



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Patricia Bailey - William Delgado -
Patricia Reid Lindner - Lovana Jones - Chapin Rose

SYNOPSIS AS INTRODUCED:

730 ILCS 150/2
730 ILCS 150/6

from Ch. 38, par. 222
from Ch. 38, par. 226

Amends the Sex Offender Registration Act. Provides that a person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder, committed on or after January 1, 1986 (rather than committed on or after June 1, 1996) against a person under 18 years of age, shall be required to register as a sex offender for his or her natural life. Provides that if any person required to register as a sex offender desires to establish a residence or employment outside of the State of Illinois, at least 10 days before (rather than within 10 days after) establishing that residence or employment, he or she shall, in writing, inform the law enforcement agency with which he or she last registered of his or her out-of-state prospective residence or employment. Effective immediately.

LRB093 18363 RLC 44070 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning sex offenders.

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 Sections 2 and 6 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
24 acquittal at a hearing conducted pursuant to Section
25 104-25(a) of the Code of Criminal Procedure of 1963 for
26 the alleged commission or attempted commission of such
27 offense; or

28 (e) is found not guilty by reason of insanity
29 following a hearing conducted pursuant to a federal,
30 Uniform Code of Military Justice, sister state, or
31 foreign country law substantially similar to Section
32 104-25(c) of the Code of Criminal Procedure of 1963 of

1 such offense or of the attempted commission of such
2 offense; or

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

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

14 (3) subject to the provisions of Section 2 of the
15 Interstate Agreements on Sexually Dangerous Persons Act;
16 or

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

21 (5) adjudicated a juvenile delinquent as the result of
22 committing or attempting to commit an act which, if
23 committed by an adult, would constitute any of the offenses
24 specified in item (B), (C), or (C-5) of this Section or a
25 violation of any substantially similar federal, Uniform
26 Code of Military Justice, sister state, or foreign country
27 law, or found guilty under Article V of the Juvenile Court
28 Act of 1987 of committing or attempting to commit an act
29 which, if committed by an adult, would constitute any of
30 the offenses specified in item (B), (C), or (C-5) of this
31 Section or a violation of any substantially similar
32 federal, Uniform Code of Military Justice, sister state, or
33 foreign country law.

34 Convictions that result from or are connected with the same
35 act, or result from offenses committed at the same time, shall
36 be counted for the purpose of this Article as one conviction.

1 Any conviction set aside pursuant to law is not a conviction
2 for purposes of this Article.

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

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

6 (1) A violation of any of the following Sections of the
7 Criminal Code of 1961:

8 11-20.1 (child pornography),

9 11-6 (indecent solicitation of a child),

10 11-9.1 (sexual exploitation of a child),

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

12 11-18.1 (patronizing a juvenile prostitute),

13 11-17.1 (keeping a place of juvenile
14 prostitution),

15 11-19.1 (juvenile pimping),

16 11-19.2 (exploitation of a child),

17 12-13 (criminal sexual assault),

18 12-14 (aggravated criminal sexual assault),

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

21 12-15 (criminal sexual abuse),

22 12-16 (aggravated criminal sexual abuse),

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

24 An attempt to commit any of these offenses.

25 (1.5) A violation of any of the following Sections of
26 the Criminal Code of 1961, when the victim is a person
27 under 18 years of age, the defendant is not a parent of the
28 victim, and the offense was committed on or after January
29 1, 1996:

30 10-1 (kidnapping),

31 10-2 (aggravated kidnapping),

32 10-3 (unlawful restraint),

33 10-3.1 (aggravated unlawful restraint).

34 An attempt to commit any of these offenses.

35 (1.6) First degree murder under Section 9-1 of the
36 Criminal Code of 1961, when the victim was a person under

1 18 years of age, the defendant was at least 17 years of age
2 at the time of the commission of the offense, and the
3 offense was committed on or after June 1, 1996.

4 (1.7) (Blank).

5 (1.8) A violation or attempted violation of Section
6 11-11 (sexual relations within families) of the Criminal
7 Code of 1961, and the offense was committed on or after
8 June 1, 1997.

9 (1.9) Child abduction under paragraph (10) of
10 subsection (b) of Section 10-5 of the Criminal Code of 1961
11 committed by luring or attempting to lure a child under the
12 age of 16 into a motor vehicle, building, house trailer, or
13 dwelling place without the consent of the parent or lawful
14 custodian of the child for other than a lawful purpose and
15 the offense was committed on or after January 1, 1998.

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

19 10-4 (forcible detention, if the victim is under 18
20 years of age),

21 11-6.5 (indecent solicitation of an adult),

22 11-15 (soliciting for a prostitute, if the victim
23 is under 18 years of age),

24 11-16 (pandering, if the victim is under 18 years
25 of age),

26 11-18 (patronizing a prostitute, if the victim is
27 under 18 years of age),

28 11-19 (pimping, if the victim is under 18 years of
29 age).

30 (1.11) A violation or attempted violation of any of the
31 following Sections of the Criminal Code of 1961 when the
32 offense was committed on or after the effective date of
33 this amendatory Act of the 92nd General Assembly:

34 11-9 (public indecency for a third or subsequent
35 conviction),

36 11-9.2 (custodial sexual misconduct).

