 supervising authority shall inform the participant and other

17 persons residing in the home of the nature and extent of the

18 approved electronic monitoring devices by doing the following:

19 (A) Securing the written consent of the participant in the

20 program to comply with the rules and regulations of the program

21 as stipulated in subsections (A) through (I) of Section 5-8A-4.

22 (B) Where possible, securing the written consent of other

23 persons residing in the home of the participant, including the

24 person in whose name the telephone is registered, at the time

25 of the order or commitment for electronic home detention is

1 entered and acknowledge the nature and extent of approved
2 electronic monitoring devices.

3 (C) Insure that the approved electronic devices be
4 minimally intrusive upon the privacy of the participant and
5 other persons residing in the home while remaining in
6 compliance with subsections (B) through (D) of Section 5-8A-4.

7 (D) This Section does not apply to persons subject to
8 Electronic Home Monitoring as a term or condition of parole,
9 aftercare release, or mandatory supervised release under
10 subsection (d) of Section 5-8-1 of this Code.

11 (Source: P.A. 90-399, eff. 1-1-98; 91-279, eff. 1-1-00.)

12 (730 ILCS 5/5-8A-7)

13 Sec. 5-8A-7. Domestic violence surveillance program. If
14 the Prisoner Review Board, Department of Corrections, or court
15 (the supervising authority) orders electronic surveillance as
16 a condition of parole, aftercare release, mandatory supervised
17 release, early release, probation, or conditional discharge
18 for a violation of an order of protection or as a condition of
19 bail for a person charged with a violation of an order of
20 protection, the supervising authority shall use the best
21 available global positioning technology to track domestic
22 violence offenders. Best available technology must have
23 real-time and interactive capabilities that facilitate the
24 following objectives: (1) immediate notification to the
25 supervising authority of a breach of a court ordered exclusion

1 zone; (2) notification of the breach to the offender; and (3)
2 communication between the supervising authority, law
3 enforcement, and the victim, regarding the breach.

4 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09.)

5 Section 110. The Open Parole Hearings Act is amended by
6 changing Sections 5, 10, 15, 20, and 35 as follows:

7 (730 ILCS 105/5) (from Ch. 38, par. 1655)

8 Sec. 5. Definitions. As used in this Act:

9 (a) "Applicant" means an inmate who is being considered for
10 parole or aftercare release by the Prisoner Review Board.

11 (a-1) "Aftercare releasee" means a person released from the
12 Department of Juvenile Justice on aftercare release subject to
13 aftercare revocation proceedings.

14 (b) "Board" means the Prisoner Review Board as established
15 in Section 3-3-1 of the Unified Code of Corrections.

16 (c) "Parolee" means a person subject to parole revocation
17 proceedings.

18 (d) "Parole or aftercare release hearing" means the formal
19 hearing and determination of an inmate being considered for
20 release from incarceration on community supervision.

21 (e) "Parole, aftercare release, or mandatory supervised
22 release revocation hearing" means the formal hearing and
23 determination of allegations that a parolee, aftercare
24 releasee, or mandatory supervised releasee has violated the

1 conditions of his or her release agreement.

2 (f) "Victim" means a victim or witness of a violent crime
3 as defined in subsection (a) of Section 3 of the Bill of Rights
4 for Victims and Witnesses of Violent Crime Act, or any person
5 legally related to the victim by blood, marriage, adoption, or
6 guardianship, or any friend of the victim, or any concerned
7 citizen.

8 (g) "Violent crime" means a crime defined in subsection (c)
9 of Section 3 of the Bill of Rights for Victims and Witnesses of
10 Violent Crime Act.

11 (Source: P.A. 97-299, eff. 8-11-11.)

12 (730 ILCS 105/10) (from Ch. 38, par. 1660)

13 Sec. 10. Victim's statements.

14 (a) Upon request of the victim, the State's Attorney shall
15 forward a copy of any statement presented at the time of trial
16 to the Prisoner Review Board to be considered at the time of a
17 parole or aftercare release hearing.

18 (b) The victim may enter a statement either oral, written,
19 on video tape, or other electronic means in the form and manner
20 described by the Prisoner Review Board to be considered at the
21 time of a parole or aftercare release consideration hearing.

22 (Source: P.A. 87-224.)

23 (730 ILCS 105/15) (from Ch. 38, par. 1665)

24 Sec. 15. Open hearings.

1 (a) The Board may restrict the number of individuals
2 allowed to attend parole or aftercare release, or parole or
3 aftercare release revocation hearings in accordance with
4 physical limitations, security requirements of the hearing
5 facilities or those giving repetitive or cumulative testimony.
6 The Board may also restrict attendance at an aftercare release
7 or aftercare release revocation hearing in order to protect the
8 confidentiality of the youth.

9 (b) The Board may deny admission or continued attendance at
10 parole or aftercare release hearings, or parole or aftercare
11 release revocation hearings to individuals who:

12 (1) threaten or present danger to the security of the
13 institution in which the hearing is being held;

14 (2) threaten or present a danger to other attendees or
15 participants; or

16 (3) disrupt the hearing.

17 (c) Upon formal action of a majority of the Board members
18 present, the Board may close parole or aftercare release
19 hearings and parole or aftercare release revocation hearings in
20 order to:

21 (1) deliberate upon the oral testimony and any other
22 relevant information received from applicants, parolees,
23 releasees, victims, or others; or

24 (2) provide applicants, releasees, and parolees the
25 opportunity to challenge information other than that which
26 if the person's identity were to be exposed would possibly

1 subject them to bodily harm or death, which they believe
2 detrimental to their parole or aftercare release
3 determination hearing or revocation proceedings.

4 (Source: P.A. 87-224.)

5 (730 ILCS 105/20) (from Ch. 38, par. 1670)

6 Sec. 20. Finality of Board decisions. A Board decision
7 concerning parole or aftercare release, or parole or aftercare
8 release revocation shall be final at the time the decision is
9 delivered to the inmate, subject to any rehearing granted under
10 Board rules.

11 (Source: P.A. 87-224.)

12 (730 ILCS 105/35) (from Ch. 38, par. 1685)

13 Sec. 35. Victim impact statements.

14 (a) The Board shall receive and consider victim impact
15 statements.

16 (b) Victim impact statements either oral, written,
17 video-taped, tape recorded or made by other electronic means
18 shall not be considered public documents under provisions of
19 the Freedom of Information Act.

20 (c) The inmate or his or her attorney shall be informed of
21 the existence of a victim impact statement and its contents
22 under provisions of Board rules. This shall not be construed to
23 permit disclosure to an inmate of any information which might
24 result in the risk of threats or physical harm to a victim or

1 complaining witness.

2 (d) The inmate shall be given the opportunity to answer a
3 victim impact statement, either orally or in writing.

4 (e) All written victim impact statements shall be part of
5 the applicant's, releasee's, or parolee's parole file.

6 (Source: P.A. 97-299, eff. 8-11-11.)

