



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0187

Introduced 1/18/2011, by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

730 ILCS 150/3-6 new

Amends the Sex Offender Registration Act. Provides that a person convicted of or adjudicated delinquent for criminal sexual abuse that does not involve a victim who was unable to understand the nature of the act or who was unable to give knowing consent may file a motion with the sentencing court for removal from the requirement to register as a sex offender if: (1) he or she is not more than 4 years older than the victim; and (2) the victim was 14 years of age or older at the time of the offense. Provides that the State's Attorney must receive 21 days notice prior to the disposition of the motion and may present evidence in opposition to the requested relief or otherwise demonstrate why the motion should be denied. Provides that the court may grant the motion if it finds that the offender meets the criteria set forth in these provisions and that the removal of the registration requirement will not conflict with federal law. Provides that if the court denies the motion, the offender may not petition again for removal from the requirement to register as a sex offender until 2 years has elapsed following denial of the motion. Provides that if the court grants the motion, and the offender provides the Department of State Police with a certified copy of the court's order removing the requirement that he or she register as a sex offender, the registration requirement may not apply to the person and the Department shall remove all information about the person from the registry of sex offenders maintained by the Department. Provides that relief under these provisions does not entitle the offender to expunge or seal information about his or her criminal history.

LRB097 05153 RLC 45867 b

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 adding Section 3-6 as follows:

6 (730 ILCS 150/3-6 new)

7 Sec. 3-6. Criminal sexual abuse; removal from
8 registration.

9 (a) A person convicted of or adjudicated delinquent for the
10 offense of criminal sexual abuse under subsection (b) or (c) of
11 Section 12-15 or paragraph (1) of subsection (a) of Section
12 12-15 of the Criminal Code of 1961 but not under paragraph (2)
13 of subsection (a) of Section 12-15 of the Criminal Code of 1961
14 may file a motion with the sentencing court for removal from
15 the requirement to register as a sex offender under this Act
16 only if:

17 (1) he or she is required to register as a sex offender
18 solely on the basis of a violation of subsection (b) or (c)
19 of Section 12-15 or paragraph (1) of subsection (a) of
20 Section 12-15 of the Criminal Code of 1961;

21 (2) he or she is not more than 4 years older than the
22 victim; and

23 (3) the victim was 14 years of age or older at the time

1 of the offense.

2 (b) A motion filed with the sentencing court to remove the
3 requirement that the person described in subsection (a) must
4 register as a sex offender must allege:

5 (1) that he or she meets the criteria set forth in
6 subsection (a); and

7 (2) that the removal of the registration requirement
8 will not conflict with federal law.

9 (c) The State's Attorney must receive 21 days notice prior
10 to the disposition of the motion and may present evidence in
11 opposition to the requested relief or otherwise demonstrate why
12 the motion should be denied.

13 (d) The court may grant the motion if it finds that the
14 offender meets the criteria set forth in subsection (a) and
15 that the removal of the registration requirement will not
16 conflict with federal law.

17 (e) If the court denies the motion, the offender may not
18 petition again under this Section for removal from the
19 requirement to register as a sex offender until 2 years has
20 elapsed following denial of the motion.

21 (f) If the court grants the motion, and the offender
22 provides the Department of State Police with a certified copy
23 of the court's order removing the requirement that he or she
24 register as a sex offender, the registration requirement may
25 not apply to the person and the Department shall remove all
26 information about the person from the registry of sex offenders

1 maintained by the Department.

2 (g) Relief under this Section does not entitle the offender
3 to expunge or seal information about his or her criminal
4 history.