



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4045

Introduced 2/28/2005, by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

730 ILCS 150/3.5 new

Amends the Sex Offender Registration Act. Provides that the juvenile court shall decide whether to require a juvenile offender to register as a sex offender based on several factors, including seriousness, level of planning and participation, sex offender history, ages and relationship of the juvenile and the victim, and other factors. Sets forth registration requirements for a juvenile. Provides for modification of registration. Provides that, upon reaching the age of 17, a juvenile is not required to register as an adult sex offender unless certain requirements are met. Provides that a juvenile shall not be considered a sexual predator. Makes other changes.

LRB094 11599 AJO 42671 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 adding Section 3.5 as follows:

6 (730 ILCS 150/3.5 new)

7 Sec. 3.5. Application of Act to juveniles.

8 (a) The juvenile court may determine whether a juvenile,
9 defined in paragraph (5) of subsection (A) of Section 2 of this
10 Act, must register as a sex offender and the duration of that
11 registration.

12 (b) The juvenile court shall consider the following factors
13 in determining whether to require a juvenile to register as a
14 sex offender and the duration of that registration:

15 (i) the seriousness of the alleged violation;

16 (ii) the juvenile's level of planning and
17 participation in the alleged offense;

18 (iii) the previous sex offender history of the
19 juvenile, including whether the juvenile has been
20 adjudicated delinquent for prior sexually-motivated
21 offenses;

22 (iv) the probability that the juvenile will commit
23 similar future violations;

24 (v) the possibility that facilities or programs
25 available to the juvenile court would contribute to the
26 rehabilitation of the juvenile prior to the expiration of
27 the juvenile court's jurisdiction;

28 (vi) the ages of the juvenile and the victim;

29 (vii) the relationship of the juvenile to the victim;

30 (viii) any written or other information related to the
31 juvenile's mental, physical, educational, and social
32 history; and

1 (ix) any other factors deemed relevant by the court.

2 (c) Once a juvenile is ordered to register as a sex
3 offender, the juvenile shall be subject to the registration
4 requirements set forth in Sections 3, 6, 6-5, 8, 8-5, and 10
5 for the term of his or her registration.

6 (d) Upon motion of any party, and upon presentation of
7 evidence that the registration is no longer in the best
8 interests of the juvenile and no longer necessary for the
9 protection of the community, the juvenile court may modify the
10 terms and conditions of the registration. Motions under this
11 subsection may be brought at any time before the minor reaches
12 the age of 17 or before proceedings in his or her juvenile
13 court cases are terminated.

14 (e) When a juvenile sex offender reaches the age of 17, the
15 juvenile shall not be required to register as an adult sex
16 offender. After the juvenile completes the term of the juvenile
17 sex offender registration, his or her name, address, and other
18 identifying information must be removed from all State and
19 local registries. Within 30 days of the end of the term of the
20 juvenile's registration, upon motion by any party and the
21 presentation of clear and convincing evidence that the juvenile
22 sex offender still poses a serious risk to the community, the
23 juvenile court may require that the juvenile sex offender
24 register as an adult sex offender and comply with all
25 registration requirements set forth in Sections 3, 6, 6-5, 8,
26 8-5, and 10.

27 (f) A juvenile shall not be considered a sexual predator,
28 as defined in subsection (e) of Section 2 of this Act, for the
29 purposes of mandatory registration for the term of natural life
30 as set forth in Section 7 of this Act.