

# HB0339



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0339

by Rep. Patrick Windhorst

### SYNOPSIS AS INTRODUCED:

730 ILCS 150/2

from Ch. 38, par. 222

Amends the Sex Offender Registration Act. Provides that a person who has committed a violation or attempted violation of unauthorized video recording and live video transmission is subject to registration if the victim is a person under 18 years of age when the offense was committed on or after the effective date of the amendatory Act.

LRB101 05066 SLF 50076 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 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

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

19 (c) is found not guilty by reason of insanity  
20 pursuant to Section 104-25(c) of the Code of Criminal  
21 Procedure of 1963 of such offense or an attempt to  
22 commit such offense; or

23 (d) is the subject of a finding not resulting in an

1 acquittal at a hearing conducted pursuant to Section  
2 104-25(a) of the Code of Criminal Procedure of 1963 for  
3 the alleged commission or attempted commission of such  
4 offense; or

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

12 (f) is the subject of a finding not resulting in an  
13 acquittal at 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(a) of the Code of Criminal Procedure of 1963 for  
17 the alleged violation or attempted commission of such  
18 offense; or

19 (2) declared as a sexually dangerous person pursuant to  
20 the Illinois Sexually Dangerous Persons Act, or any  
21 substantially similar federal, Uniform Code of Military  
22 Justice, sister state, or foreign country law; or

23 (3) subject to the provisions of Section 2 of the  
24 Interstate Agreements on Sexually Dangerous Persons Act;  
25 or

26 (4) found to be a sexually violent person pursuant to

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

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

17 Convictions that result from or are connected with the same  
18 act, or result from offenses committed at the same time, shall  
19 be counted for the purpose of this Article as one conviction.  
20 Any conviction set aside pursuant to law is not a conviction  
21 for purposes of this Article.

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

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

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

1           11-20.1 (child pornography),  
2           11-20.1B     or     11-20.3     (aggravated     child  
3     pornography),  
4           11-6 (indecent solicitation of a child),  
5           11-9.1 (sexual exploitation of a child),  
6           11-9.2 (custodial sexual misconduct),  
7           11-9.5 (sexual misconduct with a person with a  
8     disability),  
9           11-14.4 (promoting juvenile prostitution),  
10          11-15.1 (soliciting for a juvenile prostitute),  
11          11-18.1 (patronizing a juvenile prostitute),  
12          11-17.1     (keeping     a     place     of     juvenile  
13     prostitution),  
14          11-19.1 (juvenile pimping),  
15          11-19.2 (exploitation of a child),  
16          11-25 (grooming),  
17          11-26 (traveling to meet a minor or traveling to  
18     meet a child),  
19          11-1.20 or 12-13 (criminal sexual assault),  
20          11-1.30     or     12-14     (aggravated     criminal     sexual  
21     assault),  
22          11-1.40     or     12-14.1     (predatory     criminal     sexual  
23     assault of a child),  
24          11-1.50 or 12-15 (criminal sexual abuse),  
25          11-1.60     or     12-16     (aggravated     criminal     sexual  
26     abuse),

1 12-33 (ritualized abuse of a child).

2 An attempt to commit any of these offenses.

3 (1.5) A violation of any of the following Sections of  
4 the Criminal Code of 1961 or the Criminal Code of 2012,  
5 when the victim is a person under 18 years of age, the  
6 defendant is not a parent of the victim, the offense was  
7 sexually motivated as defined in Section 10 of the Sex  
8 Offender Evaluation and Treatment Act, and the offense was  
9 committed on or after January 1, 1996:

10 10-1 (kidnapping),

11 10-2 (aggravated kidnapping),

12 10-3 (unlawful restraint),

13 10-3.1 (aggravated unlawful restraint).

14 If the offense was committed before January 1, 1996, it  
15 is a sex offense requiring registration only when the  
16 person is convicted of any felony after July 1, 2011, and  
17 paragraph (2.1) of subsection (c) of Section 3 of this Act  
18 applies.

19 (1.6) First degree murder under Section 9-1 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012,  
21 provided the offense was sexually motivated as defined in  
22 Section 10 of the Sex Offender Management Board Act.

23 (1.7) (Blank).

24 (1.8) A violation or attempted violation of Section  
25 11-11 (sexual relations within families) of the Criminal  
26 Code of 1961 or the Criminal Code of 2012, and the offense

1 was committed on or after June 1, 1997. If the offense was  
2 committed before June 1, 1997, it is a sex offense  
3 requiring registration only when the person is convicted of  
4 any felony after July 1, 2011, and paragraph (2.1) of  
5 subsection (c) of Section 3 of this Act applies.

