



Judiciary II - Criminal Law Committee

Filed: 3/11/2010

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LRB096 19636 RLC 38675 a

1 AMENDMENT TO HOUSE BILL 5762

2 AMENDMENT NO. _____. Amend House Bill 5762 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Child Murderer and Violent Offender Against
5 Youth Registration Act is amended by changing Section 5 as
6 follows:

7 (730 ILCS 154/5)

8 Sec. 5. Definitions.

9 (a) As used in this Act, "violent offender against youth"
10 means any person who is:

11 (1) charged pursuant to Illinois law, or any
12 substantially similar federal, Uniform Code of Military
13 Justice, sister state, or foreign country law, with a
14 violent offense against youth set forth in subsection (b)
15 of this Section or the attempt to commit an included
16 violent offense against youth, and:

1 (A) is convicted of such offense or an attempt to
2 commit such offense; or

3 (B) is found not guilty by reason of insanity of
4 such offense or an attempt to commit such offense; or

5 (C) is found not guilty by reason of insanity
6 pursuant to subsection (c) of Section 104-25 of the
7 Code of Criminal Procedure of 1963 of such offense or
8 an attempt to commit such offense; or

9 (D) is the subject of a finding not resulting in an
10 acquittal at a hearing conducted pursuant to
11 subsection (a) of Section 104-25 of the Code of
12 Criminal Procedure of 1963 for the alleged commission
13 or attempted commission of such offense; or

14 (E) is found not guilty by reason of insanity
15 following a hearing conducted pursuant to a federal,
16 Uniform Code of Military Justice, sister state, or
17 foreign country law substantially similar to
18 subsection (c) of Section 104-25 of the Code of
19 Criminal Procedure of 1963 of such offense or of the
20 attempted commission of such offense; or

21 (F) is the subject of a finding not resulting in an
22 acquittal at a hearing conducted pursuant to a federal,
23 Uniform Code of Military Justice, sister state, or
24 foreign country law substantially similar to
25 subsection (c) of Section 104-25 of the Code of
26 Criminal Procedure of 1963 for the alleged violation or

1 attempted commission of such offense; or

2 (2) adjudicated a juvenile delinquent as the result of
3 committing or attempting to commit an act which, if
4 committed by an adult, would constitute any of the offenses
5 specified in subsection (b) or (c-5) of this Section or a
6 violation of any substantially similar federal, Uniform
7 Code of Military Justice, sister state, or foreign country
8 law, or found guilty under Article V of the Juvenile Court
9 Act of 1987 of committing or attempting to commit an act
10 which, if committed by an adult, would constitute any of
11 the offenses specified in subsection (b) or (c-5) of this
12 Section or a violation of any substantially similar
13 federal, Uniform Code of Military Justice, sister state, or
14 foreign country law.

15 Convictions that result from or are connected with the same
16 act, or result from offenses committed at the same time, shall
17 be counted for the purpose of this Act as one conviction. Any
18 conviction set aside pursuant to law is not a conviction for
19 purposes of this Act.

20 For purposes of this Section, "convicted" shall have the
21 same meaning as "adjudicated". For the purposes of this Act, a
22 person who is defined as a violent offender against youth as a
23 result of being adjudicated a juvenile delinquent under
24 paragraph (2) of this subsection (a) upon attaining 17 years of
25 age shall be considered as having committed the violent offense
26 against youth on or after the 17th birthday of the violent

1 offender against youth. Registration of juveniles upon
2 attaining 17 years of age shall not extend the original
3 registration of 10 years from the date of conviction.

4 (b) As used in this Act, "violent offense against youth"
5 means:

6 (1) A violation of any of the following Sections of the
7 Criminal Code of 1961, when the victim is a person under 18
8 years of age, the defendant is not a parent of the victim,
9 and the offense was committed on or after January 1, 1996:

10 10-1 (kidnapping),

11 10-2 (aggravated kidnapping),

12 10-3 (unlawful restraint),

13 10-3.1 (aggravated unlawful restraint).

14 An attempt to commit any of these offenses.

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

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

26 (4) A violation or attempted violation of any of the

1 following Sections of the Criminal Code of 1961 when the
2 offense was committed on or after July 1, 1999:

3 10-4 (forcible detention, if the victim is under 18
4 years of age).

5 (4.1) Involuntary manslaughter under Section 9-3 of
6 the Criminal Code of 1961 where baby shaking was the
7 proximate cause of death of the victim of the offense.

8 (4.2) Endangering the life or health of a child under
9 Section 12-21.6 of the Criminal Code of 1961 that results
10 in the death of the child where baby shaking was the
11 proximate cause of the death of the child.

12 (5) A violation of any former law of this State
13 substantially equivalent to any offense listed in this
14 subsection (b).

15 (c) A conviction for an offense of federal law, Uniform
16 Code of Military Justice, or the law of another state or a
17 foreign country that is substantially equivalent to any offense
18 listed in subsections (b) and (c-5) of this Section shall
19 constitute a conviction for the purpose of this Act.

20 (c-5) A person at least 17 years of age at the time of the
21 commission of the offense who is convicted of first degree
22 murder under Section 9-1 of the Criminal Code of 1961, against
23 a person under 18 years of age, shall be required to register
24 for natural life. A conviction for an offense of federal,
25 Uniform Code of Military Justice, sister state, or foreign
26 country law that is substantially equivalent to any offense

1 listed in this subsection (c-5) shall constitute a conviction
2 for the purpose of this Act. This subsection (c-5) applies to a
3 person who committed the offense before June 1, 1996 only if
4 the person is incarcerated in an Illinois Department of
5 Corrections facility on August 20, 2004.

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

18 (e) As used in this Act, "supervising officer" means the
19 assigned Illinois Department of Corrections parole agent or
20 county probation officer.

21 (f) As used in this Act, "out-of-state student" means any
22 violent offender against youth who is enrolled in Illinois, on
23 a full-time or part-time basis, in any public or private
24 educational institution, including, but not limited to, any
25 secondary school, trade or professional institution, or
26 institution of higher learning.

1 (g) As used in this Act, "out-of-state employee" means any
2 violent offender against youth who works in Illinois,
3 regardless of whether the individual receives payment for
4 services performed, for a period of time of 10 or more days or
5 for an aggregate period of time of 30 or more days during any
6 calendar year. Persons who operate motor vehicles in the State
7 accrue one day of employment time for any portion of a day
8 spent in Illinois.

9 (h) As used in this Act, "school" means any public or
10 private educational institution, including, but not limited
11 to, any elementary or secondary school, trade or professional
12 institution, or institution of higher education.

13 (i) As used in this Act, "fixed residence" means any and
14 all places that a violent offender against youth resides for an
15 aggregate period of time of 5 or more days in a calendar year.

16 (j) As used in this Act, "baby shaking" means the vigorous
17 shaking of an infant or a young child that may result in
18 bleeding inside the head and cause one or more of the following
19 conditions: irreversible brain damage; blindness, retinal
20 hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal
21 cord injury, including paralysis; seizures; learning
22 disability; central nervous system injury; closed head injury;
23 rib fracture; subdural hematoma; or death.

24 (Source: P.A. 94-945, eff. 6-27-06.)"