



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0260

Introduced 1/19/2007, by Rep. Sandy Cole

SYNOPSIS AS INTRODUCED:

730 ILCS 150/3
730 ILCS 152/120

from Ch. 38, par. 223

Amends the Sex Offender Registration Act. Provides that when a sex offender registers with the appropriate law enforcement agency, he or she shall provide the law enforcement agency with all e-mail addresses, instant messaging identities, chat room identities, and other Internet communications identities that the sex offender uses or plans to use. Amends the Sex Offender Community Notification Law. Provides for disclosure of such information to the public.

LRB095 04321 RLC 24422 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Sex Offender Registration Act is amended by
5 changing Section 3 as follows:

6 (730 ILCS 150/3) (from Ch. 38, par. 223)

7 Sec. 3. Duty to register.

8 (a) A sex offender, as defined in Section 2 of this Act, or
9 sexual predator shall, within the time period prescribed in
10 subsections (b) and (c), register in person and provide
11 accurate information as required by the Department of State
12 Police. Such information shall include a current photograph,
13 current address, current place of employment, the employer's
14 telephone number, school attended, all e-mail addresses,
15 instant messaging identities, chat room identities, and other
16 Internet communications identities that the sex offender uses
17 or plans to use, extensions of the time period for registering
18 as provided in this Article and, if an extension was granted,
19 the reason why the extension was granted and the date the sex
20 offender was notified of the extension. The information shall
21 also include the county of conviction, license plate numbers
22 for every vehicle registered in the name of the sex offender,
23 the age of the sex offender at the time of the commission of

1 the offense, the age of the victim at the time of the
2 commission of the offense, and any distinguishing marks located
3 on the body of the sex offender. A person who has been
4 adjudicated a juvenile delinquent for an act which, if
5 committed by an adult, would be a sex offense shall register as
6 an adult sex offender within 10 days after attaining 17 years
7 of age. The sex offender or sexual predator shall register:

8 (1) with the chief of police in the municipality in
9 which he or she resides or is temporarily domiciled for a
10 period of time of 5 or more days, unless the municipality
11 is the City of Chicago, in which case he or she shall
12 register at the Chicago Police Department Headquarters; or

13 (2) with the sheriff in the county in which he or she
14 resides or is temporarily domiciled for a period of time of
15 5 or more days in an unincorporated area or, if
16 incorporated, no police chief exists.

17 If the sex offender or sexual predator is employed at or
18 attends an institution of higher education, he or she shall
19 register:

20 (i) with the chief of police in the municipality in
21 which he or she is employed at or attends an institution of
22 higher education, unless the municipality is the City of
23 Chicago, in which case he or she shall register at the
24 Chicago Police Department Headquarters; or

25 (ii) with the sheriff in the county in which he or she
26 is employed or attends an institution of higher education

1 located in an unincorporated area, or if incorporated, no
2 police chief exists.

3 For purposes of this Article, the place of residence or
4 temporary domicile is defined as any and all places where the
5 sex offender resides for an aggregate period of time of 5 or
6 more days during any calendar year. Any person required to
7 register under this Article who lacks a fixed address or
8 temporary domicile must notify, in person, the agency of
9 jurisdiction of his or her last known address within 5 days
10 after ceasing to have a fixed residence.

11 Any person who lacks a fixed residence must report weekly,
12 in person, with the sheriff's office of the county in which he
13 or she is located in an unincorporated area, or with the chief
14 of police in the municipality in which he or she is located.
15 The agency of jurisdiction will document each weekly
16 registration to include all the locations where the person has
17 stayed during the past 7 days.

18 The sex offender or sexual predator shall provide accurate
19 information as required by the Department of State Police. That
20 information shall include the sex offender's or sexual
21 predator's current place of employment.

22 (a-5) An out-of-state student or out-of-state employee
23 shall, within 5 days after beginning school or employment in
24 this State, register in person and provide accurate information
25 as required by the Department of State Police. Such information
26 will include current place of employment, school attended, and

1 address in state of residence. The out-of-state student or
2 out-of-state employee shall register:

3 (1) with the chief of police in the municipality in
4 which he or she attends school or is employed for a period
5 of time of 5 or more days or for an aggregate period of
6 time of more than 30 days during any calendar year, unless
7 the municipality is the City of Chicago, in which case he
8 or she shall register at the Chicago Police Department
9 Headquarters; or

10 (2) with the sheriff in the county in which he or she
11 attends school or is employed for a period of time of 5 or
12 more days or for an aggregate period of time of more than
13 30 days during any calendar year in an unincorporated area
14 or, if incorporated, no police chief exists.

15 The out-of-state student or out-of-state employee shall
16 provide accurate information as required by the Department of
17 State Police. That information shall include the out-of-state
18 student's current place of school attendance or the
19 out-of-state employee's current place of employment.