6 (1.9) Child abduction under paragraph (10) of  
7 subsection (b) of Section 10-5 of the Criminal Code of 1961  
8 or the Criminal Code of 2012 committed by luring or  
9 attempting to lure a child under the age of 16 into a motor  
10 vehicle, building, house trailer, or dwelling place  
11 without the consent of the parent or lawful custodian of  
12 the child for other than a lawful purpose and the offense  
13 was committed on or after January 1, 1998, provided the  
14 offense was sexually motivated as defined in Section 10 of  
15 the Sex Offender Management Board Act. If the offense was  
16 committed before January 1, 1998, it is a sex offense  
17 requiring registration only when the person is convicted of  
18 any felony after July 1, 2011, and paragraph (2.1) of  
19 subsection (c) of Section 3 of this Act applies.

20 (1.10) A violation or attempted violation of any of the  
21 following Sections of the Criminal Code of 1961 or the  
22 Criminal Code of 2012 when the offense was committed on or  
23 after July 1, 1999:

24 10-4 (forcible detention, if the victim is under 18  
25 years of age), provided the offense was sexually  
26 motivated as defined in Section 10 of the Sex Offender

1 Management Board Act,  
2 11-6.5 (indecent solicitation of an adult),  
3 11-14.3 that involves soliciting for a prostitute,  
4 or 11-15 (soliciting for a prostitute, if the victim is  
5 under 18 years of age),  
6 subdivision (a) (2) (A) or (a) (2) (B) of Section  
7 11-14.3, or Section 11-16 (pandering, if the victim is  
8 under 18 years of age),  
9 11-18 (patronizing a prostitute, if the victim is  
10 under 18 years of age),  
11 subdivision (a) (2) (C) of Section 11-14.3, or  
12 Section 11-19 (pimping, if the victim is under 18 years  
13 of age).

14 If the offense was committed before July 1, 1999, it is  
15 a sex offense requiring registration only when the person  
16 is convicted of any felony after July 1, 2011, and  
17 paragraph (2.1) of subsection (c) of Section 3 of this Act  
18 applies.

19 (1.11) A violation or attempted violation of any of the  
20 following Sections of the Criminal Code of 1961 or the  
21 Criminal Code of 2012 when the offense was committed on or  
22 after August 22, 2002:

23 11-9 or 11-30 (public indecency for a third or  
24 subsequent conviction).

25 If the third or subsequent conviction was imposed  
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 (1.12) A violation or attempted violation of Section  
5 5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
6 Criminal Code of 1961 or the Criminal Code of 2012  
7 (permitting sexual abuse) when the offense was committed on  
8 or after August 22, 2002. If the offense was committed  
9 before August 22, 2002, it is a sex offense requiring  
10 registration only when the person is convicted of any  
11 felony after July 1, 2011, and paragraph (2.1) of  
12 subsection (c) of Section 3 of this Act applies.

13 (1.13) A violation or attempted violation of Section  
14 26-4 of the Criminal Code of 2012 (unauthorized video  
15 recording and live video transmission) if the victim is a  
16 person under 18 years of age when the offense was committed  
17 on or after the effective date of this amendatory Act of  
18 the 101st General Assembly.

19 (2) A violation of any former law of this State  
20 substantially equivalent to any offense listed in  
21 subsection (B) of this Section.

22 (C) A conviction for an offense of federal law, Uniform  
23 Code of Military Justice, or the law of another state or a  
24 foreign country that is substantially equivalent to any offense  
25 listed in subsections (B), (C), (E), and (E-5) of this Section  
26 shall constitute a conviction for the purpose of this Article.

1 A finding or adjudication as a sexually dangerous person or a  
2 sexually violent person under any federal law, Uniform Code of  
3 Military Justice, or the law of another state or foreign  
4 country that is substantially equivalent to the Sexually  
5 Dangerous Persons Act or the Sexually Violent Persons  
6 Commitment Act shall constitute an adjudication for the  
7 purposes of this Article.

8 (C-5) A person at least 17 years of age at the time of the  
9 commission of the offense who is convicted of first degree  
10 murder under Section 9-1 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012, against a person under 18 years of age,  
12 shall be required to register for natural life. A conviction  
13 for an offense of federal, Uniform Code of Military Justice,  
14 sister state, or foreign country law that is substantially  
15 equivalent to any offense listed in subsection (C-5) of this  
16 Section shall constitute a conviction for the purpose of this  
17 Article. This subsection (C-5) applies to a person who  
18 committed the offense before June 1, 1996 if: (i) the person is  
19 incarcerated in an Illinois Department of Corrections facility  
20 on August 20, 2004 (the effective date of Public Act 93-977),  
21 or (ii) subparagraph (i) does not apply and the person is  
22 convicted of any felony after July 1, 2011, and paragraph (2.1)  
23 of subsection (c) of Section 3 of this Act applies.