7 Section 115. The Sex Offender Registration Act is amended
8 by changing Sections 3, 4, and 8-5 as follows:

9 (730 ILCS 150/3)

10 Sec. 3. Duty to register.

11 (a) A sex offender, as defined in Section 2 of this Act, or
12 sexual predator shall, within the time period prescribed in
13 subsections (b) and (c), register in person and provide
14 accurate information as required by the Department of State
15 Police. Such information shall include a current photograph,
16 current address, current place of employment, the sex
17 offender's or sexual predator's telephone number, including
18 cellular telephone number, the employer's telephone number,
19 school attended, all e-mail addresses, instant messaging
20 identities, chat room identities, and other Internet
21 communications identities that the sex offender uses or plans
22 to use, all Uniform Resource Locators (URLs) registered or used
23 by the sex offender, all blogs and other Internet sites
24 maintained by the sex offender or to which the sex offender has

1 uploaded any content or posted any messages or information,
2 extensions of the time period for registering as provided in
3 this Article and, if an extension was granted, the reason why
4 the extension was granted and the date the sex offender was
5 notified of the extension. The information shall also include a
6 copy of the terms and conditions of parole or release signed by
7 the sex offender and given to the sex offender by his or her
8 supervising officer or aftercare specialist, the county of
9 conviction, license plate numbers for every vehicle registered
10 in the name of the sex offender, the age of the sex offender at
11 the time of the commission of the offense, the age of the
12 victim at the time of the commission of the offense, and any
13 distinguishing marks located on the body of the sex offender. A
14 sex offender convicted under Section 11-6, 11-20.1, 11-20.1B,
15 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal
16 Code of 2012 shall provide all Internet protocol (IP) addresses
17 in his or her residence, registered in his or her name,
18 accessible at his or her place of employment, or otherwise
19 under his or her control or custody. If the sex offender is a
20 child sex offender as defined in Section 11-9.3 or 11-9.4 of
21 the Criminal Code of 1961 or the Criminal Code of 2012, the sex
22 offender shall report to the registering agency whether he or
23 she is living in a household with a child under 18 years of age
24 who is not his or her own child, provided that his or her own
25 child is not the victim of the sex offense. The sex offender or
26 sexual predator shall register:

1 (1) with the chief of police in the municipality in
2 which he or she resides or is temporarily domiciled for a
3 period of time of 3 or more days, unless the municipality
4 is the City of Chicago, in which case he or she shall
5 register at the Chicago Police Department Headquarters; or

6 (2) with the sheriff in the county in which he or she
7 resides or is temporarily domiciled for a period of time of
8 3 or more days in an unincorporated area or, if
9 incorporated, no police chief exists.

10 If the sex offender or sexual predator is employed at or
11 attends an institution of higher education, he or she shall
12 also register:

13 (i) with:

14 (A) the chief of police in the municipality in
15 which he or she is employed at or attends an
16 institution of higher education, unless the
17 municipality is the City of Chicago, in which case he
18 or she shall register at the Chicago Police Department
19 Headquarters; or

20 (B) the sheriff in the county in which he or she is
21 employed or attends an institution of higher education
22 located in an unincorporated area, or if incorporated,
23 no police chief exists; and

24 (ii) with the public safety or security director of the
25 institution of higher education which he or she is employed
26 at or attends.

1 The registration fees shall only apply to the municipality
2 or county of primary registration, and not to campus
3 registration.

4 For purposes of this Article, the place of residence or
5 temporary domicile is defined as any and all places where the
6 sex offender resides for an aggregate period of time of 3 or
7 more days during any calendar year. Any person required to
8 register under this Article who lacks a fixed address or
9 temporary domicile must notify, in person, the agency of
10 jurisdiction of his or her last known address within 3 days
11 after ceasing to have a fixed residence.

12 A sex offender or sexual predator who is temporarily absent
13 from his or her current address of registration for 3 or more
14 days shall notify the law enforcement agency having
15 jurisdiction of his or her current registration, including the
16 itinerary for travel, in the manner provided in Section 6 of
17 this Act for notification to the law enforcement agency having
18 jurisdiction of change of address.

19 Any person who lacks a fixed residence must report weekly,
20 in person, with the sheriff's office of the county in which he
21 or she is located in an unincorporated area, or with the chief
22 of police in the municipality in which he or she is located.
23 The agency of jurisdiction will document each weekly
24 registration to include all the locations where the person has
25 stayed during the past 7 days.

26 The sex offender or sexual predator shall provide accurate

1 information as required by the Department of State Police. That
2 information shall include the sex offender's or sexual
3 predator's current place of employment.

4 (a-5) An out-of-state student or out-of-state employee
5 shall, within 3 days after beginning school or employment in
6 this State, register in person and provide accurate information
7 as required by the Department of State Police. Such information
8 will include current place of employment, school attended, and
9 address in state of residence. A sex offender convicted under
10 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
11 Criminal Code of 1961 or the Criminal Code of 2012 shall
12 provide all Internet protocol (IP) addresses in his or her
13 residence, registered in his or her name, accessible at his or
14 her place of employment, or otherwise under his or her control
15 or custody. The out-of-state student or out-of-state employee
16 shall register:

17 (1) with:

18 (A) the chief of police in the municipality in
19 which he or she attends school or is employed for a
20 period of time of 5 or more days or for an aggregate
21 period of time of more than 30 days during any calendar
22 year, unless the municipality is the City of Chicago,
23 in which case he or she shall register at the Chicago
24 Police Department Headquarters; or

25 (B) the sheriff in the county in which he or she
26 attends school or is employed for a period of time of 5

1 or more days or for an aggregate period of time of more
2 than 30 days during any calendar year in an
3 unincorporated area or, if incorporated, no police
4 chief exists; and

5 (2) with the public safety or security director of the
6 institution of higher education he or she is employed at or
7 attends for a period of time of 5 or more days or for an
8 aggregate period of time of more than 30 days during a
9 calendar year.

10 The registration fees shall only apply to the municipality
11 or county of primary registration, and not to campus
12 registration.

13 The out-of-state student or out-of-state employee shall
14 provide accurate information as required by the Department of
15 State Police. That information shall include the out-of-state
16 student's current place of school attendance or the
17 out-of-state employee's current place of employment.

18 (a-10) Any law enforcement agency registering sex
19 offenders or sexual predators in accordance with subsections
20 (a) or (a-5) of this Section shall forward to the Attorney
21 General a copy of sex offender registration forms from persons
22 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
23 11-21 of the Criminal Code of 1961 or the Criminal Code of
24 2012, including periodic and annual registrations under
25 Section 6 of this Act.

26 (b) Any sex offender, as defined in Section 2 of this Act,

1 or sexual predator, regardless of any initial, prior, or other
2 registration, shall, within 3 days of beginning school, or
3 establishing a residence, place of employment, or temporary
4 domicile in any county, register in person as set forth in
5 subsection (a) or (a-5).

6 (c) The registration for any person required to register
7 under this Article shall be as follows:

8 (1) Any person registered under the Habitual Child Sex
9 Offender Registration Act or the Child Sex Offender
10 Registration Act prior to January 1, 1996, shall be deemed
11 initially registered as of January 1, 1996; however, this
12 shall not be construed to extend the duration of
13 registration set forth in Section 7.

14 (2) Except as provided in subsection (c)(2.1) or
15 (c)(4), any person convicted or adjudicated prior to
16 January 1, 1996, whose liability for registration under
17 Section 7 has not expired, shall register in person prior
18 to January 31, 1996.

19 (2.1) A sex offender or sexual predator, who has never
20 previously been required to register under this Act, has a
21 duty to register if the person has been convicted of any
22 felony offense after July 1, 2011. A person who previously
23 was required to register under this Act for a period of 10
24 years and successfully completed that registration period
25 has a duty to register if: (i) the person has been
26 convicted of any felony offense after July 1, 2011, and

1 (ii) the offense for which the 10 year registration was
2 served currently requires a registration period of more
3 than 10 years. Notification of an offender's duty to
4 register under this subsection shall be pursuant to Section
5 5-7 of this Act.

6 (2.5) Except as provided in subsection (c)(4), any
7 person who has not been notified of his or her
8 responsibility to register shall be notified by a criminal
9 justice entity of his or her responsibility to register.
10 Upon notification the person must then register within 3
11 days of notification of his or her requirement to register.
12 Except as provided in subsection (c)(2.1), if notification
13 is not made within the offender's 10 year registration
14 requirement, and the Department of State Police determines
15 no evidence exists or indicates the offender attempted to
16 avoid registration, the offender will no longer be required
17 to register under this Act.

18 (3) Except as provided in subsection (c)(4), any person
19 convicted on or after January 1, 1996, shall register in
20 person within 3 days after the entry of the sentencing
21 order based upon his or her conviction.

