



**NEW AND EXCITING  
ADDITIONS TO THE ILLINOIS  
CRIMINAL CODE EFFECTIVE  
JANUARY 1, 2018**

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# NAME CHANGE

735 ILCS 5/21-101

- ❑ If petitioner:
  - ❑ Adjudicated/convicted/pending felony/misdemeanor
    - Petition must include that information
- ❑ Petition to be served on State's Attorney; SAO can object

# AUTOMATIC EXPUNGEMENT OF JUVENILE RECORDS

705 ILCS 405/5-915

- ❑ Illinois State Police and all law enforcement agencies SHALL automatically expunge, on or before January 1 of each year, all law enforcement records relating to events occurring before a person's 18<sup>th</sup> birthday if:
  - ❑ One or more years have passed since the date of the arrest or law enforcement interaction documented in the records
  - ❑ No petition for delinquency or criminal charges are filed related to the arrest or interaction, and
  - ❑ 6 months have passed without additional subsequent arrest or filing of a petition for delinquency or criminal charges

# AUTOMATIC EXPUNGEMENT OF JUVENILE RECORDS

705 ILCS 405/5-915

- ❑ If law enforcement is unable to verify either no petition or charges have been filed or that 6 months have elapsed with no additional arrest or filings but more than a year has elapsed from arrest or interaction those records shall be expunged if:
  - ❑ The records do not relate to a Class 2 or higher felony, Article II of the Criminal Code, or offenses under 12-13, 12-14, 12-14.1, 12-15, or 12-16

# AUTOMATIC EXPUNGEMENT OF JUVENILE RECORDS

705 ILCS 405/5-915

- ❑ Juvenile records SHALL also be automatically expunged if:
  - ❑ If the petition is dismissed or the juvenile is not adjudicated delinquent
  - ❑ Upon successful termination of an order or supervision
  - ❑ There is an adjudication for an offense that would be a Class B or C Misdemeanor or a petty or business offense, then the court SHALL order expungement within 60 days

# AUTOMATIC EXPUNGEMENT OF JUVENILE RECORDS

## 705 ILCS 405/5-915

- Upon an adjudication of delinquency based on any offense except a disqualified offense, the juvenile court SHALL automatically order the expungement of the juvenile records 2 years after the juvenile's case was closed if no delinquency or criminal proceeding is pending and the person has had no subsequent delinquency adjudication or criminal conviction. The court shall automatically order the expungement of the juvenile court and law enforcement records within 60 business days.
  - For the purposes of this subsection, "disqualified offense" means any of the following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or subsection (b) of Section 8-1, paragraph (4) of subsection (a) of Section 11-14.4, subsection (a-5) of Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or (2) of subsection (a) of Section 12-7.4, subparagraph (i) of paragraph (1) of subsection (a) of Section 12-9, subparagraph (H) of paragraph (3) of subsection (a) of Section 24-1.6, paragraph (1) of subsection (a) of Section 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code of 2012.

# AUTOMATIC EXPUNGEMENT OF JUVENILE RECORDS

705 ILCS 405/5-915

- If the chief law enforcement officer of the agency, or their designee, certifies in writing that certain information is needed for a pending investigation involving the commission of a felony, that information, and information identifying the juvenile, may be retained in an intelligence file until the investigation is terminated or for one additional year, whichever is sooner. Retention of a portion of a juvenile's law enforcement record does not disqualify the remainder of his or her record from immediate automatic expungement.

# CHANGES TO JUVENILE RECORD SHARING

705 ILCS 405/1-7

- Any juvenile, under 18 years old, record, including municipal ordinance violations, shall be sealed and shall be unavailable, unless available through section 1-7 and 5-915 of the Juvenile Court Act.
  - Violation of this provision is a Class C Misdemeanor and subject to a fine of up to \$1,000. The violator is also subject to damages of \$1,000 or actual damages. Violators cannot be persons the subject of the Juvenile Court Act.
  - Eliminated sections allowing the general public to have access to the name, address, and offense of an adjudicated delinquent minor for the offenses of Murder, Attempted Murder, Aggravated Criminal Sexual Assault, Criminal Sexual Assault, and if the juvenile is at least 13 years of age and adjudicated delinquent for the following acts: felonies committed in furtherance of a street gang, acts involving a firearm used in a felony, acts subject to mandatory Class X sentencing or a second or subsequent Class 2 or greater felony, acts that violate section 401 of the Illinois Controlled Substance Act, second or subsequent violation of of the Methamphetamine Act



