



Sen. Mike Jacobs

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09400HB4298sam001

LRB094 15751 RLC 57157 a

1 AMENDMENT TO HOUSE BILL 4298

2 AMENDMENT NO. _____. Amend House Bill 4298 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Sex Offender Management Board Act is
5 amended by changing Section 15 as follows:

6 (20 ILCS 4026/15)

7 Sec. 15. Sex Offender Management Board; creation; duties.

8 (a) There is created the Sex Offender Management Board,
9 which shall consist of 24 members. The membership of the Board
10 shall consist of the following persons:

11 (1) Two members appointed by the Governor representing
12 the judiciary, one representing juvenile court matters and
13 one representing adult criminal court matters;

14 (2) One member appointed by the Governor representing
15 Probation Services;

16 (3) One member appointed by the Governor representing
17 the Department of Corrections;

18 (4) One member appointed by the Governor representing
19 the Department of Human Services;

20 (5) One member appointed by the Governor representing
21 the Illinois State Police;

22 (6) One member appointed by the Governor representing
23 the Department of Children and Family Services;

24 (7) One member appointed by the Attorney General

1 representing the Office of the Attorney General;

2 (8) Two members appointed by the Attorney General who
3 are licensed mental health professionals with documented
4 expertise in the treatment of sex offenders;

5 (9) Two members appointed by the Attorney General who
6 are State's Attorneys or assistant State's Attorneys, one
7 representing juvenile court matters and one representing
8 felony court matters;

9 (10) One member being the Cook County State's Attorney
10 or his or her designee;

11 (11) One member being the Director of the State's
12 Attorneys Appellate Prosecutor or his or her designee;

13 (12) One member being the Cook County Public Defender
14 or his or her designee;

15 (13) Two members appointed by the Governor who are
16 representatives of law enforcement, one juvenile officer
17 and one sex crime investigator;

18 (14) Two members appointed by the Attorney General who
19 are recognized experts in the field of sexual assault and
20 who can represent sexual assault victims and victims'
21 rights organizations;

22 (15) One member being the State Appellate Defender or
23 his or her designee;

24 (16) One member being the President of the Illinois
25 Polygraph Society or his or her designee;

26 (17) One member being the Executive Director of the
27 Criminal Justice Information Authority or his or her
28 designee;

29 (18) One member being the President of the Illinois
30 Chapter of the Association for the Treatment of Sexual
31 Abusers or his or her designee; and

32 (19) One member representing the Illinois Principal
33 Association.

34 (b) The Governor and the Attorney General shall appoint a

1 presiding officer for the Board from among the board members
2 appointed under subsection (a) of this Section, which presiding
3 officer shall serve at the pleasure of the Governor and the
4 Attorney General.

5 (c) Each member of the Board shall demonstrate substantial
6 expertise and experience in the field of sexual assault.

7 (d) (1) Any member of the Board created in subsection (a)
8 of this Section who is appointed under paragraphs (1) through
9 (7) of subsection (a) of this Section shall serve at the
10 pleasure of the official who appointed that member, for a term
11 of 5 years and may be reappointed. The members shall serve
12 without additional compensation.

13 (2) Any member of the Board created in subsection (a) of
14 this Section who is appointed under paragraphs (8) through (14)
15 of subsection (a) of this Section shall serve for a term of 5
16 years and may be reappointed. The members shall serve without
17 compensation.

18 (3) The travel costs associated with membership on the
19 Board created in subsection (a) of this Section will be
20 reimbursed subject to availability of funds.

21 (e) The first meeting of this Board shall be held within 45
22 days of the effective date of this Act.

23 (f) The Board shall carry out the following duties:

24 (1) Not later than December 31, 2001, the Board shall
25 develop and prescribe separate standardized procedures for
26 the evaluation and identification of the offender and
27 recommend behavior management, monitoring, and treatment
28 based upon the knowledge that sex offenders are extremely
29 habituated and that there is no known cure for the
30 propensity to commit sex abuse. The Board shall develop and
31 implement measures of success based upon a no-cure policy
32 for intervention. The Board shall develop and implement
33 methods of intervention for sex offenders which have as a
34 priority the physical and psychological safety of victims

1 and potential victims and which are appropriate to the
2 needs of the particular offender, so long as there is no
3 reduction of the safety of victims and potential victims.

4 (2) Not later than December 31, 2001, the Board shall
5 develop separate guidelines and standards for a system of
6 programs for the evaluation and treatment of both juvenile
7 and adult sex offenders which shall be utilized by
8 offenders who are placed on probation, committed to the
9 Department of Corrections or Department of Human Services,
10 or placed on mandatory supervised release or parole. The
11 programs developed under this paragraph (f) shall be as
12 flexible as possible so that the programs may be utilized
13 by each offender to prevent the offender from harming
14 victims and potential victims. The programs shall be
15 structured in such a manner that the programs provide a
16 continuing monitoring process as well as a continuum of
17 counseling programs for each offender as that offender
18 proceeds through the justice system. Also, the programs
19 shall be developed in such a manner that, to the extent
20 possible, the programs may be accessed by all offenders in
21 the justice system.

22 (3) There is established the Sex Offender Management
23 Board Fund in the State Treasury into which funds received
24 under any provision of law or from public or private
25 sources shall be deposited, and from which funds shall be
26 appropriated for the purposes set forth in Section 19 of
27 this Act, Section 5-6-3 of the Unified Code of Corrections,
28 and Section 3 of the Sex Offender Registration Act, and the
29 remainder shall be appropriated to the Sex Offender
30 Management Board for planning and research.

31 (4) The Board shall develop and prescribe a plan to
32 research and analyze the effectiveness of the evaluation,
33 identification, and counseling procedures and programs
34 developed under this Act. The Board shall also develop and

1 prescribe a system for implementation of the guidelines and
2 standards developed under paragraph (2) of this subsection
3 (f) and for tracking offenders who have been subjected to
4 evaluation, identification, and treatment under this Act.
5 In addition, the Board shall develop a system for
6 monitoring offender behaviors and offender adherence to
7 prescribed behavioral changes. The results of the tracking
8 and behavioral monitoring shall be a part of any analysis
9 made under this paragraph (4).

10 (5) The Board shall examine: the systems of
11 communication between states regarding the interstate
12 movement of registered sex offenders; the laws of Illinois
13 and its border states restricting the residence of
14 convicted or registered sex offenders, including but not
15 limited to those enacted by the States of Iowa and
16 Missouri; the extent to which State and local law
17 enforcement resources are affected by these residency
18 restrictions; the impact of residency restrictions for
19 convicted or registered sex offenders on activities of, and
20 on the resources required by, both county probation
21 departments and the Illinois Department of Corrections.
22 The Board shall contact such agencies as it deems
23 appropriate in Illinois' border states, and shall consult
24 with those agencies regarding these issues and their impact
25 on both Illinois and its border states. The Board may, in
26 its discretion, hold one or more public hearings related to
27 these issues, and may, in its discretion, hold such
28 hearings at a location convenient to the participation of
29 persons from one or more of Illinois' border states. The
30 Board shall report its findings and recommendations to the
31 Governor and the General Assembly no later than January 1,
32 2008.

33 (g) The Board may promulgate rules as are necessary to
34 carry out the duties of the Board.

1 (h) The Board and the individual members of the Board shall
2 be immune from any liability, whether civil or criminal, for
3 the good faith performance of the duties of the Board as
4 specified in this Section.

5 (Source: P.A. 93-616, eff. 1-1-04.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."