



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5183

by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

|                     |                           |
|---------------------|---------------------------|
| 730 ILCS 148/65     |                           |
| 730 ILCS 150/10     | from Ch. 38, par. 230     |
| 730 ILCS 154/60     |                           |
| 735 ILCS 5/21-101   | from Ch. 110, par. 21-101 |
| 735 ILCS 5/21-102   | from Ch. 110, par. 21-102 |
| 735 ILCS 5/21-102.5 |                           |
| 735 ILCS 5/21-103   | from Ch. 110, par. 21-103 |

Amends the Change of Name Article of the Code of Civil Procedure. Replaces existing language prohibiting persons with certain criminal convictions from petitioning for a name change with language providing that: a person who has been convicted of any offense for which a person is required to register under the Sex Offender Registration Act, the Murderer and Violent Offender Against Youth Registration Act, or the Arsonist Registration Act and who has not been pardoned is not permitted to file a petition for a name change during the period that the person is required to register, unless that person verifies under oath that the petition for the name change is due to marriage, transgender status, religious beliefs, or status as a victim of trafficking; and a person who has been convicted of a felony and whose sentence has not been completed or discharged is not permitted to file a petition for a name change in the courts of this State unless that person is pardoned for the offense. Provides that a person will not face a felony charge if the person's request for legal name change is denied without proof of perjury. Requires a warning to appear on a name change petition describing the penalties for seeking a prohibited name change. Makes various changes to the criteria for objections by a State's Attorney to a name change petition. Provides that a court may order that the record of the name change proceeding be designated confidential and waive the publication requirement if the court finds good cause for entering the order. Makes other changes. Makes conforming changes in the Arsonist Registration Act, the Sex Offender Registration Act, and the Murderer and Violent Offender Against Youth Registration Act.

LRB101 16307 LNS 70246 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Arsonist Registration Act is amended by  
5 changing Section 65 as follows:

6 (730 ILCS 148/65)

7 Sec. 65. Penalty. Any person who is required to register  
8 under this Act who violates any of the provisions of this Act  
9 and any person who is required to register under this Act who  
10 seeks to change his or her name under Article XXI of the Code  
11 of Civil Procedure is guilty of a Class 4 felony, unless, as  
12 provided under Section 21-101 of the Code of Civil Procedure,  
13 that person verifies under oath that the petition for the name  
14 change is due to marriage, transgender status, religious  
15 beliefs, or status as a victim of trafficking. Any person who  
16 is required to register under this Act who knowingly or  
17 wilfully gives material information required by this Act that  
18 is false is guilty of a Class 3 felony. Any person convicted of  
19 a violation of any provision of this Act shall, in addition to  
20 any other penalty required by law, be required to serve a  
21 minimum period of 7 days confinement in the local county jail.  
22 The court shall impose a mandatory minimum fine of \$500 for  
23 failure to comply with any provision of this Act. These fines

1 shall be deposited in the Arsonist Registration Fund. An  
2 arsonist who violates any provision of this Act may be tried in  
3 any Illinois county where the arsonist can be located.

4 (Source: P.A. 99-78, eff. 7-20-15.)

5 Section 10. The Sex Offender Registration Act is amended by  
6 changing Section 10 as follows:

7 (730 ILCS 150/10) (from Ch. 38, par. 230)

8 Sec. 10. Penalty.

9 (a) Any person who is required to register under this  
10 Article who violates any of the provisions of this Article and  
11 any person who is required to register under this Article who  
12 seeks to change his or her name under Article XXI of the Code  
13 of Civil Procedure is guilty of a Class 3 felony. Any person  
14 who is convicted for a violation of this Act for a second or  
15 subsequent time is guilty of a Class 2 felony, unless, as  
16 provided under Section 21-101 of the Code of Civil Procedure,  
17 that person verifies under oath that the petition for the name  
18 change is due to marriage, transgender status, religious  
19 beliefs, or status as a victim of trafficking. Any person who  
20 is required to register under this Article who knowingly or  
21 willfully gives material information required by this Article  
22 that is false is guilty of a Class 3 felony. Any person  
23 convicted of a violation of any provision of this Article  
24 shall, in addition to any other penalty required by law, be

1 required to serve a minimum period of 7 days confinement in the  
2 local county jail. The court shall impose a mandatory minimum  
3 fine of \$500 for failure to comply with any provision of this  
4 Article. These fines shall be deposited in the Offender  
5 Registration Fund. Any sex offender, as defined in Section 2 of  
6 this Act, or sexual predator who violates any provision of this  
7 Article may be arrested and tried in any Illinois county where  
8 the sex offender can be located. The local police department or  
9 sheriff's office is not required to determine whether the  
10 person is living within its jurisdiction.

