

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 Sections 2 and 3 and by adding Section 3-5 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". ~~For the purposes of this~~
5 ~~Article, a person who is defined as a sex offender as a result~~
6 ~~of being adjudicated a juvenile delinquent under paragraph (5)~~
7 ~~of this subsection (A) upon attaining 17 years of age shall be~~
8 ~~considered as having committed the sex offense on or after the~~
9 ~~sex offender's 17th birthday. Registration of juveniles upon~~
10 ~~attaining 17 years of age shall not extend the original~~
11 ~~registration of 10 years from the date of conviction.~~

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

13 (1) A violation of any of the following Sections of the
14 Criminal Code of 1961:

15 11-20.1 (child pornography),
16 11-6 (indecent solicitation of a child),
17 11-9.1 (sexual exploitation of a child),
18 11-9.2 (custodial sexual misconduct),
19 11-15.1 (soliciting for a juvenile prostitute),
20 11-18.1 (patronizing a juvenile prostitute),
21 11-17.1 (keeping a place of juvenile
22 prostitution),
23 11-19.1 (juvenile pimping),
24 11-19.2 (exploitation of a child),
25 12-13 (criminal sexual assault),
26 12-14 (aggravated criminal sexual assault),
27 12-14.1 (predatory criminal sexual assault of a
28 child),
29 12-15 (criminal sexual abuse),
30 12-16 (aggravated criminal sexual abuse),
31 12-33 (ritualized abuse of a child).

32 An attempt to commit any of these offenses.

33 (1.5) A violation of any of the following Sections of
34 the Criminal Code of 1961, when the victim is a person
35 under 18 years of age, the defendant is not a parent of the
36 victim, and the offense was committed on or after January

1 1, 1996:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 An attempt to commit any of these offenses.

7 (1.6) First degree murder under Section 9-1 of the
8 Criminal Code of 1961, when the victim was a person under
9 18 years of age and the defendant was at least 17 years of
10 age at the time of the commission of the offense.

11 (1.7) (Blank).

12 (1.8) A violation or attempted violation of Section
13 11-11 (sexual relations within families) of the Criminal
14 Code of 1961, and the offense was committed on or after
15 June 1, 1997.

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

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

26 10-4 (forcible detention, if the victim is under 18
27 years of age),

28 11-6.5 (indecent solicitation of an adult),

29 11-15 (soliciting for a prostitute, if the victim
30 is under 18 years of age),

31 11-16 (pandering, if the victim is under 18 years
32 of age),

33 11-18 (patronizing a prostitute, if the victim is
34 under 18 years of age),

35 11-19 (pimping, if the victim is under 18 years of
36 age).

1 (1.11) A violation or attempted violation of any of the
2 following Sections of the Criminal Code of 1961 when the
3 offense was committed on or after August 22, 2002:

4 11-9 (public indecency for a third or subsequent
5 conviction).

6 (1.12) A violation or attempted violation of Section
7 5.1 of the Wrongs to Children Act (permitting sexual abuse)
8 when the offense was committed on or after August 22, 2002.

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, against
27 a person under 18 years of age, shall be required to register
28 for natural life. A conviction for an offense of federal,
29 Uniform Code of Military Justice, sister state, or foreign
30 country law that is substantially equivalent to any offense
31 listed in subsection (C-5) of this Section shall constitute a
32 conviction for the purpose of this Article. This subsection
33 (C-5) applies to a person who committed the offense before June
34 1, 1996 only if the person is incarcerated in an Illinois
35 Department of Corrections facility on August 20, 2004 (the
36 effective date of Public Act 93-977).

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

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

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

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

26 11-17.1 (keeping a place of juvenile
27 prostitution),

28 11-19.1 (juvenile pimping),

29 11-19.2 (exploitation of a child),

30 11-20.1 (child pornography),

31 12-13 (criminal sexual assault),

32 12-14 (aggravated criminal sexual assault),

33 12-14.1 (predatory criminal sexual assault of a
34 child),

35 12-16 (aggravated criminal sexual abuse),

36 12-33 (ritualized abuse of a child); or

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

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

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

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

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
27 higher learning.

