



Rep. Mark Batinick

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LRB101 07430 SLF 57106 a

1 AMENDMENT TO HOUSE BILL 886

2 AMENDMENT NO. _____. Amend House Bill 886 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Sex Offender Registration Act is amended by
5 changing Section 2 as follows:

6 (730 ILCS 150/2) (from Ch. 38, par. 222)

7 Sec. 2. Definitions.

8 (A) As used in this Article, "sex offender" means any
9 person who is:

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

15 (a) is convicted of such offense or an attempt to
16 commit such offense; or

1 (b) is found not guilty by reason of insanity of
2 such offense or an attempt to commit such offense; or

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

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

12 (e) is found not guilty by reason of insanity
13 following a hearing conducted pursuant to a federal,
14 Uniform Code of Military Justice, sister state, or
15 foreign country law substantially similar to Section
16 104-25(c) of the Code of Criminal Procedure of 1963 of
17 such offense or of the attempted commission of such
18 offense; or

19 (f) is the subject of a finding not resulting in an
20 acquittal at a hearing conducted pursuant to a federal,
21 Uniform Code of Military Justice, sister state, or
22 foreign country law substantially similar to Section
23 104-25(a) of the Code of Criminal Procedure of 1963 for
24 the alleged violation or attempted commission of such
25 offense; or

26 (2) declared as a sexually dangerous person pursuant to

1 the Illinois Sexually Dangerous Persons Act, or any
2 substantially similar federal, Uniform Code of Military
3 Justice, sister state, or foreign country law; or

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

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

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

24 (6) convicted of a battery if: (1) the State's
25 Attorney's office filed a notice contemporaneous with or
26 included in the summons, complaint, or other document

1 charging the battery to seek sex offender registration
2 under this paragraph (6) as a sexually motivated battery;
3 (2) the complaining witness is under 17 years of age; (3)
4 the offender is 21 years of age or older; and (4) the court
5 finds that the battery was "sexually motivated" as defined
6 in subsection (e) of Section 10 of the Sex Offender
7 Management Board Act.

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

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

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

16 (1) A violation of any of the following Sections of the
17 Criminal Code of 1961 or the Criminal Code of 2012:

18 11-20.1 (child pornography),

19 11-20.1B or 11-20.3 (aggravated child
20 pornography),

21 11-6 (indecent solicitation of a child),

22 11-9.1 (sexual exploitation of a child),

23 11-9.2 (custodial sexual misconduct),

24 11-9.5 (sexual misconduct with a person with a
25 disability),

26 11-14.4 (promoting juvenile prostitution),

1 11-15.1 (soliciting for a juvenile prostitute),
2 11-18.1 (patronizing a juvenile prostitute),
3 11-17.1 (keeping a place of juvenile
4 prostitution),
5 11-19.1 (juvenile pimping),
6 11-19.2 (exploitation of a child),
7 11-25 (grooming),
8 11-26 (traveling to meet a minor or traveling to
9 meet a child),
10 11-1.20 or 12-13 (criminal sexual assault),
11 11-1.30 or 12-14 (aggravated criminal sexual
12 assault),
13 11-1.40 or 12-14.1 (predatory criminal sexual
14 assault of a child),
15 11-1.50 or 12-15 (criminal sexual abuse),
16 11-1.60 or 12-16 (aggravated criminal sexual
17 abuse),
18 12-33 (ritualized abuse of a child).

19 An attempt to commit any of these offenses.

20 (1.5) A violation of any of the following Sections of
21 the Criminal Code of 1961 or the Criminal Code of 2012,
22 when the victim is a person under 18 years of age, the
23 defendant is not a parent of the victim, the offense was
24 sexually motivated as defined in Section 10 of the Sex
25 Offender Evaluation and Treatment Act, and the offense was
26 committed on or after January 1, 1996:

1 10-1 (kidnapping),
2 10-2 (aggravated kidnapping),
3 10-3 (unlawful restraint),
4 10-3.1 (aggravated unlawful restraint).

