

**HB0886**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**HB0886**

by Rep. Mark Batinick

**SYNOPSIS AS INTRODUCED:**

730 ILCS 150/2

from Ch. 38, par. 222

Amends the Sex Offender Registration Act. Provides for registration under the Act of a person convicted of a battery when the court: (1) finds that the battery was sexually motivated as defined in the Sex Offender Management Board Act; and (2) in its discretion requires the person to register under the Act. Provides that the trial court, in its discretion, may require a person convicted of battery to register under the Act if: (1) the complaining witness is 17 years of age or younger; (2) the offender is 21 years of age or older; and (3) the court finds that the battery was sexually motivated as defined in the Sex Offender Management Board Act.

LRB101 07430 SLF 52472 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; or -

17 (6) convicted of a battery if the court: (A) finds that  
18 the battery was sexually motivated as defined in Section 10  
19 of the Sex Offender Management Board Act; and (B) in its  
20 discretion requires the person to register under this Act;  
21 or

22 (7) convicted of battery and the trial court, in its  
23 discretion, requires registration if: (A) the complaining  
24 witness is 17 years of age or younger; (B) the offender is  
25 21 years of age or older; and (C) the court finds that the  
26 battery was sexually motivated as defined in Section 10 of

1           the Sex Offender Management Board Act.

2           Convictions that result from or are connected with the same  
3 act, or result from offenses committed at the same time, shall  
4 be counted for the purpose of this Article as one conviction.  
5 Any conviction set aside pursuant to law is not a conviction  
6 for purposes of this Article.

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

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

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

12                   11-20.1 (child pornography),

13                   11-20.1B     or     11-20.3     (aggravated     child  
14 pornography),

15                   11-6 (indecent solicitation of a child),

16                   11-9.1 (sexual exploitation of a child),

17                   11-9.2 (custodial sexual misconduct),

18                   11-9.5 (sexual misconduct with a person with a  
19 disability),

20                   11-14.4 (promoting juvenile prostitution),

21                   11-15.1 (soliciting for a juvenile prostitute),

22                   11-18.1 (patronizing a juvenile prostitute),

23                   11-17.1     (keeping     a     place     of     juvenile  
24 prostitution),

25                   11-19.1 (juvenile pimping),

26                   11-19.2 (exploitation of a child),

1           11-25 (grooming),  
2           11-26 (traveling to meet a minor or traveling to  
3 meet a child),  
4           11-1.20 or 12-13 (criminal sexual assault),  
5           11-1.30 or 12-14 (aggravated criminal sexual  
6 assault),  
7           11-1.40 or 12-14.1 (predatory criminal sexual  
8 assault of a child),  
9           11-1.50 or 12-15 (criminal sexual abuse),  
10          11-1.60 or 12-16 (aggravated criminal sexual  
11 abuse),  
12          12-33 (ritualized abuse of a child).

13          An attempt to commit any of these offenses.

14          (1.5) A violation of any of the following Sections of  
15 the Criminal Code of 1961 or the Criminal Code of 2012,  
16 when the victim is a person under 18 years of age, the  
17 defendant is not a parent of the victim, the offense was  
18 sexually motivated as defined in Section 10 of the Sex  
19 Offender Evaluation and Treatment Act, and the offense was  
20 committed on or after January 1, 1996:

21           10-1 (kidnapping),  
22           10-2 (aggravated kidnapping),  
23           10-3 (unlawful restraint),  
24           10-3.1 (aggravated unlawful restraint).

25          If the offense was committed before January 1, 1996, it  
26 is a sex offense requiring registration only when the

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

4 (1.6) First degree murder under Section 9-1 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012,  
6 provided the offense was sexually motivated as defined in  
7 Section 10 of the Sex Offender Management Board Act.

8 (1.7) (Blank).

9 (1.8) A violation or attempted violation of Section  
10 11-11 (sexual relations within families) of the Criminal  
11 Code of 1961 or the Criminal Code of 2012, and the offense  
12 was committed on or after June 1, 1997. If the offense was  
13 committed before June 1, 1997, it is a sex offense  
14 requiring registration only when the person is convicted of  
15 any felony after July 1, 2011, and paragraph (2.1) of  
16 subsection (c) of Section 3 of this Act applies.

17 (1.9) Child abduction under paragraph (10) of  
18 subsection (b) of Section 10-5 of the Criminal Code of 1961  
19 or the Criminal Code of 2012 committed by luring or  
20 attempting to lure a child under the age of 16 into a motor  
21 vehicle, building, house trailer, or dwelling place  
22 without the consent of the parent or lawful custodian of  
23 the child for other than a lawful purpose and the offense  
24 was committed on or after January 1, 1998, provided the  
25 offense was sexually motivated as defined in Section 10 of  
26 the Sex Offender Management Board Act. If the offense was

1 committed before January 1, 1998, it is a sex offense  
2 requiring registration only when the person is convicted of  
3 any felony after July 1, 2011, and paragraph (2.1) of  
4 subsection (c) of Section 3 of this Act applies.

