



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4318

by Rep. Michael D. Unes

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3

720 ILCS 5/11-9.4-2 new

730 ILCS 5/5-4-3

730 ILCS 5/5-8A-6

from Ch. 38, par. 1005-4-3

Amends the Criminal Code of 2012. Provides that it is unlawful for a sex offender to knowingly reside within one mile (rather than 500 feet) of the victim of the sex offense regardless of the age of the victim at the time of the offense (currently, the prohibition only applies to child sex offenders and does not apply when the victim attains 21 years of age). Provides that nothing in this provision prohibits a sex offender from residing within one mile (rather than 500 feet) of the victim if the property in which the sex offender resides is owned by the sex offender and was purchased before the effective date of the bill, unless otherwise prohibited by law before the effective date of the bill. Provides that for the purposes of this provision, "sex offender" includes a "child sex offender". Provides that a violation is a Class 4 felony. Amends the Unified Code of Corrections to make conforming changes.

LRB100 16180 RLC 31301 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 Criminal Code of 2012 is amended by changing
5 Section 11-9.3 and by adding Section 11-9.4-2 as follows:

6 (720 ILCS 5/11-9.3)

7 Sec. 11-9.3. Presence within school zone by child sex
8 offenders prohibited; approaching, contacting, residing with,
9 or communicating with a child within certain places by child
10 sex offenders prohibited.

11 (a) It is unlawful for a child sex offender to knowingly be
12 present in any school building, on real property comprising any
13 school, or in any conveyance owned, leased, or contracted by a
14 school to transport students to or from school or a school
15 related activity when persons under the age of 18 are present
16 in the building, on the grounds or in the conveyance, unless
17 the offender is a parent or guardian of a student attending the
18 school and the parent or guardian is: (i) attending a
19 conference at the school with school personnel to discuss the
20 progress of his or her child academically or socially, (ii)
21 participating in child review conferences in which evaluation
22 and placement decisions may be made with respect to his or her
23 child regarding special education services, or (iii) attending

1 conferences to discuss other student issues concerning his or
2 her child such as retention and promotion and notifies the
3 principal of the school of his or her presence at the school or
4 unless the offender has permission to be present from the
5 superintendent or the school board or in the case of a private
6 school from the principal. In the case of a public school, if
7 permission is granted, the superintendent or school board
8 president must inform the principal of the school where the sex
9 offender will be present. Notification includes the nature of
10 the sex offender's visit and the hours in which the sex
11 offender will be present in the school. The sex offender is
12 responsible for notifying the principal's office when he or she
13 arrives on school property and when he or she departs from
14 school property. If the sex offender is to be present in the
15 vicinity of children, the sex offender has the duty to remain
16 under the direct supervision of a school official.

17 (a-5) It is unlawful for a child sex offender to knowingly
18 be present within 100 feet of a site posted as a pick-up or
19 discharge stop for a conveyance owned, leased, or contracted by
20 a school to transport students to or from school or a school
21 related activity when one or more persons under the age of 18
22 are present at the site.

23 (a-10) It is unlawful for a child sex offender to knowingly
24 be present in any public park building, a playground or
25 recreation area within any publicly accessible privately owned
26 building, or on real property comprising any public park when

1 persons under the age of 18 are present in the building or on
2 the grounds and to approach, contact, or communicate with a
3 child under 18 years of age, unless the offender is a parent or
4 guardian of a person under 18 years of age present in the
5 building or on the grounds.

6 (b) It is unlawful for a child sex offender to knowingly
7 loiter within 500 feet of a school building or real property
8 comprising any school while persons under the age of 18 are
9 present in the building or on the grounds, unless the offender
10 is a parent or guardian of a student attending the school and
11 the parent or guardian is: (i) attending a conference at the
12 school with school personnel to discuss the progress of his or
13 her child academically or socially, (ii) participating in child
14 review conferences in which evaluation and placement decisions
15 may be made with respect to his or her child regarding special
16 education services, or (iii) attending conferences to discuss
17 other student issues concerning his or her child such as
18 retention and promotion and notifies the principal of the
19 school of his or her presence at the school or has permission
20 to be present from the superintendent or the school board or in
21 the case of a private school from the principal. In the case of
22 a public school, if permission is granted, the superintendent
23 or school board president must inform the principal of the
24 school where the sex offender will be present. Notification
25 includes the nature of the sex offender's visit and the hours
26 in which the sex offender will be present in the school. The

1 sex offender is responsible for notifying the principal's
2 office when he or she arrives on school property and when he or
3 she departs from school property. If the sex offender is to be
4 present in the vicinity of children, the sex offender has the
5 duty to remain under the direct supervision of a school
6 official.

7 (b-2) It is unlawful for a child sex offender to knowingly
8 loiter on a public way within 500 feet of a public park
9 building or real property comprising any public park while
10 persons under the age of 18 are present in the building or on
11 the grounds and to approach, contact, or communicate with a
12 child under 18 years of age, unless the offender is a parent or
13 guardian of a person under 18 years of age present in the
14 building or on the grounds.