# IMMEDIATE SEALING

20 ILCS 2630/5.2

- 20 ILCS 2630/5.2 (g)
  - Authorizes the immediate sealing an adult and juvenile, who are prosecuted as adults, criminal records.
  - Arrests or charges not initiated by arrest, that are not minor traffic offenses, that result in either an acquittal or dismissal **with prejudice** can be sealed immediately **if** the petition is filed the same day and during the same hearing where the acquittal or dismissal take place.
  - Such sealing can be for any charge, even if other charges are not dismissed or acquitted.
  - The Court shall inform the defendant of the right to immediate sealing upon entry of eligible disposition.

# IMMEDIATE SEALING

20 ILCS 2630/5.2

- ❑ If the Petition for Sealing is not filed at the time of disposition the defendant may still file such a petition at any time.
- ❑ The petition must include: name, date of birth, current address, case number, date of arrest if applicable, name of arresting authority, and other information as the court may require.
- ❑ The defendant is not required to attach proof of a negative drug test.
- ❑ Service of the petition can be done in open court to the State's Attorney.
- ❑ The court must either deny or grant the petition at the same hearing in which the disposition is filed.
- ❑ The order becomes final after 30 days.
- ❑ The defendant, State's Attorney or the Department of State Police can file a motion to vacate, modify, or reconsider the order within 60 days of service of the order, if such a filing occurs outside the 60 days then the motion must comply with (c) of section 2/1401 of the Illinois Code of Civil Procedure.

# PAROLE (MANDATORY SUPERVISED RELEASE)

730 ILCS 5/3-3-8

- ❑ Prisoner Review Board may release a low risk person from MSR as determined by an appropriate evidence based risk and need assessment

# IDOC CREDIT

730 ILCS 5/3-6-3

- ❑ Inmates can participate in certain programs for 1.5 credit (substance abuse programs, work assignments, educational programs, behavior modification programs, life skills courses, re-entry programs and successfully completes them)
- ❑ New: Truth in sentencing crimes are **no longer excluded** from this program (except Murder and Terrorism)
- ❑ Program credit (above), GED and good behavior cannot reduce sentence below:
  - ❑ 85% if it is an 85 % offense
  - ❑ 60% if it is a 75 % offense (except gunrunning stays at 75%)

# MANDATORY X SENTENCING

730 ILCS 5/5-4.5-95

- ❑ No longer applies to theft charges – either as priors or the current charge

# AGGRAVATED/ UUW – SENTENCING

720 ILCS 5/24-1.1, 720 ILCS 5/24-1.6, 730 ILCS 5/5-4.5-110

- ❑ Class 3 (UUW) and Class 4 (Agg UUW) unchanged
- ❑ Class 2 changes:

	UUW	Aggravated UUW
Previous	3-14 years	3-7 years
New	7-14 years	6-7 years

- ❑ Weapon is a firearm and
- ❑ Predicate offense and
- ❑ Unless the judge says no and
- ❑ Offense date between 1/1/18 and 1/1/23

# UUW SENTENCING – PREDICATE OFFENSES

730 ILCS 5/5-4.5-110

- ❑ Agg UUW (when firearm)
- ❑ UUW by felon (when firearm)
- ❑ First degree murder
- ❑ Attempt first degree murder with firearm
- ❑ Agg kidnapping (firearm)
- ❑ Agg Bat with firearm
- ❑ Agg crim sex assault
- ❑ Predatory crim sex assault
- ❑ Armed robbery
- ❑ Defacing id marks
- ❑ Armed violence
- ❑ Vehicular hijacking
- ❑ Home invasion with firearm
- ❑ Agg discharge of firearm/machine gun
- ❑ Unlawful sale/delivery firearms on school grounds
- ❑ Unlawful purchase of firearms
- ❑ Use of stolen firearms in commission of an offense
- ❑ Poss stolen firearm
- ❑ Agg poss stolen firearm
- ❑ Gunrunning

