

1 AN ACT concerning State government.

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

4 Section 1. Short title. This Act may be cited as the Sex
5 Offender Evaluation and Treatment Provider Act.

6 Section 5. Declaration of public policy. The practice of
7 sex offender evaluation and treatment in Illinois is hereby
8 declared to affect the public health, safety and welfare, and
9 to be subject to regulations in the public interest. The
10 purpose of this Act is to establish standards of qualifications
11 for sex offender evaluators and sex offender treatment
12 providers, thereby protecting the public from persons who are
13 unauthorized or unqualified to represent themselves as
14 licensed sex offender evaluators and sex offender treatment
15 providers, and from unprofessional conduct by persons licensed
16 to practice sex offender evaluation and treatment.

17 Section 10. Definitions. As used in this Act:

18 "Address of record" means the designated address recorded
19 by the Department in the applicant's or licensee's application
20 file or license file maintained by the Department's licensure
21 maintenance unit.

22 "Associate sex offender provider" means a person licensed

1 under this Act to conduct sex offender evaluations or provide
2 sex offender treatment services under the supervision of a
3 licensed sex offender evaluator or a licensed sex offender
4 treatment provider.

5 "Board" means the Sex Offender Evaluation and Treatment
6 Licensing and Disciplinary Board.

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "Licensee" means a person who has obtained a license under
10 this Act.

11 "Secretary" means the Secretary of Financial and
12 Professional Regulation.

13 "Sex offender evaluation" means a sex-offender specific
14 evaluation that systematically uses a variety of standardized
15 measurements, assessments and information gathered
16 collaterally and through face-to-face interviews. Sex-offender
17 specific evaluations assess risk to the community; identify and
18 document treatment and developmental needs, including safe and
19 appropriate placement settings; determine amenability to
20 treatment; and are the foundation of treatment, supervision,
21 and placement recommendations.

22 "Sex offender evaluator" means a person licensed under this
23 Act to conduct sex offender evaluations.

24 "Sex offender treatment" means a comprehensive set of
25 planned therapeutic interventions and experiences to reduce
26 the risk of further sexual offending and abusive behaviors by

1 the offender. Treatment may include adjunct therapies to
2 address the unique needs of the individual, but must include
3 offense specific services by a treatment provider who meets the
4 qualifications in Section 30 of this Act. Treatment focuses on
5 the situations, thoughts, feelings, and behavior that have
6 preceded and followed past offending (abuse cycles) and
7 promotes change in each area relevant to the risk of continued
8 abusive, offending, or deviant sexual behaviors. Due to the
9 heterogeneity of the persons who commit sex offenses, treatment
10 is provided based on the individualized evaluation and
11 assessment. Treatment is designed to stop sex offending and
12 abusive behavior, while increasing the offender's ability to
13 function as a healthy, pro-social member of the community.
14 Progress in treatment is measured by change rather than the
15 passage of time.

16 "Sex offender treatment provider" means a person licensed
17 under this Act to provide sex offender treatment.

18 Section 15. Duties of the Department. The Department shall
19 exercise the powers and duties prescribed by the Civil
20 Administrative Code of Illinois for administration of
21 licensing acts and shall exercise other powers and duties
22 necessary for effectuating the purpose of this Act. The
23 Department shall adopt rules to implement, interpret, or make
24 specific the provisions and purposes of this Act.

1 Section 20. Sex Offender Evaluation and Treatment Provider
2 Licensing and Disciplinary Board.

3 (a) There is established within the Department the Sex
4 Offender Evaluation and Treatment Licensing and Disciplinary
5 Board to be appointed by the Secretary. The Board shall be
6 composed of 8 persons who shall serve in an advisory capacity
7 to the Secretary. The Board shall elect a chairperson and a
8 vice chairperson.

9 (b) In appointing members of the Board, the Secretary shall
10 give due consideration to recommendations by members of the
11 profession of sex offender evaluation and treatment.

12 (c) Three members of the Board shall be sex offender
13 evaluation or treatment providers, or both, who have been in
14 active practice for at least 5 years immediately preceding
15 their appointment. The appointees shall be licensed under this
16 Act.

17 (d) One member shall represent the Department of
18 Corrections.

19 (e) One member shall represent the Department of Human
20 Services.

21 (f) One member shall represent the Administrative Office of
22 the Illinois Courts representing the interests of probation
23 services.

24 (g) One member shall represent the Sex Offender Management
25 Board.

26 (h) One member shall be representative of the general

1 public who has no direct affiliation or work experience with
2 the practice of sex offender evaluation and treatment and who
3 clearly represent consumer interests.

4 (i) Board members shall be appointed for a term of 4 years,
5 except that any person chosen to fill a vacancy shall be
6 appointed only for the unexpired term of the Board member whom
7 he or she shall succeed. Upon the expiration of his or her term
8 of office, a Board member shall continue to serve until a
9 successor is appointed and qualified. No member shall be
10 reappointed to the Board for a term that would cause continuous
11 service on the Board to be longer than 8 years.

12 (j) The membership of the Board shall reasonably reflect
13 representation from the various geographic areas of the State.

14 (k) A member of the Board shall be immune from suit in any
15 action based upon any disciplinary proceedings or other
16 activities performed in good faith as a member of the Board.

17 (l) The Secretary may remove a member of the Board for any
18 cause that, in the opinion of the Secretary, reasonably
19 justifies termination.

20 (m) The Secretary may consider the recommendations of the
21 Board on questions of standards of professional conduct,
22 discipline, and qualification of candidates or licensees under
23 this Act.

24 (n) The members of the Board shall be reimbursed for all
25 legitimate, necessary, and authorized expenses.

26 (o) A majority of the Board members currently appointed

1 shall constitute a quorum. A vacancy in the membership of the
2 Board shall not impair the right of a quorum to exercise all
3 the rights and perform all the duties of the Board.

4 Section 25. Application.

5 (a) Applications for original licensure shall be made to
6 the Department in writing on forms prescribed by the Department
7 and shall be accompanied by the appropriate documentation and
8 the required fee, which fee is nonrefundable. An application
9 shall require information as, in the judgment of the
10 Department, will enable the Department to pass on the
11 qualifications of the applicant for licensing.

12 (b) A license shall not be denied to an applicant because
13 of the applicant's race, religion, creed, national origin,
14 political beliefs or activities, age, sex, sexual orientation,
15 or physical disability that does not affect a person's ability
16 to practice with reasonable judgment, skill, or safety.

17 Section 30. Social Security Number on license application.
18 In addition to any other information required to be contained
19 in the application, every application for an original, renewal,
20 reinstated, or restored license under this Act shall include
21 the applicant's Social Security number.

22 Section 35. Qualifications for licensure.

23 (a)(1) A person is qualified for licensure as a sex

1 offender evaluator if that person:

2 (A) has applied in writing on forms prepared and
3 furnished by the Department;

4 (B) has not engaged or is not engaged in any practice
5 or conduct that would be grounds for disciplining a
6 licensee under Section 75 of this Act; and

7 (C) satisfies the licensure and experience
8 requirements of paragraph (2) of this subsection (a).

9 (2) A person who applies to the Department shall be issued
10 a sex offender evaluator license by the Department if the
11 person meets the qualifications set forth in paragraph (1) of
12 this subsection (a) and provides evidence to the Department
13 that the person:

14 (A) is a physician licensed to practice medicine in all
15 of its branches under the Medical Practice Act of 1987 or
16 licensed under the laws of another state; an advanced
17 practice nurse with psychiatric specialty licensed under
18 the Nurse Practice Act or licensed under the laws of
19 another state; a clinical psychologist licensed under the
20 Clinical Psychologist Licensing Act or licensed under the
21 laws of another state; a licensed clinical social worker
22 licensed under the Clinical Social Work and Social Work
23 Practice Act or licensed under the laws of another state; a
24 licensed clinical professional counselor licensed under
25 the Professional Counselor and Clinical Professional
26 Counselor Licensing Act or licensed under the laws of

1 another state; or a licensed marriage and family therapist
2 licensed under the Marriage and Family Therapist Licensing
3 Act or licensed under the laws of another state;

4 (B) has 400 hours of supervised experience in the
5 treatment or evaluation of sex offenders in the last 4
6 years, at least 200 of which are face-to-face therapy or
7 evaluation with sex offenders;

8 (C) has completed at least 10 sex offender evaluations
9 under supervision in the past 4 years; and

10 (D) has at least 40 hours of documented training in the
11 specialty of sex offender evaluation, treatment, or
12 management.

13 (b)(1) A person is qualified for licensure as a sex
14 offender treatment provider if that person:

15 (A) has applied in writing on forms prepared and
16 furnished by the Department;

17 (B) has not engaged or is not engaged in any practice
18 or conduct that would be grounds for disciplining a
19 licensee under Section 75 of this Act; and

20 (C) satisfies the licensure and experience
21 requirements of paragraph (2) of this subsection (b).

22 (2) A person who applies to the Department shall be issued
23 a sex offender treatment provider license by the Department if
24 the person meets the qualifications set forth in paragraph (1)
25 of this subsection (b) and provides evidence to the Department
26 that the person:

1 (A) is a physician licensed to practice medicine in all
2 of its branches under the Medical Practice Act of 1987 or
3 licensed under the laws of another state; an advanced
4 practice nurse with psychiatric specialty licensed under
5 the Nurse Practice Act or licensed under the laws of
6 another state; a clinical psychologist licensed under the
7 Clinical Psychologist Licensing Act or licensed under the
8 laws of another state; a licensed clinical social worker
9 licensed under the Clinical Social Work and Social Work
10 Practice Act or licensed under the laws of another state; a
11 licensed clinical professional counselor licensed under
12 the Professional Counselor and Clinical Professional
13 Counselor Licensing Act or licensed under the laws of
14 another state; or a licensed marriage and family therapist
15 licensed under the Marriage and Family Therapist Licensing
16 Act or licensed under the laws of another state;

17 (B) has 400 hours of supervised experience in the
18 treatment of sex offenders in the last 4 years, at least
19 200 of which are face-to-face therapy with sex offenders;
20 and

21 (C) has at least 40 hours documented training in the
22 specialty of sex offender evaluation, treatment, or
23 management.

24 (c) (1) A person is qualified for licensure as an associate
25 sex offender provider if that person:

26 (A) has applied in writing on forms prepared and

1 furnished by the Department;

2 (B) has not engaged or is not engaged in any practice
3 or conduct that would be grounds for disciplining a
4 licensee under Section 75 of this Act; and

5 (C) satisfies the education and experience
6 requirements of paragraph (2) of this subsection (c).

7 (2) A person who applies to the Department shall be issued
8 an associate sex offender provider license by the Department if
9 the person meets the qualifications set forth in paragraph (1)
10 of this subsection (c) and provides evidence to the Department
11 that the person holds a master's degree or higher in social
12 work, psychology, marriage and family therapy, counseling or
13 closely related behavioral science degree, or psychiatry.

14 Section 40. Application; exemptions.

15 (a) No person may act as a sex offender evaluator, sex
16 offender treatment provider, or associate sex offender
17 provider as defined in this Act for the provision of sex
18 offender evaluations or sex offender treatment pursuant to the
19 Sex Offender Management Board Act, the Sexually Dangerous
20 Persons Act, or the Sexually Violent Persons Commitment Act
21 unless the person is licensed to do so by the Department. Any
22 evaluation or treatment services provided by a licensed health
23 care professional not licensed under this Act shall not be
24 valid under the Sex Offender Management Board Act, the Sexually
25 Dangerous Persons Act, or the Sexually Violent Persons

1 Commitment Act.

2 (b) Nothing in this Act shall be construed to require any
3 licensed physician, advanced practice nurse, physician
4 assistant, or other health care professional to be licensed
5 under this Act for the provision of services for which the
6 person is otherwise licensed. This Act does not prohibit a
7 person licensed under any other Act in this State from engaging
8 in the practice for which he or she is licensed. This Act only
9 applies to the provision of sex offender evaluations or sex
10 offender treatment provided for the purposes of complying with
11 the Sex Offender Management Board Act, the Sexually Dangerous
12 Persons Act, or the Sexually Violent Persons Commitment Act.

13 Section 45. License renewal; restoration.

14 (a) The expiration date and renewal period for a license
15 issued under this Act shall be set by rule. The holder of a
16 license under this Act may renew that license during the 90 day
17 period immediately preceding the expiration date upon payment
18 of the required renewal fees and demonstrating compliance with
19 any continuing education requirements. The Department shall
20 adopt rules establishing minimum requirements of continuing
21 education and means for verification of the completion of the
22 continuing education requirements. The Department may, by
23 rule, specify circumstances under which the continuing
24 education requirements may be waived.

25 (b) A licensee who has permitted his or her license to

1 expire or who has had his or her license on inactive status may
2 have his or her license restored by making application to the
3 Department and filing proof acceptable to the Department, as
4 defined by rule, of his or her fitness to have his or her
5 license restored, including evidence certifying to active
6 practice in another jurisdiction satisfactory to the
7 Department and by paying the required restoration fee.