22 (4) Any person unable to comply with the registration
23 requirements of this Article because he or she is confined,
24 institutionalized, or imprisoned in Illinois on or after
25 January 1, 1996, shall register in person within 3 days of
26 discharge, parole or release.

1 (5) The person shall provide positive identification
2 and documentation that substantiates proof of residence at
3 the registering address.

4 (6) The person shall pay a \$100 initial registration
5 fee and a \$100 annual renewal fee. The fees shall be used
6 by the registering agency for official purposes. The agency
7 shall establish procedures to document receipt and use of
8 the funds. The law enforcement agency having jurisdiction
9 may waive the registration fee if it determines that the
10 person is indigent and unable to pay the registration fee.
11 Thirty-five dollars for the initial registration fee and
12 \$35 of the annual renewal fee shall be used by the
13 registering agency for official purposes. Five dollars of
14 the initial registration fee and \$5 of the annual fee shall
15 be deposited into the Sex Offender Management Board Fund
16 under Section 19 of the Sex Offender Management Board Act.
17 Money deposited into the Sex Offender Management Board Fund
18 shall be administered by the Sex Offender Management Board
19 and shall be used by the Board to comply with the
20 provisions of the Sex Offender Management Board Act. Thirty
21 dollars of the initial registration fee and \$30 of the
22 annual renewal fee shall be deposited into the Sex Offender
23 Registration Fund and shall be used by the Department of
24 State Police to maintain and update the Illinois State
25 Police Sex Offender Registry. Thirty dollars of the initial
26 registration fee and \$30 of the annual renewal fee shall be

1 deposited into the Attorney General Sex Offender
2 Awareness, Training, and Education Fund. Moneys deposited
3 into the Fund shall be used by the Attorney General to
4 administer the I-SORT program and to alert and educate the
5 public, victims, and witnesses of their rights under
6 various victim notification laws and for training law
7 enforcement agencies, State's Attorneys, and medical
8 providers of their legal duties concerning the prosecution
9 and investigation of sex offenses.

10 (d) Within 3 days after obtaining or changing employment
11 and, if employed on January 1, 2000, within 5 days after that
12 date, a person required to register under this Section must
13 report, in person to the law enforcement agency having
14 jurisdiction, the business name and address where he or she is
15 employed. If the person has multiple businesses or work
16 locations, every business and work location must be reported to
17 the law enforcement agency having jurisdiction.

18 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
19 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.
20 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.
21 8-12-11; 97-578, eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109,
22 eff. 1-1-13; 97-1150, eff. 1-25-13.)

23 (730 ILCS 150/4) (from Ch. 38, par. 224)

24 Sec. 4. Discharge of sex offender, as defined in Section 2
25 of this Act, or sexual predator from Department of Corrections

1 facility or other penal institution; duties of official in
2 charge. Any sex offender, as defined in Section 2 of this Act,
3 or sexual predator, as defined by this Article, who is
4 discharged, paroled or released from a Department of
5 Corrections or Department of Juvenile Justice facility, a
6 facility where such person was placed by the Department of
7 Corrections or Department of Juvenile Justice or another penal
8 institution, and whose liability for registration has not
9 terminated under Section 7 shall, prior to discharge, parole or
10 release from the facility or institution, be informed of his or
11 her duty to register in person within 3 days of release by the
12 facility or institution in which he or she was confined. The
13 facility or institution shall also inform any person who must
14 register that if he or she establishes a residence outside of
15 the State of Illinois, is employed outside of the State of
16 Illinois, or attends school outside of the State of Illinois,
17 he or she must register in the new state within 3 days after
18 establishing the residence, beginning employment, or beginning
19 school.

20 The facility shall require the person to read and sign such
21 form as may be required by the Department of State Police
22 stating that the duty to register and the procedure for
23 registration has been explained to him or her and that he or
24 she understands the duty to register and the procedure for
25 registration. The facility shall further advise the person in
26 writing that the failure to register or other violation of this

1 Article shall result in revocation of parole, aftercare
2 release, mandatory supervised release or conditional release.
3 The facility shall obtain information about where the person
4 expects to reside, work, and attend school upon his or her
5 discharge, parole or release and shall report the information
6 to the Department of State Police. The facility shall give one
7 copy of the form to the person and shall send one copy to each
8 of the law enforcement agencies having jurisdiction where the
9 person expects to reside, work, and attend school upon his or
10 her discharge, parole or release and retain one copy for the
11 files. Electronic data files which includes all notification
12 form information and photographs of sex offenders being
13 released from an Illinois Department of Corrections or Illinois
14 Department of Juvenile Justice facility will be shared on a
15 regular basis as determined between the Department of State
16 Police, ~~and~~ the Department of Corrections, and Department of
17 Juvenile Justice.

18 (Source: P.A. 94-168, eff. 1-1-06; 95-640, eff. 6-1-08.)

19 (730 ILCS 150/8-5)

20 Sec. 8-5. Verification requirements.

21 (a) Address verification. The agency having jurisdiction
22 shall verify the address of sex offenders, as defined in
23 Section 2 of this Act, or sexual predators required to register
24 with their agency at least once per year. The verification must
25 be documented in LEADS in the form and manner required by the

1 Department of State Police.

2 (a-5) Internet Protocol address verification. The agency
3 having jurisdiction may verify the Internet protocol (IP)
4 address of sex offenders, as defined in Section 2 of this Act,
5 who are required to register with their agency under Section 3
6 of this Act. A copy of any such verification must be sent to
7 the Attorney General for entrance in the Illinois Cyber-crimes
8 Location Database pursuant to Section 5-4-3.2 of the Unified
9 Code of Corrections.

10 (b) Registration verification. The supervising officer or
11 aftercare specialist, shall, within 15 days of sentencing to
12 probation or release from an Illinois Department of Corrections
13 or Illinois Department of Juvenile Justice facility or other
14 penal institution, contact the law enforcement agency in the
15 jurisdiction in which the sex offender or sexual predator
16 designated as his or her intended residence and verify
17 compliance with the requirements of this Act. Revocation
18 proceedings shall be immediately commenced against a sex
19 offender or sexual predator on probation, parole, aftercare
20 release, or mandatory supervised release who fails to comply
21 with the requirements of this Act.

22 (c) In an effort to ensure that sexual predators and sex
23 offenders who fail to respond to address-verification attempts
24 or who otherwise abscond from registration are located in a
25 timely manner, the Department of State Police shall share
26 information with local law enforcement agencies. The

1 Department shall use analytical resources to assist local law
2 enforcement agencies to determine the potential whereabouts of
3 any sexual predator or sex offender who fails to respond to
4 address-verification attempts or who otherwise absconds from
5 registration. The Department shall review and analyze all
6 available information concerning any such predator or offender
7 who fails to respond to address-verification attempts or who
8 otherwise absconds from registration and provide the
9 information to local law enforcement agencies in order to
10 assist the agencies in locating and apprehending the sexual
11 predator or sex offender.

12 (Source: P.A. 94-988, eff. 1-1-07; 95-579, eff. 6-1-08.)

13 Section 120. The Murderer and Violent Offender Against
14 Youth Registration Act is amended by changing Sections 15 and
15 50 as follows:

16 (730 ILCS 154/15)

17 Sec. 15. Discharge of violent offender against youth.
18 Discharge of violent offender against youth from Department of
19 Corrections facility or other penal institution; duties of
20 official in charge. Any violent offender against youth who is
21 discharged, paroled, or released from a Department of
22 Corrections facility, a facility where such person was placed
23 by the Department of Corrections or another penal institution,
24 and whose liability for registration has not terminated under

1 Section 40 shall, prior to discharge, parole or release from
2 the facility or institution, be informed of his or her duty to
3 register in person within 5 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 5 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 Act shall result in revocation of parole, aftercare release,
19 mandatory supervised release or conditional release. The
20 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 violent offenders against
4 youth being released from an Illinois Department of Corrections
5 or Illinois Department of Juvenile Justice facility will be
6 shared on a regular basis as determined between the Department
7 of State Police, ~~and~~ the Department of Corrections and
8 Department of Juvenile Justice.