# UUW SENTENCING- COURT SAYING “NO”

730 ILCS 5/5-4.5-110

- Court can sentence in the “lower range”
  - If the court finds, on the record,
    - Substantial and compelling justification
      - Unduly harsh
      - Does not deprecate the seriousness of the offense
  - Court shall consider:
    - Age
    - Immaturity at the time of predicate offense
    - Nature/circumstances of predicate offense and this offense
    - Time elapsed
    - Duress/coercion threat of both offenses
    - Cooperation in the prosecution of another felony
    - Rehabilitation
- Court shall indicate on sentencing order what factor led to the departure



# DRUG ENHANCEMENTS

720 ILCS 550/5.2, 720 ILCS 570/407, 720 ILCS 646/15, 720  
ILCS 646/55

What	Old	New	Applies to:
School	1000 feet	500 feet IF: under 18 present OR, school hours, reasonably expected to be there.	Cannabis-C/S-Meth
Place of worship	1000 feet	500 feet IF: patrons/ staff present and activity sanctioned by the place of worship taking place	C/S – Meth
Public housing	Public Housing	Deleted	C/S
Public park	1000 feet	500 feet	C/S
Senior Center	1000 feet	500 feet during time senior center activities are taking place/ must be during “daytime”	C/S
Truck Stop	1000 feet	500 feet	C/S

# CLASS 2 HIGHER/ PRIOR CLASS 2 HIGHER

730 ILCS 5/5-5-3

## Old

- ❑ Class 2 or higher offense is non-probationable if Class 2 or higher within 10 years.

## New

- ❑ Class 1 or higher offense is non-probationable if Class 1 or higher within 10 years.
- ❑ Only applies to new sex/gun Class 2 offenses. (Old offense need not be a sex/gun offense).

# FIRST OFFENDER PROBATION

720 ILCS 550/10, 720 ILCS 570/10, 720 ILCS 646/70

## Old

- ❑ Disqualifying offenses:
  - ❑ Conviction, probation, court supervision for a cannabis/controlled substance offense (or methamphetamine if new offense is meth)
- ❑ Once

## New

- ❑ Only barrier is if you had a prior felony conviction for one of those offenses.
- ❑ Once every 4 years

# SECOND CHANCE – QUALIFYING OFFENSES

730 ILCS 5/5-6-3.4

## Old

- ❑ Probationable felony offense of possession of a controlled substance that is a class 4 or meth that is a class 4

## New

- ❑ Possession of less than 15 grams of a controlled substance or meth

# SECOND CHANCE – QUALIFYING OFFENSES

730 ILCS 5/5-6-3.4

## Old

- ❑ Class 3 theft based on value
- ❑ Class 4 if on school, place of worship, governmental property
- ❑ Class 4 criminal damage
- ❑ Class 4 crim dam to gov't property
- ❑ Class 4 possession of cannabis

## New

- ❑ Probationable felony offense of possession of cannabis, theft, retail theft, forgery, deceptive practices, possession of a stolen motor vehicle, burglary, possession of burglary tools, dis con, criminal damage/trespass, fraudulent ID, OJ

# SECOND CHANCE -DISQUALIFYING OFFENSES

730 ILCS 5/5-6-3.4

## Old

- ❑ Convicted, or placed on probation for any felony offense including TASC, Offender Initiative, First Offender Probation

## New

- ❑ Conviction

# CHILD V. MINOR

720 ILCS 5/11-25, 720 ILCS 5/11-26, 730 ILCS 150/2, 20 ILCS 4026/10

- ❑ Traveling to meet a **minor** changed to traveling to meet a **child**
- ❑ Definition of child added to mean a person under 17 years of age (also added to the grooming statute)
- ❑ Sex Offense/ Sex Offender definition modified to reflect this change

# ADDED HATE CRIMES

720 ILCS 5/12-7.1

- ❑ Added crimes:
  - ❑ Intimidation
  - ❑ Stalking
  - ❑ Cyberstalking
  - ❑ Transmission of Obscene Messages



