



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1434

Introduced 2/13/2019, by Sen. William E. Brady

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-30.5 new
730 ILCS 150/2

from Ch. 38, par. 222

Amends the Criminal Code of 2012. Creates the offense of voyeurism. Provides that a person commits the offense when he or she knowingly and for the purpose of sexual arousal or gratification spies upon, observes, or otherwise views another person without the consent of the other person while the other person is nude, bathing, showering, partially undressed, or changing clothes in a location where the other person has a reasonable expectation of privacy. Provides that it is not a defense to voyeurism that the defendant was lawfully on the premises or location where the offense occurred. Provides that a violation is a Class A misdemeanor. Provides that if the victim is under 17 years of age at the time of the commission of the offense the violation is a Class 4 felony. Amends the Sex Offender Registration Act. Includes voyeurism as a sex offense for which the offender shall register for a period of 10 years.

LRB101 00358 RLC 45362 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Criminal Code of 2012 is amended by adding
5 Section 11-30.5 as follows:

6 (720 ILCS 5/11-30.5 new)

7 Sec. 11-30.5. Voyeurism.

8 (a) A person commits voyeurism when he or she knowingly and
9 for the purpose of sexual arousal or gratification spies upon,
10 observes, or otherwise views another person without the consent
11 of the other person while the other person is nude, bathing,
12 showering, partially undressed, or changing clothes in a
13 location where the other person has a reasonable expectation of
14 privacy.

15 (b) It is not a defense to a violation of this Section that
16 the defendant was lawfully on the premises or location where
17 the offense occurred.

18 (c) Sentence. A violation of this Section is a Class A
19 misdemeanor. If the victim is under 17 years of age at the time
20 of the commission of the offense the violation is a Class 4
21 felony.

22 Section 10. The Sex Offender Registration Act is amended by

1 changing Section 2 as follows:

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

3 Sec. 2. Definitions.

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

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

11 (a) is convicted of such offense or an attempt to
12 commit such offense; or

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

15 (c) is found not guilty by reason of insanity
16 pursuant to Section 104-25(c) of the Code of Criminal
17 Procedure of 1963 of such offense or an attempt to
18 commit such offense; or

19 (d) is the subject of a finding not resulting in an
20 acquittal at a hearing conducted pursuant to Section
21 104-25(a) of the Code of Criminal Procedure of 1963 for
22 the alleged commission or attempted commission of such
23 offense; or

24 (e) is found not guilty by reason of insanity
25 following a hearing conducted pursuant to a federal,

1 Uniform Code of Military Justice, sister state, or
2 foreign country law substantially similar to Section
3 104-25(c) of the Code of Criminal Procedure of 1963 of
4 such offense or of the attempted commission of such
5 offense; or

6 (f) is the subject of a finding not resulting in an
7 acquittal at a hearing conducted pursuant to a federal,
8 Uniform Code of Military Justice, sister state, or
9 foreign country law substantially similar to Section
10 104-25(a) of the Code of Criminal Procedure of 1963 for
11 the alleged violation or attempted commission of such
12 offense; or

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

17 (3) subject to the provisions of Section 2 of the
18 Interstate Agreements on Sexually Dangerous Persons Act;
19 or

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

24 (5) adjudicated a juvenile delinquent as the result of
25 committing or attempting to commit an act which, if
26 committed by an adult, would constitute any of the offenses

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

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

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

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

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

21 11-20.1 (child pornography),

22 11-20.1B or 11-20.3 (aggravated child
23 pornography),

24 11-6 (indecent solicitation of a child),

25 11-9.1 (sexual exploitation of a child),

26 11-9.2 (custodial sexual misconduct),

1 11-9.5 (sexual misconduct with a person with a
2 disability),

3 11-14.4 (promoting juvenile prostitution),

4 11-15.1 (soliciting for a juvenile prostitute),

5 11-18.1 (patronizing a juvenile prostitute),

6 11-17.1 (keeping a place of juvenile
7 prostitution),

8 11-19.1 (juvenile pimping),

9 11-19.2 (exploitation of a child),

10 11-25 (grooming),

11 11-26 (traveling to meet a minor or traveling to
12 meet a child),

13 11-30.5 (voyeurism),

14 11-1.20 or 12-13 (criminal sexual assault),

15 11-1.30 or 12-14 (aggravated criminal sexual
16 assault),

17 11-1.40 or 12-14.1 (predatory criminal sexual
18 assault of a child),

19 11-1.50 or 12-15 (criminal sexual abuse),

20 11-1.60 or 12-16 (aggravated criminal sexual
21 abuse),

22 12-33 (ritualized abuse of a child).

23 An attempt to commit any of these offenses.

24 (1.5) A violation of any of the following Sections of
25 the Criminal Code of 1961 or the Criminal Code of 2012,
26 when the victim is a person under 18 years of age, the

1 defendant is not a parent of the victim, the offense was
2 sexually motivated as defined in Section 10 of the Sex
3 Offender Evaluation and Treatment Act, and the offense was
4 committed on or after January 1, 1996:

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint).

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

14 (1.6) First degree murder under Section 9-1 of the
15 Criminal Code of 1961 or the Criminal Code of 2012,
16 provided the offense was sexually motivated as defined in
17 Section 10 of the Sex Offender Management Board Act.

18 (1.7) (Blank).