20 (b) Any sex offender, as defined in Section 2 of this Act,
21 or sexual predator, regardless of any initial, prior, or other
22 registration, shall, within 5 days of beginning school, or
23 establishing a residence, place of employment, or temporary
24 domicile in any county, register in person as set forth in
25 subsection (a) or (a-5).

26 (c) The registration for any person required to register

1 under this Article shall be as follows:

2 (1) Any person registered under the Habitual Child Sex
3 Offender Registration Act or the Child Sex Offender
4 Registration Act prior to January 1, 1996, shall be deemed
5 initially registered as of January 1, 1996; however, this
6 shall not be construed to extend the duration of
7 registration set forth in Section 7.

8 (2) Except as provided in subsection (c)(4), any person
9 convicted or adjudicated prior to January 1, 1996, whose
10 liability for registration under Section 7 has not expired,
11 shall register in person prior to January 31, 1996.

12 (2.5) Except as provided in subsection (c)(4), any
13 person who has not been notified of his or her
14 responsibility to register shall be notified by a criminal
15 justice entity of his or her responsibility to register.
16 Upon notification the person must then register within 5
17 days of notification of his or her requirement to register.
18 If notification is not made within the offender's 10 year
19 registration requirement, and the Department of State
20 Police determines no evidence exists or indicates the
21 offender attempted to avoid registration, the offender
22 will no longer be required to register under this Act.

23 (3) Except as provided in subsection (c)(4), any person
24 convicted on or after January 1, 1996, shall register in
25 person within 5 days after the entry of the sentencing
26 order based upon his or her conviction.

1 (4) Any person unable to comply with the registration
2 requirements of this Article because he or she is confined,
3 institutionalized, or imprisoned in Illinois on or after
4 January 1, 1996, shall register in person within 5 days of
5 discharge, parole or release.

6 (5) The person shall provide positive identification
7 and documentation that substantiates proof of residence at
8 the registering address.

9 (6) The person shall pay a \$20 initial registration fee
10 and a \$10 annual renewal fee. The fees shall be used by the
11 registering agency for official purposes. The agency shall
12 establish procedures to document receipt and use of the
13 funds. The law enforcement agency having jurisdiction may
14 waive the registration fee if it determines that the person
15 is indigent and unable to pay the registration fee. Ten
16 dollars for the initial registration fee and \$5 of the
17 annual renewal fee shall be used by the registering agency
18 for official purposes. Ten dollars of the initial
19 registration fee and \$5 of the annual fee shall be
20 deposited into the Sex Offender Management Board Fund under
21 Section 19 of the Sex Offender Management Board Act. Money
22 deposited into the Sex Offender Management Board Fund shall
23 be administered by the Sex Offender Management Board and
24 shall be used to fund practices endorsed or required by the
25 Sex Offender Management Board Act including but not limited
26 to sex offenders evaluation, treatment, or monitoring

1 programs that are or may be developed, as well as for
2 administrative costs, including staff, incurred by the
3 Board.

4 (d) Within 5 days after obtaining or changing employment
5 and, if employed on January 1, 2000, within 5 days after that
6 date, a person required to register under this Section must
7 report, in person to the law enforcement agency having
8 jurisdiction, the business name and address where he or she is
9 employed. If the person has multiple businesses or work
10 locations, every business and work location must be reported to
11 the law enforcement agency having jurisdiction.

12 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;
13 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

14 Section 10. The Sex Offender Community Notification Law is
15 amended by changing Section 120 as follows:

16 (730 ILCS 152/120)

17 Sec. 120. Community notification of sex offenders.

18 (a) The sheriff of the county, except Cook County, shall
19 disclose to the following the name, address, date of birth,
20 place of employment, school attended, e-mail addresses,
21 instant messaging identities, chat room identities, other
22 Internet communications identities, and offense or
23 adjudication of all sex offenders required to register under
24 Section 3 of the Sex Offender Registration Act:

1 (1) The boards of institutions of higher education or
2 other appropriate administrative offices of each
3 non-public institution of higher education located in the
4 county where the sex offender is required to register,
5 resides, is employed, or is attending an institution of
6 higher education; and

7 (2) School boards of public school districts and the
8 principal or other appropriate administrative officer of
9 each nonpublic school located in the county where the sex
10 offender is required to register or is employed; and

11 (3) Child care facilities located in the county where
12 the sex offender is required to register or is employed.