# HATE CRIME – SENTENCE

720 ILCS 5/12-7.1

- ❑ Enhancements based on location expanded to include:
  - ❑ **The grounds or exterior** of a church, synagogue, mosque, or other building, structure, or place **identified or associated with a particular religion or** used for religious worship or other religious purpose

# HATE CRIME – SENTENCE

720 ILCS 5/12-7.1, 730 ILCS 5/3-3-7, 730 ILCS 5/5-6-3

## Penalties (all mandatory):

- ❑ Fine/Restitution: No longer capped at \$1,000
- ❑ **In person** educational program discouraging hate crimes **involving the specific targeted group in the case** (Requirement that there must be property damage to trigger this was removed)
- ❑ 200 hours CSW

# BURGLARY

720 ILCS 5/19-1

- ❑ Changes some form of burglary from a Class 2 to a Class 3:

- ❑ Watercraft

- ❑ Aircraft

- ❑ Motor vehicle

- ❑ Railroad car

} with no damage

\*\* Burglary to a building is still a Class 2 - damage or not

# HATE CRIME – CIVIL

720 ILCS 5/12-7.1

- ❑ A court can now award actual damages and emotional distress damages **and** punitive damages.
- ❑ Judgment **shall** include attorney's fees
- ❑ **Court may impose a civil penalty up to \$25,000 for each violation**
- ❑ **After consulting with the local State's Attorney, the Attorney General may bring a civil action for up to a civil penalty of \$25,000 for each violation**
- ❑ **Parents of the defendant now responsible for all monetary damages, not just actual**

# SEXUAL ORIENTATION AND MURDER

720 ILCS 5/9-1, 9-2

Discovery of the victim's sexual orientation (heterosexuality, homosexuality, bisexuality or gender identity) is:

~~provocation~~

~~mitigation~~

# CYBERSTALKING

720 ILCS 5/12-7.5

- ❑ Expanded to include installing **electronic monitoring** or **spyware** on an electronic communication device as means to harass and
  - ❑ Transmits a threat of immediate or future bodily harm, sex assault, confinement, restraint toward person or family member or
  - ❑ Solicits someone else to commit this offense
- ❑ Exceptions: notice or consent of the spyware

# EXPANSION OF THE DRUG INDUCED HOMICIDE STATUTE

720 ILCS 5/9-3.3

- A person commits drug-induced homicide when they violate the law of another jurisdiction, which if the violation had been committed in this State could be charged under Section 401 of the Illinois Controlled Substances Act or Section 55 of the Methamphetamine Control and Community Protection Act, by unlawfully delivering a controlled substance to another, and any person's death is caused in this State by the injection, inhalation, absorption, or ingestion of any amount of that controlled substance.
- Upon conviction a defendant faces a Class X felony with an enhanced sentencing range of 15 to 30 years or an extended term of 30 to 60 years imprisonment.

# NO CONTACT ORDERS

## 720 ILCS 5/12-3.8

- ❑ All No Contact Orders are criminally enforced as a Class A Misdemeanor or a Class 4 felony for a second or subsequent violation.
  - ❑ All Orders of Protection (Domestic, Civil No Contact, Stalking) have been consolidated into one controlling civil Act 725 ILCS 5/112A.
  - ❑ A defendant must knowingly violate a provision or knowingly fail to commit an act ordered and authorized under section 213 of the Civil No Contact Order Act or section 112A-14.5 of the Criminal code or under the laws of another state or similar order under the sections.
  - ❑ Affirmative Defense: failure to be afforded reasonable notice and opportunity to be heard at the Civil No Contact Hearing.
  - ❑ Courts may still enforce order through either civil or criminal contempt proceedings.
  - ❑ The State's Attorney shall file and prosecute No Contact Orders if requested by the Petitioner. 725 ILCS 5/112A-4.5 (d)