8 (c) A licensee whose license expired while he or she was
9 (1) in Federal Service on active duty with the Armed Forces of
10 the United States, or the State Militia called into service or
11 training, or (2) in training or education under the supervision
12 of the United States preliminary to induction into the military
13 service, may have his or her license renewed or restored
14 without paying any lapsed renewal fees if within 2 years after
15 honorable termination of service, training or education, he or
16 she furnishes the Department with satisfactory evidence to the
17 effect that he or she has been so engaged and that his or her
18 service, training or education has been terminated.

19 Section 50. Inactive status.

20 (a) A licensee who notifies the Department in writing on
21 forms prescribed by the Department may elect to place his or
22 her license on an inactive status and shall, subject to rules
23 of the Department, be excused from payment of renewal fees
24 until he or she notifies the Department in writing of his or
25 her intent to restore his or her license.

1 (b) A licensee requesting restoration from inactive status
2 shall be required to pay the current renewal fee and shall be
3 required to restore his or her license as provided in Section
4 45 of this Act.

5 (c) A licensee whose license is in an inactive status shall
6 not practice in the State of Illinois.

7 (d) A licensee who provides sex offender evaluation or
8 treatment services while his or her license is lapsed or on
9 inactive status shall be considered to be practicing without a
10 license which shall be grounds for discipline under this Act.

11 Section 55. Fees. The fees for the administration and
12 enforcement of this Act, including but not limited to original
13 licensure, renewal, and restoration, shall be set by rule of
14 the Department. The fees shall be nonrefundable.

15 Section 60. Deposit of fees and fines. All of the fees and
16 fines collected under this Act shall be deposited into the
17 General Professions Dedicated Fund.

18 Section 65. Payments; penalty for insufficient funds. A
19 person who delivers a check or other payment to the Department
20 that is returned to the Department unpaid by the financial
21 institution upon which it is drawn shall pay to the Department,
22 in addition to the amount already owed to the Department, a
23 fine of \$50. The fines imposed by this Section are in addition

1 to any other discipline provided under this Act prohibiting
2 unlicensed practice or practice on a nonrenewed license. The
3 Department shall notify the person that payment of fees and
4 fines shall be paid to the Department by certified check or
5 money order within 30 calendar days after notification. If
6 after the expiration of 30 days from the date of the
7 notification the person has failed to submit the necessary
8 remittance, the Department shall automatically terminate the
9 license or deny the application without hearing. If after
10 termination or denial the person seeks a license, he or she
11 shall apply to the Department for restoration or issuance of
12 the license and pay all fees and fines due to the Department.
13 The Department may establish a fee for the processing of an
14 application for restoration of a license to pay all expenses of
15 processing the application. The Secretary may waive the fines
16 due under this Section in individual cases where the Secretary
17 finds that the fines would be unreasonable or unnecessarily
18 burdensome.

19 Section 70. Roster; address change.

20 (a) The Department shall maintain a roster of names and
21 addresses of all persons who hold valid licenses and all
22 persons whose licenses have been suspended or revoked within
23 the previous year. This roster shall be available upon request
24 and payment of the required fee.

25 (b) It is the duty of the applicant or licensee to inform

1 the Department of any change of address, and that change must
2 be made either through the Department's website or by
3 contacting the Department's licensure maintenance unit.

4 Section 75. Refusal, revocation, or suspension.

5 (a) The Department may refuse to issue or renew, or may
6 revoke, suspend, place on probation, reprimand, or take other
7 disciplinary or nondisciplinary action, as the Department
8 considers appropriate, including the imposition of fines not to
9 exceed \$10,000 for each violation, with regard to any license
10 or licensee for any one or more of the following:

11 (1) violations of this Act or of the rules adopted
12 under this Act;

13 (2) discipline by the Department under other state law
14 and rules which the licensee is subject to;

15 (3) conviction by plea of guilty or nolo contendere,
16 finding of guilt, jury verdict, or entry of judgment or by
17 sentencing for any crime, including, but not limited to,
18 convictions, preceding sentences of supervision,
19 conditional discharge, or first offender probation, under
20 the laws of any jurisdiction of the United States: (i) that
21 is a felony; or (ii) that is a misdemeanor, an essential
22 element of which is dishonesty, or that is directly related
23 to the practice of the profession;

24 (4) professional incompetence;

25 (5) advertising in a false, deceptive, or misleading

1 manner;

2 (6) aiding, abetting, assisting, procuring, advising,
3 employing, or contracting with any unlicensed person to
4 provide sex offender evaluation or treatment services
5 contrary to any rules or provisions of this Act;

6 (7) engaging in immoral conduct in the commission of
7 any act, such as sexual abuse, sexual misconduct, or sexual
8 exploitation, related to the licensee's practice;

9 (8) engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public;

12 (9) practicing or offering to practice beyond the scope
13 permitted by law or accepting and performing professional
14 responsibilities which the licensee knows or has reason to
15 know that he or she is not competent to perform;

16 (10) knowingly delegating professional
17 responsibilities to a person unqualified by training,
18 experience, or licensure to perform;

19 (11) failing to provide information in response to a
20 written request made by the Department within 60 days;

21 (12) having a habitual or excessive use of or addiction
22 to alcohol, narcotics, stimulants, or any other chemical
23 agent or drug which results in the inability to practice
24 with reasonable judgment, skill, or safety;

25 (13) having a pattern of practice or other behavior
26 that demonstrates incapacity or incompetence to practice

1 under this Act;

2 (14) discipline by another state, District of
3 Columbia, territory, or foreign nation, if at least one of
4 the grounds for the discipline is the same or substantially
5 equivalent to those set forth in this Section;

6 (15) a finding by the Department that the licensee,
7 after having his or her license placed on probationary
8 status, has violated the terms of probation;

9 (16) willfully making or filing false records or
10 reports in his or her practice, including, but not limited
11 to, false records filed with State agencies or departments;

12 (17) making a material misstatement in furnishing
13 information to the Department or otherwise making
14 misleading, deceptive, untrue, or fraudulent
15 representations in violation of this Act or otherwise in
16 the practice of the profession;

17 (18) fraud or misrepresentation in applying for or
18 procuring a license under this Act or in connection with
19 applying for renewal of a license under this Act;

20 (19) inability to practice the profession with
21 reasonable judgment, skill, or safety as a result of
22 physical illness, including, but not limited to,
23 deterioration through the aging process, loss of motor
24 skill, or a mental illness or disability;

25 (20) charging for professional services not rendered,
26 including filing false statements for the collection of

1 fees for which services are not rendered; or
2 (21) practicing under a false or, except as provided by
3 law, an assumed name.

4 All fines shall be paid within 60 days of the effective
5 date of the order imposing the fine.

6 (b) The Department may refuse to issue or may suspend the
7 license of any person who fails to file a tax return, to pay
8 the tax, penalty, or interest shown in a filed tax return, or
9 to pay any final assessment of tax, penalty, or interest, as
10 required by any tax Act administered by the Illinois Department
11 of Revenue, until such time as the requirements of the tax Act
12 are satisfied in accordance with subsection (g) of Section
13 2105-15 of the Civil Administrative Code of Illinois.

14 (c) The Department shall deny a license or renewal
15 authorized by this Act to a person who has defaulted on an
16 educational loan or scholarship provided or guaranteed by the
17 Illinois Student Assistance Commission or any governmental
18 agency of this State in accordance with item (5) of subsection
19 (g) of Section 2105-15 of the Civil Administrative Code of
20 Illinois.

21 (d) In cases where the Department of Healthcare and Family
22 Services has previously determined that a licensee or a
23 potential licensee is more than 30 days delinquent in the
24 payment of child support and has subsequently certified the
25 delinquency to the Department, the Department may refuse to
26 issue or renew or may revoke or suspend that person's license

1 or may take other disciplinary action against that person based
2 solely upon the certification of delinquency made by the
3 Department of Healthcare and Family Services in accordance with
4 item (5) of subsection (g) of Section 2105-15 of the Civil
5 Administrative Code of Illinois.

6 (e) The determination by a circuit court that a licensee is
7 subject to involuntary admission or judicial admission, as
8 provided in the Mental Health and Developmental Disabilities
9 Code, operates as an automatic suspension. The suspension will
10 end only upon a finding by a court that the patient is no
11 longer subject to involuntary admission or judicial admission
12 and the issuance of a court order so finding and discharging
13 the patient.

14 (f) In enforcing this Act, the Department or Board, upon a
15 showing of a possible violation, may compel an individual
16 licensed to practice under this Act, or who has applied for
17 licensure under this Act, to submit to a mental or physical
18 examination, or both, as required by and at the expense of the
19 Department. The Department or Board may order the examining
20 physician to present testimony concerning the mental or
21 physical examination of the licensee or applicant. No
22 information shall be excluded by reason of any common law or
23 statutory privilege relating to communications between the
24 licensee or applicant and the examining physician. The
25 examining physician shall be specifically designated by the
26 Board or Department. The individual to be examined may have, at

1 his or her own expense, another physician of his or her choice
2 present during all aspects of this examination. The examination
3 shall be performed by a physician licensed to practice medicine
4 in all its branches. Failure of an individual to submit to a
5 mental or physical examination, when directed, shall result in
6 an automatic suspension without hearing.

7 A person holding a license under this Act or who has
8 applied for a license under this Act who, because of a physical
9 or mental illness or disability, including, but not limited to,
10 deterioration through the aging process or loss of motor skill,
11 is unable to practice the profession with reasonable judgment,
12 skill, or safety, may be required by the Department to submit
13 to care, counseling, or treatment by physicians approved or
14 designated by the Department as a condition, term, or
15 restriction for continued, reinstated, or renewed licensure to
16 practice. Submission to care, counseling, or treatment as
17 required by the Department shall not be considered discipline
18 of a license. If the licensee refuses to enter into a care,
19 counseling, or treatment agreement or fails to abide by the
20 terms of the agreement, the Department may file a complaint to
21 revoke, suspend, or otherwise discipline the license of the
22 individual. The Secretary may order the license suspended
23 immediately, pending a hearing by the Department. Fines shall
24 not be assessed in disciplinary actions involving physical or
25 mental illness or impairment.

26 In instances in which the Secretary immediately suspends a

1 person's license under this Section, a hearing on that person's
2 license must be convened by the Department within 15 days after
3 the suspension and completed without appreciable delay. The
4 Department and Board shall have the authority to review the
5 subject individual's record of treatment and counseling
6 regarding the impairment to the extent permitted by applicable
7 federal statutes and regulations safeguarding the
8 confidentiality of medical records.

9 An individual licensed under this Act and subject to action
10 under this Section shall be afforded an opportunity to
11 demonstrate to the Department or Board that he or she can
12 resume practice in compliance with acceptable and prevailing
13 standards under the provisions of his or her license.

14 Section 80. Continuing education. The Department shall
15 adopt rules for continuing education for persons licensed under
16 this Act that require a completion of 20 hours of approved sex
17 offender specific continuing education per license renewal
18 period. The Department shall establish by rule a means for the
19 verification of completion of the continuing education
20 required by this Section. This verification may be accomplished
21 through audits of records maintained by the licensee, by
22 requiring the filing of continuing education certificates with
23 the Department, or by other means established by the
24 Department.

1 Section 85. Violations; injunctions; cease and desist
2 order.

3 (a) If a person violates a provision of this Act, the
4 Secretary may, in the name of the People of the State of
5 Illinois, through the Attorney General, petition for an order
6 enjoining the violation or for an order enforcing compliance
7 with this Act. Upon the filing of a verified petition in court,
8 the court may issue a temporary restraining order, without
9 notice or bond, and may preliminarily and permanently enjoin
10 the violation. If it is established that the person has
11 violated or is violating the injunction, the court may punish
12 the offender for contempt of court. Proceedings under this
13 Section are in addition to, and not in lieu of, all other
14 remedies and penalties provided by this Act.

15 (b) If a person engages in sex offender evaluation or
16 treatment or holds himself or herself out as licensee without
17 having a valid license under this Act, then any licensee, any
18 interested party or any person injured thereby may, in addition
19 to the Secretary, petition for relief as provided in subsection
20 (a) of this Section.

21 (c) Whenever in the opinion of the Department a person has
22 violated any provision of this Act, the Department may issue a
23 rule to show cause why an order to cease and desist should not
24 be entered against him or her. The rule shall clearly set forth
25 the grounds relied upon by the Department and shall provide a
26 period of 7 days from the date of the rule to file an answer to

1 the satisfaction of the Department. Failure to answer to the
2 satisfaction of the Department shall cause an order to cease
3 and desist to be issued immediately.

4 Section 90. Unlicensed practice; violation; civil penalty.

5 (a) A person who holds himself or herself out to practice
6 as a licensee without being licensed under this Act shall, in
7 addition to any other penalty provided by law, pay a civil
8 penalty to the Department in an amount not to exceed \$10,000
9 for each offense, as determined by the Department. The civil
10 penalty shall be assessed by the Department after a hearing is
11 held in accordance with the provisions of this Act regarding a
12 hearing for the discipline of a licensee.