11 (b) Any person, not covered by privilege under Part 8 of  
12 Article VIII of the Code of Civil Procedure or the Illinois  
13 Supreme Court's Rules of Professional Conduct, who has reason  
14 to believe that a sexual predator is not complying, or has not  
15 complied, with the requirements of this Article and who, with  
16 the intent to assist the sexual predator in eluding a law  
17 enforcement agency that is seeking to find the sexual predator  
18 to question the sexual predator about, or to arrest the sexual  
19 predator for, his or her noncompliance with the requirements of  
20 this Article is guilty of a Class 3 felony if he or she:

21 (1) provides false information to the law enforcement  
22 agency having jurisdiction about the sexual predator's  
23 noncompliance with the requirements of this Article, and,  
24 if known, the whereabouts of the sexual predator;

25 (2) harbors, or attempts to harbor, or assists another  
26 person in harboring or attempting to harbor, the sexual

1 predator; or

2 (3) conceals or attempts to conceal, or assists another  
3 person in concealing or attempting to conceal, the sexual  
4 predator.

5 (c) Subsection (b) does not apply if the sexual predator is  
6 incarcerated in or is in the custody of a State correctional  
7 facility, a private correctional facility, a county or  
8 municipal jail, a State mental health facility or a State  
9 treatment and detention facility, or a federal correctional  
10 facility.

11 (d) Subsections (a) and (b) do not apply if the sex  
12 offender accurately registered his or her Internet protocol  
13 address under this Act, and the address subsequently changed  
14 without his or her knowledge or intent.

15 (Source: P.A. 101-571, eff. 8-23-19.)

16 Section 15. The Murderer and Violent Offender Against Youth  
17 Registration Act is amended by changing Section 60 as follows:

18 (730 ILCS 154/60)

19 Sec. 60. Penalty. Any person who is required to register  
20 under this Act who violates any of the provisions of this Act  
21 and any person who is required to register under this Act who  
22 seeks to change his or her name under Article XXI of the Code  
23 of Civil Procedure is guilty of a Class 3 felony, unless, as  
24 provided under Section 21-101 of the Code of Civil Procedure,

1 that person verifies under oath that the petition for the name  
2 change is due to marriage, transgender status, religious  
3 beliefs, or status as a victim of trafficking. Any person who  
4 is convicted for a violation of this Act for a second or  
5 subsequent time is guilty of a Class 2 felony. Any person who  
6 is required to register under this Act who knowingly or  
7 willfully gives material information required by this Act that  
8 is false is guilty of a Class 3 felony. Any person convicted of  
9 a violation of any provision of this Act shall, in addition to  
10 any other penalty required by law, be required to serve a  
11 minimum period of 7 days confinement in the local county jail.  
12 The court shall impose a mandatory minimum fine of \$500 for  
13 failure to comply with any provision of this Act. These fines  
14 shall be deposited into the Offender Registration Fund. Any  
15 violent offender against youth who violates any provision of  
16 this Act may be arrested and tried in any Illinois county where  
17 the violent offender against youth can be located. The local  
18 police department or sheriff's office is not required to  
19 determine whether the person is living within its jurisdiction.  
20 (Source: P.A. 101-571, eff. 8-23-19.)

21 Section 20. The Code of Civil Procedure is amended by  
22 changing Sections 21-101, 21-102, 21-102.5, and 21-103 as  
23 follows:

24 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

1           Sec. 21-101. Proceedings; parties.

2           (a) If any person who is a resident of this State and has  
3 resided in this State for 6 months desires to change his or her  
4 name and to assume another name by which to be afterwards  
5 called and known, the person may file a petition requesting  
6 that relief in the circuit court of the county wherein he or  
7 she resides ~~praying for that relief~~.

8           (b) A person who has been convicted of any offense for  
9 which a person is required to register under the Sex Offender  
10 Registration Act, the Murderer and Violent Offender Against  
11 Youth Registration Act, or the Arsonist Registration Act in  
12 this State or any other state and who has not been pardoned is  
13 not permitted to file a petition for a name change in the  
14 courts of this State during the period that the person is  
15 required to register, unless that person verifies under oath,  
16 as provided under Section 1-109, that the petition for the name  
17 change is due to marriage, transgender status, religious  
18 beliefs, or status as a victim of trafficking. For the purposes  
19 of this subsection, a person will not face a felony charge if  
20 the person's request for legal name change is denied without  
21 proof of perjury.

