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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, 3, 6, 7, and 8 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:

(a) is convicted of such offense or an attempt tocommit 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

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

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

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

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

(2) certified as a sexually dangerous person pursuant
 to the Illinois Sexually Dangerous Persons Act, or any
 substantially similar federal, Uniform Code of Military
 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

(5) adjudicated a juvenile delinquent as the result of 21 committing or attempting to commit an act which, 22 if 23 committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a 24 violation of any substantially similar federal, Uniform 25 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 which, if committed by an adult, would constitute any of 29 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 foreign country law. 33

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. HB4030 Enrolled - 3 - LRB094 09539 RLC 39790 b

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

For purposes of this Section, "convicted" shall have the 3 same meaning as "adjudicated". For the purposes of this 4 5 Article, a person who is defined as a sex offender as a result of being adjudicated a juvenile delinguent under paragraph (5) 6 of this subsection (A) upon attaining 17 years of age shall be 7 considered as having committed the sex offense on or after the 8 9 sex offender's 17th birthday. Registration of juveniles upon attaining 17 years of age shall not extend the original 10 11 registration of 10 years from the date of conviction. 12 (B) As used in this Article, "sex offense" means: (1) A violation of any of the following Sections of the 13 Criminal Code of 1961: 14 11-20.1 (child pornography), 15 16 11-6 (indecent solicitation of a child), 17 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 18 11-18.1 (patronizing a juvenile prostitute), 19 20 11-17.1 (keeping a place of juvenile 21 prostitution), 11-19.1 (juvenile pimping), 22 23 11-19.2 (exploitation of a child), 12-13 (criminal sexual assault), 24 25 12-14 (aggravated criminal sexual assault), 12-14.1 (predatory criminal sexual assault of a 26 27 child), 28 12-15 (criminal sexual abuse), 29 12-16 (aggravated criminal sexual abuse), 30 12-33 (ritualized abuse of a child). 31 An attempt to commit any of these offenses. 32 (1.5) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person 33 under 18 years of age, the defendant is not a parent of the 34 victim, and the offense was committed on or after January 35 1, 1996: 36

10-1 (kidnapping), 1 10-2 (aggravated kidnapping), 2 3 10-3 (unlawful restraint), 10-3.1 (aggravated unlawful restraint). 4 5 An attempt to commit any of these offenses. (1.6) First degree murder under Section 9-1 of the 6 Criminal Code of 1961, when the victim was a person under 7 18 years of age and the defendant was at least 17 years of 8 9 age at the time of the commission of the offense. 10 (1.7) (Blank). 11 (1.8) A violation or attempted violation of Section 12 11-11 (sexual relations within families) of the Criminal Code of 1961, and the offense was committed on or after 13 June 1, 1997. 14 Child abduction under paragraph 15 (1.9)(10)of subsection (b) of Section 10-5 of the Criminal Code of 1961 16 17 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or 18 dwelling place without the consent of the parent or lawful 19 20 custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998. 21 (1.10) A violation or attempted violation of any of the 22 following Sections of the Criminal Code of 1961 when the 23 offense was committed on or after July 1, 1999: 24 10-4 (forcible detention, if the victim is under 18 25 26 years of age), 27 11-6.5 (indecent solicitation of an adult), 28 11-15 (soliciting for a prostitute, if the victim is under 18 years of age), 29 30 11-16 (pandering, if the victim is under 18 years 31 of age), 32 11-18 (patronizing a prostitute, if the victim is under 18 years of age), 33 11-19 (pimping, if the victim is under 18 years of 34 35 age). 36 (1.11) A violation or attempted violation of any of the

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following Sections of the Criminal Code of 1961 when the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly:

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

11-9.2 (custodial sexual misconduct).

(1.12) A violation or attempted violation of Section 7 5.1 of the Wrongs to Children Act (permitting sexual abuse) when the offense was committed on or after the effective 9 date of this amendatory Act of the 92nd General Assembly. 10

11 (2) A violation of any former law of this State 12 substantially equivalent to any offense listed in subsection (B) of this Section. 13

(C) A conviction for an offense of federal law, Uniform 14 15 Code of Military Justice, or the law of another state or a 16 foreign country that is substantially equivalent to any offense 17 listed in subsections (B), (C), and (E) of this Section shall constitute a conviction for the purpose of this Article. A 18 19 finding or adjudication as a sexually dangerous person or a 20 sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign 21 22 country that is substantially equivalent to the Sexually 23 Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the 24 25 purposes of this Article.