13 (b) The Department may investigate any and all unlicensed
14 activity.

15 (c) The civil penalty shall be paid within 60 days after
16 the effective date of the order imposing the civil penalty. The
17 order shall constitute a judgment and may be filed and
18 execution had thereon in the same manner as any judgment from
19 any court of record.

20 Section 95. Investigation; notice and hearing. The
21 Department may investigate the actions or qualifications of any
22 person or persons holding or claiming to hold a license. Before
23 suspending, revoking, placing on probationary status, or
24 taking any other disciplinary action as the Department may deem

1 proper with regard to any license, at least 30 days before the
2 date set for the hearing, the Department shall (i) notify the
3 accused in writing of any charges made and the time and place
4 for a hearing on the charges before the Board, (ii) direct him
5 or her to file a written answer to the charges with the Board
6 under oath within 20 days after the service on him or her of
7 the notice, and (iii) inform him or her that if he or she fails
8 to file an answer, default will be taken against him or her and
9 his or her license may be suspended, revoked, placed on
10 probationary status, or other disciplinary action taken with
11 regard to the license, including limiting the scope, nature, or
12 extent of his or her practice, as the Department may deem
13 proper. In case the person, after receiving notice, fails to
14 file an answer, his or her license may, in the discretion of
15 the Department, be suspended, revoked, placed on probationary
16 status, or the Department may take whatever disciplinary action
17 is deemed proper, including limiting the scope, nature, or
18 extent of the person's practice or the imposition of a fine,
19 without a hearing, if the act or acts charged constitute
20 sufficient grounds for that action under this Act. Written
21 notice may be served by personal delivery or by registered or
22 certified mail to the applicant or licensee at his or her last
23 address of record with the Department. In case the person fails
24 to file an answer after receiving notice, his or her license
25 may, in the discretion of the Department, be suspended,
26 revoked, or placed on probationary status, or the Department

1 may take whatever disciplinary action is deemed proper,
2 including limiting the scope, nature, or extent of the person's
3 practice or the imposition of a fine, without a hearing, if the
4 act or acts charged constitute sufficient grounds for that
5 action under this Act. The written answer shall be served by
6 personal delivery, certified delivery, or certified or
7 registered mail to the Department. At the time and place fixed
8 in the notice, the Department shall proceed to hear the charges
9 and the parties or their counsel shall be accorded ample
10 opportunity to present statements, testimony, evidence, and
11 argument as may be pertinent to the charges or to the defense
12 thereto. The Department may continue the hearing from time to
13 time. At the discretion of the Secretary after having first
14 received the recommendation of the Board, the accused person's
15 license may be suspended or revoked, if the evidence
16 constitutes sufficient grounds for that action under this Act.

17 Section 100. Record of proceeding. The Department, at its
18 expense, shall preserve a record of all proceedings at the
19 formal hearing of any case. The notice of hearing, complaint
20 and all other documents in the nature of pleadings and written
21 motions filed in the proceedings, the transcript of testimony,
22 the report of the Board and orders of the Department shall be
23 in the record of the proceedings. The Department shall furnish
24 a transcript of the record to any person interested in the
25 hearing upon payment of the fee required under Section 2105-115

1 of the Department of Professional Regulation Law.

2 Section 105. Subpoenas; oaths; attendance of witnesses.
3 The Department has the power to subpoena and to bring before it
4 any person and to take testimony either orally or by
5 deposition, or both, with the same fees and mileage and in the
6 same manner as prescribed in civil cases in the courts of this
7 State.

8 The Secretary, the designated hearing officer, and every
9 member of the Board has power to administer oaths to witnesses
10 at any hearing that the Department is authorized to conduct and
11 any other oaths authorized in any Act administered by the
12 Department. A circuit court may, upon application of the
13 Department or its designee, or of the applicant or licensee
14 against whom proceedings under this Act are pending, enter an
15 order requiring the attendance of witnesses and their
16 testimony, and the production of documents, papers, files,
17 books and records in connection with any hearing or
18 investigation. The court may compel obedience to its order by
19 proceedings for contempt.

20 Section 110. Recommendations for disciplinary action. At
21 the conclusion of the hearing, the Board shall present to the
22 Secretary a written report of its findings and recommendations.
23 The report shall contain a finding whether or not the accused
24 person violated this Act or failed to comply with the

1 conditions required in this Act. The Board shall specify the
2 nature of the violation or failure to comply, and shall make
3 its recommendations to the Secretary.

4 The report of findings and recommendations of the Board
5 shall be the basis for the Department's order for refusal or
6 for the granting of a license, or for any disciplinary action,
7 unless the Secretary shall determine that the Board's report is
8 contrary to the manifest weight of the evidence, in which case
9 the Secretary may issue an order in contravention of the
10 Board's report. The finding is not admissible in evidence
11 against the person in a criminal prosecution brought for the
12 violation of this Act, but the hearing and finding are not a
13 bar to a criminal prosecution brought for the violation of this
14 Act.

15 Section 115. Rehearing. In a hearing involving
16 disciplinary action against a licensee, a copy of the Board's
17 report shall be served upon the respondent by the Department,
18 either personally or as provided in this Act for the service of
19 the notice of hearing. Within 20 calendar days after service,
20 the respondent may present to the Department a motion in
21 writing for a rehearing that shall specify the particular
22 grounds for rehearing. If no motion for rehearing is filed,
23 then upon the expiration of the time specified for filing a
24 motion, or if a motion for rehearing is denied, then upon
25 denial, the Secretary may enter an order in accordance with

1 recommendations of the Board, except as provided in this Act.
2 If the respondent orders from the reporting service, and pays
3 for, a transcript of the record within the time for filing a
4 motion for rehearing, the 20 calendar day period within which a
5 motion may be filed shall commence upon the delivery of the
6 transcript to the respondent.

7 Section 120. Hearing by other hearing officer. Whenever
8 the Secretary is not satisfied that substantial justice has
9 been done in the revocation, suspension or refusal to issue or
10 renew a license, the Secretary may order a rehearing by the
11 same or other hearing officer.

12 Section 125. Appointment of a hearing officer. The
13 Secretary has the authority to appoint any attorney duly
14 licensed to practice law in the State of Illinois to serve as
15 the hearing officer in any action for refusal to issue or renew
16 a license, or to discipline a licensee. The hearing officer has
17 full authority to conduct the hearing. The hearing officer
18 shall report his or her findings and recommendations to the
19 Board and the Secretary. The Board has 60 calendar days from
20 receipt of the report to review the report of the hearing
21 officer and present its findings of fact, conclusions of law
22 and recommendations to the Secretary. If the Board fails to
23 present its report within the 60 calendar day period, the
24 respondent may request in writing a direct appeal to the

1 Secretary, in which case the Secretary shall, within 7 calendar
2 days after receipt of the request, issue an order directing the
3 Board to issue its findings of fact, conclusions of law, and
4 recommendations to the Secretary within 30 calendar days after
5 that order. If the Board fails to issue its findings of fact,
6 conclusions of law, and recommendations within that time frame
7 to the Secretary after the entry of the order, the Secretary
8 shall, within 30 calendar days thereafter, issue an order based
9 upon the report of the hearing officer and the record of the
10 proceedings or issue an order remanding the matter back to the
11 hearing officer for additional proceedings in accordance with
12 the order. If (i) a direct appeal is requested, (ii) the Board
13 fails to issue its findings of fact, conclusions of law, and
14 recommendations within the 30 day mandate from the Secretary or
15 the Secretary fails to order the Board to do so, and (iii) the
16 Secretary fails to issue an order within 30 calendar days
17 thereafter, then the hearing officer's report is deemed
18 accepted and a final decision of the Secretary. Notwithstanding
19 any other provision of this Section, if the Secretary, upon
20 review, determines that substantial justice has not been done
21 in the revocation, suspension, or refusal to issue or renew a
22 license or other disciplinary action taken as the result of the
23 entry of the hearing officer's report, the Secretary may order
24 a rehearing by the same or other hearing officer. If the
25 Secretary disagrees with the recommendation of the Board or the
26 hearing officer, the Secretary may issue an order in

1 contravention of the recommendation.

2 Section 130. Order; certified copy. An order or a certified
3 copy of the order, over the seal of the Department and
4 purporting to be signed by the Secretary, shall be prima facie
5 proof:

6 (a) that the signature is the genuine signature of the
7 Secretary;

8 (b) that the Secretary is duly appointed and qualified; and

9 (c) that the Board and its members are qualified to act.

10 Section 135. Restoration. At any time after the suspension
11 or revocation of a license, the Department may restore the
12 license to the accused person, upon the written recommendation
13 of the Board, unless after an investigation and a hearing the
14 Board determines that restoration is not in the public
15 interest.

16 Section 140. License surrender. Upon the revocation or
17 suspension of a license, the licensee shall immediately
18 surrender the license to the Department. If the licensee fails
19 to do so, the Department has the right to seize the license.

20 Section 145. Summary suspension. The Secretary may
21 summarily suspend the license of a licensee without a hearing,
22 simultaneously with the institution of proceedings for a

1 hearing provided for in this Act, if the Secretary finds that
2 evidence in his or her possession indicates that a licensee's
3 continuation in practice would constitute an imminent danger to
4 the public. In the event that the Secretary summarily suspends
5 the license of a licensee without a hearing, a hearing by the
6 Board must be held within 30 calendar days after the suspension
7 has occurred.

8 Section 150. Judicial review. All final administrative
9 decisions of the Department are subject to judicial review
10 under the Administrative Review Law and its rules. The term
11 "administrative decision" is defined as in Section 3-101 of the
12 Code of Civil Procedure.

13 Proceedings for judicial review shall be commenced in the
14 circuit court of the county in which the party applying for
15 review resides; but if the party is not a resident of this
16 State, the venue shall be in Sangamon County.

17 Section 155. Certification of records. The Department
18 shall not be required to certify any record to the court or
19 file any answer in court or otherwise appear in any court in a
20 judicial review proceeding, unless there is filed in the court,
21 with the complaint, a receipt from the Department acknowledging
22 payment of the costs of furnishing and certifying the record.
23 Failure on the part of the plaintiff to file the receipt in
24 court shall be grounds for dismissal of the action.

1 Section 160. Violations; penalties. A person who is found
2 to have violated any provision of this Act is guilty of a Class
3 A misdemeanor for the first offense, and a Class 4 felony for a
4 second and subsequent offense.

5 Section 165. Illinois Administrative Procedure Act. The
6 Illinois Administrative Procedure Act is expressly adopted and
7 incorporated in this Act as if all of the provisions of that
8 Act were included in this Act, except that the provision of
9 paragraph (d) of Section 10-65 of the Illinois Administrative
10 Procedure Act, which provides that at hearings the license
11 holder has the right to show compliance with all lawful
12 requirements for retention, continuation or renewal of the
13 certificate, is specifically excluded. For the purpose of this
14 Act, the notice required under Section 10-25 of the Illinois
15 Administrative Procedure Act is deemed sufficient when mailed
16 to the last known address of a party.

17 Section 170. Home rule. The regulation and licensing of
18 sex offender evaluators and treatment providers are exclusive
19 powers and functions of the State. A home rule unit may not
20 regulate or license sex offender evaluators and treatment
21 providers. This Section is a denial and limitation of home rule
22 powers and functions under subsection (h) of Section 6 of
23 Article VII of the Illinois Constitution.

1 Section 172. Confidentiality. All information collected by
2 the Department in the course of an examination or investigation
3 of a licensee or applicant, including, but not limited to, any
4 complaint against a licensee filed with the Department and
5 information collected to investigate the complaint, shall be
6 maintained for the confidential use of the Department and shall
7 not be disclosed. The Department may not disclose the
8 information except to law enforcement officials, other
9 regulatory agencies that have an appropriate regulatory
10 interest as determined by the Secretary, or to a party
11 presenting a lawful subpoena to the Department. Information and
12 documents disclosed to a federal, State, county, or local law
13 enforcement agency shall not be disclosed by the agency for any
14 purpose to any other agency or person. A formal complaint filed
15 against a licensee by the Department or any order issued by the
16 Department against a licensee or applicant shall be a public
17 record, except as otherwise prohibited by law.

18 Section 174. Multiple licensure. When a licensee under this
19 Act, who is also a licensee under another statute enforced by
20 the Department, is subject to any disciplinary action including
21 but not limited to the probation, suspension or revocation of
22 any license issued by the Department, the disciplinary action
23 is automatically applied to all licenses held by the licensee
24 by operation of law.

