

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 Criminal Identification Act is amended by
5 changing Section 8 as follows:

6 (20 ILCS 2630/8) (from Ch. 38, par. 206-8)

7 Sec. 8. Crime statistics; sex offenders.

8 (a) The Department shall be a central repository and
9 custodian of crime statistics for the State and it shall have
10 all power incident thereto to carry out the purposes of this
11 Act, including the power to demand and receive cooperation in
12 the submission of crime statistics from all units of
13 government. On an annual basis, the Illinois Criminal Justice
14 Information Authority shall make available compilations
15 published by the Authority of crime statistics required to be
16 reported by each policing body of the State, the clerks of the
17 circuit court of each county, the Illinois Department of
18 Corrections, the Sheriff of each county, and the State's
19 Attorney of each county, including, but not limited to,
20 criminal arrest, charge and disposition information.

21 (b) The Department shall develop information relating to
22 the number of sex offenders and sexual predators as defined in
23 Section 2 of the Sex Offender Registration Act who are placed
24 on parole, mandatory supervised release, or extended mandatory
25 supervised release and who are subject to electronic
26 monitoring.

27 (Source: P.A. 86-701.)

28 Section 10. The Unified Code of Corrections is amended by
29 changing Section 3-3-7 and by adding Section 5-8A-6 as follows:

30 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

1 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
2 Release.

3 (a) The conditions of parole or mandatory supervised
4 release shall be such as the Prisoner Review Board deems
5 necessary to assist the subject in leading a law-abiding life.
6 The conditions of every parole and mandatory supervised release
7 are that the subject:

8 (1) not violate any criminal statute of any
9 jurisdiction during the parole or release term;

10 (2) refrain from possessing a firearm or other
11 dangerous weapon;

12 (3) report to an agent of the Department of
13 Corrections;

14 (4) permit the agent to visit him or her at his or her
15 home, employment, or elsewhere to the extent necessary for
16 the agent to discharge his or her duties;

17 (5) attend or reside in a facility established for the
18 instruction or residence of persons on parole or mandatory
19 supervised release;

20 (6) secure permission before visiting or writing a
21 committed person in an Illinois Department of Corrections
22 facility;

23 (7) report all arrests to an agent of the Department of
24 Corrections as soon as permitted by the arresting authority
25 but in no event later than 24 hours after release from
26 custody;

27 (7.5) if convicted of a sex offense as defined in the
28 Sex Offender Management Board Act, the individual shall
29 undergo and successfully complete sex offender treatment
30 conducted in conformance with the standards developed by
31 the Sex Offender Management Board Act by a treatment
32 provider approved by the Board;

33 (7.6) if convicted of a sex offense as defined in the
34 Sex Offender Management Board Act, refrain from residing at
35 the same address or in the same condominium unit or
36 apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or
2 reasonably should know is a convicted sex offender or has
3 been placed on supervision for a sex offense; the
4 provisions of this paragraph do not apply to a person
5 convicted of a sex offense who is placed in a Department of
6 Corrections licensed transitional housing facility for sex
7 offenders, or is in any facility operated or licensed by
8 the Department of Children and Family Services or by the
9 Department of Human Services, or is in any licensed medical
10 facility;

11 (7.7) if convicted for an offense that would qualify
12 the accused as a sexual predator under the Sex Offender
13 Registration Act on or after the effective date of this
14 amendatory Act of the 94th General Assembly, wear an
15 approved electronic monitoring device as defined in
16 Section 5-8A-2 for the duration of the person's parole,
17 mandatory supervised release term, or extended mandatory
18 supervised release term, provided funding is appropriated
19 by the General Assembly;

20 (8) obtain permission of an agent of the Department of
21 Corrections before leaving the State of Illinois;

22 (9) obtain permission of an agent of the Department of
23 Corrections before changing his or her residence or
24 employment;

25 (10) consent to a search of his or her person,
26 property, or residence under his or her control;

27 (11) refrain from the use or possession of narcotics or
28 other controlled substances in any form, or both, or any
29 paraphernalia related to those substances and submit to a
30 urinalysis test as instructed by a parole agent of the
31 Department of Corrections;

32 (12) not frequent places where controlled substances
33 are illegally sold, used, distributed, or administered;

34 (13) not knowingly associate with other persons on
35 parole or mandatory supervised release without prior
36 written permission of his or her parole agent and not

1 associate with persons who are members of an organized gang
2 as that term is defined in the Illinois Streetgang
3 Terrorism Omnibus Prevention Act;

4 (14) provide true and accurate information, as it
5 relates to his or her adjustment in the community while on
6 parole or mandatory supervised release or to his or her
7 conduct while incarcerated, in response to inquiries by his
8 or her parole agent or of the Department of Corrections;

9 (15) follow any specific instructions provided by the
10 parole agent that are consistent with furthering
11 conditions set and approved by the Prisoner Review Board or
12 by law, exclusive of placement on electronic detention, to
13 achieve the goals and objectives of his or her parole or
14 mandatory supervised release or to protect the public.
15 These instructions by the parole agent may be modified at
16 any time, as the agent deems appropriate; and

17 (16) if convicted of a sex offense as defined in
18 subsection (a-5) of Section 3-1-2 of this Code, unless the
19 offender is a parent or guardian of the person under 18
20 years of age present in the home and no non-familial minors
21 are present, not participate in a holiday event involving
22 children under 18 years of age, such as distributing candy
23 or other items to children on Halloween, wearing a Santa
24 Claus costume on or preceding Christmas, being employed as
25 a department store Santa Claus, or wearing an Easter Bunny
26 costume on or preceding Easter.