9 (Source: P.A. 94-945, eff. 6-27-06.)

10 (730 ILCS 154/50)

11 Sec. 50. Verification requirements.

12 (a) The agency having jurisdiction shall verify the address
13 of violent offenders against youth required to register with
14 their agency at least once per year. The verification must be
15 documented in LEADS in the form and manner required by the
16 Department of State Police.

17 (b) The supervising officer or aftercare specialist,
18 shall, within 15 days of sentencing to probation or release
19 from an Illinois Department of Corrections facility or other
20 penal institution, contact the law enforcement agency in the
21 jurisdiction which the violent offender against youth
22 designated as his or her intended residence and verify
23 compliance with the requirements of this Act. Revocation
24 proceedings shall be immediately commenced against a violent
25 offender against youth on probation, parole, aftercare

1 release, or mandatory supervised release who fails to comply
2 with the requirements of this Act.

3 (Source: P.A. 94-945, eff. 6-27-06.)

4 Section 125. The Stalking No Contact Order Act is amended
5 by changing Sections 20, 115, and 117 as follows:

6 (740 ILCS 21/20)

7 Sec. 20. Commencement of action; filing fees.

8 (a) An action for a stalking no contact order is commenced:

9 (1) independently, by filing a petition for a stalking
10 no contact order in any civil court, unless specific courts
11 are designated by local rule or order; or

12 (2) in conjunction with a delinquency petition or a
13 criminal prosecution, by filing a petition for a stalking
14 no contact order under the same case number as the
15 delinquency petition or criminal prosecution, to be
16 granted during pre-trial release of a defendant, with any
17 dispositional order issued under Section 5-710 of the
18 Juvenile Court Act of 1987 or as a condition of release,
19 supervision, conditional discharge, probation, periodic
20 imprisonment, parole, aftercare release, or mandatory
21 supervised release, or in conjunction with imprisonment or
22 a bond forfeiture warrant, provided that (i) the violation
23 is alleged in an information, complaint, indictment, or
24 delinquency petition on file and the alleged victim is a

1 person protected by this Act, and (ii) the petition, which
2 is filed by the State's Attorney, names a victim of the
3 alleged crime as a petitioner.

4 (b) Withdrawal or dismissal of any petition for a stalking
5 no contact order prior to adjudication where the petitioner is
6 represented by the State shall operate as a dismissal without
7 prejudice. No action for a stalking no contact order shall be
8 dismissed because the respondent is being prosecuted for a
9 crime against the petitioner. For any action commenced under
10 item (2) of subsection (a) of this Section, dismissal of the
11 conjoined case (or a finding of not guilty) shall not require
12 dismissal of the action for a stalking no contact order;
13 instead, it may be treated as an independent action and, if
14 necessary and appropriate, transferred to a different court or
15 division.

16 (c) No fee shall be charged by the clerk of the court for
17 filing petitions or modifying or certifying orders. No fee
18 shall be charged by the sheriff for service by the sheriff of a
19 petition, rule, motion, or order in an action commenced under
20 this Section.

21 (d) The court shall provide, through the office of the
22 clerk of the court, simplified forms for filing of a petition
23 under this Section by any person not represented by counsel.

24 (Source: P.A. 96-246, eff. 1-1-10.)

25 (740 ILCS 21/115)

1 Sec. 115. Notice of orders.

2 (a) Upon issuance of any stalking no contact order, the
3 clerk shall immediately, or on the next court day if an
4 emergency order is issued in accordance with subsection (c) of
5 Section 95:

6 (1) enter the order on the record and file it in
7 accordance with the circuit court procedures; and

8 (2) provide a file stamped copy of the order to the
9 respondent, if present, and to the petitioner.

10 (b) The clerk of the issuing judge shall, or the petitioner
11 may, on the same day that a stalking no contact order is
12 issued, file a certified copy of that order with the sheriff or
13 other law enforcement officials charged with maintaining
14 Department of State Police records or charged with serving the
15 order upon the respondent. If the order was issued in
16 accordance with subsection (c) of Section 95, the clerk shall,
17 on the next court day, file a certified copy of the order with
18 the sheriff or other law enforcement officials charged with
19 maintaining Department of State Police records. If the
20 respondent, at the time of the issuance of the order, is
21 committed to the custody of the Illinois Department of
22 Corrections or Illinois Department of Juvenile Justice or is on
23 parole, aftercare release, or mandatory supervised release,
24 the sheriff or other law enforcement officials charged with
25 maintaining Department of State Police records shall notify the
26 Department of Corrections or Department of Juvenile Justice

1 within 48 hours of receipt of a copy of the stalking no contact
2 order from the clerk of the issuing judge or the petitioner.
3 Such notice shall include the name of the respondent, the
4 respondent's IDOC inmate number or IDJJ youth identification
5 number, the respondent's date of birth, and the LEADS Record
6 Index Number.

7 (c) Unless the respondent was present in court when the
8 order was issued, the sheriff, other law enforcement official,
9 or special process server shall promptly serve that order upon
10 the respondent and file proof of such service in the manner
11 provided for service of process in civil proceedings. Instead
12 of serving the order upon the respondent, however, the sheriff,
13 other law enforcement official, special process server, or
14 other persons defined in Section 117 may serve the respondent
15 with a short form notification as provided in Section 117. If
16 process has not yet been served upon the respondent, it shall
17 be served with the order or short form notification if such
18 service is made by the sheriff, other law enforcement official,
19 or special process server.

20 (d) If the person against whom the stalking no contact
21 order is issued is arrested and the written order is issued in
22 accordance with subsection (c) of Section 95 and received by
23 the custodial law enforcement agency before the respondent or
24 arrestee is released from custody, the custodial law
25 enforcement agent shall promptly serve the order upon the
26 respondent or arrestee before the respondent or arrestee is

1 released from custody. In no event shall detention of the
2 respondent or arrestee be extended for hearing on the petition
3 for stalking no contact order or receipt of the order issued
4 under Section 95 of this Act.

5 (e) Any order extending, modifying, or revoking any
6 stalking no contact order shall be promptly recorded, issued,
7 and served as provided in this Section.

8 (f) Upon the request of the petitioner, within 24 hours of
9 the issuance of a stalking no contact order, the clerk of the
10 issuing judge shall send written notice of the order along with
11 a certified copy of the order to any school, daycare, college,
12 or university at which the petitioner is enrolled.

13 (Source: P.A. 96-246, eff. 1-1-10; 97-904, eff. 1-1-13;
14 97-1017, eff. 1-1-13; revised 8-23-12.)

15 (740 ILCS 21/117)

16 Sec. 117. Short form notification.

17 (a) Instead of personal service of a stalking no contact
18 order under Section 115, a sheriff, other law enforcement
19 official, special process server, or personnel assigned by the
20 Department of Corrections or Department of Juvenile Justice to
21 investigate the alleged misconduct of committed persons or
22 alleged violations of a parolee's or releasee's conditions of
23 parole, aftercare release, or mandatory supervised release may
24 serve a respondent with a short form notification. The short
25 form notification must include the following items:

- 1 (1) The respondent's name.
- 2 (2) The respondent's date of birth, if known.
- 3 (3) The petitioner's name.
- 4 (4) The names of other protected parties.
- 5 (5) The date and county in which the stalking no
- 6 contact order was filed.
- 7 (6) The court file number.
- 8 (7) The hearing date and time, if known.
- 9 (8) The conditions that apply to the respondent, either
- 10 in checklist form or handwritten.

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

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

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

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

26 (e) The Attorney General shall make the short form

1 notification form available to law enforcement agencies in this
2 State.

3 (f) A single short form notification form may be used for
4 orders of protection under the Illinois Domestic Violence Act
5 of 1986, stalking no contact orders under this Act, and civil
6 no contact orders under the Civil No Contact Order Act.