1 Section 175. The Sex Offender Management Board Act is
2 amended by changing Sections 5, 10, 15, 16, 17, 18, 19, and 20
3 as follows:

4 (20 ILCS 4026/5)

5 Sec. 5. Legislative declaration. The General Assembly
6 hereby declares that the comprehensive evaluation, treatment,
7 identification, ~~counseling,~~ and management ~~continued~~
8 ~~monitoring~~ of sex offenders who are subject to the supervision
9 of the criminal or juvenile justice systems or mental health
10 systems is necessary in order to work toward the elimination of
11 recidivism by such offenders. Therefore, the General Assembly
12 hereby creates a program which assists in the education and
13 training of parole, probation, law enforcement, treatment
14 providers and others involved in the management of sex
15 offenders. This program will standardize ~~Therefore, the~~
16 ~~General Assembly hereby creates a program which standardizes~~
17 the evaluation, treatment, ~~identification,~~ ~~counseling,~~ and
18 management ~~continued monitoring~~ of sex offenders at each stage
19 of the criminal or juvenile justice systems or mental health
20 systems so that those offenders will curtail recidivistic
21 behavior and the protection of victims and potential victims
22 will be enhanced. The General Assembly recognizes that some sex
23 offenders cannot or will not respond to counseling and that, in
24 creating the program described in this Act, the General

1 Assembly does not intend to imply that all sex offenders can be
2 successful in treatment ~~counseling~~.

3 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98.)

4 (20 ILCS 4026/10)

5 Sec. 10. Definitions. In this Act, unless the context
6 otherwise requires:

7 (a) "Board" means the Sex Offender Management Board created
8 in Section 15.

9 (b) "Sex offender" means any person who is convicted or
10 found delinquent in the State of Illinois, or under any
11 substantially similar federal law or law of another state, of
12 any sex offense or attempt of a sex offense as defined in
13 subsection (c) of this Section, or any former statute of this
14 State that defined a felony sex offense, or who has been
15 declared ~~certified~~ as a sexually dangerous person under the
16 Sexually Dangerous Persons Act or declared a sexually violent
17 person under the Sexually Violent Persons Commitment Act, or
18 any substantially similar federal law or law of another state.

19 (c) "Sex offense" means any felony or misdemeanor offense
20 described in this subsection (c) as follows:

21 (1) Indecent solicitation of a child, in violation of
22 Section 11-6 of the Criminal Code of 1961;

23 (2) Indecent solicitation of an adult, in violation of
24 Section 11-6.5 of the Criminal Code of 1961;

25 (3) Public indecency, in violation of Section 11-9 or

1 11-30 of the Criminal Code of 1961;

2 (4) Sexual exploitation of a child, in violation of
3 Section 11-9.1 of the Criminal Code of 1961;

4 (5) Sexual relations within families, in violation of
5 Section 11-11 of the Criminal Code of 1961;

6 (6) Promoting juvenile prostitution or soliciting for
7 a juvenile prostitute, in violation of Section 11-14.4 or
8 11-15.1 of the Criminal Code of 1961;

9 (7) Promoting juvenile prostitution or keeping a place
10 of juvenile prostitution, in violation of Section 11-14.4
11 or 11-17.1 of the Criminal Code of 1961;

12 (8) Patronizing a juvenile prostitute, in violation of
13 Section 11-18.1 of the Criminal Code of 1961;

14 (9) Promoting juvenile prostitution or juvenile
15 pimping, in violation of Section 11-14.4 or 11-19.1 of the
16 Criminal Code of 1961;

17 (10) promoting juvenile prostitution or exploitation
18 of a child, in violation of Section 11-14.4 or 11-19.2 of
19 the Criminal Code of 1961;

20 (11) Child pornography, in violation of Section
21 11-20.1 of the Criminal Code of 1961;

22 (11.5) Aggravated child pornography, in violation of
23 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

24 (12) Harmful material, in violation of Section 11-21 of
25 the Criminal Code of 1961;

26 (13) Criminal sexual assault, in violation of Section

1 11-1.20 or 12-13 of the Criminal Code of 1961;

2 (13.5) Grooming, in violation of Section 11-25 of the
3 Criminal Code of 1961;

4 (14) Aggravated criminal sexual assault, in violation
5 of Section 11-1.30 or 12-14 of the Criminal Code of 1961;

6 (14.5) Traveling to meet a minor, in violation of
7 Section 11-26 of the Criminal Code of 1961;

8 (15) Predatory criminal sexual assault of a child, in
9 violation of Section 11-1.40 or 12-14.1 of the Criminal
10 Code of 1961;

11 (16) Criminal sexual abuse, in violation of Section
12 11-1.50 or 12-15 of the Criminal Code of 1961;

13 (17) Aggravated criminal sexual abuse, in violation of
14 Section 11-1.60 or 12-16 of the Criminal Code of 1961;

15 (18) Ritualized abuse of a child, in violation of
16 Section 12-33 of the Criminal Code of 1961;

17 (19) An attempt to commit any of the offenses
18 enumerated in this subsection (c); or

19 (20) Any felony offense under Illinois law that is
20 sexually motivated.

21 (d) "Management" means treatment, counseling, monitoring,
22 and supervision of any sex offender that conforms to the
23 standards created by the Board under Section 15.

24 (e) "Sexually motivated" means one or more of the facts of
25 the underlying offense indicates conduct that is of a sexual
26 nature or that shows an intent to engage in behavior of a

1 sexual nature.

2 (f) "Sex offender evaluator" means a person licensed under
3 the Sex Offender Evaluation and Treatment Provider Act to
4 conduct sex offender evaluations.

5 (g) "Sex offender treatment provider" means a person
6 licensed under the Sex Offender Evaluation and Treatment
7 Provider Act to provide sex offender treatment services.

8 (h) "Associate sex offender provider" means a person
9 licensed under the Sex Offender Evaluation and Treatment
10 Provider Act to provide sex offender evaluations and to provide
11 sex offender treatment under the supervision of a licensed sex
12 offender evaluator or a licensed sex offender treatment
13 provider.

14 (Source: P.A. 96-1551, eff. 7-1-11.)

15 (20 ILCS 4026/15)

16 Sec. 15. Sex Offender Management Board; creation; duties.

17 (a) There is created the Sex Offender Management Board,
18 which shall consist of 22 ~~20~~ members. The membership of the
19 Board shall consist of the following persons:

20 ~~(1) Two members appointed by the Governor representing~~
21 ~~the judiciary, one representing juvenile court matters and~~
22 ~~one representing adult criminal court matters;~~

23 (1) ~~(2)~~ One member appointed by the Governor
24 representing Probation Services based on the
25 recommendation of the Illinois Probation and Court

1 Services Association;

2 (2) ~~(3)~~ One member appointed by the Governor
3 representing the Department of Corrections;

4 (3) One member appointed by the Governor representing
5 the Department of Juvenile Justice;

6 (4) One member appointed by the Governor representing
7 the Department of Human Services;

8 (5) One member appointed by the Governor representing
9 the Illinois State Police;

10 (6) One member appointed by the Governor representing
11 the Department of Children and Family Services;

12 (7) One member appointed by the Attorney General
13 representing the Office of the Attorney General;

14 (8) One member appointed by the Attorney General who is
15 a licensed mental health professional with documented
16 expertise in the treatment of sex offenders;

17 (9) Two members appointed by the Attorney General who
18 are State's Attorneys or assistant State's Attorneys, one
19 representing juvenile court matters and one representing
20 felony court matters;

21 (10) One member being the Director of the
22 Administrative Office of the Illinois Courts or his or her
23 designee;

24 (11) One member being the Cook County State's Attorney
25 or his or her designee;

26 (12) ~~(11)~~ One member being the Director of the State's

1 Attorneys Appellate Prosecutor or his or her designee;

2 (13) ~~(12)~~ One member being the Cook County Public
3 Defender or his or her designee;

4 (14) ~~(13)~~ Two members appointed by the Governor who are
5 representatives of law enforcement, at least one juvenile
6 officer with juvenile sex offender experience ~~and one sex~~
7 ~~crime investigator;~~

8 (15) ~~(14)~~ Two members appointed by the Attorney General
9 who are recognized experts in the field of sexual assault
10 and who can represent sexual assault victims and victims'
11 rights organizations;

12 (16) ~~(15)~~ One member being the State Appellate Defender
13 or his or her designee; ~~and~~

14 (17) One member appointed by the Governor being the
15 President of the Illinois Polygraph Society of his or her
16 designee;

17 (18) ~~(16)~~ One member being the Executive Director of
18 the Criminal Justice Information Authority or his or her
19 designee; and

20 (19) One member appointed by the Governor being the
21 President of the Illinois Chapter of the Association for
22 the Treatment of Sexual Abusers or his or her designee.

23 (b) The Governor and the Attorney General shall appoint a
24 presiding officer for the Board from among the board members
25 appointed under subsection (a) of this Section, which presiding
26 officer shall serve at the pleasure of the Governor and the

1 Attorney General.

2 (c) Each member of the Board shall demonstrate substantial
3 expertise and experience in the field of sexual assault.

4 (d) (1) Any member of the Board created in subsection (a)
5 of this Section who is appointed under paragraphs (1) through
6 (7) of subsection (a) of this Section shall serve at the
7 pleasure of the official who appointed that member, for a term
8 of 5 years and may be reappointed. The members shall serve
9 without additional compensation.

10 (2) Any member of the Board created in subsection (a) of
11 this Section who is appointed under paragraphs (8) through (19)
12 ~~(14)~~ of subsection (a) of this Section shall serve for a term
13 of 5 years and may be reappointed. However, the term ~~terms~~ of
14 the member ~~members~~ appointed under paragraph ~~paragraphs~~ (8) of
15 subsection (a) of this Section shall end on January 1, 2012 ~~the~~
16 ~~effective date of this amendatory Act of the 97th General~~
17 ~~Assembly.~~ Within 30 days after January 1, 2012 ~~the effective~~
18 ~~date of this amendatory Act of the 97th General Assembly,~~ the
19 Attorney General shall appoint a member under paragraph (8) of
20 subsection (a) of this Section to fill the vacancy created by
21 this amendatory Act of the 97th General Assembly. A person who
22 has previously served as a member of the Board may be
23 reappointed. The term ~~terms~~ of the ~~President of the Illinois~~
24 ~~Polygraph Society or his or her designee, the President of the~~
25 ~~Illinois Chapter of the Association for the Treatment of Sexual~~
26 ~~Abusers or his or her designee, and the member representing the~~

1 Illinois Principal Association ~~ends end~~ on January 1, 2012 ~~the~~
2 ~~effective date of this amendatory Act of the 97th General~~
3 ~~Assembly~~. The members shall serve without compensation.

4 (3) The travel costs associated with membership on the
5 Board created in subsection (a) of this Section may ~~will~~ be
6 reimbursed subject to availability of funds.

7 (e) (Blank). ~~The first meeting of this Board shall be held~~
8 ~~within 45 days of the effective date of this Act.~~

9 (f) The Board shall carry out the following duties:

10 (1) ~~The~~ Not later than December 31, 2001, the Board
11 shall develop and prescribe ~~separate~~ standardized
12 procedures for the evaluation and management
13 ~~identification~~ of the offender ~~and recommend behavior~~
14 ~~management, monitoring, and treatment based upon the~~
15 ~~knowledge that sex offenders are extremely habituated and~~
16 ~~that there is no known cure for the propensity to commit~~
17 ~~sex abuse.~~ Periodically, the Board shall review and modify
18 as necessary the standardized procedures based upon
19 current best practices. ~~The Board shall develop and~~
20 ~~implement measures of success based upon a no cure policy~~
21 ~~for intervention.~~ ~~The Board shall develop and implement~~
22 ~~methods of intervention for sex offenders which have as a~~
23 ~~priority the physical and psychological safety of victims~~
24 ~~and potential victims and which are appropriate to the~~
25 ~~needs of the particular offender, so long as there is no~~
26 ~~reduction of the safety of victims and potential victims.~~

1 (2) These standardized procedures that are based on
2 current best practices ~~Not later than December 31, 2001,~~
3 ~~the Board shall develop separate guidelines and standards~~
4 ~~for a system of programs for the evaluation and treatment~~
5 ~~of both juvenile and adult sex offenders which shall be~~
6 utilized with ~~by~~ offenders who are placed on probation,
7 committed to the Department of Corrections, Department of
8 Juvenile Justice, or Department of Human Services, or
9 placed on mandatory supervised release or parole. The
10 programs developed under this paragraph (f) shall be as
11 flexible as possible so that the programs may be utilized
12 by each offender to prevent the offender from harming
13 victims and potential victims. The programs ~~shall be~~
14 ~~structured in such a manner that the programs~~ provide a
15 ~~continuing monitoring process as well as a~~ continuum of
16 evaluation and treatment ~~counseling programs~~ for each
17 offender as that offender proceeds through the justice
18 system. Also, the programs shall be developed in such a
19 manner that, to the extent possible, the programs may be
20 accessed by all offenders in the justice system.

21 (2.5) Not later than July 1, 2013 and annually
22 thereafter, the Board shall provide trainings for agencies
23 that provide supervision and management to sex offenders on
24 best practices for the treatment, evaluation, and
25 supervision of sex offenders. The training program may
26 include other matters relevant to the supervision and

1 management of sex offenders, including, but not limited to,
2 legislative developments and national best practices
3 models. The Board shall hold not less than 2 trainings per
4 year. The Board may develop other training and education
5 programs to promote the utilization of best practices for
6 the effective management of sex offenders as it deems
7 necessary.