5 If the offense was committed before January 1, 1996, it
6 is a sex offense requiring registration only when the
7 person is convicted of any felony after July 1, 2011, and
8 paragraph (2.1) of subsection (c) of Section 3 of this Act
9 applies.

10 (1.6) First degree murder under Section 9-1 of the
11 Criminal Code of 1961 or the Criminal Code of 2012,
12 provided the offense was sexually motivated as defined in
13 Section 10 of the Sex Offender Management Board Act.

14 (1.7) (Blank).

15 (1.8) A violation or attempted violation of Section
16 11-11 (sexual relations within families) of the Criminal
17 Code of 1961 or the Criminal Code of 2012, and the offense
18 was committed on or after June 1, 1997. If the offense was
19 committed before June 1, 1997, it is a sex offense
20 requiring registration only when the person is convicted of
21 any felony after July 1, 2011, and paragraph (2.1) of
22 subsection (c) of Section 3 of this Act applies.

23 (1.9) Child abduction under paragraph (10) of
24 subsection (b) of Section 10-5 of the Criminal Code of 1961
25 or the Criminal Code of 2012 committed by luring or
26 attempting to lure a child under the age of 16 into a motor

1 vehicle, building, house trailer, or dwelling place
2 without the consent of the parent or lawful custodian of
3 the child for other than a lawful purpose and the offense
4 was committed on or after January 1, 1998, provided the
5 offense was sexually motivated as defined in Section 10 of
6 the Sex Offender Management Board Act. If the offense was
7 committed before January 1, 1998, it is a sex offense
8 requiring registration only when the person is convicted of
9 any felony after July 1, 2011, and paragraph (2.1) of
10 subsection (c) of Section 3 of this Act applies.

11 (1.10) A violation or attempted violation of any of the
12 following Sections of the Criminal Code of 1961 or the
13 Criminal Code of 2012 when the offense was committed on or
14 after July 1, 1999:

15 10-4 (forcible detention, if the victim is under 18
16 years of age), provided the offense was sexually
17 motivated as defined in Section 10 of the Sex Offender
18 Management Board Act,

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

20 11-14.3 that involves soliciting for a prostitute,
21 or 11-15 (soliciting for a prostitute, if the victim is
22 under 18 years of age),

23 subdivision (a)(2)(A) or (a)(2)(B) of Section
24 11-14.3, or Section 11-16 (pandering, if the victim is
25 under 18 years of age),

26 11-18 (patronizing a prostitute, if the victim is

1 under 18 years of age),

2 subdivision (a)(2)(C) of Section 11-14.3, or
3 Section 11-19 (pimping, if the victim is under 18 years
4 of age).

5 If the offense was committed before July 1, 1999, it is
6 a sex offense requiring registration only when the person
7 is convicted of any felony after July 1, 2011, and
8 paragraph (2.1) of subsection (c) of Section 3 of this Act
9 applies.

10 (1.11) A violation or attempted violation of any of the
11 following Sections of the Criminal Code of 1961 or the
12 Criminal Code of 2012 when the offense was committed on or
13 after August 22, 2002:

14 11-9 or 11-30 (public indecency for a third or
15 subsequent conviction).

16 If the third or subsequent conviction was imposed
17 before August 22, 2002, it is a sex offense requiring
18 registration only when the person is convicted of any
19 felony after July 1, 2011, and paragraph (2.1) of
20 subsection (c) of Section 3 of this Act applies.

21 (1.12) A violation or attempted violation of Section
22 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
23 Criminal Code of 1961 or the Criminal Code of 2012
24 (permitting sexual abuse) when the offense was committed on
25 or after August 22, 2002. If the offense was committed
26 before August 22, 2002, it is a sex offense requiring

1 registration only when the person is convicted of any
2 felony after July 1, 2011, and paragraph (2.1) of
3 subsection (c) of Section 3 of this Act applies.

