



LEWD SEXUAL DISPLAY IN A PENAL INSTITUTION

State Fiscal Year 2025 REPORT



LEWD SEXUAL DISPLAY IN A PENAL INSTITUTION: SFY2025 REPORT

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INTRODUCTION

The Illinois legislature enacted [Public Act 103-283](#), which amended the Criminal Code to establish the criminal offense of “lewd sexual display in a penal institution” as of January 1, 2024.

As stated in [720 ILCS 5/11-9.2-1](#),

- a) A person commits lewd sexual display in a penal institution when he or she is in the custody of a penal institution and knowingly engages in any of the following acts while he or she is confined in a penal institution: engages in a lewd exposure of the genitals or anus, for the purpose or effect of intimidating, harassing, or threatening one whom he or she believes to be in the presence or view of such acts. For purposes of this Section, “penal institution” does not include a facility of the Department of Juvenile Justice or a juvenile detention facility.
- b) Sentence. Lewd sexual display in a penal institution is a Class A misdemeanor. A person convicted of a second or subsequent violation for lewd sexual display in a penal institution is guilty of a Class 4 felony.
- c) A person charged with a violation of this Section shall be eligible for an evaluation for a mental health court program under the Mental Health Court Treatment Act, the provisions of Section 20 of that Act notwithstanding, and shall be given an eligibility screening and an assessment, pursuant to the provisions of Section 25 of the Mental Health Court Treatment Act, administered by a qualified mental health court professional independent of the penal institution where the individual is in custody.
- d) Notwithstanding the provisions of subsection (e) of Section 25 of the Mental Health Court Treatment Act, a person who has been charged with a violation of this Section shall not be liable for any fines, fees, costs, or restitution unless the person fails to successfully complete that person's court-ordered mental health court treatment program.
- e) All charges against a person for a violation of this Section shall be dismissed upon the court's determination that the person has successfully completed the person's court-ordered mental health court treatment program. Unwillingness to participate in a court-ordered mental health court treatment program may result in prosecution under this Section. Failure to complete a mental health treatment court program shall have the consequences prescribed by the rules and regulations of that treatment court program.
- f) A person is not guilty of a violation of this Section for engaging in the conduct prohibited by this Section, if any of the following are true:
 - a. The person is under 18 years of age or not confined to a penal institution.

b. The person suffered from a behavioral health issue at the time of the prohibited conduct and that behavioral health issue was the direct cause for the person having engaged in the prohibited conduct.

c. The person was not in the actual presence or view of another person.

g) This Section is repealed on January 1, 2028.

Section 11-9.2-2 of the legislation required penal institutions to provide the Illinois Criminal Justice Information Authority (ICJIA) with demographic information and underlying charges of any individuals referred to a State's Attorney's Office for the offense of lewd sexual display in a penal institution. In addition, State's Attorney's Offices must share the number of referrals they received, the number of individuals they charged, the demographics of those they charged, and the case disposition (or lack thereof) for violations of 720 ILCS 5/11-9.2-1 with ICJIA.

The statute required ICJIA to compile the data and provide an annual report to the Governor and General Assembly by January 1 of each year. The 2024 annual report, the first one published by ICJIA, is available on the [ICJIA website](#).

DATA COLLECTION

The 2024 report provided data for Calendar Year (CY) 2024. In contrast, this report and subsequent reports will cover the State Fiscal Year (SFY) from July 1 to June 30. The report is due by January 1 each year, so the collection period was adjusted to allow us time to prepare the report after data collection, given that reportable cases may occur up to the end of the year. Therefore, there is overlap between the 2025 report, which includes SFY data from July 1, 2024, to June 30, 2025, and the 2024 report, which provides CY data from January 1, 2024, to December 31, 2024.

Per the legislation, we obtained information from three sources:

- Each Illinois State's Attorney's Office was asked to report their charging data.
- The Illinois Department of Corrections (IDOC) provided data for prisons on individuals referred to State's Attorney's Offices.
- Illinois sheriff's offices provided data on individuals referred to State's Attorney's Offices by county jail administrators.