15 (b-5) It is unlawful for a child sex offender to knowingly
16 reside within 500 feet of a school building or the real
17 property comprising any school that persons under the age of 18
18 attend. Nothing in this subsection (b-5) prohibits a child sex
19 offender from residing within 500 feet of a school building or
20 the real property comprising any school that persons under 18
21 attend if the property is owned by the child sex offender and
22 was purchased before July 7, 2000 (the effective date of Public
23 Act 91-911).

24 (b-10) It is unlawful for a child sex offender to knowingly
25 reside within 500 feet of a playground, child care institution,
26 day care center, part day child care facility, day care home,

1 group day care home, or a facility providing programs or
2 services exclusively directed toward persons under 18 years of
3 age. Nothing in this subsection (b-10) prohibits a child sex
4 offender from residing within 500 feet of a playground or a
5 facility providing programs or services exclusively directed
6 toward persons under 18 years of age if the property is owned
7 by the child sex offender and was purchased before July 7,
8 2000. Nothing in this subsection (b-10) prohibits a child sex
9 offender from residing within 500 feet of a child care
10 institution, day care center, or part day child care facility
11 if the property is owned by the child sex offender and was
12 purchased before June 26, 2006. Nothing in this subsection
13 (b-10) prohibits a child sex offender from residing within 500
14 feet of a day care home or group day care home if the property
15 is owned by the child sex offender and was purchased before
16 August 14, 2008 (the effective date of Public Act 95-821).

17 (b-15) (Blank). ~~It is unlawful for a child sex offender to~~
18 ~~knowingly reside within 500 feet of the victim of the sex~~
19 ~~offense. Nothing in this subsection (b 15) prohibits a child~~
20 ~~sex offender from residing within 500 feet of the victim if the~~
21 ~~property in which the child sex offender resides is owned by~~
22 ~~the child sex offender and was purchased before August 22,~~
23 ~~2002.~~

24 ~~This subsection (b 15) does not apply if the victim of the~~
25 ~~sex offense is 21 years of age or older.~~

26 (b-20) It is unlawful for a child sex offender to knowingly

1 communicate, other than for a lawful purpose under Illinois
2 law, using the Internet or any other digital media, with a
3 person under 18 years of age or with a person whom he or she
4 believes to be a person under 18 years of age, unless the
5 offender is a parent or guardian of the person under 18 years
6 of age.

7 (c) It is unlawful for a child sex offender to knowingly
8 operate, manage, be employed by, volunteer at, be associated
9 with, or knowingly be present at any: (i) facility providing
10 programs or services exclusively directed toward persons under
11 the age of 18; (ii) day care center; (iii) part day child care
12 facility; (iv) child care institution; (v) school providing
13 before and after school programs for children under 18 years of
14 age; (vi) day care home; or (vii) group day care home. This
15 does not prohibit a child sex offender from owning the real
16 property upon which the programs or services are offered or
17 upon which the day care center, part day child care facility,
18 child care institution, or school providing before and after
19 school programs for children under 18 years of age is located,
20 provided the child sex offender refrains from being present on
21 the premises for the hours during which: (1) the programs or
22 services are being offered or (2) the day care center, part day
23 child care facility, child care institution, or school
24 providing before and after school programs for children under
25 18 years of age, day care home, or group day care home is
26 operated.

1 (c-2) It is unlawful for a child sex offender to
2 participate in a holiday event involving children under 18
3 years of age, including but not limited to distributing candy
4 or other items to children on Halloween, wearing a Santa Claus
5 costume on or preceding Christmas, being employed as a
6 department store Santa Claus, or wearing an Easter Bunny
7 costume on or preceding Easter. For the purposes of this
8 subsection, child sex offender has the meaning as defined in
9 this Section, but does not include as a sex offense under
10 paragraph (2) of subsection (d) of this Section, the offense
11 under subsection (c) of Section 11-1.50 of this Code. This
12 subsection does not apply to a child sex offender who is a
13 parent or guardian of children under 18 years of age that are
14 present in the home and other non-familial minors are not
15 present.

16 (c-5) It is unlawful for a child sex offender to knowingly
17 operate, manage, be employed by, or be associated with any
18 county fair when persons under the age of 18 are present.

19 (c-6) It is unlawful for a child sex offender who owns and
20 resides at residential real estate to knowingly rent any
21 residential unit within the same building in which he or she
22 resides to a person who is the parent or guardian of a child or
23 children under 18 years of age. This subsection shall apply
24 only to leases or other rental arrangements entered into after
25 January 1, 2009 (the effective date of Public Act 95-820).

26 (c-7) It is unlawful for a child sex offender to knowingly

1 offer or provide any programs or services to persons under 18
2 years of age in his or her residence or the residence of
3 another or in any facility for the purpose of offering or
4 providing such programs or services, whether such programs or
5 services are offered or provided by contract, agreement,
6 arrangement, or on a volunteer basis.