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

7 (C) A conviction for an offense of federal law, Uniform
8 Code of Military Justice, or the law of another state or a
9 foreign country that is substantially equivalent to any offense
10 listed in subsections (B), (C), (E), and (E-5) of this Section
11 shall constitute a conviction for the purpose of this Article.
12 A finding or adjudication as a sexually dangerous person or a
13 sexually violent person under any federal law, Uniform Code of
14 Military Justice, or the law of another state or foreign
15 country that is substantially equivalent to the Sexually
16 Dangerous Persons Act or the Sexually Violent Persons
17 Commitment Act shall constitute an adjudication for the
18 purposes of this Article.

19 (C-5) A person at least 17 years of age at the time of the
20 commission of the offense who is convicted of first degree
21 murder under Section 9-1 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, against a person under 18 years of age,
23 shall be required to register for natural life. A conviction
24 for an offense of federal, Uniform Code of Military Justice,
25 sister state, or foreign country law that is substantially
26 equivalent to any offense listed in subsection (C-5) of this

1 Section shall constitute a conviction for the purpose of this
2 Article. This subsection (C-5) applies to a person who
3 committed the offense before June 1, 1996 if: (i) the person is
4 incarcerated in an Illinois Department of Corrections facility
5 on August 20, 2004 (the effective date of Public Act 93-977),
6 or (ii) subparagraph (i) does not apply and the person is
7 convicted of any felony after July 1, 2011, and paragraph (2.1)
8 of subsection (c) of Section 3 of this Act applies.

9 (C-6) A person who is convicted or adjudicated delinquent
10 of first degree murder as defined in Section 9-1 of the
11 Criminal Code of 1961 or the Criminal Code of 2012, against a
12 person 18 years of age or over, shall be required to register
13 for his or her natural life. A conviction for an offense of
14 federal, Uniform Code of Military Justice, sister state, or
15 foreign country law that is substantially equivalent to any
16 offense listed in subsection (C-6) of this Section shall
17 constitute a conviction for the purpose of this Article. This
18 subsection (C-6) does not apply to those individuals released
19 from incarceration more than 10 years prior to January 1, 2012
20 (the effective date of Public Act 97-154).

21 (D) As used in this Article, "law enforcement agency having
22 jurisdiction" means the Chief of Police in each of the
23 municipalities in which the sex offender expects to reside,
24 work, or attend school (1) upon his or her discharge, parole or
25 release or (2) during the service of his or her sentence of
26 probation or conditional discharge, or the Sheriff of the

1 county, in the event no Police Chief exists or if the offender
2 intends to reside, work, or attend school in an unincorporated
3 area. "Law enforcement agency having jurisdiction" includes
4 the location where out-of-state students attend school and
5 where out-of-state employees are employed or are otherwise
6 required to register.

7 (D-1) As used in this Article, "supervising officer" means
8 the assigned Illinois Department of Corrections parole agent or
9 county probation officer.

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

12 (1) Convicted for an offense of federal, Uniform Code
13 of Military Justice, sister state, or foreign country law
14 that is substantially equivalent to any offense listed in
15 subsection (E) or (E-5) of this Section shall constitute a
16 conviction for the purpose of this Article. Convicted of a
17 violation or attempted violation of any of the following
18 Sections of the Criminal Code of 1961 or the Criminal Code
19 of 2012:

20 10-5.1 (luring of a minor),

21 11-14.4 that involves keeping a place of juvenile
22 prostitution, or 11-17.1 (keeping a place of juvenile
23 prostitution),

24 subdivision (a) (2) or (a) (3) of Section 11-14.4,
25 or Section 11-19.1 (juvenile pimping),