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

36 (H) As used in this Article, "school" means any public or

1 private educational institution, including, but not limited
2 to, any elementary or secondary school, trade or professional
3 institution, or institution of higher education.

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

7 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
8 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

9 (730 ILCS 150/3) (from Ch. 38, par. 223)

10 Sec. 3. Duty to register.

11 (a) A sex offender, as defined in Section 2 of this Act, or
12 sexual predator shall, within the time period prescribed in
13 subsections (b) and (c), register in person and provide
14 accurate information as required by the Department of State
15 Police. Such information shall include a current photograph,
16 current address, current place of employment, the employer's
17 telephone number, school attended, extensions of the time
18 period for registering as provided in this Article and, if an
19 extension was granted, the reason why the extension was granted
20 and the date the sex offender was notified of the extension. ~~A~~
21 ~~person who has been adjudicated a juvenile delinquent for an~~
22 ~~act which, if committed by an adult, would be a sex offense~~
23 ~~shall register as an adult sex offender within 10 days after~~
24 ~~attaining 17 years of age.~~ The sex offender or sexual predator
25 shall register:

26 (1) with the chief of police in the municipality in
27 which he or she resides or is temporarily domiciled for a
28 period of time of 5 or more days, unless the municipality
29 is the City of Chicago, in which case he or she shall
30 register at the Chicago Police Department Headquarters; or

31 (2) with the sheriff in the county in which he or she
32 resides or is temporarily domiciled for a period of time of
33 5 or more days in an unincorporated area or, if
34 incorporated, no police chief exists.

35 If the sex offender or sexual predator is employed at or

1 attends an institution of higher education, he or she shall
2 register:

3 (i) with the chief of police in the municipality in
4 which he or she is employed at or attends an institution of
5 higher education, unless the municipality is the City of
6 Chicago, in which case he or she shall register at the
7 Chicago Police Department Headquarters; or

8 (ii) with the sheriff in the county in which he or she
9 is employed or attends an institution of higher education
10 located in an unincorporated area, or if incorporated, no
11 police chief exists.

12 For purposes of this Article, the place of residence or
13 temporary domicile is defined as any and all places where the
14 sex offender resides for an aggregate period of time of 5 or
15 more days during any calendar year. Any person required to
16 register under this Article who lacks a fixed address or
17 temporary domicile must notify, in person, the agency of
18 jurisdiction of his or her last known address within 5 days
19 after ceasing to have a fixed residence.

20 Any person who lacks a fixed residence must report weekly,
21 in person, with the sheriff's office of the county in which he
22 or she is located in an unincorporated area, or with the chief
23 of police in the municipality in which he or she is located.
24 The agency of jurisdiction will document each weekly
25 registration to include all the locations where the person has
26 stayed during the past 7 days.

27 The sex offender or sexual predator shall provide accurate
28 information as required by the Department of State Police. That
29 information shall include the sex offender's or sexual
30 predator's current place of employment.

31 (a-5) An out-of-state student or out-of-state employee
32 shall, within 5 days after beginning school or employment in
33 this State, register in person and provide accurate information
34 as required by the Department of State Police. Such information
35 will include current place of employment, school attended, and
36 address in state of residence. The out-of-state student or

1 out-of-state employee shall register:

2 (1) with the chief of police in the municipality in
3 which he or she attends school or is employed for a period
4 of time of 5 or more days or for an aggregate period of
5 time of more than 30 days during any calendar year, unless
6 the municipality is the City of Chicago, in which case he
7 or she shall register at the Chicago Police Department
8 Headquarters; or

9 (2) with the sheriff in the county in which he or she
10 attends school or is employed for a period of time of 5 or
11 more days or for an aggregate period of time of more than
12 30 days during any calendar year in an unincorporated area
13 or, if incorporated, no police chief exists.

14 The out-of-state student or out-of-state employee shall
15 provide accurate information as required by the Department of
16 State Police. That information shall include the out-of-state
17 student's current place of school attendance or the
18 out-of-state employee's current place of employment.