7 (c-8) It is unlawful for a child sex offender to knowingly
8 operate, whether authorized to do so or not, any of the
9 following vehicles: (1) a vehicle which is specifically
10 designed, constructed or modified and equipped to be used for
11 the retail sale of food or beverages, including but not limited
12 to an ice cream truck; (2) an authorized emergency vehicle; or
13 (3) a rescue vehicle.

14 (d) Definitions. In this Section:

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

16 (i) has been charged under Illinois law, or any
17 substantially similar federal law or law of another
18 state, with a sex offense set forth in paragraph (2) of
19 this subsection (d) or the attempt to commit an
20 included sex offense, and the victim is a person under
21 18 years of age at the time of the offense; and:

22 (A) is convicted of such offense or an attempt
23 to commit such offense; or

24 (B) is found not guilty by reason of insanity
25 of such offense or an attempt to commit such
26 offense; or

1 (C) is found not guilty by reason of insanity
2 pursuant to subsection (c) of Section 104-25 of the
3 Code of Criminal Procedure of 1963 of such offense
4 or an attempt to commit such offense; or

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

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

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

25 (ii) is certified as a sexually dangerous person
26 pursuant to the Illinois Sexually Dangerous Persons

1 Act, or any substantially similar federal law or the
2 law of another state, when any conduct giving rise to
3 such certification is committed or attempted against a
4 person less than 18 years of age; or

5 (iii) is subject to the provisions of Section 2 of
6 the Interstate Agreements on Sexually Dangerous
7 Persons Act.

8 Convictions that result from or are connected with the
9 same act, or result from offenses committed at the same
10 time, shall be counted for the purpose of this Section as
11 one conviction. Any conviction set aside pursuant to law is
12 not a conviction for purposes of this Section.

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

15 (i) A violation of any of the following Sections of
16 the Criminal Code of 1961 or the Criminal Code of 2012:
17 10-4 (forcible detention), 10-7 (aiding or abetting
18 child abduction under Section 10-5(b)(10)),
19 10-5(b)(10) (child luring), 11-1.40 (predatory
20 criminal sexual assault of a child), 11-6 (indecent
21 solicitation of a child), 11-6.5 (indecent
22 solicitation of an adult), 11-9.1 (sexual exploitation
23 of a child), 11-9.2 (custodial sexual misconduct),
24 11-9.5 (sexual misconduct with a person with a
25 disability), 11-11 (sexual relations within families),
26 11-14.3(a)(1) (promoting prostitution by advancing

1 prostitution), 11-14.3(a)(2)(A) (promoting
2 prostitution by profiting from prostitution by
3 compelling a person to be a prostitute),
4 11-14.3(a)(2)(C) (promoting prostitution by profiting
5 from prostitution by means other than as described in
6 subparagraphs (A) and (B) of paragraph (2) of
7 subsection (a) of Section 11-14.3), 11-14.4 (promoting
8 juvenile prostitution), 11-18.1 (patronizing a
9 juvenile prostitute), 11-20.1 (child pornography),
10 11-20.1B (aggravated child pornography), 11-21
11 (harmful material), 11-25 (grooming), 11-26 (traveling
12 to meet a minor or traveling to meet a child), 12-33
13 (ritualized abuse of a child), 11-20 (obscenity) (when
14 that offense was committed in any school, on real
15 property comprising any school, in any conveyance
16 owned, leased, or contracted by a school to transport
17 students to or from school or a school related
18 activity, or in a public park), 11-30 (public
19 indecency) (when committed in a school, on real
20 property comprising a school, in any conveyance owned,
21 leased, or contracted by a school to transport students
22 to or from school or a school related activity, or in a
23 public park). An attempt to commit any of these
24 offenses.

25 (ii) A violation of any of the following Sections
26 of the Criminal Code of 1961 or the Criminal Code of

1 2012, when the victim is a person under 18 years of
2 age: 11-1.20 (criminal sexual assault), 11-1.30
3 (aggravated criminal sexual assault), 11-1.50
4 (criminal sexual abuse), 11-1.60 (aggravated criminal
5 sexual abuse). An attempt to commit any of these
6 offenses.

7 (iii) A violation of any of the following Sections
8 of the Criminal Code of 1961 or the Criminal Code of
9 2012, when the victim is a person under 18 years of age
10 and the defendant is not a parent of the victim:

11 10-1 (kidnapping),

12 10-2 (aggravated kidnapping),

13 10-3 (unlawful restraint),

14 10-3.1 (aggravated unlawful restraint),

15 11-9.1(A) (permitting sexual abuse of a child).