22           **(b-1) A person who has been convicted of a felony offense**  
23 **in this State or any other state and whose sentence has not**  
24 **been completed or discharged is not permitted to file a**  
25 **petition for a name change in the courts of this State unless**  
26 **that person is pardoned for the offense. ~~The filing of a~~**

~~petition in accordance with this Section shall be the sole and exclusive means by which any person committed under the laws of this State to a penal institution may change his or her name and assume another name. However, any person convicted of a felony in this State or any other state who has not been pardoned may not file a petition for a name change until 10 years have passed since completion and discharge from his or her sentence. A person who has been convicted of identity theft, aggravated identity theft, felony or misdemeanor criminal sexual abuse when the victim of the offense at the time of its commission is under 18 years of age, felony or misdemeanor sexual exploitation of a child, felony or misdemeanor indecent solicitation of a child, or felony or misdemeanor indecent solicitation of an adult, or any other offense for which a person is required to register under the Sex Offender Registration Act in this State or any other state who has not been pardoned shall not be permitted to file a petition for a name change in the courts of Illinois.~~

(c) A petitioner may include his or her spouse and adult unmarried children, with their consent, and his or her minor children where it appears to the court that it is for their best interest, in the petition and relief requested ~~prayer~~, and the court's order shall then include the spouse and children. Whenever any minor has resided in the family of any person for the space of 3 years and has been recognized and known as an adopted child in the family of that person, the application



1 herein provided for may be made by the person having that minor  
2 in his or her family.

3 An order shall be entered as to a minor only if the court  
4 finds by clear and convincing evidence that the change is  
5 necessary to serve the best interest of the child. In  
6 determining the best interest of a minor child under this  
7 Section, the court shall consider all relevant factors,  
8 including:

9 (1) The wishes of the child's parents and any person  
10 acting as a parent who has physical custody of the child.

11 (2) The wishes of the child and the reasons for those  
12 wishes. The court may interview the child in chambers to  
13 ascertain the child's wishes with respect to the change of  
14 name. Counsel shall be present at the interview unless  
15 otherwise agreed upon by the parties. The court shall cause  
16 a court reporter to be present who shall make a complete  
17 record of the interview instantaneously to be part of the  
18 record in the case.

19 (3) The interaction and interrelationship of the child  
20 with his or her parents or persons acting as parents who  
21 have physical custody of the child, step-parents,  
22 siblings, step-siblings, or any other person who may  
23 significantly affect the child's best interest.

24 (4) The child's adjustment to his or her home, school,  
25 and community.

26 (d) If it appears to the court that the conditions and

1 requirements under this Article have been complied with and  
2 that there is no reason why the relief requested ~~prayer~~ should  
3 not be granted, the court, by an order to be entered of record,  
4 may direct and provide that the name of that person be changed  
5 in accordance with the relief requested ~~prayer~~ in the petition.  
6 If the circuit court orders that a name change be granted to a  
7 person who has been adjudicated or convicted of a felony or  
8 misdemeanor offense under the laws of this State or any other  
9 state for which a pardon has not been granted, or has an arrest  
10 for which a charge has not been filed or a pending charge on a  
11 felony or misdemeanor offense, a copy of the order, including a  
12 copy of each applicable access and review response, shall be  
13 forwarded to the Department of State Police. The Department of  
14 State Police shall update any criminal history transcript or  
15 offender registration of each person 18 years of age or older  
16 in the order to include the change of name as well as his or her  
17 former name.

18 (Source: P.A. 100-370, eff. 1-1-18.)