8 (3) There is established the Sex Offender Management
9 Board Fund in the State Treasury into which funds received
10 under any provision of law or from public or private
11 sources shall be deposited, and from which funds shall be
12 appropriated for the purposes set forth in Section 19 of
13 this Act, ~~Section 5-6-3 of the Unified Code of Corrections,~~
14 ~~and Section 3 of the Sex Offender Registration Act,~~ and the
15 remainder shall be appropriated to the Sex Offender
16 Management Board to carry out its duties and comply with
17 the provisions of this Act for planning and research.

18 (4) (Blank). ~~The Board shall develop and prescribe a~~
19 ~~plan to research and analyze the effectiveness of the~~
20 ~~evaluation, identification, and counseling procedures and~~
21 ~~programs developed under this Act. The Board shall also~~
22 ~~develop and prescribe a system for implementation of the~~
23 ~~guidelines and standards developed under paragraph (2) of~~
24 ~~this subsection (f) and for tracking offenders who have~~
25 ~~been subjected to evaluation, identification, and~~
26 ~~treatment under this Act. In addition, the Board shall~~

1 ~~develop a system for monitoring offender behaviors and~~
2 ~~offender adherence to prescribed behavioral changes. The~~
3 ~~results of the tracking and behavioral monitoring shall be~~
4 ~~a part of any analysis made under this paragraph (4).~~

5 (g) The Board may promulgate rules as are necessary to
6 carry out the duties of the Board.

7 (h) The Board and the individual members of the Board shall
8 be immune from any liability, whether civil or criminal, for
9 the good faith performance of the duties of the Board as
10 specified in this Section.

11 (Source: P.A. 97-257, eff. 1-1-12.)

12 (20 ILCS 4026/16)

13 Sec. 16. Sex offender evaluation and identification
14 required.

15 (a) Beginning on January 1, 2004 ~~the effective date of this~~
16 ~~amendatory Act of the 93rd General Assembly~~, each felony sex
17 offender who is to be considered for probation shall be
18 required as part of the pre-sentence or social investigation to
19 submit to an evaluation for treatment, an evaluation for risk,
20 and procedures for monitoring of behavior to protect victims
21 and potential victims ~~developed~~ pursuant to item (1) of
22 subsection (f) of Section 15 of this Act.

23 (b) Beginning on January 1, 2014, the ~~The~~ evaluation
24 required by subsection (a) of this Section shall be by a sex
25 offender evaluator or associate sex offender provider as

1 ~~defined in Section 10 of this Act an evaluator approved by the~~
2 ~~Sex Offender Management Board~~ and shall be at the expense of
3 the person evaluated, based upon that person's ability to pay
4 for such treatment.

5 (Source: P.A. 93-616, eff. 1-1-04.)

6 (20 ILCS 4026/17)

7 Sec. 17. Sentencing of sex offenders; treatment based upon
8 evaluation ~~and identification~~ required.

9 (a) Each felony sex offender sentenced by the court for a
10 sex offense shall be required as a part of any sentence to
11 probation, conditional release, or periodic imprisonment to
12 undergo treatment based upon the recommendations of the
13 evaluation made pursuant to Section 16 or based upon any
14 subsequent recommendations by the Administrative Office of the
15 Illinois Courts or the county probation department, whichever
16 is appropriate. Beginning on January 1, 2014, the ~~Any such~~
17 ~~treatment and monitoring~~ shall be ~~at a facility or with a~~ sex
18 offender treatment provider or associate sex offender provider
19 as defined in Section 10 of this Act ~~person approved by the~~
20 ~~Board~~ and at the ~~such~~ offender's own expense based upon the
21 offender's ability to pay for such treatment.

22 (b) Beginning on January 1, 2004 ~~the effective date of this~~
23 ~~amendatory Act of the 93rd General Assembly,~~ each sex offender
24 placed on parole or mandatory supervised release by the
25 Prisoner Review Board shall be required as a condition of

1 parole to undergo treatment based upon any evaluation or
2 subsequent reevaluation regarding such offender during the
3 offender's incarceration or any period of parole. Beginning on
4 January 1, 2014, the ~~Any such~~ treatment shall be by a sex
5 offender treatment provider or associate sex offender provider
6 as defined in Section 10 of this Act ~~an individual approved by~~
7 ~~the Board~~ and at the offender's expense based upon the
8 offender's ability to pay for such treatment.

9 (Source: P.A. 93-616, eff. 1-1-04.)

10 (20 ILCS 4026/18)

11 Sec. 18. Sex offender treatment contracts with providers.
12 The county probation department or the Department of Human
13 Services shall not employ or contract with and shall not allow
14 a sex offender to employ or contract with any individual or
15 entity to provide sex offender evaluation or treatment services
16 pursuant to this Act unless the sex offender evaluation or
17 treatment services provided are by a person licensed under the
18 Sex Offender Evaluation and Treatment Provider Act ~~an~~
19 ~~individual approved by the Board~~ pursuant to item (2) of
20 subsection (f) of Section 15 of this Act.

21 (Source: P.A. 93-616, eff. 1-1-04.)

22 (20 ILCS 4026/19)

23 Sec. 19. Sex Offender Management Board Fund. All
24 unobligated and unexpended moneys remaining in the Sex Offender

1 Management Board Fund on the effective date of this amendatory
2 Act of the 97th General Assembly shall be transferred into the
3 General Professions Dedicated Fund, a special fund in the State
4 treasury, to be expended for use by the Department of Financial
5 and Professional Regulation for the purpose of implementing the
6 provisions of the Sex Offender Evaluation and Treatment
7 Provider Act with the exception of \$5,000 which shall remain in
8 the Fund for use by the Board.

9 ~~(a) Any and all practices endorsed or required under this~~
10 ~~Act, including but not limited to evaluation, treatment, or~~
11 ~~monitoring of programs that are or may be developed by the~~
12 ~~agency providing supervision or the Department of Corrections~~
13 ~~shall be at the expense of the person evaluated or treated,~~
14 ~~based upon the person's ability to pay. If it is determined by~~
15 ~~the agency providing supervision or the Department of~~
16 ~~Corrections that the person does not have the ability to pay~~
17 ~~for practices endorsed or required by this Act, the agency~~
18 ~~providing supervision of the sex offender shall request~~
19 ~~reimbursement for services required under this Act for which~~
20 ~~the agency has provided funding. The agency providing~~
21 ~~supervision or the Department of Corrections shall develop~~
22 ~~factors to be considered and criteria to determine a person's~~
23 ~~ability to pay.~~ The Sex Offender Management Board shall
24 coordinate the expenditures of moneys from the Sex Offender
25 Management Board Fund. ~~The Board shall allocate moneys~~
26 ~~deposited in this Fund among the agency providing supervision~~

1 ~~or the Department of Corrections.~~

2 (b) (Blank). ~~Up to 20% of this Fund shall be retained by~~
3 ~~the Sex Offender Management Board for administrative costs,~~
4 ~~including staff, incurred pursuant to this Act.~~

5 (c) Monies expended for this Fund shall be used to comply
6 with the provisions of this Act ~~supplement, not replace~~
7 ~~offenders' self pay, or county appropriations for probation~~
8 ~~and court services.~~

9 (d) Interest earned on monies deposited in this Fund may be
10 used by the Board for its administrative costs and expenses.

11 (e) In addition to the funds provided by the sex offender,
12 counties, or Departments providing treatment, the Board shall
13 explore funding sources including but not limited to State,
14 federal, and private funds.

15 (Source: P.A. 93-616, eff. 1-1-04; 94-706, eff. 6-1-06.)

16 (20 ILCS 4026/20)

17 Sec. 20. Report to the General Assembly. The Board shall
18 submit an annual report to the General Assembly regarding the
19 training and educational programs developed and presented ~~Upon~~
20 ~~completion of the duties prescribed in paragraphs (1) and (2)~~
21 ~~of subsection (f) of Section 15, the Board shall make a report~~
22 ~~to the General Assembly regarding the standardized procedures~~
23 ~~developed under this Act, the standardized programs developed~~
24 ~~under this Act, the plans for implementation developed under~~
25 ~~this Act, and the plans for research and analysis developed~~

1 under this Act.

2 (Source: P.A. 90-133, eff. 7-22-97.)

3 Section 180. The State Finance Act is amended by changing
4 Section 6z-38 as follows:

5 (30 ILCS 105/6z-38)

6 Sec. 6z-38. General Professions Dedicated Fund. The
7 General Professions Dedicated Fund is created in the State
8 treasury. Moneys in the Fund shall be invested and earnings on
9 the investments shall be retained in the Fund. Moneys in the
10 Fund shall be appropriated to the Department of Professional
11 Regulation for the ordinary and contingent expenses of the
12 Department, except for moneys transferred under Section 19 of
13 the Sex Offender Management Board Act which shall be
14 appropriated for the purpose of implementing the provisions of
15 the Sex Offender Evaluation and Treatment Provider Act. Moneys
16 in the Fund may be transferred to the Professions Indirect Cost
17 Fund as authorized by Section 2105-300 of the Department of
18 Professional Regulation Law (20 ILCS 2105/2105-300).

19 (Source: P.A. 91-239, eff. 1-1-00.)

20 Section 185. The Sexually Dangerous Persons Act is amended
21 by changing Section 8 as follows:

22 (725 ILCS 205/8) (from Ch. 38, par. 105-8)

1 Sec. 8. If the respondent is found to be a sexually
2 dangerous person then the court shall appoint the Director of
3 Corrections guardian of the person found to be sexually
4 dangerous and such person shall stand committed to the custody
5 of such guardian. The Director of Corrections as guardian shall
6 keep safely the person so committed until the person has
7 recovered and is released as hereinafter provided. The Director
8 of Corrections as guardian shall provide care and treatment for
9 the person committed to him designed to effect recovery. Any
10 treatment provided under this Section shall be in conformance
11 with the standards promulgated by the Sex Offender Management
12 Board Act and conducted by a treatment provider licensed under
13 the Sex Offender Evaluation and Treatment Provider Act ~~approved~~
14 ~~by the Board~~. The Director may place that ward in any facility
15 in the Department of Corrections or portion thereof set aside
16 for the care and treatment of sexually dangerous persons. The
17 Department of Corrections may also request another state
18 Department or Agency to examine such person and upon such
19 request, such Department or Agency shall make such examination
20 and the Department of Corrections may, with the consent of the
21 chief executive officer of such other Department or Agency,
22 thereupon place such person in the care and treatment of such
23 other Department or Agency.

24 (Source: P.A. 92-786, eff. 8-6-02; 93-616, eff. 1-1-04.)

25 Section 190. The Sexually Violent Persons Commitment Act is

1 amended by changing Sections 10, 40, 55, 60, and 65 as follows:

2 (725 ILCS 207/10)

3 Sec. 10. Notice to the Attorney General and State's
4 Attorney.

5 (a) In this Act, "agency with jurisdiction" means the
6 agency with the authority or duty to release or discharge the
7 person.

8 (b) If an agency with jurisdiction has control or custody
9 over a person who may meet the criteria for commitment as a
10 sexually violent person, the agency with jurisdiction shall
11 inform the Attorney General and the State's Attorney in a
12 position to file a petition under paragraph (a)(2) of Section
13 15 of this Act regarding the person as soon as possible
14 beginning 3 months prior to the applicable date of the
15 following:

16 (1) The anticipated release from imprisonment or the
17 anticipated entry into mandatory supervised release of a
18 person who has been convicted of a sexually violent
19 offense.

20 (2) The anticipated release from a Department of
21 Corrections correctional facility or juvenile correctional
22 facility of a person adjudicated delinquent under Section
23 5-20 of the Juvenile Court Act of 1987 (now repealed) or
24 found guilty under Section 5-620 of that Act, on the basis
25 of a sexually violent offense.

1 (3) The discharge or conditional release of a person
2 who has been found not guilty of a sexually violent offense
3 by reason of insanity under Section 5-2-4 of the Unified
4 Code of Corrections.

5 (c) The agency with jurisdiction shall provide the Attorney
6 General and the State's Attorney with all of the following:

7 (1) The person's name, identifying factors,
8 anticipated future residence and offense history;

9 (2) A comprehensive evaluation of the person's mental
10 condition, the basis upon which a determination has been
11 made that the person is subject to commitment under
12 subsection (b) of Section 15 of this Act and a
13 recommendation for action in furtherance of the purposes of
14 this Act. The evaluation shall be conducted in conformance
15 with the standards developed under the Sex Offender
16 Management Board Act and by an evaluator licensed under the
17 Sex Offender Evaluation and Treatment Provider Act
18 ~~approved by the Board~~; and

19 (3) If applicable, documentation of any treatment and
20 the person's adjustment to any institutional placement.

21 (d) Any agency or officer, employee or agent of an agency
22 is immune from criminal or civil liability for any acts or
23 omissions as the result of a good faith effort to comply with
24 this Section.

25 (Source: P.A. 93-616, eff. 1-1-04.)

1 (725 ILCS 207/40)

2 Sec. 40. Commitment.

3 (a) If a court or jury determines that the person who is
4 the subject of a petition under Section 15 of this Act is a
5 sexually violent person, the court shall order the person to be
6 committed to the custody of the Department for control, care
7 and treatment until such time as the person is no longer a
8 sexually violent person.