26 (C-5) A person at least 17 years of age at the time of the 27 commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, against 28 29 a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of federal, 30 Uniform Code of Military Justice, sister state, or foreign 31 32 country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a 33 conviction for the purpose of this Article. This subsection 34 35 (C-5) applies to a person who committed the offense before June 1, 1996 only if the person is incarcerated in an Illinois 36

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Department of Corrections facility on <u>August 20, 2004 (the</u> effective date of <u>Public Act 93-977)</u> this amendatory Act of the <del>93rd General Assembly</del>.

(D) As used in this Article, "law enforcement agency having 4 5 jurisdiction" means the Chief of Police in each of the 6 municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or 7 release or (2) during the service of his or her sentence of 8 probation or conditional discharge, or the Sheriff of the 9 county, in the event no Police Chief exists or if the offender 10 11 intends to reside, work, or attend school in an unincorporated 12 area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and 13 where out-of-state employees are employed or are otherwise 14 15 required to register.

16 (D-1) As used in this Article, "supervising officer" means 17 the assigned Illinois Department of Corrections parole agent or 18 county probation officer.

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

(1) Convicted for an offense of federal, Uniform Code 21 of Military Justice, sister state, or foreign country law 22 that is substantially equivalent to any offense listed in 23 subsection (E) of this Section shall constitute a 24 25 conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following 26 27 Sections of the Criminal Code of 1961, if the conviction 28 occurred after July 1, 1999:

(keeping a place of 29 11-17.1 juvenile 30 prostitution), 31 11-19.1 (juvenile pimping), 32 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 33 12-13 (criminal sexual assault, if the victim is a 34 35 person under 12 years of age), 36 12-14 (aggravated criminal sexual assault),

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

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12-16 (aggravated criminal sexual abuse),

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

5 (2) convicted of first degree murder under Section 9-1 6 of the Criminal Code of 1961, when the victim was a person 7 under 18 years of age and the defendant was at least 17 8 years of age at the time of the commission of the offense; 9 or

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

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

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

(F) As used in this Article, "out-of-state student" means 25 any sex offender, as defined in this Section, or sexual 26 27 predator who is enrolled in Illinois, on a full-time or 28 part-time basis, in any public or private educational institution, including, but not limited to, any secondary 29 30 school, trade or professional institution, or institution of higher learning. 31

32 (G) As used in this Article, "out-of-state employee" means 33 any sex offender, as defined in this Section, or sexual 34 predator who works in Illinois, regardless of whether the 35 individual receives payment for services performed, for a 36 period of time of 10 or more days or for an aggregate period of

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1 time of 30 or more days during any calendar year. Persons who 2 operate motor vehicles in the State accrue one day of 3 employment time for any portion of a day spent in Illinois.

(H) As used in this Article, "school" means any public or 4 5 private educational institution, including, but not limited 6 to, any elementary or secondary school, trade or professional institution, or institution of higher education. 7 (Source: P.A. 92-828, eff. 8-22-02; 93-977, eff. 8-20-04; 8

93-979, eff. 8-20-04; revised 10-14-04.) 9

10 (730 ILCS 150/3) (from Ch. 38, par. 223)

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Sec. 3. Duty to register.

(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 15 accurate information as required by the Department of State 16 Police. Such information shall include a current photograph, 17 current address, current place of employment, the employer's 18 telephone number, and school attended, extensions of the time 19 period for registering as provided in this Article and, if an 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 26 shall register:

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(1) with the chief of police in the municipality in which he or she resides or is temporarily domiciled for a period of time of 10 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she 32 33 resides or is temporarily domiciled for a period of time of 10 34 more days in an unincorporated area or, if or 35 incorporated, no police chief exists.

1 If the sex offender or sexual predator is employed at or 2 attends an institution of higher education, he or she shall 3 register:

4 (i) with the chief of police in the municipality in 5 which he or she is employed at or attends an institution of 6 higher education, unless the municipality is the City of 7 Chicago, in which case he or she shall register at the 8 Chicago Police Department Headquarters; or

9 (ii) with the sheriff in the county in which he or she 10 is employed or attends an institution of higher education 11 located in an unincorporated area, or if incorporated, no 12 police chief exists.