16 An attempt to commit any of these offenses.

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

21 (2.5) For the purposes of subsections (b-5) and (b-10)
22 only, a sex offense means:

23 (i) A violation of any of the following Sections of
24 the Criminal Code of 1961 or the Criminal Code of 2012:

25 10-5(b)(10) (child luring), 10-7 (aiding or
26 abetting child abduction under Section 10-5(b)(10)),

1 11-1.40 (predatory criminal sexual assault of a
2 child), 11-6 (indecent solicitation of a child),
3 11-6.5 (indecent solicitation of an adult), 11-9.2
4 (custodial sexual misconduct), 11-9.5 (sexual
5 misconduct with a person with a disability), 11-11
6 (sexual relations within families), 11-14.3(a)(1)
7 (promoting prostitution by advancing prostitution),
8 11-14.3(a)(2)(A) (promoting prostitution by profiting
9 from prostitution by compelling a person to be a
10 prostitute), 11-14.3(a)(2)(C) (promoting prostitution
11 by profiting from prostitution by means other than as
12 described in subparagraphs (A) and (B) of paragraph (2)
13 of subsection (a) of Section 11-14.3), 11-14.4
14 (promoting juvenile prostitution), 11-18.1
15 (patronizing a juvenile prostitute), 11-20.1 (child
16 pornography), 11-20.1B (aggravated child pornography),
17 11-25 (grooming), 11-26 (traveling to meet a minor or
18 traveling to meet a child), or 12-33 (ritualized abuse
19 of a child). An attempt to commit any of these
20 offenses.

21 (ii) A violation of any of the following Sections
22 of the Criminal Code of 1961 or the Criminal Code of
23 2012, when the victim is a person under 18 years of
24 age: 11-1.20 (criminal sexual assault), 11-1.30
25 (aggravated criminal sexual assault), 11-1.60
26 (aggravated criminal sexual abuse), and subsection (a)

1 of Section 11-1.50 (criminal sexual abuse). An attempt
2 to commit any of these offenses.

3 (iii) A violation of any of the following Sections
4 of the Criminal Code of 1961 or the Criminal Code of
5 2012, when the victim is a person under 18 years of age
6 and the defendant is not a parent of the victim:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint),

11 11-9.1(A) (permitting sexual abuse of a child).

12 An attempt to commit any of these offenses.

13 (iv) A violation of any former law of this State
14 substantially equivalent to any offense listed in this
15 paragraph (2.5) of this subsection.

16 (3) A conviction for an offense of federal law or the
17 law of another state that is substantially equivalent to
18 any offense listed in paragraph (2) of subsection (d) of
19 this Section shall constitute a conviction for the purpose
20 of this Section. A finding or adjudication as a sexually
21 dangerous person under any federal law or law of another
22 state that is substantially equivalent to the Sexually
23 Dangerous Persons Act shall constitute an adjudication for
24 the purposes of this Section.

25 (4) "Authorized emergency vehicle", "rescue vehicle",
26 and "vehicle" have the meanings ascribed to them in

1 Sections 1-105, 1-171.8 and 1-217, respectively, of the
2 Illinois Vehicle Code.

3 (5) "Child care institution" has the meaning ascribed
4 to it in Section 2.06 of the Child Care Act of 1969.

5 (6) "Day care center" has the meaning ascribed to it in
6 Section 2.09 of the Child Care Act of 1969.

7 (7) "Day care home" has the meaning ascribed to it in
8 Section 2.18 of the Child Care Act of 1969.

9 (8) "Facility providing programs or services directed
10 towards persons under the age of 18" means any facility
11 providing programs or services exclusively directed
12 towards persons under the age of 18.

13 (9) "Group day care home" has the meaning ascribed to
14 it in Section 2.20 of the Child Care Act of 1969.

15 (10) "Internet" has the meaning set forth in Section
16 16-0.1 of this Code.

17 (11) "Loiter" means:

18 (i) Standing, sitting idly, whether or not the
19 person is in a vehicle, or remaining in or around
20 school or public park property.

21 (ii) Standing, sitting idly, whether or not the
22 person is in a vehicle, or remaining in or around
23 school or public park property, for the purpose of
24 committing or attempting to commit a sex offense.

25 (iii) Entering or remaining in a building in or
26 around school property, other than the offender's

1 residence.

2 (12) "Part day child care facility" has the meaning
3 ascribed to it in Section 2.10 of the Child Care Act of
4 1969.

5 (13) "Playground" means a piece of land owned or
6 controlled by a unit of local government that is designated
7 by the unit of local government for use solely or primarily
8 for children's recreation.

9 (14) "Public park" includes a park, forest preserve,
10 bikeway, trail, or conservation area under the
11 jurisdiction of the State or a unit of local government.

12 (15) "School" means a public or private preschool or
13 elementary or secondary school.

14 (16) "School official" means the principal, a teacher,
15 or any other certified employee of the school, the
16 superintendent of schools or a member of the school board.

17 (e) For the purposes of this Section, the 500 feet distance
18 shall be measured from: (1) the edge of the property of the
19 school building or the real property comprising the school that
20 is closest to the edge of the property of the child sex
21 offender's residence or where he or she is loitering, and (2)
22 the edge of the property comprising the public park building or
23 the real property comprising the public park, playground, child
24 care institution, day care center, part day child care
25 facility, or facility providing programs or services
26 exclusively directed toward persons under 18 years of age, or a

1 victim of the sex offense who is under 21 years of age, to the
2 edge of the child sex offender's place of residence or place
3 where he or she is loitering.

4 (f) Sentence. A person who violates this Section is guilty
5 of a Class 4 felony.