To request data from State's Attorney's Offices, we obtained their contact information through their agency's public websites and/or other publicly available online directories. State's Attorneys are elected county officials who serve as the chief prosecutor for their county. There are 102 State's Attorneys, one for each of Illinois' 102 counties, and they serve four-year terms. On August 20, 2025, we emailed all Illinois State's Attorney's Offices and followed up via email on September 24, 2025. We received responses from a total of 89 State's Attorney's Offices, with 87 reporting having zero cases and two having cases.

We requested prison referral data from IDOC via email on August 13, 2025, and followed up with three additional emails on September 25, October 3, and October 13, 2025. On October 22, 2025, IDOC emailed a Microsoft Excel spreadsheet to ICJIA with the referrals made from prisons to State's Attorney's Offices for violations of Section 11-9.2-1. Using the spreadsheet, we inferred that some individuals received more than one referral, due to matching IDOC facility, age, gender, underlying charges, and sentence. As the legislation calls for the total number of persons referred, not the total number of incidents or referrals, we removed duplicate individuals.

We also sent emails to every county sheriff's office that operates a jail (90 sheriff's offices). We obtained contact information for county sheriffs and jail administrators from IDOC's Jail and Detention Standards Unit. We received 82 responses, with 79 respondents reporting having zero cases and three having cases.

DATA LIMITATIONS

Despite efforts to produce accurate data in accordance with legislation, there are limitations. First, 13 Illinois State's Attorney's Offices and eight sheriff's offices did not

report to us. Second, we cannot verify the accuracy of information reported to us. Finally, we made inferences within the prison data to determine which individuals to remove from the dataset. A slight chance exists that two people from the same IDOC facility, with the same age, gender, race, underlying charges, and sentence, were counted only once in the IDOC referral table. This is the second year of reporting and various barriers and challenges persist. It is anticipated that continued reporting will enhance data quality, accuracy, and overall compliance.

DATA RESULTS

Data includes cases of lewd sexual display from referral to criminal charges to conviction. After persons are referred by penal institutions for lewd sexual display, it may take time before the State's Attorney's cases are charged. Therefore, a disconnect seems to exist between the counts of referrals in SFY25 and the number of individuals charged. It reflects that individuals who were referred in SFY25 by IDOC or jails may not be the same persons who were charged or had their cases disposed of in that timeframe.

ILLINOIS DEPARTMENT OF CORRECTIONS DATA

IDOC personnel referred 49 people to a State's Attorney's Office in SFY25 for violations of 720 ILCS 5/11-9.2-1, lewd sexual display in a penal institution. As shown in Table 1, all individuals were males, and 95.9% were Black. The youngest was 20 years old, the oldest 59, with a median age of 31. These 49 individuals had a total of 90 recorded incidents, with nine individuals having more than one incident. Their underlying criminal offense charges, for which they were in custody at an Illinois penal institution, varied, but most would be classified as *violent offenses*.

Table 1

Demographics and Underlying Charges of Individuals Referred by IDOC to State's Attorney's Offices for Lewd Sexual Display in a Penal Institution, SFY25

Characteristic	Number
Gender	
Male	49
Female	0
Race	
Black	47
White	2
Age ranges	
18 - 29	19
30 - 39	22
40 - 49	5
50+	3
Underlying charge(s)	
Felon in possession/use of a firearm, prior conviction	6
Murder/intent to kill/injure	5
Aggravated criminal sexual assault/weapon	4
Armed robbery/armed with a firearm	3
Aggravated criminal sexual assault/bodily harm	2
Aggravated unlawful use of weapons/vehicle	2
Armed habitual criminal	2
Aggravated battery/peace officer	1
Aggravated battery/public place	1
Aggravated battery/strangle	1