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

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

15 (1.10) A violation or attempted violation of any of the
16 following Sections of the Criminal Code of 1961 or the
17 Criminal Code of 2012 when the offense was committed on or
18 after July 1, 1999:

19 10-4 (forcible detention, if the victim is under 18
20 years of age), provided the offense was sexually
21 motivated as defined in Section 10 of the Sex Offender
22 Management Board Act,

23 11-6.5 (indecent solicitation of an adult),

24 11-14.3 that involves soliciting for a prostitute,
25 or 11-15 (soliciting for a prostitute, if the victim is
26 under 18 years of age),

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

4 11-18 (patronizing a prostitute, if the victim is
5 under 18 years of age),

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

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

14 (1.11) A violation or attempted violation of any of the
15 following Sections of the Criminal Code of 1961 or the
16 Criminal Code of 2012 when the offense was committed on or
17 after August 22, 2002:

18 11-9 or 11-30 (public indecency for a third or
19 subsequent conviction).

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

25 (1.12) A violation or attempted violation of Section
26 5.1 of the Wrongs to Children Act or Section 11-9.1A of the

1 Criminal Code of 1961 or the Criminal Code of 2012
2 (permitting sexual abuse) when the offense was committed on
3 or after August 22, 2002. If the offense was committed
4 before August 22, 2002, it is a sex offense requiring
5 registration only when the person is convicted of any
6 felony after July 1, 2011, and paragraph (2.1) of
7 subsection (c) of Section 3 of this Act applies.

8 (2) A violation of any former law of this State
9 substantially equivalent to any offense listed in
10 subsection (B) of this Section.

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

23 (C-5) A person at least 17 years of age at the time of the
24 commission of the offense who is convicted of first degree
25 murder under Section 9-1 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, against a person under 18 years of age,

1 shall be required to register for natural life. A conviction
2 for an offense of federal, Uniform Code of Military Justice,
3 sister state, or foreign country law that is substantially
4 equivalent to any offense listed in subsection (C-5) of this
5 Section shall constitute a conviction for the purpose of this
6 Article. This subsection (C-5) applies to a person who
7 committed the offense before June 1, 1996 if: (i) the person is
8 incarcerated in an Illinois Department of Corrections facility
9 on August 20, 2004 (the effective date of Public Act 93-977),
10 or (ii) subparagraph (i) does not apply and the person is
11 convicted of any felony after July 1, 2011, and paragraph (2.1)
12 of subsection (c) of Section 3 of this Act applies.

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

25 (D) As used in this Article, "law enforcement agency having
26 jurisdiction" means the Chief of Police in each of the

1 municipalities in which the sex offender expects to reside,
2 work, or attend school (1) upon his or her discharge, parole or
3 release or (2) during the service of his or her sentence of
4 probation or conditional discharge, or the Sheriff of the
5 county, in the event no Police Chief exists or if the offender
6 intends to reside, work, or attend school in an unincorporated
7 area. "Law enforcement agency having jurisdiction" includes
8 the location where out-of-state students attend school and
9 where out-of-state employees are employed or are otherwise
10 required to register.

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

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

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

24 10-5.1 (luring of a minor),

25 11-14.4 that involves keeping a place of juvenile
26 prostitution, or 11-17.1 (keeping a place of juvenile

1 prostitution),
2 subdivision (a)(2) or (a)(3) of Section 11-14.4,
3 or Section 11-19.1 (juvenile pimping),
4 subdivision (a)(4) of Section 11-14.4, or Section
5 11-19.2 (exploitation of a child),
6 11-20.1 (child pornography),
7 11-20.1B or 11-20.3 (aggravated child
8 pornography),
9 11-1.20 or 12-13 (criminal sexual assault),
10 11-1.30 or 12-14 (aggravated criminal sexual
11 assault),
12 11-1.40 or 12-14.1 (predatory criminal sexual
13 assault of a child),
14 11-1.60 or 12-16 (aggravated criminal sexual
15 abuse),
16 12-33 (ritualized abuse of a child);
17 (2) (blank);
18 (3) declared as a sexually dangerous person pursuant to
19 the Sexually Dangerous Persons Act or any substantially
20 similar federal, Uniform Code of Military Justice, sister
21 state, or foreign country law;
22 (4) found to be a sexually violent person pursuant to
23 the Sexually Violent Persons Commitment Act or any
24 substantially similar federal, Uniform Code of Military
25 Justice, sister state, or foreign country law;
26 (5) convicted of a second or subsequent offense which

1 requires registration pursuant to this Act. For purposes of
2 this paragraph (5), "convicted" shall include a conviction
3 under any substantially similar Illinois, federal, Uniform
4 Code of Military Justice, sister state, or foreign country
5 law;

6 (6) (blank); or

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

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

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

23 (2) Section 11-9.5 (sexual misconduct with a person
24 with a disability);

25 (3) when the victim is a person under 18 years of age,
26 the defendant is not a parent of the victim, the offense

1 was sexually motivated as defined in Section 10 of the Sex
2 Offender Management Board Act, and the offense was
3 committed on or after January 1, 1996: (A) Section 10-1
4 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
5 (C) Section 10-3 (unlawful restraint), and (D) Section
6 10-3.1 (aggravated unlawful restraint); and

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

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

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

1 higher learning.

2 (G) As used in this Article, "out-of-state employee" means
3 any sex offender, as defined in this Section, or sexual
4 predator who works in Illinois, regardless of whether the
5 individual receives payment for services performed, for a
6 period of time of 10 or more days or for an aggregate period of
7 time of 30 or more days during any calendar year. Persons who
8 operate motor vehicles in the State accrue one day of
9 employment time for any portion of a day spent in Illinois.

10 (H) As used in this Article, "school" means any public or
11 private educational institution, including, but not limited
12 to, any elementary or secondary school, trade or professional
13 institution, or institution of higher education.

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

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

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