# ADDITIONS AND VACATIONS OF CONTROLLED SUBSTANCES

720 ILCS 570/102, 204, 401, and 402

## □ Added Substances:

- Furnanyl Fentanyl (FU-F)
- Butyryl Fentanyl
- Valeryl Fentanyl
- Acetyl Fentanyl
- Beta-hydroxy-thiofenatnyl
- 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700)
- 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-iperidinylidene]-benzenesulfonamide (W-18)

# ADDITIONS AND VARIATIONS OF CONTROLLED SUBSTANCES

720 ILCS 570/102, 204, 401, and 402

- ❑ 4-chloro-N-[1-(2-phenylethyl)-2-piperidinylidene]-benzenesulfonamide (W-15)
- ❑ acrylfentanyl (acryloylfentanyl)
- ❑ Benzothiophene analog of phencyclidine Some trade or other names: BTCP or benocyclidine
- ❑ 3-Methoxyphencyclidine (3-MeO-PCP)
- ❑ Any compound structurally derived from 3(benzoyl) indole with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of this structural class include, but are not limited, to, AM-630, AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4

# ADDITIONS AND VACATIONS OF CONTROLLED SUBSTANCES

## 720 ILCS 570/102, 204, 401, and 402

- ❑ 53) 2,5-Dimethoxy-4-(n)-propylthio-phenethylamine;
  - ❑ Some trade or other names: 2C-T-7; 4-ethyl-2,5-dimethoxyphenethylamine
  - ❑ Some trade or other names: 2C-E; 2,5-dimethoxy-4-methylphenethylamine
  - ❑ Some trade or other names: 2C-D; 4-chloro-2,5-dimethoxyphenethylamine
  - ❑ Some trade or other names: 2C-C; 4-iodo-2,5-dimethoxyphenethylamine
  - ❑ Some trade or other names: 2C-I; 4-ethylthio-2,5-dimethoxyphenethylamine
  - ❑ Some trade or other names: 2C-T-2; 2,5-dimethoxy-4-isopropylthio-phenethylamine
  - ❑ Some trade or other names: 2C-T-4; 2,5-dimethoxyphenethylamine
  - ❑ Some trade or other names: 2C-H; 2,5-dimethoxy-4-nitrophenethylamine
  - ❑ Some trade or other names: 2C-N; 2,5-dimethoxy-4-(n)-propylphenethylamine
  - ❑ Some trade or other names: 2C-P; 2,5-dimethoxy-3,4-dimethylphenethylamine
  - ❑ Some trade or other names: 2C-G; The N-(2-methoxybenzyl) derivative of any 2 C phenethylamine referred above including, but not limited to, 25I-NBOMe and 25C-NBOMe;

# ADDITIONS AND VACATIONS OF CONTROLLED SUBSTANCES

720 ILCS 570/102, 204, 401, and 402

- Methyl 2-(1H-indazole-3-carboxamido)-3,3-dimethylbutanoate with substitution on the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl, aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, 5-fluoro-MDMB-PINACA, MDMB-FUBINACA
- Methyl 2-(1H-indole-3-carboxamido)-3-methylbutanoate with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, MMB018, MMB2201, and AMB-CHMICA

# ADDITIONS AND VACATIONS OF CONTROLLED SUBSTANCES

720 ILCS 570/102, 204, 401, and 402

- ❑ Methyl 2-(1H-indole-3-carboxamido)-3,3-dimethylbutanoate with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, MDMB-CHMICA
- ❑ N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-indazole-3-carboxamide with substitution on the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, APP-CHMINACA, 5-fluoro-APP-PINACA

# ADDITIONS AND VACATIONS OF CONTROLLED SUBSTANCES

720 ILCS 570/102, 204, 401, and 402

- ❑ N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-indole-3-carboxamide with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, APP-PICA and 5-fluoro-APP-PICA;
- ❑ 4-Acetoxy-N,N-dimethyltryptamine: trade name 4-AcO-DMT;
- ❑ 5-Methoxy-N-methyl-N-isopropyltryptamine: Tradename 5-MeO-MIPT
- ❑ 4-hydroxy Diethyltryptamine (4-HO-DET)
- ❑ 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET)
- ❑ 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT)
- ❑ 4-hydroxy-N-methyl-N-isopropyltryptamine (4-HO-MiPT)
- ❑ Fluorophenylpiperazine
- ❑ Methoxetamine
- ❑ 1-(Ethylamino)-2-phenylpropan-2-one (iso-ethcathinone).