19 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

20 Sec. 21-102. Petition; update criminal history transcript.

21 (a) The petition shall be a statewide standardized form  
22 approved by the Illinois Supreme Court and shall set forth the  
23 name then held, the name sought to be assumed, the residence of  
24 the petitioner, the length of time the petitioner has resided  
25 in this State, and the state or country of the petitioner's

1 nativity or supposed nativity. The petition shall include a  
2 statement, verified under oath as provided under Section 1-109  
3 of this Code, whether or not the petitioner or any other person  
4 18 years of age or older who will be subject to a change of name  
5 under the petition if granted: (1) has been adjudicated or  
6 convicted of a felony or misdemeanor offense under the laws of  
7 this State or any other state for which a pardon has not been  
8 granted; or (2) has an arrest for which a charge has not been  
9 filed or a pending charge on a felony or misdemeanor offense.  
10 The petition shall be signed by the person petitioning or, in  
11 case of minors, by the parent or guardian having the legal  
12 custody of the minor. ~~The petition shall be verified by the~~  
13 ~~affidavit of some credible person.~~

14 (b) If the statement provided under subsection (a) of this  
15 Section indicates the petitioner or any other person 18 years  
16 of age or older who will be subject to a change of name under  
17 the petition, if granted, has been adjudicated or convicted of  
18 a felony or misdemeanor offense under the laws of this State or  
19 any other state for which a pardon has not been granted, or has  
20 an arrest for which a charge has not been filed or a pending  
21 charge on a felony or misdemeanor offense, the State's Attorney  
22 may request the court to or the court may on its own motion,  
23 require the person, prior to a hearing on the petition, to  
24 initiate an update of his or her criminal history transcript  
25 with the Department of State Police. The Department shall allow  
26 a person to use the Access and Review process, established by

1 rule in the Department, for this purpose. Upon completion of  
2 the update of the criminal history transcript, the petitioner  
3 shall file confirmation of each update with the court, which  
4 shall seal the records from disclosure outside of court  
5 proceedings on the petition.

6 (c) Any petition filed under subsection (a) shall include  
7 the following: "WARNING: A person who is required to register  
8 under the Sex Offender Registration Act, the Murderer and  
9 Violent Offender Against Youth Registration Act, or the  
10 Arsonist Registration Act in this State or a similar law in any  
11 other state who has not been pardoned commits a felony offense  
12 under those respective Acts by seeking a change of name during  
13 the registration period unless that person can demonstrate that  
14 the petition for a name change is due to marriage, transgender  
15 status, religious beliefs, or status as a victim of  
16 trafficking."

17 (Source: P.A. 100-370, eff. 1-1-18.)

18 (735 ILCS 5/21-102.5)

19 Sec. 21-102.5. Notice; objection.

20 (a) The circuit court clerk shall promptly serve a copy of  
21 the petition on the State's Attorney and the Department of  
22 State Police if the statement provided under subsection (a) of  
23 Section 21-102 indicates that the petitioner, or any other  
24 person 18 years of age or older who will be subject to a change  
25 of name under the petition, has been adjudicated or convicted

1 of a felony or misdemeanor offense under the laws of this State  
2 or any other state for which a pardon has not been granted, or  
3 has an arrest for which a charge has not been filed or a  
4 pending charge on a felony or misdemeanor offense.

5 (b) The State's Attorney may file an objection to the  
6 petition if the petitioner:

7 (1) is the defendant in a pending criminal offense  
8 charge; or

9 (2) has been convicted of identity theft, aggravated  
10 identity theft, felony or misdemeanor criminal sexual  
11 abuse when the victim of the offense at the time of its  
12 commission is under 18 years of age, felony or misdemeanor  
13 sexual exploitation of a child, felony or misdemeanor  
14 indecent solicitation of a child, or felony or misdemeanor  
15 indecent solicitation of an adult, and has not been  
16 pardoned for the conviction.

17 (c) All objections shall be in writing, shall be filed with  
18 the circuit court clerk, shall be served upon the petitioner,  
19 and shall state with specificity the basis of the objection.  
20 Objections to a petition shall be filed within 30 days of the  
21 date of service of the petition upon the State's Attorney. All  
22 objections shall be in writing, shall be filed with the circuit  
23 court clerk, and shall state with specificity the basis of the  
24 objection. Objections to a petition must be filed within 30  
25 days of the date of service of the petition upon the State's  
26 Attorney.

1 (Source: P.A. 100-370, eff. 1-1-18.)

