

# HB6076



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6076

Introduced 2/11/2010, by Rep. Michael K. Smith

### SYNOPSIS AS INTRODUCED:

730 ILCS 154/5

Amends the Child Murderer and Violent Offender Against Youth Registration Act. Includes in the definition of "violent offense against youth" aggravated battery of a child, aggravated battery of an unborn child, ritualized abuse of a child, domestic battery, aggravated domestic battery, aggravated battery, and heinous battery, if the victim is under 18 years of age. Eliminates from the definition of "violent offense against youth" that the defendant is not a parent of the victim. Effective immediately.

LRB096 17971 RLC 33340 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning violent offenders against youth.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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:

17 (A) is convicted of such offense or an attempt to  
18 commit such offense; or

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

21 (C) is found not guilty by reason of insanity  
22 pursuant to subsection (c) of Section 104-25 of the  
23 Code of Criminal Procedure of 1963 of such offense or

1 an attempt to commit such offense; or

2 (D) is the subject of a finding not resulting in an  
3 acquittal at a hearing conducted pursuant to  
4 subsection (a) of Section 104-25 of the Code of  
5 Criminal Procedure of 1963 for the alleged commission  
6 or attempted commission of such offense; or

7 (E) is found not guilty by reason of insanity  
8 following a hearing conducted pursuant to a federal,  
9 Uniform Code of Military Justice, sister state, or  
10 foreign country law substantially similar to  
11 subsection (c) of Section 104-25 of the Code of  
12 Criminal Procedure of 1963 of such offense or of the  
13 attempted commission of such offense; or

14 (F) is the subject of a finding not resulting in an  
15 acquittal at 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 for the alleged violation or  
20 attempted commission of such offense; or

21 (2) adjudicated a juvenile delinquent as the result of  
22 committing or attempting to commit an act which, if  
23 committed by an adult, would constitute any of the offenses  
24 specified in subsection (b) or (c-5) of this Section or a  
25 violation of any substantially similar federal, Uniform  
26 Code of Military Justice, sister state, or foreign country

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

8 Convictions that result from or are connected with the same  
9 act, or result from offenses committed at the same time, shall  
10 be counted for the purpose of this Act as one conviction. Any  
11 conviction set aside pursuant to law is not a conviction for  
12 purposes of this Act.

13 For purposes of this Section, "convicted" shall have the  
14 same meaning as "adjudicated". For the purposes of this Act, a  
15 person who is defined as a violent offender against youth as a  
16 result of being adjudicated a juvenile delinquent under  
17 paragraph (2) of this subsection (a) upon attaining 17 years of  
18 age shall be considered as having committed the violent offense  
19 against youth on or after the 17th birthday of the violent  
20 offender against youth. Registration of juveniles upon  
21 attaining 17 years of age shall not extend the original  
22 registration of 10 years from the date of conviction.

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

25 (1) A violation of any of the following Sections of the  
26 Criminal Code of 1961, when the victim is a person under 18

1 years of age, ~~the defendant is not a parent of the victim,~~  
2 and the offense was committed on or after January 1, 1996:

3 10-1 (kidnapping),

4 10-2 (aggravated kidnapping),

5 10-3 (unlawful restraint),

6 10-3.1 (aggravated unlawful restraint),

7 12-3.2 (domestic battery),

8 12-3.3 (aggravated domestic battery),

9 12-4 (aggravated battery),

10 12-4.1 (heinous battery),

11 12-4.3 (aggravated battery of a child),

12 12-4.4 (aggravated battery of an unborn child),

13 12-33 (ritualized abuse of a child).

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

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

13 (c-5) A person at least 17 years of age at the time of the  
14 commission of the offense who is convicted of first degree  
15 murder under Section 9-1 of the Criminal Code of 1961, against  
16 a person under 18 years of age, shall be required to register  
17 for natural life. A conviction for an offense of federal,  
18 Uniform Code of Military Justice, sister state, or foreign  
19 country law that is substantially equivalent to any offense  
20 listed in this subsection (c-5) shall constitute a conviction  
21 for the purpose of this Act. This subsection (c-5) applies to a  
22 person who committed the offense before June 1, 1996 only if  
23 the person is incarcerated in an Illinois Department of  
24 Corrections facility on August 20, 2004.

25 (d) As used in this Act, "law enforcement agency having  
26 jurisdiction" means the Chief of Police in each of the

1 municipalities in which the violent offender against youth  
2 expects to reside, work, or attend school (1) upon his or her  
3 discharge, parole or release or (2) during the service of his  
4 or her sentence of probation or conditional discharge, or the  
5 Sheriff of the county, in the event no Police Chief exists or  
6 if the offender intends to reside, work, or attend school in an  
7 unincorporated area. "Law enforcement agency having  
8 jurisdiction" includes the location where out-of-state  
9 students attend school and where out-of-state employees are  
10 employed or are otherwise required to register.

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

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

20 (g) As used in this Act, "out-of-state employee" means any  
21 violent offender against youth who works in Illinois,  
22 regardless of whether the individual receives payment for  
23 services performed, for a period of time of 10 or more days or  
24 for an aggregate period of time of 30 or more days during any  
25 calendar year. Persons who operate motor vehicles in the State  
26 accrue one day of employment time for any portion of a day

1 spent in Illinois.

2 (h) As used in this Act, "school" means any public or  
3 private educational institution, including, but not limited  
4 to, any elementary or secondary school, trade or professional  
5 institution, or institution of higher education.

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

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

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.