5 (1.10) A violation or attempted violation of any of the  
6 following Sections of the Criminal Code of 1961 or the  
7 Criminal Code of 2012 when the offense was committed on or  
8 after July 1, 1999:

9 10-4 (forcible detention, if the victim is under 18  
10 years of age), provided the offense was sexually  
11 motivated as defined in Section 10 of the Sex Offender  
12 Management Board Act,

13 11-6.5 (indecent solicitation of an adult),

14 11-14.3 that involves soliciting for a prostitute,  
15 or 11-15 (soliciting for a prostitute, if the victim is  
16 under 18 years of age),

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

20 11-18 (patronizing a prostitute, if the victim is  
21 under 18 years of age),

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

25 If the offense was committed before July 1, 1999, it is  
26 a sex offense requiring registration only when the person

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

4 (1.11) A violation or attempted violation of any of the  
5 following Sections of the Criminal Code of 1961 or the  
6 Criminal Code of 2012 when the offense was committed on or  
7 after August 22, 2002:

8 11-9 or 11-30 (public indecency for a third or  
9 subsequent conviction).

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

15 (1.12) A violation or attempted violation of Section  
16 5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
17 Criminal Code of 1961 or the Criminal Code of 2012  
18 (permitting sexual abuse) when the offense was committed on  
19 or after August 22, 2002. If the offense was committed  
20 before August 22, 2002, it is a sex offense requiring  
21 registration only when the person is convicted of any  
22 felony after July 1, 2011, and paragraph (2.1) of  
23 subsection (c) of Section 3 of this Act applies.

24 (2) A violation of any former law of this State  
25 substantially equivalent to any offense listed in  
26 subsection (B) of this Section.

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

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

1 convicted of any felony after July 1, 2011, and paragraph (2.1)  
2 of subsection (c) of Section 3 of this Act applies.

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

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

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

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

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

14 10-5.1 (luring of a minor),

15 11-14.4 that involves keeping a place of juvenile  
16 prostitution, or 11-17.1 (keeping a place of juvenile  
17 prostitution),

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

20 subdivision (a) (4) of Section 11-14.4, or Section  
21 11-19.2 (exploitation of a child),

22 11-20.1 (child pornography),

23 11-20.1B or 11-20.3 (aggravated child  
24 pornography),

25 11-1.20 or 12-13 (criminal sexual assault),

26 11-1.30 or 12-14 (aggravated criminal sexual

1 assault),  
2 11-1.40 or 12-14.1 (predatory criminal sexual  
3 assault of a child),  
4 11-1.60 or 12-16 (aggravated criminal sexual  
5 abuse),  
6 12-33 (ritualized abuse of a child);  
7 (2) (blank);  
8 (3) declared as a sexually dangerous person pursuant to  
9 the Sexually Dangerous Persons Act or any substantially  
10 similar federal, Uniform Code of Military Justice, sister  
11 state, or foreign country law;  
12 (4) found to be a sexually violent person pursuant to  
13 the Sexually Violent Persons Commitment Act or any  
14 substantially similar federal, Uniform Code of Military  
15 Justice, sister state, or foreign country law;  
16 (5) convicted of a second or subsequent offense which  
17 requires registration pursuant to this Act. For purposes of  
18 this paragraph (5), "convicted" shall include a conviction  
19 under any substantially similar Illinois, federal, Uniform  
20 Code of Military Justice, sister state, or foreign country  
21 law;  
22 (6) (blank); or  
23 (7) if the person was convicted of an offense set forth  
24 in this subsection (E) on or before July 1, 1999, the  
25 person is a sexual predator for whom registration is  
26 required only when the person is convicted of a felony

1 offense after July 1, 2011, and paragraph (2.1) of  
2 subsection (c) of Section 3 of this Act applies.

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

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

13 (2) Section 11-9.5 (sexual misconduct with a person  
14 with a disability);

15 (3) when the victim is a person under 18 years of age,  
16 the defendant is not a parent of the victim, the offense  
17 was sexually motivated as defined in Section 10 of the Sex  
18 Offender Management Board Act, and the offense was  
19 committed on or after January 1, 1996: (A) Section 10-1  
20 (kidnapping), (B) Section 10-2 (aggravated kidnapping),  
21 (C) Section 10-3 (unlawful restraint), and (D) Section  
22 10-3.1 (aggravated unlawful restraint); and

23 (4) Section 10-5(b)(10) (child abduction committed by  
24 luring or attempting to lure a child under the age of 16  
25 into a motor vehicle, building, house trailer, or dwelling  
26 place without the consent of the parent or lawful custodian

1 of the child for other than a lawful purpose and the  
2 offense was committed on or after January 1, 1998, provided  
3 the offense was sexually motivated as defined in Section 10  
4 of the Sex Offender Management Board Act).

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

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

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

26 (H) As used in this Article, "school" means any public or

1 private educational institution, including, but not limited  
2 to, any elementary or secondary school, trade or professional  
3 institution, or institution of higher education.

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

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

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