

HB5811



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5811

Introduced 07/28/06, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

730 ILCS 150/2

from Ch. 38, par. 222

Amends the Sex Offender Registration Act. Includes, in the definition of "sex offense", distributing harmful material to a minor. Effective March 1, 2007.

LRB094 21111 RLC 59440 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 2 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 11-21 (distributing harmful material to a minor),
26 12-13 (criminal sexual assault),
27 12-14 (aggravated criminal sexual assault),
28 12-14.1 (predatory criminal sexual assault of a
29 child),
30 12-15 (criminal sexual abuse),
31 12-16 (aggravated criminal sexual abuse),
32 12-33 (ritualized abuse of a child).

33 An attempt to commit any of these offenses.

34 (1.5) A violation of any of the following Sections of
35 the Criminal Code of 1961, when the victim is a person
36 under 18 years of age, the defendant is not a parent of the

1 victim, and the offense was committed on or after January
2 1, 1996:

3 10-1 (kidnapping),
4 10-2 (aggravated kidnapping),
5 10-3 (unlawful restraint),
6 10-3.1 (aggravated unlawful restraint).

7 An attempt to commit any of these offenses.

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

12 (1.7) (Blank).

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

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

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

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

29 11-6.5 (indecent solicitation of an adult),

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

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

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

36 11-19 (pimping, if the victim is under 18 years of

1 age).

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

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

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

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

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

25 (C-5) A person at least 17 years of age at the time of the
26 commission of the offense who is convicted of first degree
27 murder under Section 9-1 of the Criminal Code of 1961, against
28 a person under 18 years of age, shall be required to register
29 for natural life. A conviction for an offense of federal,
30 Uniform Code of Military Justice, sister state, or foreign
31 country law that is substantially equivalent to any offense
32 listed in subsection (C-5) of this Section shall constitute a
33 conviction for the purpose of this Article. This subsection
34 (C-5) applies to a person who committed the offense before June
35 1, 1996 only if the person is incarcerated in an Illinois
36 Department of Corrections facility on August 20, 2004 (the

1 effective date of Public Act 93-977).

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

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

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

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

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

29 11-19.1 (juvenile pimping),

30 11-19.2 (exploitation of a child),

31 11-20.1 (child pornography),

32 12-13 (criminal sexual assault),

33 12-14 (aggravated criminal sexual assault),

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

36 12-16 (aggravated criminal sexual abuse),

1 12-33 (ritualized abuse of a child); or

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

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

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

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

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

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

1 (H) As used in this Article, "school" means any public or
2 private educational institution, including, but not limited
3 to, any elementary or secondary school, trade or professional
4 institution, or institution of higher education.

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

8 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
9 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

10 Section 99. Effective date. This Act takes effect March 1,
11 2007.