19 (b) Any sex offender, as defined in Section 2 of this Act,
20 or sexual predator, regardless of any initial, prior, or other
21 registration, shall, within 5 days of beginning school, or
22 establishing a residence, place of employment, or temporary
23 domicile in any county, register in person as set forth in
24 subsection (a) or (a-5).

25 (c) The registration for any person required to register
26 under this Article shall be as follows:

27 (1) Any person registered under the Habitual Child Sex
28 Offender Registration Act or the Child Sex Offender
29 Registration Act prior to January 1, 1996, shall be deemed
30 initially registered as of January 1, 1996; however, this
31 shall not be construed to extend the duration of
32 registration set forth in Section 7.

33 (2) Except as provided in subsection (c) (4), any person
34 convicted or adjudicated prior to January 1, 1996, whose
35 liability for registration under Section 7 has not expired,
36 shall register in person prior to January 31, 1996.

1 (2.5) Except as provided in subsection (c)(4), any
2 person who has not been notified of his or her
3 responsibility to register shall be notified by a criminal
4 justice entity of his or her responsibility to register.
5 Upon notification the person must then register within 5
6 days of notification of his or her requirement to register.
7 If notification is not made within the offender's 10 year
8 registration requirement, and the Department of State
9 Police determines no evidence exists or indicates the
10 offender attempted to avoid registration, the offender
11 will no longer be required to register under this Act.

12 (3) Except as provided in subsection (c)(4), any person
13 convicted on or after January 1, 1996, shall register in
14 person within 5 days after the entry of the sentencing
15 order based upon his or her conviction.

16 (4) Any person unable to comply with the registration
17 requirements of this Article because he or she is confined,
18 institutionalized, or imprisoned in Illinois on or after
19 January 1, 1996, shall register in person within 5 days of
20 discharge, parole or release.

21 (5) The person shall provide positive identification
22 and documentation that substantiates proof of residence at
23 the registering address.

24 (6) The person shall pay a \$20 initial registration fee
25 and a \$10 annual renewal fee. The fees shall be used by the
26 registering agency for official purposes. The agency shall
27 establish procedures to document receipt and use of the
28 funds. The law enforcement agency having jurisdiction may
29 waive the registration fee if it determines that the person
30 is indigent and unable to pay the registration fee. Ten
31 dollars for the initial registration fee and \$5 of the
32 annual renewal fee shall be used by the registering agency
33 for official purposes. Ten dollars of the initial
34 registration fee and \$5 of the annual fee shall be
35 deposited into the Sex Offender Management Board Fund under
36 Section 19 of the Sex Offender Management Board Act. Money

1 deposited into the Sex Offender Management Board Fund shall
2 be administered by the Sex Offender Management Board and
3 shall be used to fund practices endorsed or required by the
4 Sex Offender Management Board Act including but not limited
5 to sex offenders evaluation, treatment, or monitoring
6 programs that are or may be developed, as well as for
7 administrative costs, including staff, incurred by the
8 Board.

9 (d) Within 5 days after obtaining or changing employment
10 and, if employed on January 1, 2000, within 5 days after that
11 date, a person required to register under this Section must
12 report, in person to the law enforcement agency having
13 jurisdiction, the business name and address where he or she is
14 employed. If the person has multiple businesses or work
15 locations, every business and work location must be reported to
16 the law enforcement agency having jurisdiction.

