



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB5134

Introduced 2/8/2024, by Rep. Nicole La Ha - Dan Ugaste - Amy L. Grant and Dave Severin

#### SYNOPSIS AS INTRODUCED:

730 ILCS 150/2

from Ch. 38, par. 222

Amends the Sex Offender Registration Act. Includes trafficking in persons, involuntary servitude, and involuntary sexual servitude of a minor in the definition of "sex offense" under the Act.

LRB103 36015 RLC 66102 b

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  
3 for the alleged commission or attempted commission of  
4 such 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  
14 federal, Uniform Code of Military Justice, sister  
15 state, or foreign country law substantially similar to  
16 Section 104-25(a) of the Code of Criminal Procedure of  
17 1963 for the alleged violation or attempted commission  
18 of such offense; or

19 (2) declared as a sexually dangerous person pursuant  
20 to 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  
7 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,  
10 or foreign country law, or found guilty under Article V of  
11 the Juvenile Court Act of 1987 of committing or attempting  
12 to commit an act which, if committed by an adult, would  
13 constitute any of the offenses specified in item (B), (C),  
14 or (C-5) of this Section or a violation of any  
15 substantially similar federal, Uniform Code of Military  
16 Justice, sister state, or foreign country law.

17 Convictions that result from or are connected with the  
18 same act, or result from offenses committed at the same time,  
19 shall be counted for the purpose of this Article as one  
20 conviction. Any conviction set aside pursuant to law is not a  
21 conviction 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  
26 the Criminal Code of 1961 or the Criminal Code of 2012:

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

1           11-1.60 or 12-16 (aggravated criminal sexual  
2           abuse),

3           12-33 (ritualized abuse of a child).

4           An attempt to commit any of these offenses.

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

12           10-1 (kidnapping),

13           10-2 (aggravated kidnapping),

14           10-3 (unlawful restraint),

15           10-3.1 (aggravated unlawful restraint).

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

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

25          (1.7) (Blank).

26          (1.8) A violation or attempted violation of Section

1 11-11 (sexual relations within families) of the Criminal  
2 Code of 1961 or the Criminal Code of 2012, and the offense  
3 was committed on or after June 1, 1997. If the offense was  
4 committed before June 1, 1997, it is a sex offense  
5 requiring registration only when the person is convicted  
6 of any felony after July 1, 2011, and paragraph (2.1) of  
7 subsection (c) of Section 3 of this Act applies.

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

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

26 10-4 (forcible detention, if the victim is under

1 18 years of age), provided the offense was sexually  
2 motivated as defined in Section 10 of the Sex Offender  
3 Management Board Act,

4 11-6.5 (indecent solicitation of an adult),

5 11-14.3 that involves soliciting for a prostitute,  
6 or 11-15 (soliciting for a prostitute, if the victim  
7 is under 18 years of age),

8 subdivision (a) (2) (A) or (a) (2) (B) of Section  
9 11-14.3, or Section 11-16 (pandering, if the victim is  
10 under 18 years of age),

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

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

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

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

25 11-9 or 11-30 (public indecency for a third or  
26 subsequent conviction).



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

6           (1.12) A violation or attempted violation of Section  
7 5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
8 Criminal Code of 1961 or the Criminal Code of 2012  
9 (permitting sexual abuse) when the offense was committed  
10 on or after August 22, 2002. If the offense was committed  
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           (2) A violation of any former law of this State  
16 substantially equivalent to any offense listed in  
17 subsection (B) of this Section.

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

1 Sexually Dangerous Persons Act or the Sexually Violent Persons  
2 Commitment Act shall constitute an adjudication for the  
3 purposes of this Article.

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

20 (C-6) A person who is convicted or adjudicated delinquent  
21 of first degree murder as defined in Section 9-1 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012, against a  
23 person 18 years of age or over, shall be required to register  
24 for his or her natural life. A conviction for an offense of  
25 federal, Uniform Code of Military Justice, sister state, or  
26 foreign country law that is substantially equivalent to any

1 offense listed in subsection (C-6) of this Section shall  
2 constitute a conviction for the purpose of this Article. This  
3 subsection (C-6) does not apply to those individuals released  
4 from incarceration more than 10 years prior to January 1, 2012  
5 (the effective date of Public Act 97-154).

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

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

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

23 (1) Convicted for an offense of federal, Uniform Code  
24 of Military Justice, sister state, or foreign country law  
25 that is substantially equivalent to any offense listed in  
26 subsection (E) or (E-5) of this Section shall constitute a

1 conviction for the purpose of this Article. Convicted of a  
2 violation or attempted violation of any of the following  
3 Sections of the Criminal Code of 1961 or the Criminal Code  
4 of 2012:

5 10-5.1 (luring of a minor),

6 11-14.4 that involves keeping a place of juvenile  
7 prostitution, or 11-17.1 (keeping a place of juvenile  
8 prostitution),

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

11 subdivision (a) (4) of Section 11-14.4, or Section  
12 11-19.2 (exploitation of a child),

13 11-20.1 (child pornography),

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

16 11-1.20 or 12-13 (criminal sexual assault),

17 11-1.30 or 12-14 (aggravated criminal sexual  
18 assault),

19 11-1.40 or 12-14.1 (predatory criminal sexual  
20 assault of a child),

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

23 12-33 (ritualized abuse of a child);

24 (2) (blank);

25 (3) declared as a sexually dangerous person pursuant  
26 to the Sexually Dangerous Persons Act or any substantially

1 similar federal, Uniform Code of Military Justice, sister  
2 state, or foreign country law;

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

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

13 (6) (blank); or

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

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

24 (1) Section 9-1 (first degree murder, when the victim  
25 was a person under 18 years of age and the defendant was at  
26 least 17 years of age at the time of the commission of the

1 offense, provided the offense was sexually motivated as  
2 defined in Section 10 of the Sex Offender Management Board  
3 Act);

4 (2) Section 11-9.5 (sexual misconduct with a person  
5 with a disability);

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

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

22 (E-10) As used in this Article, "sexual predator" also  
23 means a person required to register in another State due to a  
24 conviction, adjudication or other action of any court  
25 triggering an obligation to register as a sex offender, sexual  
26 predator, or substantially similar status under the laws of

1 that State.

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

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

17 (H) As used in this Article, "school" means any public or  
18 private educational institution, including, but not limited  
19 to, any elementary or secondary school, trade or professional  
20 institution, or institution of higher education.

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

24 (J) As used in this Article, "Internet protocol address"  
25 means the string of numbers by which a location on the Internet  
26 is identified by routers or other computers connected to the

1 Internet.

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