1 (1.12) A violation or attempted violation of Section
2 5.1 of the Wrongs to Children Act (permitting sexual abuse)
3 when the offense was committed on or after the effective
4 date of this amendatory Act of the 92nd General Assembly.

5 (2) A violation of any former law of this State
6 substantially equivalent to any offense listed in
7 subsection (B) of this Section.

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

20 (C-5) A person at least 17 years of age at the time of the
21 commission of the offense who is convicted of first degree
22 murder under Section 9-1 of the Criminal Code of 1961,
23 committed on or after January 1, 1986 ~~June 1, 1996~~ against a
24 person under 18 years of age, shall be required to register for
25 natural life. A conviction for an offense of federal, Uniform
26 Code of Military Justice, sister state, or foreign country law
27 that is substantially equivalent to any offense listed in
28 subsection (C-5) of this Section shall constitute a conviction
29 for the purpose of this Article.

30 (D) As used in this Article, "law enforcement agency having
31 jurisdiction" means the Chief of Police in each of the
32 municipalities in which the sex offender expects to reside,
33 work, or attend school (1) upon his or her discharge, parole or
34 release or (2) during the service of his or her sentence of
35 probation or conditional discharge, or the Sheriff of the
36 county, in the event no Police Chief exists or if the offender

1 intends to reside, work, or attend school in an unincorporated
2 area. "Law enforcement agency having jurisdiction" includes
3 the location where out-of-state students attend school and
4 where out-of-state employees are employed or are otherwise
5 required to register.

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

8 (1) Convicted for an offense of federal, Uniform Code
9 of Military Justice, sister state, or foreign country law
10 that is substantially equivalent to any offense listed in
11 subsection (E) of this Section shall constitute a
12 conviction for the purpose of this Article. Convicted of a
13 violation or attempted violation of any of the following
14 Sections of the Criminal Code of 1961, if the conviction
15 occurred after July 1, 1999:

16 11-17.1 (keeping a place of juvenile
17 prostitution),

18 11-19.1 (juvenile pimping),

19 11-19.2 (exploitation of a child),

20 11-20.1 (child pornography),

21 12-13 (criminal sexual assault, if the victim is a
22 person under 12 years of age),

23 12-14 (aggravated criminal sexual assault),

24 12-14.1 (predatory criminal sexual assault of a
25 child),

26 12-16 (aggravated criminal sexual abuse),

27 12-33 (ritualized abuse of a child); or

28 (2) convicted of first degree murder under Section 9-1
29 of the Criminal Code of 1961, when the victim was a person
30 under 18 years of age and the defendant was at least 17
31 years of age at the time of the commission of the offense;
32 or

33 (3) certified as a sexually dangerous person pursuant
34 to the Sexually Dangerous Persons Act or any substantially
35 similar federal, Uniform Code of Military Justice, sister
36 state, or foreign country law; or

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

5 (5) convicted of a second or subsequent offense which
6 requires registration pursuant to this Act. The conviction
7 for the second or subsequent offense must have occurred
8 after July 1, 1999. For purposes of this paragraph (5),
9 "convicted" shall include a conviction under any
10 substantially similar Illinois, federal, Uniform Code of
11 Military Justice, sister state, or foreign country law.

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

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

27 (Source: P.A. 91-48, eff. 7-1-99; 92-828, eff. 8-22-02.)

28 (730 ILCS 150/6) (from Ch. 38, par. 226)

29 Sec. 6. Duty to report; change of address, school, or
30 employment; duty to inform. A person who has been adjudicated
31 to be sexually dangerous or is a sexually violent person and is
32 later released, or found to be no longer sexually dangerous or
33 no longer a sexually violent person and discharged, shall
34 report in person to the law enforcement agency with whom he or
35 she last registered no later than 90 days after the date of his

1 or her last registration and every 90 days thereafter. Any
2 other person who is required to register under this Article
3 shall report in person to the appropriate law enforcement
4 agency with whom he or she last registered within one year from
5 the date of last registration and every year thereafter. If any
6 person required to register under this Article changes his or
7 her residence address, place of employment, or school, he or
8 she shall, in writing, within 10 days inform the law
9 enforcement agency with whom he or she last registered of his
10 or her new address, change in employment, or school and
11 register with the appropriate law enforcement agency within the
12 time period specified in Section 3. The law enforcement agency
13 shall, within 3 days of receipt, notify the Department of State
14 Police and the law enforcement agency having jurisdiction of
15 the new place of residence, change in employment, or school.

16 If any person required to register under this Article
17 desires to establish ~~establishes~~ a residence or employment
18 outside of the State of Illinois, at least ~~within~~ 10 days
19 before ~~after~~ establishing that residence or employment, he or
20 she shall, in writing, inform the law enforcement agency with
21 which he or she last registered of his or her out-of-state
22 prospective residence or employment. The law enforcement
23 agency with which such person last registered shall, within 3
24 days notice of an address or employment change, notify the
25 Department of State Police. The Department of State Police
26 shall forward such information to the out-of-state law
27 enforcement agency having jurisdiction in the form and manner
28 prescribed by the Department of State Police.

29 (Source: P.A. 91-48, eff. 7-1-99; 91-394, eff. 1-1-00; 92-16,
30 eff. 6-28-01; 92-828, eff. 8-22-02.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.