# ADDITIONS AND VACATIONS OF CONTROLLED SUBSTANCES

720 ILCS 570/102, 204, 401, and 402

- ❑ Halogenated amphetamines and methamphetamines-any compound derived from either amphetamine or methamphetamine through the substitution of a halogen on the phenyl ring, including, but not limited to, 2-fluoroamphetamine, 3-fluoroamphetamine and 4-fluoroamphetamine
- ❑ Aminopropylbenzofuran (APB): including 4-(2-Aminopropyl) benzofuran, 5-(2-Aminopropyl)benzofuran, 6-(2-Aminopropyl)benzofuran, and 7-(2-Aminopropyl) benzofuran
- ❑ Aminopropyldihydrobenzofuran (APDB): including 4-(2-Aminopropyl)-2,3-dihydrobenzofuran, 5-(2-Aminopropyl)-2, 3-dihydrobenzofuran, 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, and 7-(2-Aminopropyl)-2,3-dihydrobenzofuran
- ❑ Methylaminopropylbenzofuran (MAPB): including 4-(2-methylaminopropyl)benzofuran, 5-(2-methylaminopropyl)benzofuran, 6-(2-methylaminopropyl)benzofuran and 7-(2-methylaminopropyl)benzofuran

# ADDITIONS AND VACATIONS OF CONTROLLED SUBSTANCES

## 720 ILCS 570/102, 204, 401, and 402

- ❑ Synthetic cathinones. Unless specifically exempted, any chemical compound which is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or possessed in accordance with State or federal law
- ❑ 6-Monoacetylmorphine
- ❑ Methorphan, except drug products containing dextromethorphan that are dispensed due to prescription or sold in doses compliant with over the counter rules (as set forth by the FDA).



# ADDITIONS AND VACATIONS OF CONTROLLED SUBSTANCES

720 ILCS 570/102, 204, 401, and 402

- ❑ Thiafentanyl
- ❑ One cannot possess, deliver, or manufacture any analog of a controlled substance, Schedule I or II or that is designed to substantially produce an effect similar to a Schedule I or II substance, that is not FDA approved and if so approved sold in accordance with State and federal law.

# ADDITIONS AND VACATIONS OF CONTROLLED SUBSTANCES

## 720 ILCS 570/102, 204, 401, and 402

### ❑ Vacated substances:

- ❑ 1-Pentyl-3-(1-naphthoyl)indole Some trade or other names: JWH-018
- ❑ 1-Butyl-3-(1-naphthoyl)indole Some trade or other names: JWH-073
- ❑ 1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone  
Some trade or other names: AM-694
- ❑ 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol  
Some trade or other names: CP 47,497 and its C6, C8 and C9 homologs
- ❑ 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain n=5; and homologues where side chain n=4, 6, or 7; Some trade or other names: CP 47,497

# ADDITIONS AND VACATIONS OF CONTROLLED SUBSTANCES

## 720 ILCS 570/102, 204, 401, and 402

- ❑ (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone Some trade or other names: JWH-015
- ❑ 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone Some trade or other names: JWH-081
- ❑ 1-Pentyl-3-(4-methyl-1-naphthoyl)indole  
Some trade or other names: JWH-122
- ❑ 2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)ethanone Some trade or other names: JWH-251
- ❑ 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole  
Some trade or other names: RCS-8, BTW-8 and SR-18

# ADDITIONS AND VACATIONS OF CONTROLLED SUBSTANCES

720 ILCS 570/102, 204, 401, and 402

- ❑ 3,4-Methylenedioxymethcathinone  
Some trade or other names: Methylone
- ❑ 3,4-Methyenedioxypyrovalerone  
Some trade or other names: MDPV
- ❑ 4-Methylmethcathinone  
Some trade or other names: Mephedrone
- ❑ 4-methoxymethcathinone
- ❑ 4-Fluoromethcathinone
- ❑ 3-Fluoromethcathinone;

