



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5421

Introduced 2/5/2010, by Rep. Deborah Mell

SYNOPSIS AS INTRODUCED:

730 ILCS 152/120

Amends the Sex Offender Community Notification Law. Provides that if a sex offender resides in a multi-unit dwelling, the owner, landlord, or management of the multi-unit dwelling shall notify residents of the multi-unit dwelling that sex offenders reside in the multi-unit dwelling. Provides that if a sex offender intends to reside in the multi-unit dwelling, notice shall be given before the sex offender moves into the multi-unit dwelling. Provides that it is the duty of the owner, landlord, or management of the multi-unit dwelling to periodically check the Statewide Sex Offender Database to determine if sex offenders reside within the multi-unit dwelling. Provides that an owner, landlord, or management of a multi-unit dwelling is immune from from criminal or civil liability for an act or omission made in good faith in reliance on the information in the Statewide Sex Offender Database.

LRB096 18540 RLC 35144 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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, e-mail addresses,
11 instant messaging identities, chat room identities, other
12 Internet communications identities, all Uniform Resource
13 Locators (URLs) registered or used by the sex offender, all
14 blogs and other Internet sites maintained by the sex offender
15 or to which the sex offender has uploaded any content or posted
16 any messages or information, and offense or adjudication of all
17 sex offenders required to register under Section 3 of the Sex
18 Offender Registration Act:

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

1 higher education;

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

6 (3) Child care facilities located in the county where
7 the sex offender is required to register or is employed;

8 (4) Libraries located in the county where the sex
9 offender is required to register or is employed;

10 (5) Public libraries located in the county where the
11 sex offender is required to register or is employed;

12 (6) Public housing agencies located in the county where
13 the sex offender is required to register or is employed;

14 (7) The Illinois Department of Children and Family
15 Services;

16 (8) Social service agencies providing services to
17 minors located in the county where the sex offender is
18 required to register or is employed;

19 (9) Volunteer organizations providing services to
20 minors located in the county where the sex offender is
21 required to register or is employed; and

22 (10) A victim of a sex offense residing in the county
23 where the sex offender is required to register or is
24 employed, who is not otherwise required to be notified
25 under Section 4.5 of the Rights of Crime Victims and
26 Witnesses Act or Section 75 of the Sexually Violent Persons

1 Commitment Act.

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, e-mail addresses, instant
5 messaging identities, chat room identities, other Internet
6 communications identities, all Uniform Resource Locators
7 (URLs) registered or used by the sex offender, all blogs and
8 other Internet sites maintained by the sex offender or to which
9 the sex offender has uploaded any content or posted any
10 messages or information, and offense or adjudication of all sex
11 offenders required to register under Section 3 of the Sex
12 Offender Registration Act:

13 (1) School boards of public school districts and the
14 principal or other appropriate administrative officer of
15 each nonpublic school located within the region of Cook
16 County, as those public school districts and nonpublic
17 schools are identified in LEADS, other than the City of
18 Chicago, where the sex offender is required to register or
19 is employed;

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

24 (3) The boards of institutions of higher education or
25 other appropriate administrative offices of each
26 non-public institution of higher education located in the

1 county, other than the City of Chicago, where the sex
2 offender is required to register, resides, is employed, or
3 attending an institution of higher education;

4 (4) Libraries located in the county, other than the
5 City of Chicago, where the sex offender is required to
6 register, resides, is employed, or is attending an
7 institution of higher education;

8 (5) Public libraries located in the county, other than
9 the City of Chicago, where the sex offender is required to
10 register, resides, is employed, or attending an
11 institution of higher education;

12 (6) Public housing agencies located in the county,
13 other than the City of Chicago, where the sex offender is
14 required to register, resides, is employed, or attending an
15 institution of higher education;

16 (7) The Illinois Department of Children and Family
17 Services;