7 (Source: P.A. 97-1017, eff. 1-1-13.)

8 Section 130. The Civil No Contact Order Act is amended by
9 changing Sections 202, 216, 218, and 218.1 as follows:

10 (740 ILCS 22/202)

11 Sec. 202. Commencement of action; filing fees.

12 (a) An action for a civil no contact order is commenced:

13 (1) independently, by filing a petition for a civil no
14 contact order in any civil court, unless specific courts
15 are designated by local rule or order; or

16 (2) in conjunction with a delinquency petition or a
17 criminal prosecution, by filing a petition for a civil no
18 contact order under the same case number as the delinquency
19 petition or criminal prosecution, to be granted during
20 pre-trial release of a defendant, with any dispositional
21 order issued under Section 5-710 of the Juvenile Court Act
22 of 1987 or as a condition of release, supervision,
23 conditional discharge, probation, periodic imprisonment,
24 parole, aftercare release, or mandatory supervised

1 release, or in conjunction with imprisonment or a bond
2 forfeiture warrant, provided that (i) the violation is
3 alleged in an information, complaint, indictment, or
4 delinquency petition on file and the alleged victim is a
5 person protected by this Act, and (ii) the petition, which
6 is filed by the State's Attorney, names a victim of the
7 alleged crime as a petitioner.

8 (b) Withdrawal or dismissal of any petition for a civil no
9 contact order prior to adjudication where the petitioner is
10 represented by the State shall operate as a dismissal without
11 prejudice. No action for a civil no contact order shall be
12 dismissed because the respondent is being prosecuted for a
13 crime against the petitioner. For any action commenced under
14 item (2) of subsection (a) of this Section, dismissal of the
15 conjoined case (or a finding of not guilty) shall not require
16 dismissal of the action for a civil no contact order; instead,
17 it may be treated as an independent action and, if necessary
18 and appropriate, transferred to a different court or division.

19 (c) No fee shall be charged by the clerk of the court for
20 filing petitions or modifying or certifying orders. No fee
21 shall be charged by the sheriff for service by the sheriff of a
22 petition, rule, motion, or order in an action commenced under
23 this Section.

24 (d) The court shall provide, through the office of the
25 clerk of the court, simplified forms for filing of a petition
26 under this Section by any person not represented by counsel.

1 (Source: P.A. 93-236, eff. 1-1-04; 93-811, eff. 1-1-05.)

2 (740 ILCS 22/216)

3 Sec. 216. Duration and extension of orders.

4 (a) Unless re-opened or extended or voided by entry of an
5 order of greater duration, an emergency order shall be
6 effective for not less than 14 nor more than 21 days.

7 (b) Except as otherwise provided in this Section, a plenary
8 civil no contact order shall be effective for a fixed period of
9 time, not to exceed 2 years. A plenary civil no contact order
10 entered in conjunction with a criminal prosecution shall remain
11 in effect as follows:

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

17 (2) if in effect in conjunction with a bond forfeiture
18 warrant, until final disposition or an additional period of
19 time not exceeding 2 years; no civil no contact order,
20 however, shall be terminated by a dismissal that is
21 accompanied by the issuance of a bond forfeiture warrant;

22 (3) until expiration of any supervision, conditional
23 discharge, probation, periodic imprisonment, parole,
24 aftercare release, or mandatory supervised release and for
25 an additional period of time thereafter not exceeding 2

1 years; or

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

7 (c) Any emergency or plenary order may be extended one or
8 more times, as required, provided that the requirements of
9 Section 214 or 215, as appropriate, are satisfied. If the
10 motion for extension is uncontested and the petitioner seeks no
11 modification of the order, the order may be extended on the
12 basis of the petitioner's motion or affidavit stating that
13 there has been no material change in relevant circumstances
14 since entry of the order and stating the reason for the
15 requested extension. Extensions may be granted only in open
16 court and not under the provisions of subsection (c) of Section
17 214, which applies only when the court is unavailable at the
18 close of business or on a court holiday.

19 (d) Any civil no contact order which would expire on a
20 court holiday shall instead expire at the close of the next
21 court business day.

22 (d-5) An extension of a plenary civil no contact order may
23 be granted, upon good cause shown, to remain in effect until
24 the civil no contact order is vacated or modified.

25 (e) The practice of dismissing or suspending a criminal
26 prosecution in exchange for the issuance of a civil no contact

1 order undermines the purposes of this Act. This Section shall
2 not be construed as encouraging that practice.

3 (Source: P.A. 96-311, eff. 1-1-10.)

4 (740 ILCS 22/218)

5 Sec. 218. Notice of orders.

6 (a) Upon issuance of any civil no contact order, the clerk
7 shall immediately, or on the next court day if an emergency
8 order is issued in accordance with subsection (c) of Section
9 214:

10 (1) enter the order on the record and file it in
11 accordance with the circuit court procedures; and

12 (2) provide a file stamped copy of the order to the
13 respondent, if present, and to the petitioner.

14 (b) The clerk of the issuing judge shall, or the petitioner
15 may, on the same day that a civil no contact order is issued,
16 file a certified copy of that order with the sheriff or other
17 law enforcement officials charged with maintaining Department
18 of State Police records or charged with serving the order upon
19 the respondent. If the order was issued in accordance with
20 subsection (c) of Section 214, the clerk shall, on the next
21 court day, file a certified copy of the order with the Sheriff
22 or other law enforcement officials charged with maintaining
23 Department of State Police records. If the respondent, at the
24 time of the issuance of the order, is committed to the custody
25 of the Illinois Department of Corrections or Illinois

1 Department of Juvenile Justice, or is on parole, aftercare
2 release, or mandatory supervised release, the sheriff or other
3 law enforcement officials charged with maintaining Department
4 of State Police records shall notify the Department of
5 Corrections or Department of Juvenile Justice within 48 hours
6 of receipt of a copy of the civil no contact order from the
7 clerk of the issuing judge or the petitioner. Such notice shall
8 include the name of the respondent, the respondent's IDOC
9 inmate number or IDJJ youth identification number, the
10 respondent's date of birth, and the LEADS Record Index Number.

11 (c) Unless the respondent was present in court when the
12 order was issued, the sheriff, other law enforcement official,
13 or special process server shall promptly serve that order upon
14 the respondent and file proof of such service in the manner
15 provided for service of process in civil proceedings. Instead
16 of serving the order upon the respondent, however, the sheriff,
17 other law enforcement official, special process server, or
18 other persons defined in Section 218.1 may serve the respondent
19 with a short form notification as provided in Section 218.1. If
20 process has not yet been served upon the respondent, it shall
21 be served with the order or short form notification if such
22 service is made by the sheriff, other law enforcement official,
23 or special process server.

24 (d) If the person against whom the civil no contact order
25 is issued is arrested and the written order is issued in
26 accordance with subsection (c) of Section 214 and received by

1 the custodial law enforcement agency before the respondent or
2 arrestee is released from custody, the custodial law
3 enforcement agent shall promptly serve the order upon the
4 respondent or arrestee before the respondent or arrestee is
5 released from custody. In no event shall detention of the
6 respondent or arrestee be extended for hearing on the petition
7 for civil no contact order or receipt of the order issued under
8 Section 214 of this Act.

9 (e) Any order extending, modifying, or revoking any civil
10 no contact order shall be promptly recorded, issued, and served
11 as provided in this Section.

12 (f) Upon the request of the petitioner, within 24 hours of
13 the issuance of a civil no contact order, the clerk of the
14 issuing judge shall send written notice of the order along with
15 a certified copy of the order to any school, college, or
16 university at which the petitioner is enrolled.

17 (Source: P.A. 97-904, eff. 1-1-13; 97-1017, eff. 1-1-13;
18 revised 8-23-12.)