13 (a-2) The sheriff of Cook County shall disclose to the
14 following the name, address, date of birth, place of
15 employment, school attended, e-mail addresses, instant
16 messaging identities, chat room identities, other Internet
17 communications identities, and offense or adjudication of all
18 sex offenders required to register under Section 3 of the Sex
19 Offender Registration Act:

20 (1) School boards of public school districts and the
21 principal or other appropriate administrative officer of
22 each nonpublic school located within the region of Cook
23 County, as those public school districts and nonpublic
24 schools are identified in LEADS, other than the City of
25 Chicago, where the sex offender is required to register or
26 is employed; and

1 (2) Child care facilities located within the region of
2 Cook County, as those child care facilities are identified
3 in LEADS, other than the City of Chicago, where the sex
4 offender is required to register or is employed; and

5 (3) The boards of institutions of higher education or
6 other appropriate administrative offices of each
7 non-public institution of higher education located in the
8 county, other than the City of Chicago, where the sex
9 offender is required to register, resides, is employed, or
10 attending an institution of higher education.

11 (a-3) The Chicago Police Department shall disclose to the
12 following the name, address, date of birth, place of
13 employment, school attended, e-mail addresses, instant
14 messaging identities, chat room identities, other Internet
15 communications identities, and offense or adjudication of all
16 sex offenders required to register under Section 3 of the Sex
17 Offender Registration Act:

18 (1) School boards of public school districts and the
19 principal or other appropriate administrative officer of
20 each nonpublic school located in the police district where
21 the sex offender is required to register or is employed if
22 the offender is required to register or is employed in the
23 City of Chicago; and

24 (2) Child care facilities located in the police
25 district where the sex offender is required to register or
26 is employed if the offender is required to register or is

1 employed in the City of Chicago; and

2 (3) The boards of institutions of higher education or
3 other appropriate administrative offices of each
4 non-public institution of higher education located in the
5 police district where the sex offender is required to
6 register, resides, is employed, or attending an
7 institution of higher education in the City of Chicago.

8 (a-4) The Department of State Police shall provide a list
9 of sex offenders required to register to the Illinois
10 Department of Children and Family Services.

11 (b) The Department of State Police and any law enforcement
12 agency may disclose, in the Department's or agency's
13 discretion, the following information to any person likely to
14 encounter a sex offender, or sexual predator:

15 (1) The offender's name, address, ~~and~~ date of birth, e-mail addresses, instant messaging identities, chat room
16 identities, and other Internet communications identities.

18 (2) The offense for which the offender was convicted.

19 (3) Adjudication as a sexually dangerous person.

20 (4) The offender's photograph or other such
21 information that will help identify the sex offender.

22 (5) Offender employment information, to protect public
23 safety.

24 (c) The name, address, date of birth, e-mail addresses,
25 instant messaging identities, chat room identities, other
26 Internet communications identities, offense or adjudication,

1 the county of conviction, license plate numbers for every
2 vehicle registered in the name of the sex offender, the age of
3 the sex offender at the time of the commission of the offense,
4 the age of the victim at the time of the commission of the
5 offense, and any distinguishing marks located on the body of
6 the sex offender for sex offenders required to register under
7 Section 3 of the Sex Offender Registration Act shall be open to
8 inspection by the public as provided in this Section. Every
9 municipal police department shall make available at its
10 headquarters the information on all sex offenders who are
11 required to register in the municipality under the Sex Offender
12 Registration Act. The sheriff shall also make available at his
13 or her headquarters the information on all sex offenders who
14 are required to register under that Act and who live in
15 unincorporated areas of the county. Sex offender information
16 must be made available for public inspection to any person, no
17 later than 72 hours or 3 business days from the date of the
18 request. The request must be made in person, in writing, or by
19 telephone. Availability must include giving the inquirer
20 access to a facility where the information may be copied. A
21 department or sheriff may charge a fee, but the fee may not
22 exceed the actual costs of copying the information. An inquirer
23 must be allowed to copy this information in his or her own
24 handwriting. A department or sheriff must allow access to the
25 information during normal public working hours. The sheriff or
26 a municipal police department may publish the photographs of

1 sex offenders where any victim was 13 years of age or younger
2 and who are required to register in the municipality or county
3 under the Sex Offender Registration Act in a newspaper or
4 magazine of general circulation in the municipality or county
5 or may disseminate the photographs of those sex offenders on
6 the Internet or on television. The law enforcement agency may
7 make available the information on all sex offenders residing
8 within any county.

9 (d) The Department of State Police and any law enforcement
10 agency having jurisdiction may, in the Department's or agency's
11 discretion, place the information specified in subsection (b)
12 on the Internet or in other media.

13 (e) (Blank).

14 (f) The administrator of a transitional housing facility
15 for sex offenders shall comply with the notification procedures
16 established in paragraph (4) of subsection (b) of Section
17 3-17-5 of the Unified Code of Corrections.

18 (g) A principal or teacher of a public or private
19 elementary or secondary school shall notify the parents of
20 children attending the school during school registration or
21 during parent-teacher conferences that information about sex
22 offenders is available to the public as provided in this Act.

23 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;
24 94-994, eff. 1-1-07.)