18 (8) Social service agencies providing services to
19 minors located in the county, other than the City of
20 Chicago, where the sex offender is required to register,
21 resides, is employed, or attending an institution of higher
22 education;

23 (9) Volunteer organizations providing services to
24 minors located in the county, other than the City of
25 Chicago, where the sex offender is required to register,
26 resides, is employed, or attending an institution of higher

1 education; and

2 (10) A victim of a sex offense residing in the county,
3 other than the City of Chicago, where the sex offender is
4 required to register, resides, is employed, or attends an
5 institution of higher education, who is not otherwise
6 required to be notified under Section 4.5 of the Rights of
7 Crime Victims and Witnesses Act or Section 75 of the
8 Sexually Violent Persons Commitment Act.

9 (a-3) The Chicago Police Department shall disclose to the
10 following the name, address, date of birth, place of
11 employment, school attended, e-mail addresses, instant
12 messaging identities, chat room identities, other Internet
13 communications identities, all Uniform Resource Locators
14 (URLs) registered or used by the sex offender, all blogs and
15 other Internet sites maintained by the sex offender or to which
16 the sex offender has uploaded any content or posted any
17 messages or information, and offense or adjudication of all sex
18 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 in the police district where
23 the sex offender is required to register or is employed if
24 the offender is required to register or is employed in the
25 City of Chicago;

26 (2) Child care facilities located in the police

1 district where the sex offender is required to register or
2 is employed if the offender is required to register or is
3 employed in the City of Chicago;

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

10 (4) Libraries located in the police district where the
11 sex offender is required to register or is employed if the
12 offender is required to register or is employed in the City
13 of Chicago;

14 (5) Public libraries located in the police district
15 where the sex offender is required to register, resides, is
16 employed, or attending an institution of higher education
17 in the City of Chicago;

18 (6) Public housing agencies located in the police
19 district where the sex offender is required to register,
20 resides, is employed, or attending an institution of higher
21 education in the City of Chicago;

22 (7) The Illinois Department of Children and Family
23 Services;

24 (8) Social service agencies providing services to
25 minors located in the police district where the sex
26 offender is required to register, resides, is employed, or

1 attending an institution of higher education in the City of
2 Chicago;

3 (9) Volunteer organizations providing services to
4 minors located in the police district where the sex
5 offender is required to register, resides, is employed, or
6 attending an institution of higher education in the City of
7 Chicago; and

8 (10) A victim of a sex offense residing in the police
9 district where the sex offender is required to register,
10 resides, is employed, or attends an institution of higher
11 education in the City of Chicago, who is not otherwise
12 required to be notified under Section 4.5 of the Rights of
13 Crime Victims and Witnesses Act or Section 75 of the
14 Sexually Violent Persons Commitment Act.

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

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

22 (1) The offender's name, address, date of birth, e-mail
23 addresses, instant messaging identities, chat room
24 identities, and other Internet communications identities,
25 all Uniform Resource Locators (URLs) registered or used by
26 the sex offender, and all blogs and other Internet sites

1 maintained by the sex offender or to which the sex offender
2 has uploaded any content or posted any messages or
3 information.

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

5 (3) Adjudication as a sexually dangerous person.

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

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

10 (c) The name, address, date of birth, e-mail addresses,
11 instant messaging identities, chat room identities, other
12 Internet communications identities, all Uniform Resource
13 Locators (URLs) registered or used by the sex offender, all
14 blogs and other Internet sites maintained by the sex offender
15 or to which the sex offender has uploaded any content or posted
16 any messages or information, offense or adjudication, the
17 county of conviction, license plate numbers for every vehicle
18 registered in the name of the sex offender, the age of the sex
19 offender at the time of the commission of the offense, the age
20 of the victim at the time of the commission of the offense, and
21 any distinguishing marks located on the body of the sex
22 offender for sex offenders required to register under Section 3
23 of the Sex Offender Registration Act shall be open to
24 inspection by the public as provided in this Section. Every
25 municipal police department shall make available at its
26 headquarters the information on all sex offenders who are