Characteristic	Number
Aggravated criminal sexual assault/felony	1
Aggravated discharge of a firearm/peace officer/fireman	1
Aggravated robbery/Indicated armed with a firearm	1
Aggravated vehicular hijacking/weapon	1
Aid/abet/possession/sell stolen vehicle	1
Armed robbery/no firearm	1
Armed violent/category I weapon	1
Attempted murder/intent to kill/injure	1
Burglary	1
Conspiracy to murder/intent to kill/injure	1
Criminal sexual assault/consent	1
Domestic battery/bodily harm prior	1
Home invasion/cause injury	1
Murder/other forcible felony	1
Murder/strong probability to kill/injure	1
Second-degree murder/unreasonable	1
Possession >15 <100 grams of cocaine	1
Possession of a stolen firearm	1
Possession of firearm/FOID no issue/no eligibility	1
Predatory criminal sexual assault	1
Predatory criminal sexual assault/victim <13	1
Theft/display merchandise/<\$300/previous conviction	1
Total individuals	49

Note. The data source was the Illinois Department of Corrections. SFY = State Fiscal Year. Under armed robbery, a category I weapon is “a handgun, sawed-off shotgun, sawed-off rifle, any other firearm small enough to be concealed upon the person, semiautomatic firearm, or machine gun” (720 ILCS 5/33A-1). Under second degree murder, unreasonable indicates that the person believed that circumstances would justify or exonerate the killing, but their belief was ruled unreasonable.

COUNTY JAIL DATA

Of the 90 sheriff’s offices we contacted, 82 responded indicating whether they had referrals to their State’s Attorney’s Office during SFY25.

Table 2

Number of Individuals Referred by County Jails to State’s Attorney’s Offices for Lewd Sexual Display in a Penal Institution, SFY25

County	Number
Adams	0
Bond	0

County	Number
Boone	0
Bureau	0
Carroll	0
Champaign	0
Christian	0
Clark	0
Clay	0
Clinton	0
Coles	0
Cook	126
Crawford	0
Cumberland	0
DeKalb	0
DeWitt	Unknown
Douglas	Unknown
DuPage	0
Edgar	Unknown
Effingham	0
Fayette	0
Ford	0
Franklin	0
Fulton	0
Greene	0
Grundy	1
Hancock	0
Hardin	0
Henderson	0
Henry	0
Iroquois	0
Jackson	0
Jasper	0
Jefferson	0
Jersey	0
Jo Daviess	0
Kane	0
Kankakee	0
Kendall	0
Knox	0
Lake	0
LaSalle	0

County	Number
Lawrence	0
Lee	0
Livingston	0
Logan	0
Macon	0
Macoupin	0
Madison	0
Marion	0
Marshall	Unknown
Mason	0
Massac	0
McDonough	0
McHenry	Unknown
McLean	0
Menard	0
Mercer	0
Monroe	0
Montgomery	0
Morgan	0
Moultrie	0
Ogle	0
Peoria	0
Perry	0
Piatt	0
Pike	0
Pulaski	Unknown
Putnam	0
Randolph	0
Richland	0
Rock Island	0
Saline	0
Sangamon	0
Schuyler	0
Shelby	0
St. Clair	0
Stephenson	0
Tazewell	0
Vermilion	0
Wabash	0
Warren	Unknown

County	Number
Washington	0
Wayne	0
White	0
Whiteside	0
Will	9
Williamson	Unknown
Winnebago	0
Woodford	0
Total cases	136

Note. The data sources were Illinois sheriff's offices, and the table only contains counties that have jails. SFY = State Fiscal Year. Unknown indicates no data reported by the county jail by December 15, 2025.

STATE'S ATTORNEY'S OFFICES DATA

A total of 89 State's Attorney's Offices reported 77 individuals were charged during SFY25 (Table 3). State's Attorney's Offices can charge an individual more than once, but the table reflects the total number of individuals charged. The 77 individuals had a total of 98 charges, with 21 individuals having two charges each. Just two county State's Attorney's Offices—Cook and Will—reported charging individuals.