27 (b) The Board may in addition to other conditions require
28 that the subject:

29 (1) work or pursue a course of study or vocational
30 training;

31 (2) undergo medical or psychiatric treatment, or
32 treatment for drug addiction or alcoholism;

33 (3) attend or reside in a facility established for the
34 instruction or residence of persons on probation or parole;

35 (4) support his dependents;

36 (5) (blank);

1 (6) (blank);

2 (7) comply with the terms and conditions of an order of
3 protection issued pursuant to the Illinois Domestic
4 Violence Act of 1986, enacted by the 84th General Assembly,
5 or an order of protection issued by the court of another
6 state, tribe, or United States territory; and

7 (8) in addition, if a minor:

8 (i) reside with his parents or in a foster home;

9 (ii) attend school;

10 (iii) attend a non-residential program for youth;

11 or

12 (iv) contribute to his own support at home or in a
13 foster home.

14 (b-1) In addition to the conditions set forth in
15 subsections (a) and (b), persons required to register as sex
16 offenders pursuant to the Sex Offender Registration Act, upon
17 release from the custody of the Illinois Department of
18 Corrections, may be required by the Board to comply with the
19 following specific conditions of release:

20 (1) reside only at a Department approved location;

21 (2) comply with all requirements of the Sex Offender
22 Registration Act;

23 (3) notify third parties of the risks that may be
24 occasioned by his or her criminal record;

25 (4) obtain the approval of an agent of the Department
26 of Corrections prior to accepting employment or pursuing a
27 course of study or vocational training and notify the
28 Department prior to any change in employment, study, or
29 training;

30 (5) not be employed or participate in any volunteer
31 activity that involves contact with children, except under
32 circumstances approved in advance and in writing by an
33 agent of the Department of Corrections;

34 (6) be electronically monitored for a minimum of 12
35 months from the date of release as determined by the Board;

36 (7) refrain from entering into a designated geographic

1 area except upon terms approved in advance by an agent of
2 the Department of Corrections. The terms may include
3 consideration of the purpose of the entry, the time of day,
4 and others accompanying the person;

5 (8) refrain from having any contact, including written
6 or oral communications, directly or indirectly, personally
7 or by telephone, letter, or through a third party with
8 certain specified persons including, but not limited to,
9 the victim or the victim's family without the prior written
10 approval of an agent of the Department of Corrections;

11 (9) refrain from all contact, directly or indirectly,
12 personally, by telephone, letter, or through a third party,
13 with minor children without prior identification and
14 approval of an agent of the Department of Corrections;

15 (10) neither possess or have under his or her control
16 any material that is sexually oriented, sexually
17 stimulating, or that shows male or female sex organs or any
18 pictures depicting children under 18 years of age nude or
19 any written or audio material describing sexual
20 intercourse or that depicts or alludes to sexual activity,
21 including but not limited to visual, auditory, telephonic,
22 or electronic media, or any matter obtained through access
23 to any computer or material linked to computer access use;

24 (11) not patronize any business providing sexually
25 stimulating or sexually oriented entertainment nor utilize
26 "900" or adult telephone numbers;

27 (12) not reside near, visit, or be in or about parks,
28 schools, day care centers, swimming pools, beaches,
29 theaters, or any other places where minor children
30 congregate without advance approval of an agent of the
31 Department of Corrections and immediately report any
32 incidental contact with minor children to the Department;

33 (13) not possess or have under his or her control
34 certain specified items of contraband related to the
35 incidence of sexually offending as determined by an agent
36 of the Department of Corrections;

1 (14) may be required to provide a written daily log of
2 activities if directed by an agent of the Department of
3 Corrections;

4 (15) comply with all other special conditions that the
5 Department may impose that restrict the person from
6 high-risk situations and limit access to potential
7 victims.

8 (c) The conditions under which the parole or mandatory
9 supervised release is to be served shall be communicated to the
10 person in writing prior to his release, and he shall sign the
11 same before release. A signed copy of these conditions,
12 including a copy of an order of protection where one had been
13 issued by the criminal court, shall be retained by the person
14 and another copy forwarded to the officer in charge of his
15 supervision.

16 (d) After a hearing under Section 3-3-9, the Prisoner
17 Review Board may modify or enlarge the conditions of parole or
18 mandatory supervised release.

19 (e) The Department shall inform all offenders committed to
20 the Department of the optional services available to them upon
21 release and shall assist inmates in availing themselves of such
22 optional services upon their release on a voluntary basis.

23 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
24 eff. 7-11-05; 94-161, eff. 7-11-05; revised 8-19-05.)