19 (740 ILCS 22/218.1)

20 Sec. 218.1. Short form notification.

21 (a) Instead of personal service of a civil no contact order
22 under Section 218, a sheriff, other law enforcement official,
23 special process server, or personnel assigned by the Department
24 of Corrections or Department of Juvenile Justice to investigate
25 the alleged misconduct of committed persons or alleged

1 violations of a parolee's or releasee's conditions of parole,
2 aftercare release, or mandatory supervised release may serve a
3 respondent with a short form notification. The short form
4 notification must include the following items:

5 (1) The respondent's name.

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

7 (3) The petitioner's name.

8 (4) The names of other protected parties.

9 (5) The date and county in which the civil no contact
10 order was filed.

11 (6) The court file number.

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

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

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

17 "The order is now enforceable. You must report to the
18 office of the sheriff or the office of the circuit court in
19 (name of county) County to obtain a copy of the order. You are
20 subject to arrest and may be charged with a misdemeanor or
21 felony if you violate any of the terms of the order."

22 (c) Upon verification of the identity of the respondent and
23 the existence of an unserved order against the respondent, a
24 sheriff or other law enforcement official may detain the
25 respondent for a reasonable time necessary to complete and
26 serve the short form notification.

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

4 (e) The Attorney General shall make the short form
5 notification form available to law enforcement agencies in this
6 State.

7 (f) A single short form notification form may be used for
8 orders of protection under the Illinois Domestic Violence Act
9 of 1986, stalking no contact orders under the Stalking No
10 Contact Order Act, and civil no contact orders under this Act.

11 (Source: P.A. 97-1017, eff. 1-1-13.)

12 Section 135. The Illinois Streetgang Terrorism Omnibus
13 Prevention Act is amended by changing Section 30 as follows:

14 (740 ILCS 147/30)

15 Sec. 30. Service of process.

16 (a) All streetgangs and streetgang members engaged in a
17 course or pattern of gang-related criminal activity within this
18 State impliedly consent to service of process upon them as set
19 forth in this Section, or as may be otherwise authorized by the
20 Code of Civil Procedure.

21 (b) Service of process upon a streetgang may be had by
22 leaving a copy of the complaint and summons directed to any
23 officer of such gang, commanding the gang to appear and answer
24 the complaint or otherwise plead at a time and place certain:

- 1 (1) with any gang officer; or
 - 2 (2) with any individual member of the gang
 - 3 simultaneously named therein; or
 - 4 (3) in the manner provided for service upon a voluntary
 - 5 unincorporated association in a civil action; or
 - 6 (4) in the manner provided for service by publication
 - 7 in a civil action; or
 - 8 (5) with any parent, legal guardian, or legal custodian
 - 9 of any persons charged with a gang-related offense when any
 - 10 person sued civilly under this Act is under 18 years of age
 - 11 and is also charged criminally or as a delinquent minor; or
 - 12 (6) with the director of any agency or department of
 - 13 this State who is the legal guardian, guardianship
 - 14 administrator, or custodian of any person sued under this
 - 15 Act; or
 - 16 (7) with the probation or parole officer or aftercare
 - 17 specialist of any person sued under this Act; or
 - 18 (8) with such other person or agent as the court may,
 - 19 upon petition of the State's Attorney or his or her
 - 20 designee, authorize as appropriate and reasonable under
 - 21 all of the circumstances.
- 22 (c) If after being summoned a streetgang does not appear,
- 23 the court shall enter an answer for the streetgang neither
- 24 affirming nor denying the allegations of the complaint but
- 25 demanding strict proof thereof, and proceed to trial and
- 26 judgment without further process.

1 (d) When any person is named as a defendant streetgang
2 member in any complaint, or subsequently becomes known and is
3 added or joined as a named defendant, service of process may be
4 had as authorized or provided for in the Code of Civil
5 Procedure for service of process in a civil case.

6 (e) Unknown gang members may be sued as a class and
7 designated as such in the caption of any complaint filed under
8 this Act. Service of process upon unknown members may be made
9 in the manner prescribed for provision of notice to members of
10 a class in a class action, or as the court may direct for
11 providing the best service and notice practicable under the
12 circumstances which shall include individual, personal, or
13 other service upon all members who can be identified and
14 located through reasonable effort.

15 (Source: P.A. 87-932.)

16 Section 140. The Local Governmental and Governmental
17 Employees Tort Immunity Act is amended by changing Section
18 4-106 as follows:

19 (745 ILCS 10/4-106) (from Ch. 85, par. 4-106)

20 Sec. 4-106. Neither a local public entity nor a public
21 employee is liable for:

22 (a) Any injury resulting from determining to parole or
23 release a prisoner, to revoke his or her parole or release, or
24 the terms and conditions of his or her parole or release.

1 (b) Any injury inflicted by an escaped or escaping
2 prisoner.

3 (Source: Laws 1965, p. 2983.)

4 Section 145. The Illinois Domestic Violence Act of 1986 is
5 amended by changing Sections 202, 220, 222, and 222.10 as
6 follows:

7 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

8 Sec. 202. Commencement of action; filing fees; dismissal.

9 (a) How to commence action. Actions for orders of
10 protection are commenced:

11 (1) Independently: By filing a petition for an order of
12 protection in any civil court, unless specific courts are
13 designated by local rule or order.

14 (2) In conjunction with another civil proceeding: By
15 filing a petition for an order of protection under the same
16 case number as another civil proceeding involving the
17 parties, including but not limited to: (i) any proceeding
18 under the Illinois Marriage and Dissolution of Marriage
19 Act, Illinois Parentage Act of 1984, Nonsupport of Spouse
20 and Children Act, Revised Uniform Reciprocal Enforcement
21 of Support Act or an action for nonsupport brought under
22 Article 10 of the Illinois Public Aid Code, provided that a
23 petitioner and the respondent are a party to or the subject
24 of that proceeding or (ii) a guardianship proceeding under

1 the Probate Act of 1975, or a proceeding for involuntary
2 commitment under the Mental Health and Developmental
3 Disabilities Code, or any proceeding, other than a
4 delinquency petition, under the Juvenile Court Act of 1987,
5 provided that a petitioner or the respondent is a party to
6 or the subject of such proceeding.

7 (3) In conjunction with a delinquency petition or a
8 criminal prosecution: By filing a petition for an order of
9 protection, 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:

18 (i) the violation is alleged in an information,
19 complaint, indictment or delinquency petition on file,
20 and the alleged offender and victim are family or
21 household members or persons protected by this Act; and

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

25 (b) Filing, certification, and service fees. No fee shall
26 be charged by the clerk for filing, amending, vacating,

1 certifying, or photocopying petitions or orders; or for issuing
2 alias summons; or for any related filing service. No fee shall
3 be charged by the sheriff for service by the sheriff of a
4 petition, rule, motion, or order in an action commenced under
5 this Section.

6 (c) Dismissal and consolidation. Withdrawal or dismissal
7 of any petition for an order of protection prior to
8 adjudication where the petitioner is represented by the State
9 shall operate as a dismissal without prejudice. No action for
10 an order of protection shall be dismissed because the
11 respondent is being prosecuted for a crime against the
12 petitioner. An independent action may be consolidated with
13 another civil proceeding, as provided by paragraph (2) of
14 subsection (a) of this Section. For any action commenced under
15 paragraph (2) or (3) of subsection (a) of this Section,
16 dismissal of the conjoined case (or a finding of not guilty)
17 shall not require dismissal of the action for the order of
18 protection; instead, it may be treated as an independent action
19 and, if necessary and appropriate, transferred to a different
20 court or division. Dismissal of any conjoined case shall not
21 affect the validity of any previously issued order of
22 protection, and thereafter subsections (b) (1) and (b) (2) of
23 Section 220 shall be inapplicable to such order.

24 (d) Pro se petitions. The court shall provide, through the
25 office of the clerk of the court, simplified forms and clerical
26 assistance to help with the writing and filing of a petition

1 under this Section by any person not represented by counsel. In
2 addition, that assistance may be provided by the state's
3 attorney.