9 (b) (1) The court shall enter an initial commitment order
10 under this Section pursuant to a hearing held as soon as
11 practicable after the judgment is entered that the person
12 who is the subject of a petition under Section 15 is a
13 sexually violent person. If the court lacks sufficient
14 information to make the determination required by
15 paragraph (b)(2) of this Section immediately after trial,
16 it may adjourn the hearing and order the Department to
17 conduct a predisposition investigation or a supplementary
18 mental examination, or both, to assist the court in framing
19 the commitment order. If the Department's examining
20 evaluator previously rendered an opinion that the person
21 who is the subject of a petition under Section 15 does not
22 meet the criteria to be found a sexually violent person,
23 then another evaluator shall conduct the predisposition
24 investigation and/or supplementary mental examination. A
25 supplementary mental examination under this Section shall
26 be conducted in accordance with Section 3-804 of the Mental

1 Health and Developmental Disabilities Code. The State has
2 the right to have the person evaluated by experts chosen by
3 the State.

4 (2) An order for commitment under this Section shall
5 specify either institutional care in a secure facility, as
6 provided under Section 50 of this Act, or conditional
7 release. In determining whether commitment shall be for
8 institutional care in a secure facility or for conditional
9 release, the court shall consider the nature and
10 circumstances of the behavior that was the basis of the
11 allegation in the petition under paragraph (b)(1) of
12 Section 15, the person's mental history and present mental
13 condition, and what arrangements are available to ensure
14 that the person has access to and will participate in
15 necessary treatment. All treatment, whether in
16 institutional care, in a secure facility, or while on
17 conditional release, shall be conducted in conformance
18 with the standards developed under the Sex Offender
19 Management Board Act and conducted by a treatment provider
20 licensed under the Sex Offender Evaluation and Treatment
21 Provider Act ~~approved by the Board~~. The Department shall
22 arrange for control, care and treatment of the person in
23 the least restrictive manner consistent with the
24 requirements of the person and in accordance with the
25 court's commitment order.

26 (3) If the court finds that the person is appropriate

1 for conditional release, the court shall notify the
2 Department. The Department shall prepare a plan that
3 identifies the treatment and services, if any, that the
4 person will receive in the community. The plan shall
5 address the person's need, if any, for supervision,
6 counseling, medication, community support services,
7 residential services, vocational services, and alcohol or
8 other drug abuse treatment. The Department may contract
9 with a county health department, with another public agency
10 or with a private agency to provide the treatment and
11 services identified in the plan. The plan shall specify who
12 will be responsible for providing the treatment and
13 services identified in the plan. The plan shall be
14 presented to the court for its approval within 60 days
15 after the court finding that the person is appropriate for
16 conditional release, unless the Department and the person
17 to be released request additional time to develop the plan.
18 The conditional release program operated under this
19 Section is not subject to the provisions of the Mental
20 Health and Developmental Disabilities Confidentiality Act.

21 (4) An order for conditional release places the person
22 in the custody and control of the Department. A person on
23 conditional release is subject to the conditions set by the
24 court and to the rules of the Department. Before a person
25 is placed on conditional release by the court under this
26 Section, the court shall so notify the municipal police

1 department and county sheriff for the municipality and
2 county in which the person will be residing. The
3 notification requirement under this Section does not apply
4 if a municipal police department or county sheriff submits
5 to the court a written statement waiving the right to be
6 notified. Notwithstanding any other provision in the Act,
7 the person being supervised on conditional release shall
8 not reside at the same street address as another sex
9 offender being supervised on conditional release under
10 this Act, mandatory supervised release, parole, probation,
11 or any other manner of supervision. If the Department
12 alleges that a released person has violated any condition
13 or rule, or that the safety of others requires that
14 conditional release be revoked, he or she may be taken into
15 custody under the rules of the Department.

16 At any time during which the person is on conditional
17 release, if the Department determines that the person has
18 violated any condition or rule, or that the safety of
19 others requires that conditional release be revoked, the
20 Department may request the Attorney General or State's
21 Attorney to request the court to issue an emergency ex
22 parte order directing any law enforcement officer to take
23 the person into custody and transport the person to the
24 county jail. The Department may request, or the Attorney
25 General or State's Attorney may request independently of
26 the Department, that a petition to revoke conditional

1 release be filed. When a petition is filed, the court may
2 order the Department to issue a notice to the person to be
3 present at the Department or other agency designated by the
4 court, order a summons to the person to be present, or
5 order a body attachment for all law enforcement officers to
6 take the person into custody and transport him or her to
7 the county jail, hospital, or treatment facility. The
8 Department shall submit a statement showing probable cause
9 of the detention and a petition to revoke the order for
10 conditional release to the committing court within 48 hours
11 after the detention. The court shall hear the petition
12 within 30 days, unless the hearing or time deadline is
13 waived by the detained person. Pending the revocation
14 hearing, the Department may detain the person in a jail, in
15 a hospital or treatment facility. The State has the burden
16 of proving by clear and convincing evidence that any rule
17 or condition of release has been violated, or that the
18 safety of others requires that the conditional release be
19 revoked. If the court determines after hearing that any
20 rule or condition of release has been violated, or that the
21 safety of others requires that conditional release be
22 revoked, it may revoke the order for conditional release
23 and order that the released person be placed in an
24 appropriate institution until the person is discharged
25 from the commitment under Section 65 of this Act or until
26 again placed on conditional release under Section 60 of

1 this Act.

2 (5) An order for conditional release places the person
3 in the custody, care, and control of the Department. The
4 court shall order the person be subject to the following
5 rules of conditional release, in addition to any other
6 conditions ordered, and the person shall be given a
7 certificate setting forth the conditions of conditional
8 release. These conditions shall be that the person:

9 (A) not violate any criminal statute of any
10 jurisdiction;

11 (B) report to or appear in person before such
12 person or agency as directed by the court and the
13 Department;

14 (C) refrain from possession of a firearm or other
15 dangerous weapon;

16 (D) not leave the State without the consent of the
17 court or, in circumstances in which the reason for the
18 absence is of such an emergency nature, that prior
19 consent by the court is not possible without the prior
20 notification and approval of the Department;

21 (E) at the direction of the Department, notify
22 third parties of the risks that may be occasioned by
23 his or her criminal record or sexual offending history
24 or characteristics, and permit the supervising officer
25 or agent to make the notification requirement;

26 (F) attend and fully participate in assessment,

1 treatment, and behavior monitoring including, but not
2 limited to, medical, psychological or psychiatric
3 treatment specific to sexual offending, drug
4 addiction, or alcoholism, to the extent appropriate to
5 the person based upon the recommendation and findings
6 made in the Department evaluation or based upon any
7 subsequent recommendations by the Department;

8 (G) waive confidentiality allowing the court and
9 Department access to assessment or treatment results
10 or both;

11 (H) work regularly at a Department approved
12 occupation or pursue a course of study or vocational
13 training and notify the Department within 72 hours of
14 any change in employment, study, or training;

15 (I) not be employed or participate in any volunteer
16 activity that involves contact with children, except
17 under circumstances approved in advance and in writing
18 by the Department officer;

19 (J) submit to the search of his or her person,
20 residence, vehicle, or any personal or real property
21 under his or her control at any time by the Department;

22 (K) financially support his or her dependents and
23 provide the Department access to any requested
24 financial information;

25 (L) serve a term of home confinement, the
26 conditions of which shall be that the person:

1 (i) remain within the interior premises of the
2 place designated for his or her confinement during
3 the hours designated by the Department;

4 (ii) admit any person or agent designated by
5 the Department into the offender's place of
6 confinement at any time for purposes of verifying
7 the person's compliance with the condition of his
8 or her confinement;

9 (iii) if deemed necessary by the Department,
10 be placed on an electronic monitoring device;

11 (M) comply with the terms and conditions of an
12 order of protection issued by the court pursuant to the
13 Illinois Domestic Violence Act of 1986. A copy of the
14 order of protection shall be transmitted to the
15 Department by the clerk of the court;

16 (N) refrain from entering into a designated
17 geographic area except upon terms the Department finds
18 appropriate. The terms may include consideration of
19 the purpose of the entry, the time of day, others
20 accompanying the person, and advance approval by the
21 Department;

22 (O) refrain from having any contact, including
23 written or oral communications, directly or
24 indirectly, with certain specified persons including,
25 but not limited to, the victim or the victim's family,
26 and report any incidental contact with the victim or

1 the victim's family to the Department within 72 hours;
2 refrain from entering onto the premises of, traveling
3 past, or loitering near the victim's residence, place
4 of employment, or other places frequented by the
5 victim;

6 (P) refrain from having any contact, including
7 written or oral communications, directly or
8 indirectly, with particular types of persons,
9 including but not limited to members of street gangs,
10 drug users, drug dealers, or prostitutes;

11 (Q) refrain from all contact, direct or indirect,
12 personally, by telephone, letter, or through another
13 person, with minor children without prior
14 identification and approval of the Department;

15 (R) refrain from having in his or her body the
16 presence of alcohol or any illicit drug prohibited by
17 the Cannabis Control Act, the Illinois Controlled
18 Substances Act, or the Methamphetamine Control and
19 Community Protection Act, unless prescribed by a
20 physician, and submit samples of his or her breath,
21 saliva, blood, or urine for tests to determine the
22 presence of alcohol or any illicit drug;

23 (S) not establish a dating, intimate, or sexual
24 relationship with a person without prior written
25 notification to the Department;

26 (T) neither possess or have under his or her

1 control any material that is pornographic, sexually
2 oriented, or sexually stimulating, or that depicts or
3 alludes to sexual activity or depicts minors under the
4 age of 18, including but not limited to visual,
5 auditory, telephonic, electronic media, or any matter
6 obtained through access to any computer or material
7 linked to computer access use;

8 (U) not patronize any business providing sexually
9 stimulating or sexually oriented entertainment nor
10 utilize "900" or adult telephone numbers or any other
11 sex-related telephone numbers;

12 (V) not reside near, visit, or be in or about
13 parks, schools, day care centers, swimming pools,
14 beaches, theaters, or any other places where minor
15 children congregate without advance approval of the
16 Department and report any incidental contact with
17 minor children to the Department within 72 hours;

18 (W) not establish any living arrangement or
19 residence without prior approval of the Department;

20 (X) not publish any materials or print any
21 advertisements without providing a copy of the
22 proposed publications to the Department officer and
23 obtaining permission prior to publication;

24 (Y) not leave the county except with prior
25 permission of the Department and provide the
26 Department officer or agent with written travel routes

1 to and from work and any other designated destinations;

2 (Z) not possess or have under his or her control
3 certain specified items of contraband related to the
4 incidence of sexually offending items including video
5 or still camera items or children's toys;

6 (AA) provide a written daily log of activities as
7 directed by the Department;

8 (BB) comply with all other special conditions that
9 the Department may impose that restrict the person from
10 high-risk situations and limit access or potential
11 victims.

12 (6) A person placed on conditional release and who
13 during the term undergoes mandatory drug or alcohol testing
14 or is assigned to be placed on an approved electronic
15 monitoring device may be ordered to pay all costs
16 incidental to the mandatory drug or alcohol testing and all
17 costs incidental to the approved electronic monitoring in
18 accordance with the person's ability to pay those costs.
19 The Department may establish reasonable fees for the cost
20 of maintenance, testing, and incidental expenses related
21 to the mandatory drug or alcohol testing and all costs
22 incidental to approved electronic monitoring.

23 (Source: P.A. 96-1128, eff. 1-1-11.)

24 (725 ILCS 207/55)

25 Sec. 55. Periodic reexamination; report.

1 (a) If a person has been committed under Section 40 of this
2 Act and has not been discharged under Section 65 of this Act,
3 the Department shall submit a written report to the court on
4 his or her mental condition within 6 months after an initial
5 commitment under Section 40 and then at least once every 12
6 months thereafter for the purpose of determining whether the
7 person has made sufficient progress to be conditionally
8 released or discharged. At the time of a reexamination under
9 this Section, the person who has been committed may retain or,
10 if he or she is indigent and so requests, the court may appoint
11 a qualified expert or a professional person to examine him or
12 her.

13 (b) Any examiner conducting an examination under this
14 Section shall prepare a written report of the examination no
15 later than 30 days after the date of the examination. The
16 examiner shall place a copy of the report in the person's
17 health care records and shall provide a copy of the report to
18 the court that committed the person under Section 40. The
19 examination shall be conducted in conformance with the
20 standards developed under the Sex Offender Management Board Act
21 and by an evaluator licensed under the Sex Offender Evaluation
22 and Treatment Provider Act ~~approved by the Board~~.

23 (c) Notwithstanding subsection (a) of this Section, the
24 court that committed a person under Section 40 may order a
25 reexamination of the person at any time during the period in
26 which the person is subject to the commitment order. Any

1 examiner conducting an examination under this Section shall
2 prepare a written report of the examination no later than 30
3 days after the date of the examination.