# ADDITIONS AND VACATIONS OF CONTROLLED SUBSTANCES

720 ILCS 570/102, 204, 401, and 402

- ❑ Pentedrone
- ❑ 4-iodo-2,5-dimethoxy-N-((2-methoxy phenyl)methyl)-benzeneethanamine (trade or other name: 25I-NBOMe)
- ❑ 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl) methyl]-benzeneethanamine (trade or other name: 25C-NBOMe)
- ❑ 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl) methyl]-benzeneethanamine (trade or other name: 25B-NBOMe)
- ❑ Levomethorphan
- ❑ Racemorphan

# STATUTE OF LIMITATION FOR AGGRAVATED DUI INVOLVING A DEATH

720 ILCS 5/3-5

- ❑ The legislature has removed the statute of limitation for the prosecution of Aggravated DUI when the violation was the proximate cause of a death.
- ❑ Per the right against Ex Post Facto laws this will only apply to such violations that occur after January 1, 2018.

# NEW PROCEDURE IN ASSERTING STATUTE OF LIMITATIONS BAR

## 720 ILCS 5/3-6, 3-7, and 114-1

- ❑ The State is no longer required to prove at trial facts that extend the general limitations of 720 ILCS 5/3-5 if the State properly pleads such facts in the charging document.
- ❑ Per 720 ILCS 5/114-1 the defendant now bears the burden of filing a motion to dismiss that the exclusions to the limitation outlined in 720 ILCS 5/3-3 through 3-8 do not apply and the State must then prove, by a preponderance of evidence, that such exclusions apply.

# AMENDMENT TO JURY QUALIFICATIONS

705 ILCS 305/2

- ❑ Except as otherwise specifically provided by statute, no one who is qualified and able to serve as a juror may be excluded from jury service in any court of this State on the basis of race, color, religion, sex, national origin, or economic status.
- ❑ As used in this statute, religion, sex, and, national origin have the meanings provided in Section 1-103 of the Illinois Human Rights Act.



# CELL PHONE – ORDERS OF PROTECTIONS

725 ILCS 5/112A-14

- ❑ Added remedy in an Order of Protection:
  - ❑ Petitioner and minor children in petitioner's custody can keep their phone numbers
  - ❑ Financial responsibility is transferred to petitioner
  - ❑ Exception: Respondent no longer owns it, technological issues

# VETERAN'S COURT

730 ILCS 167/20

- ❑ Pre-adjudication: Removes SAO approval requirement for participation
- ❑ Post-adjudication: Only with approval from the Court
- ❑ Disqualifying priors no longer includes any offense where serious bodily injury/death occurred

# MENTAL HEALTH COURT

730 ILCS 168/20

- ❑ Removes SAO approval requirement for participation
- ❑ Adds aggravated battery with great bodily harm or permanent disfigurement to list of disqualifying offenses

# OFFICER INVOLVED SEX CRIME

5 ILCS 815/10

- ❑ Written policy addressing officer involved (on duty) sex crime (abuse, assault)
- ❑ Investigation must:
  - ❑ Conducted by outside agency unless 1,000,000 people
  - ❑ Two investigators
  - ❑ Specialized training
- ❑ Can still conduct internal investigation
- ❑ Agreement can be established regarding compensation

# FITNESS – AFTER FINDING OF UNFITNESS

725 ILCS 5/104-17

- ❑ If defendant on bail, least restrictive treatment to restore fitness can now be **inpatient** or **outpatient**
  
- ❑ DHS has **20 days** to decide/notify where to place defendant to attain fitness
  - ❑ If no communication from DHS, Sheriff to notify DHS he is taking defendant to closest facility
  - ❑ DHS then has 2 more days to tell Sheriff where the defendant should be going

# FITNESS – ATTAINING FITNESS

725 ILCS 5/104-15

- ❑ Report indicating unfitness must also contain opinion regarding defendant likelihood of attaining fitness within:
  - ❑ CF/ Class A : 1 year
  - ❑ Class B: 6 months
  - ❑ Class C: 30 days
  
- ❑ Previously all offenses were within 1 year

# FITNESS- DEFENDANT ATTAINS FITNESS

725 ILCS 5/104-17

- ❑ If defendant is determined to be fit **during** the placement period – DHS to notify the Court immediately and send report within 7 days.
- ❑ If defendant has attained fitness – Court immediately to enter order directing the Sheriff to return the defendant to the county jail and set case for trial. Fitness can be raised again at any time.