Table 3

Number of Individuals Charged by State's Attorney's Offices, SFY25

County	Number of individuals charged
Adams	0
Alexander	0
Bond	0
Boone	0
Brown	0
Bureau	0
Calhoun	0
Carroll	0
Cass	0
Champaign	0
Christian	Unknown
Clark	0
Clay	0
Clinton	0
Coles	0
Cook	63
Crawford	0
Cumberland	0

County	Number of individuals charged
DeKalb	0
DeWitt	0
Douglas	0
DuPage	0
Edgar	0
Edwards	0
Effingham	0
Fayette	0
Ford	0
Franklin	0
Fulton	0
Gallatin	0
Greene	0
Grundy	0
Hamilton	0
Hancock	0
Hardin	0
Henderson	0
Henry	0
Iroquois	0
Jackson	0
Jasper	0
Jefferson	0
Jersey	0
Jo Daviess	0
Johnson	0
Kane	0
Kankakee	0
Kendall	0
Knox	Unknown
Lake	0
LaSalle	Unknown
Lawrence	0
Lee	0
Livingston	0
Logan	0
Macon	Unknown
Macoupin	Unknown
Madison	0
Marion	Unknown
Marshall	0
Mason	0
Massac	0

County	Number of individuals charged
McDonough	0
McHenry	0
McLean	0
Menard	Unknown
Mercer	0
Monroe	0
Montgomery	0
Morgan	0
Moultrie	0
Ogle	0
Peoria	0
Perry	0
Piatt	0
Pike	0
Pope	0
Pulaski	0
Putnam	Unknown
Randolph	0
Richland	0
Rock Island	Unknown
Saline	0
Sangamon	Unknown
Schuyler	0
Scott	0
Shelby	0
Stark	0
St. Clair	0
Stephenson	0
Tazewell	0
Union	0
Vermilion	0
Wabash	Unknown
Warren	Unknown
Washington	0
Wayne	0
White	0
Whiteside	0
Will	14
Williamson	0
Winnebago	0
Woodford	Unknown
Total individuals	77

Note. The data sources were State's Attorney's Offices. SFY = State Fiscal Year. Unknown indicates no data reported by the State's Attorney's Office by October 1, 2025.

Any State's Attorney's Office that files lewd sexual display charges against an individual is required to provide demographic and case disposition information (Table 4). In SFY25, all charged individuals were male, most were Black, and most were between 20 and 39 years old. A majority of case dispositions were *stricken off with leave to reinstate*, meaning that criminal charges were temporarily dismissed, but the state retained the right to reinstate them at a later time. Only one person was convicted of the offense, a notably small proportion of those charged.

Table 4

Demographics and Case Dispositions of Individuals Charged with Lewd Sexual Display in a Penal Institution, SFY25

Characteristic	Number
Gender	
Male	77
Female	0
Race/Ethnicity	
Black	72
Hispanic/Latinx	4
White	1
Age	
18 – 19	4
20 - 29	48
30 – 39	17
40 – 49	7
50 - 59	1
Case disposition	
Stricken off with leave to reinstate	51
Case in progress	27
Outstanding warrant	10
Pre-trial	2
Nolle prosequi	2
Conditional discharge	1
Conviction	1
Plea/trial setting	1
Dismissed	1
Guilty/bench trial	1
Plead to a lesser charge	1
Total case dispositions	98

Note. The data source was State's Attorney's Offices. SFY = State Fiscal Year. Individuals can be charged more than once. Nolle prosequi is the prosecutor's decision to dismiss criminal charges without prosecuting the case.

CONCLUSION

As of January 1, 2024, Illinois legislation established the criminal offense of lewd sexual display in a penal institution (720 ILCS 5/11-9.2-1). In addition, the legislation requires annual reporting to ICJIA by IDOC, jails, and the State's Attorney's Offices on those referred and charged with the offense. ICJIA is mandated to compile an annual report on the data. In SFY25, IDOC reported to ICJIA that they referred 49 individuals to State's Attorney's Offices for the offense, and sheriff's offices reported 136 cases. Of the 89 State's Attorney's Offices reporting to ICJIA, two offices reported filing 98 charges against 77 individuals. During that time, a majority of charges were *stricken off leave to reinstate*, and just one person was convicted by a State's Attorney's Office. For referred and charged individuals, all were males, and a majority were Black. There were data limitations, but since the legislation is relatively new, it is anticipated that reporting will increase and become more accurate in subsequent years. ICJIA is required to report this information through January 1, 2028.