6 (Source: P.A. 100-428, eff. 1-1-18.)

7 (720 ILCS 5/11-9.4-2 new)

8 Sec. 11-9.4-2. Sex offender prohibited from residing
9 within one mile of victim.

10 (a) A sex offender, as defined in Section 2 of the Sex
11 Offender Registration Act, may not knowingly reside within one
12 mile of the victim of the sex offense regardless of the age of
13 the victim at the time of the offense. Nothing in this Section
14 prohibits a sex offender from residing within one mile of the
15 victim if the property in which the sex offender resides is
16 owned by the sex offender and was purchased before the
17 effective date of this amendatory Act of the 100th General
18 Assembly, unless otherwise prohibited by law before the
19 effective date of this amendatory Act. For the purposes of this
20 Section, "sex offender" includes a "child sex offender" as
21 defined in Section 11-9.3 of this Code.

22 (b) Sentence. A violation of this Section is a Class 4
23 felony.

24 Section 10. The Unified Code of Corrections is amended by

1 changing Sections 5-4-3 and 5-8A-6 as follows:

2 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

3 Sec. 5-4-3. Specimens; genetic marker groups.

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

22 (1) convicted of a qualifying offense or attempt of a
23 qualifying offense on or after July 1, 1990 and sentenced
24 to a term of imprisonment, periodic imprisonment, fine,
25 probation, conditional discharge or any other form of

1 sentence, or given a disposition of court supervision for
2 the offense;

3 (1.5) found guilty or given supervision under the
4 Juvenile Court Act of 1987 for a qualifying offense or
5 attempt of a qualifying offense on or after January 1,
6 1997;

7 (2) ordered institutionalized as a sexually dangerous
8 person on or after July 1, 1990;

9 (3) convicted of a qualifying offense or attempt of a
10 qualifying offense before July 1, 1990 and is presently
11 confined as a result of such conviction in any State
12 correctional facility or county jail or is presently
13 serving a sentence of probation, conditional discharge or
14 periodic imprisonment as a result of such conviction;

15 (3.5) convicted or found guilty of any offense
16 classified as a felony under Illinois law or found guilty
17 or given supervision for such an offense under the Juvenile
18 Court Act of 1987 on or after August 22, 2002;

19 (4) presently institutionalized as a sexually
20 dangerous person or presently institutionalized as a
21 person found guilty but mentally ill of a sexual offense or
22 attempt to commit a sexual offense; or

23 (4.5) ordered committed as a sexually violent person on
24 or after the effective date of the Sexually Violent Persons
25 Commitment Act.

26 (a-1) Any person incarcerated in a facility of the Illinois

1 Department of Corrections or the Illinois Department of
2 Juvenile Justice on or after August 22, 2002, whether for a
3 term of years, natural life, or a sentence of death, who has
4 not yet submitted a specimen of blood, saliva, or tissue shall
5 be required to submit a specimen of blood, saliva, or tissue
6 prior to his or her final discharge, or release on parole,
7 aftercare release, or mandatory supervised release, as a
8 condition of his or her parole, aftercare release, or mandatory
9 supervised release, or within 6 months from August 13, 2009
10 (the effective date of Public Act 96-426), whichever is sooner.
11 A person incarcerated on or after August 13, 2009 (the
12 effective date of Public Act 96-426) shall be required to
13 submit a specimen within 45 days of incarceration, or prior to
14 his or her final discharge, or release on parole, aftercare
15 release, or mandatory supervised release, as a condition of his
16 or her parole, aftercare release, or mandatory supervised
17 release, whichever is sooner. These specimens shall be placed
18 into the State or national DNA database, to be used in
19 accordance with other provisions of this Section, by the
20 Illinois State Police.

21 (a-2) Any person sentenced to life imprisonment in a
22 facility of the Illinois Department of Corrections after the
23 effective date of this amendatory Act of the 94th General
24 Assembly or sentenced to death after the effective date of this
25 amendatory Act of the 94th General Assembly shall be required
26 to provide a specimen of blood, saliva, or tissue within 45

1 days after sentencing or disposition at a collection site
2 designated by the Illinois Department of State Police. Any
3 person serving a sentence of life imprisonment in a facility of
4 the Illinois Department of Corrections on the effective date of
5 this amendatory Act of the 94th General Assembly or any person
6 who is under a sentence of death on the effective date of this
7 amendatory Act of the 94th General Assembly shall be required
8 to provide a specimen of blood, saliva, or tissue upon request
9 at a collection site designated by the Illinois Department of
10 State Police.

11 (a-3) Any person seeking transfer to or residency in
12 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
13 Code, the Interstate Compact for Adult Offender Supervision, or
14 the Interstate Agreements on Sexually Dangerous Persons Act
15 shall be required to provide a specimen of blood, saliva, or
16 tissue within 45 days after transfer to or residency in
17 Illinois at a collection site designated by the Illinois
18 Department of State Police.

19 (a-3.1) Any person required by an order of the court to
20 submit a DNA specimen shall be required to provide a specimen
21 of blood, saliva, or tissue within 45 days after the court
22 order at a collection site designated by the Illinois
23 Department of State Police.