4 (Source: P.A. 93-458, eff. 1-1-04.)

5 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

6 Sec. 220. Duration and extension of orders.

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

10 (1) Emergency orders issued under Section 217 shall be
11 effective for not less than 14 nor more than 21 days;

12 (2) Interim orders shall be effective for up to 30
13 days.

14 (b) Duration of plenary orders. Except as otherwise
15 provided in this Section, a plenary order of protection shall
16 be valid for a fixed period of time, not to exceed two years.

17 (1) A plenary order of protection entered in
18 conjunction with another civil proceeding shall remain in
19 effect as follows:

20 (i) if entered as preliminary relief in that other
21 proceeding, until entry of final judgment in that other
22 proceeding;

23 (ii) if incorporated into the final judgment in
24 that other proceeding, until the order of protection is
25 vacated or modified; or

1 (iii) if incorporated in an order for involuntary
2 commitment, until termination of both the involuntary
3 commitment and any voluntary commitment, or for a fixed
4 period of time not exceeding 2 years.

5 (2) A plenary order of protection entered in
6 conjunction with a criminal prosecution shall remain in
7 effect as follows:

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

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

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

25 (iv) until the date set by the court for expiration
26 of any sentence of imprisonment and subsequent parole,

1 aftercare release, or mandatory supervised release and
2 for an additional period of time thereafter not
3 exceeding 2 years.

4 (c) Computation of time. The duration of an order of
5 protection shall not be reduced by the duration of any prior
6 order of protection.

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

18 (e) Extension of orders. Any emergency, interim or plenary
19 order may be extended one or more times, as required, provided
20 that the requirements of Section 217, 218 or 219, as
21 appropriate, are satisfied. If the motion for extension is
22 uncontested and petitioner seeks no modification of the order,
23 the order may be extended on the basis of petitioner's motion
24 or affidavit stating that there has been no material change in
25 relevant circumstances since entry of the order and stating the
26 reason for the requested extension. An extension of a plenary

1 order of protection may be granted, upon good cause shown, to
2 remain in effect until the order of protection is vacated or
3 modified. Extensions may be granted only in open court and not
4 under the provisions of subsection (c) of Section 217, which
5 applies only when the court is unavailable at the close of
6 business or on a court holiday.

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

10 (g) Statement of purpose. The practice of dismissing or
11 suspending a criminal prosecution in exchange for the issuance
12 of an order of protection undermines the purposes of this Act.
13 This Section shall not be construed as encouraging that
14 practice.

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

16 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

17 Sec. 222. Notice of orders.

18 (a) Entry and issuance. Upon issuance of any order of
19 protection, the clerk shall immediately, or on the next court
20 day if an emergency order is issued in accordance with
21 subsection (c) of Section 217, (i) enter the order on the
22 record and file it in accordance with the circuit court
23 procedures and (ii) provide a file stamped copy of the order to
24 respondent, if present, and to petitioner.

25 (b) Filing with sheriff. The clerk of the issuing judge

1 shall, or the petitioner may, on the same day that an order of
2 protection is issued, file a certified copy of that order with
3 the sheriff or other law enforcement officials charged with
4 maintaining Department of State Police records or charged with
5 serving the order upon respondent. If the order was issued in
6 accordance with subsection (c) of Section 217, the clerk shall
7 on the next court day, file a certified copy of the order with
8 the Sheriff or other law enforcement officials charged with
9 maintaining Department of State Police records. If the
10 respondent, at the time of the issuance of the order, is
11 committed to the custody of the Illinois Department of
12 Corrections or Illinois Department of Juvenile Justice or is on
13 parole, aftercare release, or mandatory supervised release,
14 the sheriff or other law enforcement officials charged with
15 maintaining Department of State Police records shall notify the
16 Department of Corrections or Department of Juvenile Justice
17 within 48 hours of receipt of a copy of the order of protection
18 from the clerk of the issuing judge or the petitioner. Such
19 notice shall include the name of the respondent, the
20 respondent's IDOC inmate number or IDJJ youth identification
21 number, the respondent's date of birth, and the LEADS Record
22 Index Number.

23 (c) Service by sheriff. Unless respondent was present in
24 court when the order was issued, the sheriff, other law
25 enforcement official or special process server shall promptly
26 serve that order upon respondent and file proof of such

1 service, in the manner provided for service of process in civil
2 proceedings. Instead of serving the order upon the respondent,
3 however, the sheriff, other law enforcement official, special
4 process server, or other persons defined in Section 222.10 may
5 serve the respondent with a short form notification as provided
6 in Section 222.10. If process has not yet been served upon the
7 respondent, it shall be served with the order or short form
8 notification if such service is made by the sheriff, other law
9 enforcement official, or special process server. A single fee
10 may be charged for service of an order obtained in civil court,
11 or for service of such an order together with process, unless
12 waived or deferred under Section 210.

13 (c-5) If the person against whom the order of protection is
14 issued is arrested and the written order is issued in
15 accordance with subsection (c) of Section 217 and received by
16 the custodial law enforcement agency before the respondent or
17 arrestee is released from custody, the custodial law
18 enforcement agent shall promptly serve the order upon the
19 respondent or arrestee before the respondent or arrestee is
20 released from custody. In no event shall detention of the
21 respondent or arrestee be extended for hearing on the petition
22 for order of protection or receipt of the order issued under
23 Section 217 of this Act.

24 (d) Extensions, modifications and revocations. Any order
25 extending, modifying or revoking any order of protection shall
26 be promptly recorded, issued and served as provided in this

1 Section.

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

22 (f) Disclosure by schools. After receiving a certified copy
23 of an order of protection that prohibits a respondent's access
24 to records, neither a day-care facility, pre-school,
25 pre-kindergarten, public or private school, college, or
26 university nor its employees shall allow a respondent access to

1 a protected child's records or release information in those
2 records to the respondent. The school shall file the copy of
3 the order of protection in the records of a child who is a
4 protected person under the order of protection. When a child
5 who is a protected person under the order of protection
6 transfers to another day-care facility, pre-school,
7 pre-kindergarten, public or private school, college, or
8 university, the institution from which the child is
9 transferring may, at the request of the petitioner, provide,
10 within 24 hours of the transfer, written notice of the order of
11 protection, along with a certified copy of the order, to the
12 institution to which the child is transferring.

13 (g) Notice to health care facilities and health care
14 practitioners. Upon the request of the petitioner, the clerk of
15 the circuit court shall send a certified copy of the order of
16 protection to any specified health care facility or health care
17 practitioner requested by the petitioner at the mailing address
18 provided by the petitioner.

19 (h) Disclosure by health care facilities and health care
20 practitioners. After receiving a certified copy of an order of
21 protection that prohibits a respondent's access to records, no
22 health care facility or health care practitioner shall allow a
23 respondent access to the records of any child who is a
24 protected person under the order of protection, or release
25 information in those records to the respondent, unless the
26 order has expired or the respondent shows a certified copy of

1 the court order vacating the corresponding order of protection
2 that was sent to the health care facility or practitioner.
3 Nothing in this Section shall be construed to require health
4 care facilities or health care practitioners to alter
5 procedures related to billing and payment. The health care
6 facility or health care practitioner may file the copy of the
7 order of protection in the records of a child who is a
8 protected person under the order of protection, or may employ
9 any other method to identify the records to which a respondent
10 is prohibited access. No health care facility or health care
11 practitioner shall be civilly or professionally liable for
12 reliance on a copy of an order of protection, except for
13 willful and wanton misconduct.

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

16 (750 ILCS 60/222.10)

17 Sec. 222.10. Short form notification.

18 (a) Instead of personal service of an order of protection
19 under Section 222, a sheriff, other law enforcement official,
20 special process server, or personnel assigned by the Department
21 of Corrections or Department of Juvenile Justice to investigate
22 the alleged misconduct of committed persons or alleged
23 violations of a parolee's or releasee's conditions of parole,
24 aftercare release, or mandatory supervised release may serve a
25 respondent with a short form notification. The short form

1 notification must include the following items:

2 (1) The respondent's name.