2 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

3 Sec. 21-103. Notice by publication.

4 (a) Previous notice shall be given of the intended  
5 application by publishing a notice thereof in some newspaper  
6 published in the municipality in which the person resides if  
7 the municipality is in a county with a population under  
8 2,000,000, or if the person does not reside in a municipality  
9 in a county with a population under 2,000,000, or if no  
10 newspaper is published in the municipality or if the person  
11 resides in a county with a population of 2,000,000 or more,  
12 then in some newspaper published in the county where the person  
13 resides, or if no newspaper is published in that county, then  
14 in some convenient newspaper published in this State. The  
15 notice shall be inserted for 3 consecutive weeks after filing,  
16 the first insertion to be at least 6 weeks before the return  
17 day upon which the petition is to be heard, and shall be signed  
18 by the petitioner or, in case of a minor, the minor's parent or  
19 guardian, and shall set forth the return day of court on which  
20 the petition is to be heard and the name sought to be assumed.

21 (b) The publication requirement of subsection (a) shall not  
22 be required in any application for a change of name involving a  
23 minor if, before making judgment under this Article, reasonable  
24 notice and opportunity to be heard is given to any parent whose  
25 parental rights have not been previously terminated and to any

1 person who has physical custody of the child. If any of these  
2 persons are outside this State, notice and opportunity to be  
3 heard shall be given under Section 21-104.

4 (b-3) The publication requirement of subsection (a) shall  
5 not be required in any application for a change of name  
6 involving a person who has received a judgment for dissolution  
7 of marriage or declaration of invalidity of marriage and wishes  
8 to change his or her name to resume the use of his or her former  
9 or maiden name.

10 (b-5) Upon motion, the court may issue an order directing  
11 that the notice and publication requirement be waived for a  
12 change of name involving a person who files with the court a  
13 written declaration that the person believes that publishing  
14 notice of the name change would put the person at risk of  
15 physical harm or discrimination. The person must provide  
16 evidence to support the claim that publishing notice of the  
17 name change would put the person at risk of physical harm or  
18 discrimination.

19 (c) The Director of State Police or his or her designee may  
20 apply to the circuit court for an order directing that the  
21 notice and publication requirements of this Section be waived  
22 if the Director or his or her designee certifies that the name  
23 change being sought is intended to protect a witness during and  
24 following a criminal investigation or proceeding.

25 (c-1) The court may enter a written order waiving the  
26 publication requirement of subsection (a) if:

1           (i) the petitioner is 18 years of age or older; and  
2           (ii) concurrent with the petition, the petitioner  
3 files with the court a statement, verified under oath as  
4 provided under Section 1-109 of this Code, attesting that  
5 the petitioner is or has been a person protected under the  
6 Illinois Domestic Violence Act of 1986, the Stalking No  
7 Contact Order Act, the Civil No Contact Order Act, Article  
8 112A of the Code of Criminal Procedure of 1963, a condition  
9 of bail under subsections (b) through (d) of Section 110-10  
10 of the Code of Criminal Procedure of 1963, or a similar  
11 provision of a law in another state or jurisdiction.

12           The petitioner may attach to the statement any supporting  
13 documents, including relevant court orders.

14           (c-2) If the petitioner files a statement attesting that  
15 disclosure of the petitioner's address would put the petitioner  
16 or any member of the petitioner's family or household at risk  
17 or reveal the confidential address of a shelter for domestic  
18 violence victims, that address may be omitted from all  
19 documents filed with the court, and the petitioner may  
20 designate an alternative address for service.

21           (c-3) Court administrators may allow domestic abuse  
22 advocates, rape crisis advocates, and victim advocates to  
23 assist petitioners in the preparation of name changes under  
24 subsection (c-1).

25           (c-4) If the publication requirements of subsection (a)  
26 have been waived, the circuit court shall enter an order



1 impounding the case.

2 (c-5) The court may waive the publication requirement under  
3 subsection (a) and order that the record of the proceeding be  
4 designated confidential if the court finds good cause for  
5 entering such an order. Good cause includes, but is not limited  
6 to, evidence that publication or availability of a record of  
7 the proceeding will place the petitioner or another individual  
8 at risk for physical harm or discrimination and evidence that  
9 the petitioner or another individual has been the victim of  
10 stalking or assaultive behavior.

11 (d) The maximum rate charged for publication of a notice  
12 under this Section may not exceed the lowest classified rate  
13 paid by commercial users for comparable space in the newspaper  
14 in which the notice appears and shall include all cash  
15 discounts, multiple insertion discounts, and similar benefits  
16 extended to the newspaper's regular customers.

17 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.  
18 100-565 for the effective date of P.A. 100-520); 100-788, eff.  
19 1-1-19; 100-966, eff. 1-1-19; 101-81, eff. 7-12-19; 101-203,  
20 eff. 1-1-20.)