26 subdivision (a) (4) of Section 11-14.4, or Section

1 11-19.2 (exploitation of a child),
2 11-20.1 (child pornography),
3 11-20.1B or 11-20.3 (aggravated child
4 pornography),
5 11-1.20 or 12-13 (criminal sexual assault),
6 11-1.30 or 12-14 (aggravated criminal sexual
7 assault),
8 11-1.40 or 12-14.1 (predatory criminal sexual
9 assault of a child),
10 11-1.60 or 12-16 (aggravated criminal sexual
11 abuse),
12 12-33 (ritualized abuse of a child);

13 (2) (blank);

14 (3) declared as a sexually dangerous person pursuant to
15 the Sexually Dangerous Persons Act or any substantially
16 similar federal, Uniform Code of Military Justice, sister
17 state, or foreign country law;

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

22 (5) convicted of a second or subsequent offense which
23 requires registration pursuant to this Act. For purposes of
24 this paragraph (5), "convicted" shall include a conviction
25 under any substantially similar Illinois, federal, Uniform
26 Code of Military Justice, sister state, or foreign country

1 law;

2 (6) (blank); or

3 (7) if the person was convicted of an offense set forth
4 in this subsection (E) on or before July 1, 1999, the
5 person is a sexual predator for whom registration is
6 required only when the person is convicted of a felony
7 offense after July 1, 2011, and paragraph (2.1) of
8 subsection (c) of Section 3 of this Act applies.

9 (E-5) As used in this Article, "sexual predator" also means
10 a person convicted of a violation or attempted violation of any
11 of the following Sections of the Criminal Code of 1961 or the
12 Criminal Code of 2012:

13 (1) Section 9-1 (first degree murder, when the victim
14 was a person under 18 years of age and the defendant was at
15 least 17 years of age at the time of the commission of the
16 offense, provided the offense was sexually motivated as
17 defined in Section 10 of the Sex Offender Management Board
18 Act);

19 (2) Section 11-9.5 (sexual misconduct with a person
20 with a disability);

21 (3) when the victim is a person under 18 years of age,
22 the defendant is not a parent of the victim, the offense
23 was sexually motivated as defined in Section 10 of the Sex
24 Offender Management Board Act, and the offense was
25 committed on or after January 1, 1996: (A) Section 10-1
26 (kidnapping), (B) Section 10-2 (aggravated kidnapping),

1 (C) Section 10-3 (unlawful restraint), and (D) Section
2 10-3.1 (aggravated unlawful restraint); and

3 (4) Section 10-5(b)(10) (child abduction committed by
4 luring or attempting to lure a child under the age of 16
5 into a motor vehicle, building, house trailer, or dwelling
6 place without the consent of the parent or lawful custodian
7 of the child for other than a lawful purpose and the
8 offense was committed on or after January 1, 1998, provided
9 the offense was sexually motivated as defined in Section 10
10 of the Sex Offender Management Board Act).

11 (E-10) As used in this Article, "sexual predator" also
12 means a person required to register in another State due to a
13 conviction, adjudication or other action of any court
14 triggering an obligation to register as a sex offender, sexual
15 predator, or substantially similar status under the laws of
16 that State.

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

24 (G) As used in this Article, "out-of-state employee" means
25 any sex offender, as defined in this Section, or sexual
26 predator who works in Illinois, regardless of whether the

1 individual receives payment for services performed, for a
2 period of time of 10 or more days or for an aggregate period of
3 time of 30 or more days during any calendar year. Persons who
4 operate motor vehicles in the State accrue one day of
5 employment time for any portion of a day spent in Illinois.

6 (H) As used in this Article, "school" means any public or
7 private educational institution, including, but not limited
8 to, any elementary or secondary school, trade or professional
9 institution, or institution of higher education.

10 (I) As used in this Article, "fixed residence" means any
11 and all places that a sex offender resides for an aggregate
12 period of time of 5 or more days in a calendar year.

13 (J) As used in this Article, "Internet protocol address"
14 means the string of numbers by which a location on the Internet
15 is identified by routers or other computers connected to the
16 Internet.

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