For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 10 or more days during any calendar year.

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

(a-5) An out-of-state student or out-of-state employee shall, within 10 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. The out-of-state student or out-of-state employee shall register:

(1) with the chief of police in the municipality in
which he or she attends school or is employed for a period
of time of 10 or more days or for an aggregate period of
time of more than 30 days during any calendar year, unless
the municipality is the City of Chicago, in which case he
or she shall register at the Chicago Police Department
Headquarters; or

35 (2) with the sheriff in the county in which he or she
 36 attends school or is employed for a period of time of 10 or

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more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

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

9 (b) Any sex offender, as defined in Section 2 of this Act, 10 or sexual predator, regardless of any initial, prior, or other 11 registration, shall, within 10 days of beginning school, or 12 establishing a residence, place of employment, or temporary 13 domicile in any county, register in person as set forth in 14 subsection (a) or (a-5).

15 (c) The registration for any person required to register 16 under this Article shall be as follows:

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

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

27 (2.5) Except as provided in subsection (c)(4), any or 28 person who has not been notified of his her 29 responsibility to register shall be notified by a criminal 30 justice entity of his or her responsibility to register. 31 Upon notification the person must then register within 10 32 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year 33 registration requirement, and the Department of State 34 Police determines no evidence exists or indicates the 35 offender attempted to avoid registration, the offender 36

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will no longer be required to register under this Act.

(3) Except as provided in subsection (c) (4), any person convicted on or after January 1, 1996, shall register in person within 10 days after the entry of the sentencing 5 order based upon his or her conviction.

6 (4) Any person unable to comply with the registration requirements of this Article because he or she is confined, 7 institutionalized, or imprisoned in Illinois on or after 8 9 January 1, 1996, shall register in person within 10 days of 10 discharge, parole or release.

11 (5) The person shall provide positive identification 12 and documentation that substantiates proof of residence at the registering address. 13

(6) The person shall pay a \$20 initial registration fee 14 and a \$10 annual renewal fee. The fees shall be used by the 15 16 registering agency for official purposes. The agency shall 17 establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may 18 waive the registration fee if it determines that the person 19 20 is indigent and unable to pay the registration fee. Ten dollars for the initial registration fee and \$5 of the 21 annual renewal fee shall be used by the registering agency 22 23 for official purposes. Ten dollars of the initial registration fee and \$5 of the annual fee shall be 24 25 deposited into the Sex Offender Management Board Fund under 26 Section 19 of the Sex Offender Management Board Act. Money 27 deposited into the Sex Offender Management Board Fund shall 28 be administered by the Sex Offender Management Board and shall be used to fund practices endorsed or required by the 29 30 Sex Offender Management Board Act including but not limited 31 to sex offenders evaluation, treatment, or monitoring programs that are or may be developed, as well as for 32 administrative costs, including staff, incurred by the 33 Board. 34

(d) Within 10 days after obtaining or changing employment 35 and, if employed on January 1, 2000, within 10 days after that 36

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date, a person required to register under this Section must report, in person or in writing to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

7 (Source: P.A. 92-828, eff. 8-22-02; 93-616, eff. 1-1-04; 8 93-979, eff. 8-20-04.)

9 (730 ILCS 150/6) (from Ch. 38, par. 226)

10 Sec. 6. Duty to report; change of address, school, or 11 employment; duty to inform. A person who has been adjudicated 12 to be sexually dangerous or is a sexually violent person and is later released, or found to be no longer sexually dangerous or 13 14 no longer a sexually violent person and discharged, shall 15 report in person to the law enforcement agency with whom he or she last registered no later than 90 days after the date of his 16 or her last registration and every 90 days thereafter and at 17 18 such other times at the request of the law enforcement agency 19 not to exceed 4 times a year. Any other person who is required to register under this Article shall report in person to the 20 appropriate law enforcement agency with whom he or she last 21 22 registered within one year from the date of last registration 23 and every year thereafter and at such other times at the request of the law enforcement agency not to exceed 4 times a 24 25 year. If any person required to register under this Article 26 changes his or her residence address, place of employment, or 27 school, he or she shall report in person to , in writing, within 10 days inform the law enforcement agency with whom he 28 29 or she last registered of his or her new address, change in employment, or school and register, in person, with the 30 31 appropriate law enforcement agency within the time period specified in Section 3. The law enforcement agency shall, 32 within 3 days of the reporting in person by the person required 33 to register under this Article receipt, notify the Department 34 State Police and the law enforcement agency having 35 of

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jurisdiction of the new place of residence, change in employment, or school.