4 (d) Petitions for discharge after reexamination must
5 follow the procedure outlined in Section 65 of this Act.

6 (Source: P.A. 93-616, eff. 1-1-04; 93-885, eff. 8-6-04.)

7 (725 ILCS 207/60)

8 Sec. 60. Petition for conditional release.

9 (a) Any person who is committed for institutional care in a
10 secure facility or other facility under Section 40 of this Act
11 may petition the committing court to modify its order by
12 authorizing conditional release if at least 6 months have
13 elapsed since the initial commitment order was entered, an
14 order continuing commitment was entered pursuant to Section 65,
15 the most recent release petition was denied or the most recent
16 order for conditional release was revoked. The director of the
17 facility at which the person is placed may file a petition
18 under this Section on the person's behalf at any time. If the
19 evaluator on behalf of the Department recommends that the
20 committed person is appropriate for conditional release, then
21 the director or designee shall, within 30 days of receipt of
22 the evaluator's report, file with the committing court notice
23 of his or her intention whether or not to petition for
24 conditional release on the committed person's behalf.

25 (b) If the person files a timely petition without counsel,

1 the court shall serve a copy of the petition on the Attorney
2 General or State's Attorney, whichever is applicable and,
3 subject to paragraph (c)(1) of Section 25 of this Act, appoint
4 counsel. If the person petitions through counsel, his or her
5 attorney shall serve the Attorney General or State's Attorney,
6 whichever is applicable.

7 (c) Within 20 days after receipt of the petition, upon the
8 request of the committed person or on the court's own motion,
9 the court may appoint an examiner having the specialized
10 knowledge determined by the court to be appropriate, who shall
11 examine the mental condition of the person and furnish a
12 written report of the examination to the court within 30 days
13 after appointment. The examiners shall have reasonable access
14 to the person for purposes of examination and to the person's
15 past and present treatment records and patient health care
16 records. If any such examiner believes that the person is
17 appropriate for conditional release, the examiner shall report
18 on the type of treatment and services that the person may need
19 while in the community on conditional release. The State has
20 the right to have the person evaluated by experts chosen by the
21 State. Any examination or evaluation conducted under this
22 Section shall be in conformance with the standards developed
23 under the Sex Offender Management Board Act and conducted by an
24 evaluator licensed under the Sex Offender Evaluation and
25 Treatment Provider Act ~~approved by the Board~~. The court shall
26 set a probable cause hearing as soon as practical after the

1 examiners' reports are filed. The probable cause hearing shall
2 consist of a review of the examining evaluators' reports and
3 arguments on behalf of the parties. If the court determines at
4 the probable cause hearing that cause exists to believe that it
5 is not substantially probable that the person will engage in
6 acts of sexual violence if on release or conditional release,
7 the court shall set a hearing on the issue.

8 (d) The court, without a jury, shall hear the petition as
9 soon as practical after the reports of all examiners are filed
10 with the court. The court shall grant the petition unless the
11 State proves by clear and convincing evidence that the person
12 has not made sufficient progress to be conditionally released.
13 In making a decision under this subsection, the court must
14 consider the nature and circumstances of the behavior that was
15 the basis of the allegation in the petition under paragraph
16 (b)(1) of Section 15 of this Act, the person's mental history
17 and present mental condition, and what arrangements are
18 available to ensure that the person has access to and will
19 participate in necessary treatment.

20 (e) Before the court may enter an order directing
21 conditional release to a less restrictive alternative it must
22 find the following: (1) the person will be treated by a
23 Department approved treatment provider, (2) the treatment
24 provider has presented a specific course of treatment and has
25 agreed to assume responsibility for the treatment and will
26 report progress to the Department on a regular basis, and will

1 report violations immediately to the Department, consistent
2 with treatment and supervision needs of the respondent, (3)
3 housing exists that is sufficiently secure to protect the
4 community, and the person or agency providing housing to the
5 conditionally released person has agreed in writing to accept
6 the person, to provide the level of security required by the
7 court, and immediately to report to the Department if the
8 person leaves the housing to which he or she has been assigned
9 without authorization, (4) the person is willing to or has
10 agreed to comply with the treatment provider, the Department,
11 and the court, and (5) the person has agreed or is willing to
12 agree to comply with the behavioral monitoring requirements
13 imposed by the court and the Department.

14 (f) If the court finds that the person is appropriate for
15 conditional release, the court shall notify the Department. The
16 Department shall prepare a plan that identifies the treatment
17 and services, if any, that the person will receive in the
18 community. The plan shall address the person's need, if any,
19 for supervision, counseling, medication, community support
20 services, residential services, vocational services, and
21 alcohol or other drug abuse treatment. The Department may
22 contract with a county health department, with another public
23 agency or with a private agency to provide the treatment and
24 services identified in the plan. The plan shall specify who
25 will be responsible for providing the treatment and services
26 identified in the plan. The plan shall be presented to the

1 court for its approval within 60 days after the court finding
2 that the person is appropriate for conditional release, unless
3 the Department and the person to be released request additional
4 time to develop the plan.

5 (g) The provisions of paragraphs (b) (4), (b) (5), and (b) (6)
6 of Section 40 of this Act apply to an order for conditional
7 release issued under this Section.

8 (Source: P.A. 96-1128, eff. 1-1-11.)

9 (725 ILCS 207/65)

10 Sec. 65. Petition for discharge; procedure.

11 (a) (1) If the Secretary determines at any time that a
12 person committed under this Act is no longer a sexually violent
13 person, the Secretary shall authorize the person to petition
14 the committing court for discharge. If the evaluator on behalf
15 of the Department recommends that the committed person is no
16 longer a sexually violent person, then the Secretary or
17 designee shall, within 30 days of receipt of the evaluator's
18 report, file with the committing court notice of his or her
19 determination whether or not to authorize the committed person
20 to petition the committing court for discharge. The person
21 shall file the petition with the court and serve a copy upon
22 the Attorney General or the State's Attorney's office that
23 filed the petition under subsection (a) of Section 15 of this
24 Act, whichever is applicable. The court, upon receipt of the
25 petition for discharge, shall order a hearing to be held as

1 soon as practical after the date of receipt of the petition.

2 (2) At a hearing under this subsection, the Attorney
3 General or State's Attorney, whichever filed the original
4 petition, shall represent the State and shall have the right to
5 have the petitioner examined by an expert or professional
6 person of his or her choice. The examination shall be conducted
7 in conformance with the standards developed under the Sex
8 Offender Management Board Act and by an evaluator licensed
9 under the Sex Offender Evaluation and Treatment Provider Act
10 ~~approved by the Board~~. The committed person or the State may
11 elect to have the hearing before a jury. The State has the
12 burden of proving by clear and convincing evidence that the
13 petitioner is still a sexually violent person.

14 (3) If the court or jury is satisfied that the State has
15 not met its burden of proof under paragraph (a)(2) of this
16 Section, the petitioner shall be discharged from the custody or
17 supervision of the Department. If the court is satisfied that
18 the State has met its burden of proof under paragraph (a)(2),
19 the court may proceed under Section 40 of this Act to determine
20 whether to modify the petitioner's existing commitment order.

21 (b)(1) A person may petition the committing court for
22 discharge from custody or supervision without the Secretary's
23 approval. At the time of an examination under subsection (a) of
24 Section 55 of this Act, the Secretary shall provide the
25 committed person with a written notice of the person's right to
26 petition the court for discharge over the Secretary's

1 objection. The notice shall contain a waiver of rights. The
2 Secretary shall forward the notice and waiver form to the court
3 with the report of the Department's examination under Section
4 55 of this Act. If the person does not affirmatively waive the
5 right to petition, the court shall set a probable cause hearing
6 to determine whether facts exist that warrant a hearing on
7 whether the person is still a sexually violent person. If a
8 person does not file a petition for discharge, yet fails to
9 waive the right to petition under this Section, then the
10 probable cause hearing consists only of a review of the
11 reexamination reports and arguments on behalf of the parties.
12 The committed person has a right to have an attorney represent
13 him or her at the probable cause hearing, but the person is not
14 entitled to be present at the probable cause hearing. The
15 probable cause hearing under this Section must be held as soon
16 as practical after the filing of the reexamination report under
17 Section 55 of this Act.

18 (2) If the court determines at the probable cause hearing
19 under paragraph (b)(1) of this Section that probable cause
20 exists to believe that the committed person is no longer a
21 sexually violent person, then the court shall set a hearing on
22 the issue. At a hearing under this Section, the committed
23 person is entitled to be present and to the benefit of the
24 protections afforded to the person under Section 25 of this
25 Act. The committed person or the State may elect to have a
26 hearing under this Section before a jury. A verdict of a jury

1 under this Section is not valid unless it is unanimous. The
2 Attorney General or State's Attorney, whichever filed the
3 original petition, shall represent the State at a hearing under
4 this Section. The State has the right to have the committed
5 person evaluated by experts chosen by the State. The
6 examination shall be conducted in conformance with the
7 standards developed under the Sex Offender Management Board Act
8 and by an evaluator licensed under the Sex Offender Evaluation
9 and Treatment Provider Act ~~approved by the Board~~. At the
10 hearing, the State has the burden of proving by clear and
11 convincing evidence that the committed person is still a
12 sexually violent person.

13 (3) If the court or jury is satisfied that the State has
14 not met its burden of proof under paragraph (b)(2) of this
15 Section, the person shall be discharged from the custody or
16 supervision of the Department. If the court or jury is
17 satisfied that the State has met its burden of proof under
18 paragraph (b)(2) of this Section, the court may proceed under
19 Section 40 of this Act to determine whether to modify the
20 person's existing commitment order.

21 (Source: P.A. 96-1128, eff. 1-1-11.)

22 Section 195. The Sex Offender Registration Act is amended
23 by changing Sections 2, 3, and 3-5 as follows:

24 (730 ILCS 150/2) (from Ch. 38, par. 222)

1 Sec. 2. Definitions.

2 (A) As used in this Article, "sex offender" means any
3 person who is:

4 (1) charged pursuant to Illinois law, or any
5 substantially similar federal, Uniform Code of Military
6 Justice, sister state, or foreign country law, with a sex
7 offense set forth in subsection (B) of this Section or the
8 attempt to commit an included sex offense, and:

9 (a) is convicted of such offense or an attempt to
10 commit such offense; or

11 (b) is found not guilty by reason of insanity of
12 such offense or an attempt to commit such offense; or

13 (c) is found not guilty by reason of insanity
14 pursuant to Section 104-25(c) of the Code of Criminal
15 Procedure of 1963 of such offense or an attempt to
16 commit such offense; or

17 (d) is the subject of a finding not resulting in an
18 acquittal at a hearing conducted pursuant to Section
19 104-25(a) of the Code of Criminal Procedure of 1963 for
20 the alleged commission or attempted commission of such
21 offense; or

22 (e) is found not guilty by reason of insanity
23 following a hearing conducted pursuant to a federal,
24 Uniform Code of Military Justice, sister state, or
25 foreign country law substantially similar to Section
26 104-25(c) of the Code of Criminal Procedure of 1963 of

1 such offense or of the attempted commission of such
2 offense; or

3 (f) is the subject of a finding not resulting in an
4 acquittal at a hearing conducted pursuant to a federal,
5 Uniform Code of Military Justice, sister state, or
6 foreign country law substantially similar to Section
7 104-25(a) of the Code of Criminal Procedure of 1963 for
8 the alleged violation or attempted commission of such
9 offense; or

10 (2) declared ~~certified~~ as a sexually dangerous person
11 pursuant to the Illinois Sexually Dangerous Persons Act, or
12 any substantially similar federal, Uniform Code of
13 Military Justice, sister state, or foreign country law; or

14 (3) subject to the provisions of Section 2 of the
15 Interstate Agreements on Sexually Dangerous Persons Act;
16 or

17 (4) found to be a sexually violent person pursuant to
18 the Sexually Violent Persons Commitment Act or any
19 substantially similar federal, Uniform Code of Military
20 Justice, sister state, or foreign country law; or

21 (5) 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 item (B), (C), 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 item (B), (C), 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 Article as one conviction.
11 Any conviction set aside pursuant to law is not a conviction
12 for purposes of this Article.

13 For purposes of this Section, "convicted" shall have the
14 same meaning as "adjudicated".

15 (B) As used in this Article, "sex offense" means:

16 (1) A violation of any of the following Sections of the
17 Criminal Code of 1961:

18 11-20.1 (child pornography),

19 11-20.1B or 11-20.3 (aggravated child
20 pornography),

21 11-6 (indecent solicitation of a child),

22 11-9.1 (sexual exploitation of a child),

23 11-9.2 (custodial sexual misconduct),

24 11-9.5 (sexual misconduct with a person with a
25 disability),

26 11-14.4 (promoting juvenile prostitution),

1 11-15.1 (soliciting for a juvenile prostitute),
2 11-18.1 (patronizing a juvenile prostitute),
3 11-17.1 (keeping a place of juvenile
4 prostitution),
5 11-19.1 (juvenile pimping),
6 11-19.2 (exploitation of a child),
7 11-25 (grooming),
8 11-26 (traveling to meet a minor),
9 11-1.20 or 12-13 (criminal sexual assault),
10 11-1.30 or 12-14 (aggravated criminal sexual
11 assault),
12 11-1.40 or 12-14.1 (predatory criminal sexual
13 assault of a child),
14 11-1.50 or 12-15 (criminal sexual abuse),
15 11-1.60 or 12-16 (aggravated criminal sexual
16 abuse),
17 12-33 (ritualized abuse of a child).

