

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 Sexually Violent Persons Commitment Act is
5 amended by changing Section 15 and by adding Section 9 as
6 follows:

7 (725 ILCS 207/9 new)

8 Sec. 9. Sexually violent person review; written
9 notification to State's Attorney. The Illinois Department of
10 Corrections or the Department of Juvenile Justice, not later
11 than 6 months prior to the anticipated release from
12 imprisonment or the anticipated entry into mandatory
13 supervised release of a person who has been convicted or
14 adjudicated delinquent of a sexually violent offense, shall
15 send written notice to the State's Attorney in the county in
16 which the person was convicted or adjudicated delinquent of the
17 sexually violent offense informing the State's Attorney of the
18 person's anticipated release date and that the person will be
19 considered for commitment under this Act prior to that release
20 date.

21 (725 ILCS 207/15)

22 Sec. 15. Sexually violent person petition; contents;
23 filing.

24 (a) A petition alleging that a person is a sexually violent
25 person may be filed by:

26 (1) The Attorney General, at the request of the agency
27 with jurisdiction over the person, as defined in subsection
28 (a) of Section 10 of this Act, or on his or her own motion.
29 If the Attorney General, after consulting with and advising
30 the State's Attorney of the county referenced in paragraph
31 (a)(2) of this Section, decides to file a petition under

1 this Section, he or she shall file the petition before the
2 ~~date of the~~ release or discharge of the person or within 30
3 days of placement onto parole or mandatory supervised
4 release for an offense enumerated in paragraph (e) of
5 Section 5 of this Act.

6 (2) If the Attorney General does not file a petition
7 under this Section, the State's Attorney of the county in
8 which the person was convicted of a sexually violent
9 offense, adjudicated delinquent for a sexually violent
10 offense or found not guilty of or not responsible for a
11 sexually violent offense by reason of insanity, mental
12 disease, or mental defect may file a petition.

13 (3) The Attorney General and the State's Attorney
14 referenced in paragraph (a) (2) of this Section jointly.

15 (b) A petition filed under this Section shall allege that
16 all of the following apply to the person alleged to be a
17 sexually violent person:

18 (1) The person satisfies any of the following criteria:

19 (A) The person has been convicted of a sexually
20 violent offense;

21 (B) The person has been found delinquent for a
22 sexually violent offense; or

23 (C) The person has been found not guilty of a
24 sexually violent offense by reason of insanity, mental
25 disease, or mental defect.

26 (2) (Blank).

27 (3) (Blank).

28 (4) The person has a mental disorder.

29 (5) The person is dangerous to others because the
30 person's mental disorder creates a substantial probability
31 that he or she will engage in acts of sexual violence.

32 (b-5) The petition must be filed no ~~+(1) No~~ more than 90
33 days before discharge or entry into mandatory supervised
34 release from a Department of Corrections or the Department of
35 Juvenile Justice correctional facility for a sentence that was
36 imposed upon a conviction for a sexually violent offense. For

1 inmates sentenced under the law in effect prior to February 1,
2 1978, the petition shall be filed no more than 90 days after
3 the Prisoner Review Board's order granting parole pursuant to
4 Section 3-3-5 of the Unified Code of Corrections. ~~or for a~~
5 ~~sentence that is being served concurrently or consecutively~~
6 ~~with a sexually violent offense, and no more than 30 days after~~
7 ~~the person's entry into parole or mandatory supervised release;~~
8 ~~or~~

9 (b-6) The petition must be filed no ~~(2) No~~ more than 90
10 days before discharge or release:

11 (1) (A) from a Department of Juvenile Justice juvenile
12 correctional facility if the person was placed in the
13 facility for being adjudicated delinquent under Section
14 5-20 of the Juvenile Court Act of 1987 or found guilty
15 under Section 5-620 of that Act on the basis of a sexually
16 violent offense; or

17 (2) (B) from a commitment order that was entered as a
18 result of a sexually violent offense.

19 (b-7) A person convicted of a sexually violent offense
20 remains eligible for commitment as a sexually violent person
21 pursuant to this Act under the following circumstances: (1) the
22 person is in custody for a sentence that is being served
23 concurrently or consecutively with a sexually violent offense;
24 (2) the person returns to the custody of the Illinois
25 Department of Corrections or the Department of Juvenile Justice
26 for any reason during the term of parole or mandatory
27 supervised release being served for a sexually violent offense;
28 or (3) the person is convicted or adjudicated delinquent for
29 any offense committed during the term of parole or mandatory
30 supervised release being served for a sexually violent offense,
31 regardless of whether that conviction or adjudication was for a
32 sexually violent offense.

33 (c) A petition filed under this Section shall state with
34 particularity essential facts to establish probable cause to
35 believe the person is a sexually violent person. If the
36 petition alleges that a sexually violent offense or act that is

1 a basis for the allegation under paragraph (b)(1) of this
2 Section was an act that was sexually motivated as provided
3 under paragraph (e)(2) of Section 5 of this Act, the petition
4 shall state the grounds on which the offense or act is alleged
5 to be sexually motivated.

6 (d) A petition under this Section shall be filed in either
7 of the following:

8 (1) The circuit court for the county in which the
9 person was convicted of a sexually violent offense,
10 adjudicated delinquent for a sexually violent offense or
11 found not guilty of a sexually violent offense by reason of
12 insanity, mental disease or mental defect.

13 (2) The circuit court for the county in which the
14 person is in custody under a sentence, a placement to a
15 Department of Corrections correctional facility or a
16 Department of Juvenile Justice juvenile correctional
17 facility, or a commitment order.

18 (e) The filing of a petition under this Act shall toll the
19 running of the term of parole or mandatory supervised release
20 until:

21 (1) dismissal of the petition filed under this Act;

22 (2) a finding by a judge or jury that the respondent is
23 not a sexually violent person; or

24 (3) the sexually violent person is discharged under
25 Section 65 of this Act, unless the person has successfully
26 completed a period of conditional release pursuant to
27 Section 60 of this Act.

28 (Source: P.A. 94-696, eff. 6-1-06.)