

SB2270



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2270

Introduced 2/10/2011, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

730 ILCS 154/5

Amends the Child Murderer and Violent Offender Against Youth Registration Act. Includes, in the definition of "violent offense against youth", aggravated battery with a firearm, aggravated battery with a machine gun, and home invasion. Provides that "violent offense against youth" does not include an adjudication or conviction for domestic battery when the defendant was less than 18 years of age. Provides that for the purposes of the registration requirements imposed by the Act, "violent offense against youth" does not include a misdemeanor offense added by Public Act 96-1294 when the conviction occurred prior to July 26, 2010 (the effective date of Public Act 96-1294).

LRB097 09626 RLC 50172 b

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 Child Murderer and Violent Offender Against
5 Youth Registration Act is amended by changing Section 5 as
6 follows:

7 (730 ILCS 154/5)

8 Sec. 5. Definitions.

9 (a) As used in this Act, "violent offender against youth"
10 means any person who is:

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

17 (A) is convicted of such offense or an attempt to
18 commit such offense; or

19 (B) is found not guilty by reason of insanity of
20 such offense or an attempt to commit such offense; or

21 (C) is found not guilty by reason of insanity
22 pursuant to subsection (c) of Section 104-25 of the
23 Code of Criminal Procedure of 1963 of such offense or

1 an attempt to commit such offense; or

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

7 (E) is found not guilty by reason of insanity
8 following a hearing conducted pursuant to a federal,
9 Uniform Code of Military Justice, sister state, or
10 foreign country law substantially similar to
11 subsection (c) of Section 104-25 of the Code of
12 Criminal Procedure of 1963 of such offense or of the
13 attempted commission of such offense; or

14 (F) is the subject of a finding not resulting in an
15 acquittal at a hearing conducted pursuant to a federal,
16 Uniform Code of Military Justice, sister state, or
17 foreign country law substantially similar to
18 subsection (c) of Section 104-25 of the Code of
19 Criminal Procedure of 1963 for the alleged violation or
20 attempted commission of such offense; or

21 (2) adjudicated a juvenile delinquent as the result of
22 committing or attempting to commit an act which, if
23 committed by an adult, would constitute any of the offenses
24 specified in subsection (b) or (c-5) of this Section or a
25 violation of any substantially similar federal, Uniform
26 Code of Military Justice, sister state, or foreign country

1 law, or found guilty under Article V of the Juvenile Court
2 Act of 1987 of committing or attempting to commit an act
3 which, if committed by an adult, would constitute any of
4 the offenses specified in subsection (b) or (c-5) of this
5 Section or a violation of any substantially similar
6 federal, Uniform Code of Military Justice, sister state, or
7 foreign country law.

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 Act as one conviction. Any
11 conviction set aside pursuant to law is not a conviction for
12 purposes of this Act.

13 For purposes of this Section, "convicted" shall have the
14 same meaning as "adjudicated". For the purposes of this Act, a
15 person who is defined as a violent offender against youth as a
16 result of being adjudicated a juvenile delinquent under
17 paragraph (2) of this subsection (a) upon attaining 17 years of
18 age shall be considered as having committed the violent offense
19 against youth on or after the 17th birthday of the violent
20 offender against youth. Registration of juveniles upon
21 attaining 17 years of age shall not extend the original
22 registration of 10 years from the date of conviction.

23 (b) As used in this Act, "violent offense against youth"
24 means:

25 (1) A violation of any of the following Sections of the
26 Criminal Code of 1961, when the victim is a person under 18

1 years of age and the offense was committed on or after
2 January 1, 1996:

3 10-1 (kidnapping),

4 10-2 (aggravated kidnapping),

5 10-3 (unlawful restraint),

6 10-3.1 (aggravated unlawful restraint),

7 12-3.2 (domestic battery), except as provided in

8 paragraph (6) of this subsection (b),

9 12-3.3 (aggravated domestic battery),

10 12-4 (a), 12-4(b) (1), or 12-4(b) (14) (aggravated
11 battery),

12 12-4.1 (heinous battery),

13 12-4.2 (aggravated battery with a firearm),

14 12-4.2-5 (aggravated battery with a machine gun),

15 12-4.3 (aggravated battery of a child),

16 12-4.4 (aggravated battery of an unborn child),

17 12-11 (home invasion),

18 12-33 (ritualized abuse of a child).

