



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

SB2821

Introduced 2/5/2004, by Richard J. Winkel Jr.

SYNOPSIS AS INTRODUCED:

20 ILCS 2605/2605-35	was 20 ILCS 2605/55a-3
730 ILCS 150/2	from Ch. 38, par. 222
730 ILCS 150/8	from Ch. 38, par. 228
730 ILCS 150/9	from Ch. 38, par. 229
730 ILCS 152/101	

Amends the Sex Offender Registration Act. Includes in the definition of "sex offense" first degree murder when the defendant was at least 17 years of age at the time of the commission of the offense and the offense was committed on or after the effective date of the amendatory Act. Eliminates the provision that the victim must have been under 18 years of age for offenses committed on or after the effective date of the amendatory Act. Amends the Department of State Police Law of the Civil Administrative Code of Illinois and the Sex Offender and Child Murderer Community Notification Law. Changes the name of the Sex Offender and Child Murderer Community Notification Law to the Sex Offender and Murderer Community Notification Law and makes corresponding changes in cross references to that Act. Effective immediately.

LRB093 20362 RLC 46662 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2605-35 as follows:

7 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

8 Sec. 2605-35. Division of Operations (formerly Criminal
9 Investigation).

10 (a) The Division of Operations shall exercise the following
11 functions and those in Section 2605-30:

12 (1) Exercise the rights, powers, and duties vested by
13 law in the Department by the Illinois Horse Racing Act of
14 1975.

15 (2) Investigate the origins, activities, personnel,
16 and incidents of crime and enforce the criminal laws of
17 this State related thereto.

18 (3) Enforce all laws regulating the production, sale,
19 prescribing, manufacturing, administering, transporting,
20 having in possession, dispensing, delivering,
21 distributing, or use of controlled substances and
22 cannabis.

23 (4) Cooperate with the police of cities, villages, and
24 incorporated towns and with the police officers of any
25 county in enforcing the laws of the State and in making
26 arrests and recovering property.

27 (5) Apprehend and deliver up any person charged in this
28 State or any other state with treason or a felony or other
29 crime who has fled from justice and is found in this State.

30 (6) Investigate recipients and providers under the
31 Illinois Public Aid Code and any personnel involved in the
32 administration of the Code who are suspected of any

1 violation of the Code pertaining to fraud in the
2 administration, receipt, or provision of assistance and
3 pertaining to any violation of criminal law; and exercise
4 the functions required under Section 2605-220 in the
5 conduct of those investigations.

6 (7) Conduct other investigations as provided by law.

7 (8) Exercise the powers and perform the duties that
8 have been vested in the Department by the Sex Offender
9 Registration Act and the Sex Offender and ~~Child~~ Murderer
10 Community Notification Law; and promulgate reasonable
11 rules and regulations necessitated thereby.

12 (9) Exercise other duties that may be assigned by the
13 Director in order to fulfill the responsibilities and
14 achieve the purposes of the Department.

15 (b) There is hereby established in the Division of
16 Operations the Office of Coordination of Gang Prevention,
17 hereafter referred to as the Office.

18 The Office shall consult with units of local government and
19 school districts to assist them in gang control activities and
20 to administer a system of grants to units of local government
21 and school districts that, upon application, have demonstrated
22 a workable plan to reduce gang activity in their area. The
23 grants shall not include reimbursement for personnel, nor shall
24 they exceed 75% of the total request by any applicant. The
25 grants may be calculated on a proportional basis, determined by
26 funds available to the Department for this purpose. The
27 Department has the authority to promulgate appropriate rules
28 and regulations to administer this program.

29 The Office shall establish mobile units of trained
30 personnel to respond to gang activities.

31 The Office shall also consult with and use the services of
32 religious leaders and other celebrities to assist in gang
33 control activities.

34 The Office may sponsor seminars, conferences, or any other
35 educational activity to assist communities in their gang crime
36 control activities.

1 (Source: P.A. 90-193, eff. 7-24-97; 91-239, eff. 1-1-00;
2 91-760, eff. 1-1-01.)

3 Section 10. The Sex Offender Registration Act is amended by
4 changing Sections 2, 8, and 9 as follows:

5 (730 ILCS 150/2) (from Ch. 38, par. 222)

6 Sec. 2. Definitions.

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

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

14 (a) is convicted of such offense or an attempt to
15 commit such offense; or

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

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

22 (d) is the subject of a finding not resulting in an
23 acquittal at a hearing conducted pursuant to Section
24 104-25(a) of the Code of Criminal Procedure of 1963 for
25 the alleged commission or attempted commission of such
26 offense; or

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

34 (f) is the subject of a finding not resulting in an

1 acquittal at a hearing conducted pursuant to a federal,
2 Uniform Code of Military Justice, sister state, or
3 foreign country law substantially similar to Section
4 104-25(a) of the Code of Criminal Procedure of 1963 for
5 the alleged violation or attempted commission of such
6 offense; or

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

11 (3) subject to the provisions of Section 2 of the
12 Interstate Agreements on Sexually Dangerous Persons Act;
13 or

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

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

31 Convictions that result from or are connected with the same
32 act, or result from offenses committed at the same time, shall
33 be counted for the purpose of this Article as one conviction.
34 Any conviction set aside pursuant to law is not a conviction
35 for purposes of this Article.

36 For purposes of this Section, "convicted" shall have the

1 same meaning as "adjudicated".

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

3 (1) A violation of any of the following Sections of the
4 Criminal Code of 1961:

5 11-20.1 (child pornography),

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

7 11-9.1 (sexual exploitation of a child),

8 11-15.1 (soliciting for a juvenile prostitute),

9 11-18.1 (patronizing a juvenile prostitute),

10 11-17.1 (keeping a place of juvenile
11 prostitution),

12 11-19.1 (juvenile pimping),

13 11-19.2 (exploitation of a child),

14 12-13 (criminal sexual assault),

15 12-14 (aggravated criminal sexual assault),

16 12-14.1 (predatory criminal sexual assault of a
17 child),

18 12-15 (criminal sexual abuse),

19 12-16 (aggravated criminal sexual abuse),

20 12-33 (ritualized abuse of a child).