24 (a-3.2) On or after January 1, 2012 (the effective date of
25 Public Act 97-383), any person arrested for any of the
26 following offenses, after an indictment has been returned by a

1 grand jury, or following a hearing pursuant to Section 109-3 of
2 the Code of Criminal Procedure of 1963 and a judge finds there
3 is probable cause to believe the arrestee has committed one of
4 the designated offenses, or an arrestee has waived a
5 preliminary hearing shall be required to provide a specimen of
6 blood, saliva, or tissue within 14 days after such indictment
7 or hearing at a collection site designated by the Illinois
8 Department of State Police:

9 (A) first degree murder;

10 (B) home invasion;

11 (C) predatory criminal sexual assault of a child;

12 (D) aggravated criminal sexual assault; or

13 (E) criminal sexual assault.

14 (a-3.3) Any person required to register as a sex offender
15 under the Sex Offender Registration Act, regardless of the date
16 of conviction as set forth in subsection (c-5.2) shall be
17 required to provide a specimen of blood, saliva, or tissue
18 within the time period prescribed in subsection (c-5.2) at a
19 collection site designated by the Illinois Department of State
20 Police.

21 (a-5) Any person who was otherwise convicted of or received
22 a disposition of court supervision for any other offense under
23 the Criminal Code of 1961 or the Criminal Code of 2012 or who
24 was found guilty or given supervision for such a violation
25 under the Juvenile Court Act of 1987, may, regardless of the
26 sentence imposed, be required by an order of the court to

1 submit specimens of blood, saliva, or tissue to the Illinois
2 Department of State Police in accordance with the provisions of
3 this Section.

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

10 (c) Any person required by paragraphs (a)(3), (a)(4), and
11 (a)(4.5) to provide specimens of blood, saliva, or tissue shall
12 be required to provide such specimens prior to final discharge
13 or within 6 months from August 13, 2009 (the effective date of
14 Public Act 96-426), whichever is sooner. These specimens shall
15 be placed into the State or national DNA database, to be used
16 in accordance with other provisions of this Act, by the
17 Illinois State Police.

18 (c-5) Any person required by paragraph (a-3) to provide
19 specimens of blood, saliva, or tissue shall, where feasible, be
20 required to provide the specimens before being accepted for
21 conditioned residency in Illinois under the interstate compact
22 or agreement, but no later than 45 days after arrival in this
23 State.

24 (c-5.2) Unless it is determined that a registered sex
25 offender has previously submitted a specimen of blood, saliva,
26 or tissue that has been placed into the State DNA database, a

1 person registering as a sex offender shall be required to
2 submit a specimen at the time of his or her initial
3 registration pursuant to the Sex Offender Registration Act or,
4 for a person registered as a sex offender on or prior to
5 January 1, 2012 (the effective date of Public Act 97-383),
6 within one year of January 1, 2012 (the effective date of
7 Public Act 97-383) or at the time of his or her next required
8 registration.

9 (c-6) The Illinois Department of State Police may determine
10 which type of specimen or specimens, blood, saliva, or tissue,
11 is acceptable for submission to the Division of Forensic
12 Services for analysis. The Illinois Department of State Police
13 may require the submission of fingerprints from anyone required
14 to give a specimen under this Act.

15 (d) The Illinois Department of State Police shall provide
16 all equipment and instructions necessary for the collection of
17 blood specimens. The collection of specimens shall be performed
18 in a medically approved manner. Only a physician authorized to
19 practice medicine, a registered nurse or other qualified person
20 trained in venipuncture may withdraw blood for the purposes of
21 this Act. The specimens shall thereafter be forwarded to the
22 Illinois Department of State Police, Division of Forensic
23 Services, for analysis and categorizing into genetic marker
24 groupings.

25 (d-1) The Illinois Department of State Police shall provide
26 all equipment and instructions necessary for the collection of

1 saliva specimens. The collection of saliva specimens shall be
2 performed in a medically approved manner. Only a person trained
3 in the instructions promulgated by the Illinois State Police on
4 collecting saliva may collect saliva for the purposes of this
5 Section. The specimens shall thereafter be forwarded to the
6 Illinois Department of State Police, Division of Forensic
7 Services, for analysis and categorizing into genetic marker
8 groupings.

9 (d-2) The Illinois Department of State Police shall provide
10 all equipment and instructions necessary for the collection of
11 tissue specimens. The collection of tissue specimens shall be
12 performed in a medically approved manner. Only a person trained
13 in the instructions promulgated by the Illinois State Police on
14 collecting tissue may collect tissue for the purposes of this
15 Section. The specimens shall thereafter be forwarded to the
16 Illinois Department of State Police, Division of Forensic
17 Services, for analysis and categorizing into genetic marker
18 groupings.

19 (d-5) To the extent that funds are available, the Illinois
20 Department of State Police shall contract with qualified
21 personnel and certified laboratories for the collection,
22 analysis, and categorization of known specimens, except as
23 provided in subsection (n) of this Section.