1 required to register in the municipality under the Sex Offender
2 Registration Act. The sheriff shall also make available at his
3 or her headquarters the information on all sex offenders who
4 are required to register under that Act and who live in
5 unincorporated areas of the county. Sex offender information
6 must be made available for public inspection to any person, no
7 later than 72 hours or 3 business days from the date of the
8 request. The request must be made in person, in writing, or by
9 telephone. Availability must include giving the inquirer
10 access to a facility where the information may be copied. A
11 department or sheriff may charge a fee, but the fee may not
12 exceed the actual costs of copying the information. An inquirer
13 must be allowed to copy this information in his or her own
14 handwriting. A department or sheriff must allow access to the
15 information during normal public working hours. The sheriff or
16 a municipal police department may publish the photographs of
17 sex offenders where any victim was 13 years of age or younger
18 and who are required to register in the municipality or county
19 under the Sex Offender Registration Act in a newspaper or
20 magazine of general circulation in the municipality or county
21 or may disseminate the photographs of those sex offenders on
22 the Internet or on television. The law enforcement agency may
23 make available the information on all sex offenders residing
24 within any county.

25 (d) The Department of State Police and any law enforcement
26 agency having jurisdiction may, in the Department's or agency's

1 discretion, place the information specified in subsection (b)
2 on the Internet or in other media.

3 (e) (Blank).

4 (f) The administrator of a transitional housing facility
5 for sex offenders shall comply with the notification procedures
6 established in paragraph (4) of subsection (b) of Section
7 3-17-5 of the Unified Code of Corrections.

8 (g) A principal or teacher of a public or private
9 elementary or secondary school shall notify the parents of
10 children attending the school during school registration or
11 during parent-teacher conferences that information about sex
12 offenders is available to the public as provided in this Act.

13 (g-5) If a sex offender resides in a multi-unit dwelling,
14 the owner, landlord, or management of the multi-unit dwelling
15 shall notify residents of the multi-unit dwelling that a sex
16 offender resides in the multi-unit dwelling. Such notification
17 shall be made within 30 days after the effective date of this
18 amendatory Act of the 96th General Assembly with respect to sex
19 offenders who reside in the multi-unit dwelling on that date;
20 with respect to a sex offender who intends to move into the
21 multi-unit dwelling after that date, notification shall be made
22 before the sex offender moves into the multi-unit dwelling. It
23 is the duty of the owner, landlord, or management of a
24 multi-unit dwelling to periodically check the Statewide Sex
25 Offender Database created under Section 115 of this Act to
26 determine if sex offenders reside within the multi-unit

1 dwelling. An owner, landlord, or management of a multi-unit
2 dwelling is immune from from criminal or civil liability for an
3 act or omission made in good faith in reliance on the
4 information in the Statewide Sex Offender Database.

5 (h) In order to receive notice under paragraph (10) of
6 subsection (a), paragraph (10) of subsection (a-2), or
7 paragraph (10) of subsection (a-3), the victim of the sex
8 offense must notify the appropriate sheriff or the Chicago
9 Police Department in writing, by facsimile transmission, or by
10 e-mail that the victim desires to receive such notice.

11 (i) For purposes of this Section, "victim of a sex offense"
12 means:

13 (1) the victim of the sex offense; or

14 (2) a single representative who may be the spouse,
15 parent, child, or sibling of a person killed during the
16 course of a sex offense perpetrated against the person
17 killed or the spouse, parent, child, or sibling of any
18 victim of a sex offense who is physically or mentally
19 incapable of comprehending or requesting notice.

20 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;
21 94-994, eff. 1-1-07; 95-229, eff. 8-16-07; 95-278, eff.
22 8-17-07; 95-640, eff. 6-1-08; 95-876, eff. 8-21-08; 95-896,
23 eff. 1-1-09.)