21 An attempt to commit any of these offenses.

22 (1.5) A violation of any of the following Sections of
23 the Criminal Code of 1961, when the victim is a person
24 under 18 years of age, the defendant is not a parent of the
25 victim, and the offense was committed on or after January
26 1, 1996:

27 10-1 (kidnapping),

28 10-2 (aggravated kidnapping),

29 10-3 (unlawful restraint),

30 10-3.1 (aggravated unlawful restraint).

31 An attempt to commit any of these offenses.

32 (1.6) First degree murder under Section 9-1 of the
33 Criminal Code of 1961, when the victim was a person under
34 18 years of age, the defendant was at least 17 years of age
35 at the time of the commission of the offense, and the
36 offense was committed on or after June 1, 1996 and before

1 the effective date of this amendatory Act of the 93rd
2 General Assembly. First degree murder under Section 9-1 of
3 the Criminal Code of 1961 when the defendant was at least
4 17 years of age at the time of the commission of the
5 offense and the offense was committed on or after the
6 effective date of this amendatory Act of the 93rd General
7 Assembly.

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, and the offense was committed on or after
12 June 1, 1997.

13 (1.9) Child abduction under paragraph (10) of
14 subsection (b) of Section 10-5 of the Criminal Code of 1961
15 committed by luring or attempting to lure a child under the
16 age of 16 into a motor vehicle, building, house trailer, or
17 dwelling 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 (1.10) A violation or attempted violation of any of the
21 following Sections of the Criminal Code of 1961 when the
22 offense was committed on or after July 1, 1999:

23 10-4 (forcible detention, if the victim is under 18
24 years of age),

25 11-6.5 (indecent solicitation of an adult),

26 11-15 (soliciting for a prostitute, if the victim
27 is under 18 years of age),

28 11-16 (pandering, if the victim is under 18 years
29 of age),

30 11-18 (patronizing a prostitute, if the victim is
31 under 18 years of age),

32 11-19 (pimping, if the victim is under 18 years of
33 age).

34 (1.11) A violation or attempted violation of any of the
35 following Sections of the Criminal Code of 1961 when the
36 offense was committed on or after the effective date of

1 this amendatory Act of the 92nd General Assembly:

2 11-9 (public indecency for a third or subsequent
3 conviction),

4 11-9.2 (custodial sexual misconduct).

5 (1.12) A violation or attempted violation of Section
6 5.1 of the Wrongs to Children Act (permitting sexual abuse)
7 when the offense was committed on or after the effective
8 date of this amendatory Act of the 92nd General Assembly.

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

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

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

34 (D) As used in this Article, "law enforcement agency having
35 jurisdiction" means the Chief of Police in each of the
36 municipalities in which the sex offender expects to reside,

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

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

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

20 11-17.1 (keeping a place of juvenile
21 prostitution),

22 11-19.1 (juvenile pimping),

23 11-19.2 (exploitation of a child),

24 11-20.1 (child pornography),

25 12-13 (criminal sexual assault, if the victim is a
26 person under 12 years of age),

27 12-14 (aggravated criminal sexual assault),

28 12-14.1 (predatory criminal sexual assault of a
29 child),

30 12-16 (aggravated criminal sexual abuse),

31 12-33 (ritualized abuse of a child); or

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

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

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

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

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

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

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

32 (730 ILCS 150/8) (from Ch. 38, par. 228)

33 Sec. 8. Registration Requirements. Registration as
34 required by this Article shall consist of a statement in
35 writing signed by the person giving the information that is

1 required by the Department of State Police, which may include
2 the fingerprints and must include a photograph of the person.
3 The registration information must include whether the person is
4 a sex offender as defined in the Sex Offender and ~~Child~~
5 Murderer Community Notification Law. Within 3 days, the
6 registering law enforcement agency shall forward any required
7 information to the Department of State Police. The registering
8 law enforcement agency shall enter the information into the Law
9 Enforcement Agencies Data System (LEADS) as provided in
10 Sections 6 and 7 of the Intergovernmental Missing Child
11 Recovery Act of 1984.

12 (Source: P.A. 90-193, eff. 7-24-97; 91-224, eff. 7-1-00.)

13 (730 ILCS 150/9) (from Ch. 38, par. 229)

14 Sec. 9. Public inspection of registration data. Except as
15 provided in the Sex Offender and ~~Child~~ Murderer Community
16 Notification Law, the statements or any other information
17 required by this Article shall not be open to inspection by the
18 public, or by any person other than by a law enforcement
19 officer or other individual as may be authorized by law and
20 shall include law enforcement agencies of this State, any other
21 state, or of the federal government. Similar information may be
22 requested from any law enforcement agency of another state or
23 of the federal government for purposes of this Act. It is a
24 Class B misdemeanor to permit the unauthorized release of any
25 information required by this Article.

26 (Source: P.A. 89-428, eff. 6-1-96; 89-462, eff. 6-1-96; 90-193,
27 eff. 7-24-97.)

28 Section 15. The Sex Offender and Child Murderer Community
29 Notification Law is amended by changing Section 101 as follows:

30 (730 ILCS 152/101)

31 Sec. 101. Short title. This Article may be cited as the Sex
32 Offender and ~~Child~~ Murderer Community Notification Law.

33 (Source: P.A. 89-428, eff. 6-1-96; 89-462, eff. 6-1-96; 90-193,

1 eff. 7-24-97.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.