24 (d-6) Agencies designated by the Illinois Department of
25 State Police and the Illinois Department of State Police may
26 contract with third parties to provide for the collection or

1 analysis of DNA, or both, of an offender's blood, saliva, and
2 tissue specimens, except as provided in subsection (n) of this
3 Section.

4 (e) The genetic marker groupings shall be maintained by the
5 Illinois Department of State Police, Division of Forensic
6 Services.

7 (f) The genetic marker grouping analysis information
8 obtained pursuant to this Act shall be confidential and shall
9 be released only to peace officers of the United States, of
10 other states or territories, of the insular possessions of the
11 United States, of foreign countries duly authorized to receive
12 the same, to all peace officers of the State of Illinois and to
13 all prosecutorial agencies, and to defense counsel as provided
14 by Section 116-5 of the Code of Criminal Procedure of 1963. The
15 genetic marker grouping analysis information obtained pursuant
16 to this Act shall be used only for (i) valid law enforcement
17 identification purposes and as required by the Federal Bureau
18 of Investigation for participation in the National DNA
19 database, (ii) technology validation purposes, (iii) a
20 population statistics database, (iv) quality assurance
21 purposes if personally identifying information is removed, (v)
22 assisting in the defense of the criminally accused pursuant to
23 Section 116-5 of the Code of Criminal Procedure of 1963, or
24 (vi) identifying and assisting in the prosecution of a person
25 who is suspected of committing a sexual assault as defined in
26 Section 1a of the Sexual Assault Survivors Emergency Treatment

1 Act. Notwithstanding any other statutory provision to the
2 contrary, all information obtained under this Section shall be
3 maintained in a single State data base, which may be uploaded
4 into a national database, and which information may be subject
5 to expungement only as set forth in subsection (f-1).

6 (f-1) Upon receipt of notification of a reversal of a
7 conviction based on actual innocence, or of the granting of a
8 pardon pursuant to Section 12 of Article V of the Illinois
9 Constitution, if that pardon document specifically states that
10 the reason for the pardon is the actual innocence of an
11 individual whose DNA record has been stored in the State or
12 national DNA identification index in accordance with this
13 Section by the Illinois Department of State Police, the DNA
14 record shall be expunged from the DNA identification index, and
15 the Department shall by rule prescribe procedures to ensure
16 that the record and any specimens, analyses, or other documents
17 relating to such record, whether in the possession of the
18 Department or any law enforcement or police agency, or any
19 forensic DNA laboratory, including any duplicates or copies
20 thereof, are destroyed and a letter is sent to the court
21 verifying the expungement is completed. For specimens required
22 to be collected prior to conviction, unless the individual has
23 other charges or convictions that require submission of a
24 specimen, the DNA record for an individual shall be expunged
25 from the DNA identification databases and the specimen
26 destroyed upon receipt of a certified copy of a final court

1 order for each charge against an individual in which the charge
2 has been dismissed, resulted in acquittal, or that the charge
3 was not filed within the applicable time period. The Department
4 shall by rule prescribe procedures to ensure that the record
5 and any specimens in the possession or control of the
6 Department are destroyed and a letter is sent to the court
7 verifying the expungement is completed.

8 (f-5) Any person who intentionally uses genetic marker
9 grouping analysis information, or any other information
10 derived from a DNA specimen, beyond the authorized uses as
11 provided under this Section, or any other Illinois law, is
12 guilty of a Class 4 felony, and shall be subject to a fine of
13 not less than \$5,000.

14 (f-6) The Illinois Department of State Police may contract
15 with third parties for the purposes of implementing this
16 amendatory Act of the 93rd General Assembly, except as provided
17 in subsection (n) of this Section. Any other party contracting
18 to carry out the functions of this Section shall be subject to
19 the same restrictions and requirements of this Section insofar
20 as applicable, as the Illinois Department of State Police, and
21 to any additional restrictions imposed by the Illinois
22 Department of State Police.

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

25 (1) any violation or inchoate violation of Section
26 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or

1 12-16 of the Criminal Code of 1961 or the Criminal Code of
2 2012;

3 (1.1) any violation or inchoate violation of Section
4 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
5 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
6 1961 or the Criminal Code of 2012 for which persons are
7 convicted on or after July 1, 2001;

8 (2) any former statute of this State which defined a
9 felony sexual offense;

10 (3) (blank);

11 (4) any inchoate violation of Section 9-3.1, 9-3.4,
12 11-9.3, 11-9.4-2, 12-7.3, or 12-7.4 of the Criminal Code of
13 1961 or the Criminal Code of 2012; or

14 (5) any violation or inchoate violation of Article 29D
15 of the Criminal Code of 1961 or the Criminal Code of 2012.

16 (g-5) (Blank).

17 (h) The Illinois Department of State Police shall be the
18 State central repository for all genetic marker grouping
19 analysis information obtained pursuant to this Act. The
20 Illinois Department of State Police may promulgate rules for
21 the form and manner of the collection of blood, saliva, or
22 tissue specimens and other procedures for the operation of this
23 Act. The provisions of the Administrative Review Law shall
24 apply to all actions taken under the rules so promulgated.

