



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3617

Introduced 2/28/2007, by Rep. Franco Coladipietro - Aaron Schock - Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

730 ILCS 152/120

Amends the Sex Offender Community Notification Law. Provides that subject to appropriations, the Department of State Police shall establish an e-mail notification system in which a subscriber to the system shall be notified within 3 business days after a registered sexual predator moves into a zip code area where the subscriber resides. Provides that the Department of State Police shall provide a hyperlink labeled "Sexual Predator E-mail Notification System" on the Department's World Wide Web home page. Provides that the e-mail notification shall include the information contained in the Statewide Sex Offender Database about the sexual predator and information about how the subscriber may contact the Department of State Police or local law enforcement agencies if the subscriber suspects that the sexual predator is committing or has committed another sex offense. Provides that the subscriber must be at least 18 years of age and must agree that he or she shall not use the information obtained to harass or to commit a criminal offense against the sexual predator. Provides that the subscriber shall also sign a liability waiver. Provides that the signing of such waiver shall constitute a forbearance of any suit by the subscriber against the Department or local law enforcement agency. Provides that these provisions do not apply to juvenile sex offenders. Provides that the Department of State Police shall establish rules to implement these provisions. Effective October 1, 2007.

LRB095 07545 RLC 27695 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 Community Notification Law is
5 amended by changing Section 120 as follows:

6 (730 ILCS 152/120)

7 Sec. 120. Community notification of sex offenders.

8 (a) The sheriff of the county, except Cook County, shall
9 disclose to the following the name, address, date of birth,
10 place of employment, school attended, and offense or
11 adjudication of all sex offenders required to register under
12 Section 3 of the Sex Offender Registration Act:

13 (1) The boards of institutions of higher education or
14 other appropriate administrative offices of each
15 non-public institution of higher education located in the
16 county where the sex offender is required to register,
17 resides, is employed, or is attending an institution of
18 higher education; and

19 (2) School boards of public school districts and the
20 principal or other appropriate administrative officer of
21 each nonpublic school located in the county where the sex
22 offender is required to register or is employed; and

23 (3) Child care facilities located in the county where

1 the sex offender is required to register or is employed.

2 (a-2) The sheriff of Cook County shall disclose to the
3 following the name, address, date of birth, place of
4 employment, school attended, and offense or adjudication of all
5 sex offenders required to register under Section 3 of the Sex
6 Offender Registration Act:

7 (1) School boards of public school districts and the
8 principal or other appropriate administrative officer of
9 each nonpublic school located within the region of Cook
10 County, as those public school districts and nonpublic
11 schools are identified in LEADS, other than the City of
12 Chicago, where the sex offender is required to register or
13 is employed; and

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

18 (3) The boards of institutions of higher education or
19 other appropriate administrative offices of each
20 non-public institution of higher education located in the
21 county, other than the City of Chicago, where the sex
22 offender is required to register, resides, is employed, or
23 attending an institution of higher education.

24 (a-3) The Chicago Police Department shall disclose to the
25 following the name, address, date of birth, place of
26 employment, school attended, and offense or adjudication of all

1 sex offenders required to register under Section 3 of the Sex
2 Offender Registration Act:

3 (1) School boards of public school districts and the
4 principal or other appropriate administrative officer of
5 each nonpublic school located in the police district where
6 the sex offender is required to register or is employed if
7 the offender is required to register or is employed in the
8 City of Chicago; and

9 (2) Child care facilities located in the police
10 district where the sex offender is required to register or
11 is employed if the offender is required to register or is
12 employed in the City of Chicago; and

13 (3) The boards of institutions of higher education or
14 other appropriate administrative offices of each
15 non-public institution of higher education located in the
16 police district where the sex offender is required to
17 register, resides, is employed, or attending an
18 institution of higher education in the City of Chicago.

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

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

26 (1) The offender's name, address, and date of birth.

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

2 (3) Adjudication as a sexually dangerous person.

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

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

7 (c) The name, address, date of birth, offense or
8 adjudication, the county of conviction, license plate numbers
9 for every vehicle registered in the name of the sex offender,
10 the age of the sex offender at the time of the commission of
11 the offense, the age of the victim at the time of the
12 commission of the offense, and any distinguishing marks located
13 on the body of the sex offender for sex offenders required to
14 register under Section 3 of the Sex Offender Registration Act
15 shall be open to inspection by the public as provided in this
16 Section. Every municipal police department shall make
17 available at its headquarters the information on all sex
18 offenders who are required to register in the municipality
19 under the Sex Offender Registration Act. The sheriff shall also
20 make available at his or her headquarters the information on
21 all sex offenders who are required to register under that Act
22 and who live in unincorporated areas of the county. Sex
23 offender information must be made available for public
24 inspection to any person, no later than 72 hours or 3 business
25 days from the date of the request. The request must be made in
26 person, in writing, or by telephone. Availability must include

1 giving the inquirer access to a facility where the information
2 may be copied. A department or sheriff may charge a fee, but
3 the fee may not exceed the actual costs of copying the
4 information. An inquirer must be allowed to copy this
5 information in his or her own handwriting. A department or
6 sheriff must allow access to the information during normal
7 public working hours. The sheriff or a municipal police
8 department may publish the photographs of sex offenders where
9 any victim was 13 years of age or younger and who are required
10 to register in the municipality or county under the Sex
11 Offender Registration Act in a newspaper or magazine of general
12 circulation in the municipality or county or may disseminate
13 the photographs of those sex offenders on the Internet or on
14 television. The law enforcement agency may make available the
15 information on all sex offenders residing within any county.

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

20 (e) (Blank).

21 (f) The administrator of a transitional housing facility
22 for sex offenders shall comply with the notification procedures
23 established in paragraph (4) of subsection (b) of Section
24 3-17-5 of the Unified Code of Corrections.

25 (g) A principal or teacher of a public or private
26 elementary or secondary school shall notify the parents of

1 children attending the school during school registration or
2 during parent-teacher conferences that information about sex
3 offenders is available to the public as provided in this Act.

4 (h) Subject to appropriations, the Department of State
5 Police shall establish an e-mail notification system in which a
6 subscriber to the system shall be notified within 3 business
7 days after a registered sexual predator moves into a zip code
8 area where the subscriber resides. The Department of State
9 Police shall provide a hyperlink labeled "Sexual Predator
10 E-mail Notification System" on the Department's World Wide Web
11 home page. The e-mail notification shall include the
12 information contained in the Statewide Sex Offender Database
13 about the sexual predator and information about how the
14 subscriber may contact the Department of State Police or local
15 law enforcement agencies if the subscriber suspects that the
16 sexual predator is committing or has committed another sex
17 offense. The subscriber must be at least 18 years of age and
18 must agree that he or she shall not use the information
19 obtained to harass or to commit a criminal offense against the
20 sexual predator. The subscriber shall also sign a liability
21 waiver that provides that the Department of State Police or any
22 local law enforcement agency is not criminally or civilly
23 liable for providing information about a sexual predator to the
24 subscriber or failing to provide that information and is not
25 liable for any injury or death that may accrue based upon the
26 Department providing or failing to provide information about a

1 sexual predator to the subscriber. The signing of such waiver
2 shall constitute a forbearance of any suit by the subscriber
3 against the Department or local law enforcement agency. The
4 provisions of this subsection (h) do not apply to juvenile sex
5 offenders. The Department of State Police shall establish rules
6 to implement this subsection (h).

7 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;
8 94-994, eff. 1-1-07.)

9 Section 99. Effective date. This Act takes effect October
10 1, 2007.