24 (C-6) A person who is convicted or adjudicated delinquent  
25 of first degree murder as defined in Section 9-1 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012, against a

1 person 18 years of age or over, shall be required to register  
2 for his or her natural life. A conviction for an offense of  
3 federal, Uniform Code of Military Justice, sister state, or  
4 foreign country law that is substantially equivalent to any  
5 offense listed in subsection (C-6) of this Section shall  
6 constitute a conviction for the purpose of this Article. This  
7 subsection (C-6) does not apply to those individuals released  
8 from incarceration more than 10 years prior to January 1, 2012  
9 (the effective date of Public Act 97-154).

10 (D) As used in this Article, "law enforcement agency having  
11 jurisdiction" means the Chief of Police in each of the  
12 municipalities in which the sex offender expects to reside,  
13 work, or attend school (1) upon his or her discharge, parole or  
14 release or (2) during the service of his or her sentence of  
15 probation or conditional discharge, or the Sheriff of the  
16 county, in the event no Police Chief exists or if the offender  
17 intends to reside, work, or attend school in an unincorporated  
18 area. "Law enforcement agency having jurisdiction" includes  
19 the location where out-of-state students attend school and  
20 where out-of-state employees are employed or are otherwise  
21 required to register.

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

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

1           (1) Convicted for an offense of federal, Uniform Code  
2 of Military Justice, sister state, or foreign country law  
3 that is substantially equivalent to any offense listed in  
4 subsection (E) or (E-5) of this Section shall constitute a  
5 conviction for the purpose of this Article. Convicted of a  
6 violation or attempted violation of any of the following  
7 Sections of the Criminal Code of 1961 or the Criminal Code  
8 of 2012:

9           10-5.1 (luring of a minor),

10           11-14.4 that involves keeping a place of juvenile  
11 prostitution, or 11-17.1 (keeping a place of juvenile  
12 prostitution),

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

15           subdivision (a) (4) of Section 11-14.4, or Section  
16 11-19.2 (exploitation of a child),

17           11-20.1 (child pornography),

18           11-20.1B or 11-20.3 (aggravated child  
19 pornography),

20           11-1.20 or 12-13 (criminal sexual assault),

21           11-1.30 or 12-14 (aggravated criminal sexual  
22 assault),

23           11-1.40 or 12-14.1 (predatory criminal sexual  
24 assault of a child),

25           11-1.60 or 12-16 (aggravated criminal sexual  
26 abuse),

1                   12-33 (ritualized abuse of a child);

2                   (2) (blank);

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

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;

11                   (5) convicted of a second or subsequent offense which  
12 requires registration pursuant to this Act. For purposes of  
13 this paragraph (5), "convicted" shall include a conviction  
14 under any substantially similar Illinois, federal, Uniform  
15 Code of Military Justice, sister state, or foreign country  
16 law;

17                   (6) (blank); or

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

24                   (E-5) As used in this Article, "sexual predator" also means  
25 a person convicted of a violation or attempted violation of any  
26 of the following Sections of the Criminal Code of 1961 or the

1 Criminal Code of 2012:

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

8 (2) Section 11-9.5 (sexual misconduct with a person  
9 with a disability);

10 (3) when the victim is a person under 18 years of age,  
11 the defendant is not a parent of the victim, the offense  
12 was sexually motivated as defined in Section 10 of the Sex  
13 Offender Management Board Act, and the offense was  
14 committed on or after January 1, 1996: (A) Section 10-1  
15 (kidnapping), (B) Section 10-2 (aggravated kidnapping),  
16 (C) Section 10-3 (unlawful restraint), and (D) Section  
17 10-3.1 (aggravated unlawful restraint); and

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

26 (E-10) As used in this Article, "sexual predator" also

1 means a person required to register in another State due to a  
2 conviction, adjudication or other action of any court  
3 triggering an obligation to register as a sex offender, sexual  
4 predator, or substantially similar status under the laws of  
5 that State.

6 (F) As used in this Article, "out-of-state student" means  
7 any sex offender, as defined in this Section, or sexual  
8 predator who is enrolled in Illinois, on a full-time or  
9 part-time basis, in any public or private educational  
10 institution, including, but not limited to, any secondary  
11 school, trade or professional institution, or institution of  
12 higher learning.

13 (G) As used in this Article, "out-of-state employee" means  
14 any sex offender, as defined in this Section, or sexual  
15 predator who works in Illinois, regardless of whether the  
16 individual receives payment for services performed, for a  
17 period of time of 10 or more days or for an aggregate period of  
18 time of 30 or more days during any calendar year. Persons who  
19 operate motor vehicles in the State accrue one day of  
20 employment time for any portion of a day spent in Illinois.

21 (H) As used in this Article, "school" means any public or  
22 private educational institution, including, but not limited  
23 to, any elementary or secondary school, trade or professional  
24 institution, or institution of higher education.

25 (I) As used in this Article, "fixed residence" means any  
26 and all places that a sex offender resides for an aggregate

1 period of time of 5 or more days in a calendar year.

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

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