# FITNESS – AFTER NGRI FINDING

725 ILCS 5/104-17

- ❑ Clerk to transmit information to DHS within 5 days regarding the NGRI finding
  - ❑ Arrest report, criminal charges, jail record etc.
- ❑ If placed in secure setting: DHS has 20 days to notify the sheriff of which facility he is going to and then the sheriff shall promptly transport the defendant to the assigned facility. If not, sheriff can decide and notify DHS.



# CHANGES TO BOND PROCEDURES

725 ILCS 5/110, et. Seq.

- ❑ 1. Defendant's are now entitled to counsel, appointed or private, at bail hearings. This applies to weekend bond hearings.
- ❑ 2. 725 ILCS 5/110-5(a-5) dictates that there is now a presumption that any conditions of bond shall be non-monetary in nature and that the court shall impose the least restrictive conditions necessary to reasonably assure the appearance of the defendant and protect the integrity of the proceedings from a specific threat to a witness or participant. The court shall also consider the socio-economic circumstances of the defendant when setting conditions or release or imposing monetary bail.

# CHANGES TO BOND PROCEDURES

725 ILCS 5/110, et. Seq.

- 3. The new provisions also create two classifications of offenses in regards to how bonding procedure must advance.
  - Class A Offenses: Generally include serious offenses and include; Class X, 1, and 2 felonies, Murder, 2nd or subsequent DUI, Aggravated DUI (all forms), Fleeing and Eluding a Peace Officer,, Leaving the Scene of An Accident if the accident involved an injury and not reported within 30 minutes, Involuntary Manslaughter and Reckless Homicide, Concealment of a Homicidal Death, Unlawful Restraint, Aggravated Unlawful Restraint, Child Abduction, Indecent Solicitation of a Child, Custodial Sexual Misconduct, Child Porn, Non-Consensual Dissemination of Private Sexual Images, Grooming, Aggravated Assault, Battery, Aggravated Battery, Domestic Battery, Violation of an Order of Protection, Abuse or Neglect of a Long Term Care Facility Resident, Elderly Person or Person with a Disability, Reckless Conduct, Intimidation, Hate Crime, Stalking, Aggravated Stalking, Cyberstalking, Endangering the Life or Health of a Child, Reckless Discharge of a Firearm, Unlawful Sale or Delivery of Firearms, Mob action, Harassment by Telephone, Dog Fighting, second or subsequent Domestic Battery or Violation of an Order of Protection, Involuntary Servitude by intimidation, financial control or by use or threat of violence, Criminal Sexual Abuse, Compelling Confession or Information by force or threat if the defendant inflicts bodily harm, Cyberstalking if it results in bodily harm, False Personation of a Peace Officer, UUIW via possessing, carrying, selling or manufacturing a sawed off shotgun or rifle, UUIW by possession or attachment of a silencer, Violation of Sex Offender Registration. 725 ILCS 5/102-7.1

# CHANGES TO BOND PROCEDURES

725 ILCS 5/110, et. Seq.

- ❑ Class B Offenses: business offense, petty offense, Class A,B, and C misdemeanors, and all other Class 3 and 4 felonies not specifically enumerated as Category A Offenses. 725 ILCS 5/102-7.2
- ❑ Why the distinction between Class A offenses and Class B offenses?
  - ❑ The Act demands that anyone who is still in custody, pending posting a monetary bond, on a Class B offense, must be brought before the court no later than 7 days, or earlier, to have a rehearing as to the amount of bond.
  - ❑ The Act also articulates that a person subject to bail on a Category B Offense shall have \$30/day deducted from their bail everyday they are incarcerated. 725 ILCS 5/110-14. Thus, as it appears, on a Category B Offense a person's bond will eventually be credited and they would be released, if that was the only reason for their incarceration.