25 (i) (1) A person required to provide a blood, saliva, or
26 tissue specimen shall cooperate with the collection of the

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

4 (2) In the event that a person's DNA specimen is not
5 adequate for any reason, the person shall provide another
6 DNA specimen for analysis. Duly authorized law enforcement
7 and corrections personnel may employ reasonable force in
8 cases in which an individual refuses to provide a DNA
9 specimen required under this Act.

10 (j) Any person required by subsection (a), or any person
11 who was previously required by subsection (a-3.2), to submit
12 specimens of blood, saliva, or tissue to the Illinois
13 Department of State Police for analysis and categorization into
14 genetic marker grouping, in addition to any other disposition,
15 penalty, or fine imposed, shall pay an analysis fee of \$250. If
16 the analysis fee is not paid at the time of sentencing, the
17 court shall establish a fee schedule by which the entire amount
18 of the analysis fee shall be paid in full, such schedule not to
19 exceed 24 months from the time of conviction. The inability to
20 pay this analysis fee shall not be the sole ground to
21 incarcerate the person.

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

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

26 (2) All fees shall be collected by the clerk of the

1 court and forwarded to the State Offender DNA
2 Identification System Fund for deposit. The clerk of the
3 circuit court may retain the amount of \$10 from each
4 collected analysis fee to offset administrative costs
5 incurred in carrying out the clerk's responsibilities
6 under this Section.

7 (3) Fees deposited into the State Offender DNA
8 Identification System Fund shall be used by Illinois State
9 Police crime laboratories as designated by the Director of
10 State Police. These funds shall be in addition to any
11 allocations made pursuant to existing laws and shall be
12 designated for the exclusive use of State crime
13 laboratories. These uses may include, but are not limited
14 to, the following:

15 (A) Costs incurred in providing analysis and
16 genetic marker categorization as required by
17 subsection (d).

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

20 (C) Costs incurred in the purchase and maintenance
21 of equipment for use in performing analyses.

22 (D) Costs incurred in continuing research and
23 development of new techniques for analysis and genetic
24 marker categorization.

25 (E) Costs incurred in continuing education,
26 training, and professional development of forensic

1 scientists regularly employed by these laboratories.

2 (1) The failure of a person to provide a specimen, or of
3 any person or agency to collect a specimen, shall in no way
4 alter the obligation of the person to submit such specimen, or
5 the authority of the Illinois Department of State Police or
6 persons designated by the Department to collect the specimen,
7 or the authority of the Illinois Department of State Police to
8 accept, analyze and maintain the specimen or to maintain or
9 upload results of genetic marker grouping analysis information
10 into a State or national database.

11 (m) If any provision of this amendatory Act of the 93rd
12 General Assembly is held unconstitutional or otherwise
13 invalid, the remainder of this amendatory Act of the 93rd
14 General Assembly is not affected.

15 (n) Neither the Department of State Police, the Division of
16 Forensic Services, nor any laboratory of the Division of
17 Forensic Services may contract out forensic testing for the
18 purpose of an active investigation or a matter pending before a
19 court of competent jurisdiction without the written consent of
20 the prosecuting agency. For the purposes of this subsection
21 (n), "forensic testing" includes the analysis of physical
22 evidence in an investigation or other proceeding for the
23 prosecution of a violation of the Criminal Code of 1961 or the
24 Criminal Code of 2012 or for matters adjudicated under the
25 Juvenile Court Act of 1987, and includes the use of forensic
26 databases and databanks, including DNA, firearm, and

1 fingerprint databases, and expert testimony.

2 (o) Mistake does not invalidate a database match. The
3 detention, arrest, or conviction of a person based upon a
4 database match or database information is not invalidated if it
5 is determined that the specimen was obtained or placed in the
6 database by mistake.

7 (p) This Section may be referred to as the Illinois DNA
8 Database Law of 2011.

9 (Source: P.A. 97-383, eff. 1-1-12; 97-1109, eff. 1-1-13;
10 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

11 (730 ILCS 5/5-8A-6)

12 Sec. 5-8A-6. Electronic monitoring of certain sex
13 offenders. For a sexual predator subject to electronic
14 monitoring under paragraph (7.7) of subsection (a) of Section
15 3-3-7, the Department of Corrections must use a system that
16 actively monitors and identifies the offender's current
17 location and timely reports or records the offender's presence
18 and that alerts the Department of the offender's presence
19 within a prohibited area described in Section 11-9.3 or
20 11-9.4-2 of the Criminal Code of 2012, in a court order, or as
21 a condition of the offender's parole, mandatory supervised
22 release, or extended mandatory supervised release and the
23 offender's departure from specified geographic limitations. To
24 the extent that he or she is able to do so, which the
25 Department of Corrections by rule shall determine, the offender

1 must pay for the cost of the electronic monitoring.

2 (Source: P.A. 99-797, eff. 8-12-16; 100-431, eff. 8-25-17.)

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.