17 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;
18 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

19 (730 ILCS 150/3-5 new)

20 Sec. 3-5. Application of Act to adjudicated juvenile
21 delinquents.

22 (a) In all cases involving an adjudicated juvenile
23 delinquent who meets the definition of sex offender as set
24 forth in paragraph (5) of subsection (A) of Section 2 of this
25 Act, the court may determine whether to order registration, and
26 if so, the duration of the registration. To determine whether
27 to order registration, the court shall consider the following
28 factors:

29 (1) the report regarding the adjudicated juvenile
30 delinquent's risk assessment prepared for purposes of
31 sentencing;

32 (2) the adjudicated juvenile delinquent's level of
33 planning and participation in the offense;

34 (3) the sex offender history of the adjudicated
35 juvenile delinquent, including whether the adjudicated

1 juvenile delinquent has been adjudicated delinquent for
2 prior sexually-motivated offenses;

3 (4) the possibility that facilities or programs
4 available to the court will contribute to the
5 rehabilitation of the adjudicated juvenile delinquent
6 prior to the expiration of the court's jurisdiction;

7 (5) the ages of the adjudicated juvenile delinquent and
8 the victim;

9 (6) the relationship of the adjudicated juvenile
10 delinquent to the victim;

11 (7) the proposed placement alternatives for the
12 adjudicated juvenile delinquent;

13 (8) information related to the adjudicated juvenile
14 delinquent's mental, physical, educational, and social
15 history;

16 (9) victim impact statements; and

17 (10) any other factors deemed relevant by the court.

18 (b) Once an adjudicated juvenile delinquent is ordered to
19 register as a sex offender, the adjudicated juvenile delinquent
20 shall be subject to the registration requirements set forth in
21 Sections 3, 6, 6-5, 8, 8-5, and 10 for the term of his or her
22 registration.

23 (c) Ninety days prior to the completion of an adjudicated
24 juvenile delinquent's term of registration, ordered pursuant
25 to subsection (a) of this Section, the clerk of the court shall
26 provide notice to the parties of a hearing regarding status of
27 registration. Prior to the registration status hearing, the
28 State's Attorney may petition for the continuation of the term
29 of registration.

30 (d) At the registration status hearing, if the State's
31 Attorney fails to file a petition for continuation of term of
32 registration, or if the court determines, based upon the
33 factors set forth in subsection (e), that the registrant no
34 longer poses a serious risk to the community, registration
35 shall be terminated. At the registration status hearing, both
36 parties may present evidence about whether the registrant poses

1 a risk to the community. Upon the State's presentation of clear
2 and convincing evidence that the registrant poses a serious
3 risk to the community, the court may extend registration and
4 determine which, if any, conditions of registration shall
5 apply.

6 (e) To determine whether a registrant poses a serious risk
7 to the community as required by subsection (d), the court shall
8 consider the following factors:

9 (1) a risk assessment performed by an evaluator
10 approved by the Sex Offender Management Board;

11 (2) the sex offender history of the adjudicated
12 juvenile delinquent;

13 (3) evidence of the adjudicated juvenile delinquent's
14 rehabilitation;

15 (4) the age of the adjudicated juvenile delinquent at
16 the time of the offense;

17 (5) information related to the adjudicated juvenile
18 delinquent's mental, physical, educational, and social
19 history; and

20 (6) any other factors deemed relevant by the court.

21 (f) At the hearing set forth in subsections (c) and (d), a
22 registrant shall be represented by counsel and may present a
23 risk assessment conducted by an evaluator who is a licensed
24 psychiatrist, psychologist, or other mental health
25 professional, and who has demonstrated clinical experience in
26 juvenile sex offender treatment.

27 (g) After a registrant completes the term of his or her
28 registration, his or her name, address, and all other
29 identifying information shall be removed from all State and
30 local registries.

31 (h) An adjudicated juvenile delinquent shall not be
32 considered a sexual predator, as defined in subsection (E) of
33 Section 2 of this Act, for the purposes of mandatory
34 registration for the term of natural life as set forth in
35 Section 7 of this Act.

36 (i) This Section applies retroactively to cases in which

1 adjudicated juvenile delinquents who registered or were
2 required to register before the effective date of this
3 amendatory Act of the 94th General Assembly. Within 90 days
4 after the effective date of this amendatory Act, the clerk's
5 office shall send notice to registrants affected by this
6 Section notifying them of a registration status hearing
7 pursuant to subsections (c) through (e) of this Section.

8 (j) This Section does not apply to minors prosecuted under
9 the criminal laws as adults.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.