If any person required to register under this Article 3 4 intends to establish a residence or employment outside of the 5 State of Illinois, at least 10 days before establishing that 6 residence or employment, he or she shall report in person to, in writing, inform the law enforcement agency with which he or 7 she last registered of his or her out-of-state intended 8 9 residence or employment. The law enforcement agency with which such person last registered shall, within 3 days <u>after</u> the 10 11 reporting in person of the person required to register under 12 this Article notice of an address or employment change, notify the Department of State Police. The Department of State Police 13 shall forward such information to the out-of-state 14 law enforcement agency having jurisdiction in the form and manner 15 16 prescribed by the Department of State Police.

17 (Source: P.A. 92-16, eff. 6-28-01; 92-828, eff. 8-22-02; 18 93-977, eff. 8-20-04.)

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## (730 ILCS 150/7) (from Ch. 38, par. 227)

Sec. 7. Duration of registration. A person who has been 20 adjudicated to be sexually dangerous and is later released or 21 22 found to be no longer sexually dangerous and discharged, shall 23 register for the period of his or her natural life. A sexually violent person or sexual predator shall register for the period 24 25 of his or her natural life after conviction or adjudication if 26 not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his 27 or her natural life after parole, discharge, or release from 28 29 any such facility. Any other person who is required to register under this Article shall be required to register for a period 30 31 of 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or 32 facility, and if confined, for a period of 10 years after 33 parole, discharge or release from any such facility. A sex 34 offender who is allowed to leave a county, State, or federal 35

1 facility for the purposes of work release, education, or 2 overnight visitations shall be required to register within 10 3 days of beginning such a program. Liability for registration 4 terminates at the expiration of 10 years from the date of 5 conviction or adjudication if not confined to a penal 6 institution, hospital or any other institution or facility and if confined, at the expiration of 10 years from the date of 7 8 parole, discharge or release from any such facility, providing 9 such person does not, during that period, again become liable to register under the provisions of this Article. Reconfinement 10 11 due to a violation of parole or other circumstances that 12 relates to the original conviction or adjudication shall extend 13 the period of registration to 10 years after final parole, discharge, or release. The Director of State Police, consistent 14 15 with administrative rules, shall extend for 10 years the 16 registration period of any sex offender, as defined in Section 17 2 of this Act, who fails to comply with the provisions of this Article. The registration period for any sex offender who fails 18 19 to comply with any provision of the Act shall extend the period 20 of registration by 10 years beginning from the first date of registration after the violation. If the registration period is 21 extended, the Department of State Police shall send a 22 23 registered letter to the law enforcement agency where the sex offender resides within 3 days after the extension of the 24 registration period. The sex offender shall report to that law 25 26 enforcement agency and sign for that letter. One copy of that 27 letter shall be kept on file with the law enforcement agency of the jurisdiction where the sex offender resides and one copy 28 shall be returned to the Department of State Police. 29

30 (Source: P.A. 92-828, eff. 8-22-02; 93-979, eff. 8-20-04.)

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

32 Sec. 8. Registration Requirements. Registration as 33 required by this Article shall consist of a statement in 34 writing signed by the person giving the information that is 35 required by the Department of State Police, which may include

1 the fingerprints and must include a current photograph of the 2 person, to be updated annually. If the sex offender is a child 3 sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961, he or she shall sign a statement that he 4 5 or she understands that according to Illinois law as a child sex offender he or she may not reside within 500 feet of a 6 school, park, or playground. The offender may also not reside 7 within 500 feet of a facility providing services directed 8 9 exclusively toward persons under 18 years of age unless the sex offender meets specified exemptions. 10 The registration 11 information must include whether the person is a sex offender 12 as defined in the Sex Offender and Child Murderer Community 13 Notification Law. Within 3 days, the registering law enforcement agency shall forward any required information to 14 15 the Department of State Police. The registering law enforcement 16 agency shall enter the information into the Law Enforcement Agencies Data System (LEADS) as provided in Sections 6 and 7 of 17 the Intergovernmental Missing Child Recovery Act of 1984. 18 19 (Source: P.A. 93-979, eff. 8-20-04.)