19 An attempt to commit any of these offenses.

20 (2) First degree murder under Section 9-1 of the
21 Criminal Code of 1961, when the victim was a person under
22 18 years of age and the defendant was at least 17 years of
23 age at the time of the commission of the offense.

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

1 into a motor vehicle, building, house trailer, or dwelling
2 place without the consent of the parent or lawful custodian
3 of the child for other than a lawful purpose and the
4 offense was committed on or after January 1, 1998.

5 (4) A violation or attempted violation of ~~any of~~ the
6 following Section ~~Sections~~ of the Criminal Code of 1961
7 when the offense was committed on or after July 1, 1999:

8 10-4 (forcible detention, if the victim is under 18
9 years of age).

10 (4.1) Involuntary manslaughter under Section 9-3 of
11 the Criminal Code of 1961 where baby shaking was the
12 proximate cause of death of the victim of the offense.

13 (4.2) Endangering the life or health of a child under
14 Section 12-21.6 of the Criminal Code of 1961 that results
15 in the death of the child where baby shaking was the
16 proximate cause of the death of the child.

17 (5) A violation of any former law of this State
18 substantially equivalent to any offense listed in this
19 subsection (b).

20 (6) For the purposes of this Act, "violent offense
21 against youth" does not include an adjudication or
22 conviction for domestic battery under Section 12-3.2 of the
23 Criminal Code of 1961 when the defendant was less than 18
24 years of age.

25 (7) For the purposes of the registration requirements
26 imposed by this Act, "violent offense against youth" does

1 not include a misdemeanor offense added to paragraph (1) of
2 this subsection (b) by amendments contained in Public Act
3 96-1294 when the conviction occurred prior to July 26, 2010
4 (the effective date Public Act 96-1294).

5 (c) A conviction for an offense of federal law, Uniform
6 Code of Military Justice, or the law of another state or a
7 foreign country that is substantially equivalent to any offense
8 listed in subsections (b) and (c-5) of this Section shall
9 constitute a conviction for the purpose of this Act.

10 (c-5) A person at least 17 years of age at the time of the
11 commission of the offense who is convicted of first degree
12 murder under Section 9-1 of the Criminal Code of 1961, against
13 a person under 18 years of age, shall be required to register
14 for natural life. A conviction for an offense of federal,
15 Uniform Code of Military Justice, sister state, or foreign
16 country law that is substantially equivalent to any offense
17 listed in this subsection (c-5) shall constitute a conviction
18 for the purpose of this Act. This subsection (c-5) applies to a
19 person who committed the offense before June 1, 1996 only if
20 the person is incarcerated in an Illinois Department of
21 Corrections facility on August 20, 2004.

22 (d) As used in this Act, "law enforcement agency having
23 jurisdiction" means the Chief of Police in each of the
24 municipalities in which the violent offender against youth
25 expects to reside, work, or attend school (1) upon his or her
26 discharge, parole or release or (2) during the service of his

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

8 (e) As used in this Act, "supervising officer" means the
9 assigned Illinois Department of Corrections parole agent or
10 county probation officer.

11 (f) As used in this Act, "out-of-state student" means any
12 violent offender against youth who is enrolled in Illinois, on
13 a full-time or part-time basis, in any public or private
14 educational institution, including, but not limited to, any
15 secondary school, trade or professional institution, or
16 institution of higher learning.

17 (g) As used in this Act, "out-of-state employee" means any
18 violent offender against youth who works in Illinois,
19 regardless of whether the individual receives payment for
20 services performed, for a period of time of 10 or more days or
21 for an aggregate period of time of 30 or more days during any
22 calendar year. Persons who operate motor vehicles in the State
23 accrue one day of employment time for any portion of a day
24 spent in Illinois.

25 (h) As used in this Act, "school" means any public or
26 private educational institution, including, but not limited

1 to, any elementary or secondary school, trade or professional
2 institution, or institution of higher education.

3 (i) As used in this Act, "fixed residence" means any and
4 all places that a violent offender against youth resides for an
5 aggregate period of time of 5 or more days in a calendar year.

6 (j) As used in this Act, "baby shaking" means the vigorous
7 shaking of an infant or a young child that may result in
8 bleeding inside the head and cause one or more of the following
9 conditions: irreversible brain damage; blindness, retinal
10 hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal
11 cord injury, including paralysis; seizures; learning
12 disability; central nervous system injury; closed head injury;
13 rib fracture; subdural hematoma; or death.

14 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;
15 revised 9-2-10.)