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

4 (3) The petitioner's name.

5 (4) The names of other protected parties.

6 (5) The date and county in which the order of
7 protection was filed.

8 (6) The court file number.

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

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

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

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

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

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

1 (e) The Attorney General shall make the short form
2 notification form available to law enforcement agencies in this
3 State.

4 (f) A single short form notification form may be used for
5 orders of protection under this Act, stalking no contact orders
6 under the Stalking No Contact Order Act, and civil no contact
7 orders under the Civil No Contact Order Act.

8 (Source: P.A. 97-50, eff. 6-28-11; 97-1017, eff. 1-1-13.)

9 Section 150. The Line of Duty Compensation Act is amended
10 by changing Section 2 as follows:

11 (820 ILCS 315/2) (from Ch. 48, par. 282)

12 Sec. 2. As used in this Act, unless the context otherwise
13 requires:

14 (a) "Law enforcement officer" or "officer" means any person
15 employed by the State or a local governmental entity as a
16 policeman, peace officer, auxiliary policeman or in some like
17 position involving the enforcement of the law and protection of
18 the public interest at the risk of that person's life. This
19 includes supervisors, wardens, superintendents and their
20 assistants, guards and keepers, correctional officers, youth
21 supervisors, parole agents, aftercare specialists, school
22 teachers and correctional counsellors in all facilities of both
23 the Department of Corrections and the Department of Juvenile
24 Justice, while within the facilities under the control of the

1 Department of Corrections or the Department of Juvenile Justice
2 or in the act of transporting inmates or wards from one
3 location to another or while performing their official duties,
4 and all other Department of Correction or Department of
5 Juvenile Justice employees who have daily contact with inmates.

6 The death of the foregoing employees of the Department of
7 Corrections or the Department of Juvenile Justice in order to
8 be included herein must be by the direct or indirect willful
9 act of an inmate, ward, work-releasee, parolee, aftercare
10 releasee, parole violator, aftercare release violator, person
11 under conditional release, or any person sentenced or
12 committed, or otherwise subject to confinement in or to the
13 Department of Corrections or the Department of Juvenile
14 Justice.

15 (b) "Fireman" means any person employed by the State or a
16 local governmental entity as, or otherwise serving as, a member
17 or officer of a fire department either for the purpose of the
18 prevention or control of fire or the underwater recovery of
19 drowning victims, including volunteer firemen.

20 (c) "Local governmental entity" includes counties,
21 municipalities and municipal corporations.

22 (d) "State" means the State of Illinois and its
23 departments, divisions, boards, bureaus, commissions,
24 authorities and colleges and universities.

25 (e) "Killed in the line of duty" means losing one's life as
26 a result of injury received in the active performance of duties

1 as a law enforcement officer, civil defense worker, civil air
2 patrol member, paramedic, fireman, or chaplain if the death
3 occurs within one year from the date the injury was received
4 and if that injury arose from violence or other accidental
5 cause. In the case of a State employee, "killed in the line of
6 duty" means losing one's life as a result of injury received in
7 the active performance of one's duties as a State employee, if
8 the death occurs within one year from the date the injury was
9 received and if that injury arose from a willful act of
10 violence by another State employee committed during such other
11 employee's course of employment and after January 1, 1988. The
12 term excludes death resulting from the willful misconduct or
13 intoxication of the officer, civil defense worker, civil air
14 patrol member, paramedic, fireman, chaplain, or State
15 employee. However, the burden of proof of such willful
16 misconduct or intoxication of the officer, civil defense
17 worker, civil air patrol member, paramedic, fireman, chaplain,
18 or State employee is on the Attorney General. Subject to the
19 conditions set forth in subsection (a) with respect to
20 inclusion under this Act of Department of Corrections and
21 Department of Juvenile Justice employees described in that
22 subsection, for the purposes of this Act, instances in which a
23 law enforcement officer receives an injury in the active
24 performance of duties as a law enforcement officer include but
25 are not limited to instances when:

26 (1) the injury is received as a result of a wilful act

1 of violence committed other than by the officer and a
2 relationship exists between the commission of such act and
3 the officer's performance of his duties as a law
4 enforcement officer, whether or not the injury is received
5 while the officer is on duty as a law enforcement officer;

6 (2) the injury is received by the officer while the
7 officer is attempting to prevent the commission of a
8 criminal act by another or attempting to apprehend an
9 individual the officer suspects has committed a crime,
10 whether or not the injury is received while the officer is
11 on duty as a law enforcement officer;

12 (3) the injury is received by the officer while the
13 officer is travelling to or from his employment as a law
14 enforcement officer or during any meal break, or other
15 break, which takes place during the period in which the
16 officer is on duty as a law enforcement officer.

17 In the case of an Armed Forces member, "killed in the line
18 of duty" means losing one's life while on active duty in
19 connection with the September 11, 2001 terrorist attacks on the
20 United States, Operation Enduring Freedom, or Operation Iraqi
21 Freedom.

22 (f) "Volunteer fireman" means a person having principal
23 employment other than as a fireman, but who is carried on the
24 rolls of a regularly constituted fire department either for the
25 purpose of the prevention or control of fire or the underwater
26 recovery of drowning victims, the members of which are under

1 the jurisdiction of the corporate authorities of a city,
2 village, incorporated town, or fire protection district, and
3 includes a volunteer member of a fire department organized
4 under the "General Not for Profit Corporation Act", approved
5 July 17, 1943, as now or hereafter amended, which is under
6 contract with any city, village, incorporated town, fire
7 protection district, or persons residing therein, for fire
8 fighting services. "Volunteer fireman" does not mean an
9 individual who volunteers assistance without being regularly
10 enrolled as a fireman.

11 (g) "Civil defense worker" means any person employed by the
12 State or a local governmental entity as, or otherwise serving
13 as, a member of a civil defense work force, including volunteer
14 civil defense work forces engaged in serving the public
15 interest during periods of disaster, whether natural or
16 man-made.

17 (h) "Civil air patrol member" means any person employed by
18 the State or a local governmental entity as, or otherwise
19 serving as, a member of the organization commonly known as the
20 "Civil Air Patrol", including volunteer members of the
21 organization commonly known as the "Civil Air Patrol".

22 (i) "Paramedic" means an Emergency Medical
23 Technician-Paramedic certified by the Illinois Department of
24 Public Health under the Emergency Medical Services (EMS)
25 Systems Act, and all other emergency medical personnel
26 certified by the Illinois Department of Public Health who are

1 members of an organized body or not-for-profit corporation
2 under the jurisdiction of a city, village, incorporated town,
3 fire protection district or county, that provides emergency
4 medical treatment to persons of a defined geographical area.

5 (j) "State employee" means any employee as defined in
6 Section 14-103.05 of the Illinois Pension Code, as now or
7 hereafter amended.

8 (k) "Chaplain" means an individual who:

9 (1) is a chaplain of (i) a fire department or (ii) a
10 police department or other agency consisting of law
11 enforcement officers; and

12 (2) has been designated a chaplain by (i) the fire
13 department, police department, or other agency or an
14 officer or body having jurisdiction over the department or
15 agency or (ii) a labor organization representing the
16 firemen or law enforcement officers.

17 (l) "Armed Forces member" means an Illinois resident who
18 is: a member of the Armed Forces of the United States; a member
19 of the Illinois National Guard while on active military service
20 pursuant to an order of the President of the United States; or
21 a member of any reserve component of the Armed Forces of the
22 United States while on active military service pursuant to an
23 order of the President of the United States.

24 (Source: P.A. 93-1047, eff. 10-18-04; 93-1073, eff. 1-18-05;
25 94-696, eff. 6-1-06.)

1 Section 995. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.