25 (730 ILCS 5/5-8A-6 new)

26 Sec. 5-8A-6. Electronic monitoring of certain sex
27 offenders. For a sexual predator subject to electronic home
28 monitoring under paragraph (7.7) of subsection (a) of Section
29 3-3-7, the Department of Corrections must use a system that
30 actively monitors and identifies the offender's current
31 location and timely reports or records the offender's presence
32 and that alerts the Department of the offender's presence
33 within a prohibited area described in Sections 11-9.3 and
34 11-9.4 of the Criminal Code of 1961, in a court order, or as a
35 condition of the offender's parole, mandatory supervised

1 release, or extended mandatory supervised release and the
2 offender's departure from specified geographic limitations,
3 provided funding is appropriated by the General Assembly for
4 this purpose.

5 Section 15. The Sex Offender Registration Act is amended by
6 changing Sections 8-5 and 10 as follows:

7 (730 ILCS 150/8-5)

8 Sec. 8-5. Verification requirements.

9 (a) Address verification. The agency having jurisdiction
10 shall verify the address of sex offenders, as defined in
11 Section 2 of this Act, or sexual predators required to register
12 with their agency at least once per year. The verification must
13 be documented in LEADS in the form and manner required by the
14 Department of State Police.

15 (b) Registration verification. The supervising officer
16 shall, within 15 days of sentencing to probation or release
17 from an Illinois Department of Corrections facility, contact
18 the law enforcement agency in the jurisdiction in which the sex
19 offender or sexual predator designated as his or her intended
20 residence and verify compliance with the requirements of this
21 Act. Revocation proceedings shall be immediately commenced
22 against a sex offender or sexual predator on probation, parole,
23 or mandatory supervised release who fails to comply with the
24 requirements of this Act.

25 (c) In an effort to ensure that sexual predators and sex
26 offenders who fail to respond to address-verification attempts
27 or who otherwise abscond from registration are located in a
28 timely manner, the Department of State Police shall share
29 information with local law enforcement agencies. The
30 Department shall use analytical resources to assist local law
31 enforcement agencies to determine the potential whereabouts of
32 any sexual predator or sex offender who fails to respond to
33 address-verification attempts or who otherwise absconds from
34 registration. The Department shall review and analyze all

1 available information concerning any such predator or offender
2 who fails to respond to address-verification attempts or who
3 otherwise absconds from registration and provide the
4 information to local law enforcement agencies in order to
5 assist the agencies in locating and apprehending the sexual
6 predator or sex offender.

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

8 (730 ILCS 150/10) (from Ch. 38, par. 230)

9 Sec. 10. Penalty.

10 (a) Any person who is required to register under this
11 Article who violates any of the provisions of this Article and
12 any person who is required to register under this Article who
13 seeks to change his or her name under Article 21 of the Code of
14 Civil Procedure is guilty of a Class 3 felony. Any person who
15 is convicted for a violation of this Act for a second or
16 subsequent time is guilty of a Class 2 felony. Any person who
17 is required to register under this Article who knowingly or
18 wilfully gives material information required by this Article
19 that is false is guilty of a Class 3 felony. Any person
20 convicted of a violation of any provision of this Article
21 shall, in addition to any other penalty required by law, be
22 required to serve a minimum period of 7 days confinement in the
23 local county jail. The court shall impose a mandatory minimum
24 fine of \$500 for failure to comply with any provision of this
25 Article. These fines shall be deposited in the Sex Offender
26 Registration Fund. Any sex offender, as defined in Section 2 of
27 this Act, or sexual predator who violates any provision of this
28 Article may be arrested and tried in any Illinois county where
29 the sex offender can be located. The local police department or
30 sheriff's office is not required to determine whether the
31 person is living within its jurisdiction.

32 (b) Any person, not covered by privilege under Part 8 of
33 Article VIII of the Code of Civil Procedure or the Illinois
34 Supreme Court's Rules of Professional Conduct, who has reason
35 to believe that a sexual predator is not complying, or has not

1 complied, with the requirements of this Article and who, with
2 the intent to assist the sexual predator in eluding a law
3 enforcement agency that is seeking to find the sexual predator
4 to question the sexual predator about, or to arrest the sexual
5 predator for, his or her noncompliance with the requirements of
6 this Article is guilty of a Class 3 felony if he or she:

7 (1) provides false information to the law enforcement
8 agency having jurisdiction about the sexual predator's
9 noncompliance with the requirements of this Article, and,
10 if known, the whereabouts of the sexual predator;

11 (2) harbors, or attempts to harbor, or assists another
12 person in harboring or attempting to harbor, the sexual
13 predator; or

14 (3) conceals or attempts to conceal, or assists another
15 person in concealing or attempting to conceal, the sexual
16 predator.

17 (c) Subsection (b) does not apply if the sexual predator is
18 incarcerated in or is in the custody of a State correctional
19 facility, a private correctional facility, a county or
20 municipal jail, a State mental health facility or a State
21 treatment and detention facility, or a federal correctional
22 facility.

23 (Source: P.A. 93-979, eff. 8-20-04; 94-168, eff. 1-1-06.)