18 An attempt to commit any of these offenses.

19 (1.5) A violation of any of the following Sections of
20 the Criminal Code of 1961, when the victim is a person
21 under 18 years of age, the defendant is not a parent of the
22 victim, the offense was sexually motivated as defined in
23 Section 10 of the Sex Offender Evaluation and Treatment Act
24 ~~Sex Offender Management Board Act~~, and the offense was
25 committed on or after January 1, 1996:

26 10-1 (kidnapping),

1 10-2 (aggravated kidnapping),
2 10-3 (unlawful restraint),
3 10-3.1 (aggravated unlawful restraint).

4 If the offense was committed before January 1, 1996, it
5 is a sex offense requiring registration only when the
6 person is convicted of any felony after July 1, 2011, and
7 paragraph (2.1) of subsection (c) of Section 3 of this Act
8 applies.

9 (1.6) First degree murder under Section 9-1 of the
10 Criminal Code of 1961, provided the offense was sexually
11 motivated as defined in Section 10 of the Sex Offender
12 Management Board Act.

13 (1.7) (Blank).

14 (1.8) A violation or attempted violation of Section
15 11-11 (sexual relations within families) of the Criminal
16 Code of 1961, and the offense was committed on or after
17 June 1, 1997. If the offense was committed before June 1,
18 1997, it is a sex offense requiring registration only when
19 the person is convicted of any felony after July 1, 2011,
20 and paragraph (2.1) of subsection (c) of Section 3 of this
21 Act applies.

22 (1.9) Child abduction under paragraph (10) of
23 subsection (b) of Section 10-5 of the Criminal Code of 1961
24 committed by luring or attempting to lure a child under the
25 age of 16 into a motor vehicle, building, house trailer, or
26 dwelling place without the consent of the parent or lawful

1 custodian of the child for other than a lawful purpose and
2 the offense was committed on or after January 1, 1998,
3 provided the offense was sexually motivated as defined in
4 Section 10 of the Sex Offender Management Board Act. If the
5 offense was committed before January 1, 1998, it is a sex
6 offense requiring registration only when the person is
7 convicted of any felony after July 1, 2011, and paragraph
8 (2.1) of subsection (c) of Section 3 of this Act applies.

9 (1.10) A violation or attempted violation of any of the
10 following Sections of the Criminal Code of 1961 when the
11 offense was committed on or after July 1, 1999:

12 10-4 (forcible detention, if the victim is under 18
13 years of age), provided the offense was sexually
14 motivated as defined in Section 10 of the Sex Offender
15 Management Board Act,

16 11-6.5 (indecent solicitation of an adult),

17 11-14.3 that involves soliciting for a prostitute,
18 or 11-15 (soliciting for a prostitute, if the victim is
19 under 18 years of age),

20 subdivision (a) (2) (A) or (a) (2) (B) of Section
21 11-14.3, or Section 11-16 (pandering, if the victim is
22 under 18 years of age),

23 11-18 (patronizing a prostitute, if the victim is
24 under 18 years of age),

25 subdivision (a) (2) (C) of Section 11-14.3, or
26 Section 11-19 (pimping, if the victim is under 18 years

1 of age).

2 If the offense was committed before July 1, 1999, it is
3 a sex offense requiring registration only when the person
4 is convicted of any felony after July 1, 2011, and
5 paragraph (2.1) of subsection (c) of Section 3 of this Act
6 applies.

7 (1.11) A violation or attempted violation of any of the
8 following Sections of the Criminal Code of 1961 when the
9 offense was committed on or after August 22, 2002:

10 11-9 or 11-30 (public indecency for a third or
11 subsequent conviction).

12 If the third or subsequent conviction was imposed
13 before August 22, 2002, it is a sex offense requiring
14 registration only when the person is convicted of any
15 felony after July 1, 2011, and paragraph (2.1) of
16 subsection (c) of Section 3 of this Act applies.

17 (1.12) A violation or attempted violation of Section
18 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
19 Criminal Code of 1961 (permitting sexual abuse) when the
20 offense was committed on or after August 22, 2002. If the
21 offense was committed before August 22, 2002, it is a sex
22 offense requiring registration only when the person is
23 convicted of any felony after July 1, 2011, and paragraph
24 (2.1) of subsection (c) of Section 3 of this Act applies.

25 (2) A violation of any former law of this State
26 substantially equivalent to any offense listed in

1 subsection (B) of this Section.

2 (C) A conviction for an offense of federal law, Uniform
3 Code of Military Justice, or the law of another state or a
4 foreign country that is substantially equivalent to any offense
5 listed in subsections (B), (C), (E), and (E-5) of this Section
6 shall constitute a conviction for the purpose of this Article.
7 A finding or adjudication as a sexually dangerous person or a
8 sexually violent person under any federal law, Uniform Code of
9 Military Justice, or the law of another state or foreign
10 country that is substantially equivalent to the Sexually
11 Dangerous Persons Act or the Sexually Violent Persons
12 Commitment Act shall constitute an adjudication for the
13 purposes of this Article.

14 (C-5) A person at least 17 years of age at the time of the
15 commission of the offense who is convicted of first degree
16 murder under Section 9-1 of the Criminal Code of 1961, against
17 a person under 18 years of age, shall be required to register
18 for natural life. A conviction for an offense of federal,
19 Uniform Code of Military Justice, sister state, or foreign
20 country law that is substantially equivalent to any offense
21 listed in subsection (C-5) of this Section shall constitute a
22 conviction for the purpose of this Article. This subsection
23 (C-5) applies to a person who committed the offense before June
24 1, 1996 if: (i) the person is incarcerated in an Illinois
25 Department of Corrections facility on August 20, 2004 (the
26 effective date of Public Act 93-977), or (ii) subparagraph (i)

1 does not apply and the person is convicted of any felony after
2 July 1, 2011, and paragraph (2.1) of subsection (c) of Section
3 3 of this Act applies.

4 (C-6) A person who is convicted or adjudicated delinquent
5 of first degree murder as defined in Section 9-1 of the
6 Criminal Code of 1961, against a person 18 years of age or
7 over, shall be required to register for his or her natural
8 life. A conviction for an offense of federal, Uniform Code of
9 Military Justice, sister state, or foreign country law that is
10 substantially equivalent to any offense listed in subsection
11 (C-6) of this Section shall constitute a conviction for the
12 purpose of this Article. This subsection (C-6) does not apply
13 to those individuals released from incarceration more than 10
14 years prior to January 1, 2012 (the effective date of Public
15 Act 97-154) ~~this amendatory Act of the 97th General Assembly.~~

16 (D) As used in this Article, "law enforcement agency having
17 jurisdiction" means the Chief of Police in each of the
18 municipalities in which the sex offender expects to reside,
19 work, or attend school (1) upon his or her discharge, parole or
20 release or (2) during the service of his or her sentence of
21 probation or conditional discharge, or the Sheriff of the
22 county, in the event no Police Chief exists or if the offender
23 intends to reside, work, or attend school in an unincorporated
24 area. "Law enforcement agency having jurisdiction" includes
25 the location where out-of-state students attend school and
26 where out-of-state employees are employed or are otherwise

1 required to register.

2 (D-1) As used in this Article, "supervising officer" means
3 the assigned Illinois Department of Corrections parole agent or
4 county probation officer.

5 (E) As used in this Article, "sexual predator" means any
6 person who, after July 1, 1999, is:

7 (1) Convicted for an offense of federal, Uniform Code
8 of Military Justice, sister state, or foreign country law
9 that is substantially equivalent to any offense listed in
10 subsection (E) or (E-5) of this Section shall constitute a
11 conviction for the purpose of this Article. Convicted of a
12 violation or attempted violation of any of the following
13 Sections of the Criminal Code of 1961:

14 11-14.4 that involves keeping a place of juvenile
15 prostitution, or 11-17.1 (keeping a place of juvenile
16 prostitution),

17 subdivision (a) (2) or (a) (3) of Section 11-14.4,
18 or Section 11-19.1 (juvenile pimping),

19 subdivision (a) (4) of Section 11-14.4, or Section
20 11-19.2 (exploitation of a child),

21 11-20.1 (child pornography),

22 11-20.1B or 11-20.3 (aggravated child
23 pornography),

24 11-1.20 or 12-13 (criminal sexual assault),

25 11-1.30 or 12-14 (aggravated criminal sexual
26 assault),

1 11-1.40 or 12-14.1 (predatory criminal sexual
2 assault of a child),

3 11-1.60 or 12-16 (aggravated criminal sexual
4 abuse),

5 12-33 (ritualized abuse of a child);

6 (2) (blank);

7 (3) declared ~~certified~~ as a sexually dangerous person
8 pursuant to the Sexually Dangerous Persons Act or any
9 substantially similar federal, Uniform Code of Military
10 Justice, sister state, or foreign country law;

11 (4) found to be a sexually violent person pursuant to
12 the Sexually Violent Persons Commitment Act or any
13 substantially similar federal, Uniform Code of Military
14 Justice, sister state, or foreign country law;

15 (5) convicted of a second or subsequent offense which
16 requires registration pursuant to this Act. For purposes of
17 this paragraph (5), "convicted" shall include a conviction
18 under any substantially similar Illinois, federal, Uniform
19 Code of Military Justice, sister state, or foreign country
20 law;

21 (6) convicted of a second or subsequent offense of
22 luring a minor under Section 10-5.1 of the Criminal Code of
23 1961; or

24 (7) if the person was convicted of an offense set forth
25 in this subsection (E) on or before July 1, 1999, the
26 person is a sexual predator for whom registration is

1 required only when the person is convicted of a felony
2 offense after July 1, 2011, and paragraph (2.1) of
3 subsection (c) of Section 3 of this Act applies.

4 (E-5) As used in this Article, "sexual predator" also means
5 a person convicted of a violation or attempted violation of any
6 of the following Sections of the Criminal Code of 1961:

7 (1) Section 9-1 (first degree murder, when the victim
8 was a person under 18 years of age and the defendant was at
9 least 17 years of age at the time of the commission of the
10 offense, provided the offense was sexually motivated as
11 defined in Section 10 of the Sex Offender Management Board
12 Act);

13 (2) Section 11-9.5 (sexual misconduct with a person
14 with a disability);

15 (3) when the victim is a person under 18 years of age,
16 the defendant is not a parent of the victim, the offense
17 was sexually motivated as defined in Section 10 of the Sex
18 Offender Management Board Act, and the offense was
19 committed on or after January 1, 1996: (A) Section 10-1
20 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
21 (C) Section 10-3 (unlawful restraint), and (D) Section
22 10-3.1 (aggravated unlawful restraint); and

23 (4) Section 10-5(b)(10) (child abduction committed by
24 luring or attempting to lure a child under the age of 16
25 into a motor vehicle, building, house trailer, or dwelling
26 place without the consent of the parent or lawful custodian

1 of the child for other than a lawful purpose and the
2 offense was committed on or after January 1, 1998, provided
3 the offense was sexually motivated as defined in Section 10
4 of the Sex Offender Management Board Act).

5 (E-10) As used in this Article, "sexual predator" also
6 means a person required to register in another State due to a
7 conviction, adjudication or other action of any court
8 triggering an obligation to register as a sex offender, sexual
9 predator, or substantially similar status under the laws of
10 that State.

11 (F) As used in this Article, "out-of-state student" means
12 any sex offender, as defined in this Section, or sexual
13 predator who is enrolled in Illinois, on a full-time or
14 part-time basis, in any public or private educational
15 institution, including, but not limited to, any secondary
16 school, trade or professional institution, or institution of
17 higher learning.

18 (G) As used in this Article, "out-of-state employee" means
19 any sex offender, as defined in this Section, or sexual
20 predator who works in Illinois, regardless of whether the
21 individual receives payment for services performed, for a
22 period of time of 10 or more days or for an aggregate period of
23 time of 30 or more days during any calendar year. Persons who
24 operate motor vehicles in the State accrue one day of
25 employment time for any portion of a day spent in Illinois.

26 (H) As used in this Article, "school" means any public or

1 private educational institution, including, but not limited
2 to, any elementary or secondary school, trade or professional
3 institution, or institution of higher education.

4 (I) As used in this Article, "fixed residence" means any
5 and all places that a sex offender resides for an aggregate
6 period of time of 5 or more days in a calendar year.

7 (J) As used in this Article, "Internet protocol address"
8 means the string of numbers by which a location on the Internet
9 is identified by routers or other computers connected to the
10 Internet.

11 (Source: P.A. 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11;
12 96-1551, eff. 7-1-11; 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;
13 revised 9-27-11.)

14 (730 ILCS 150/3)

15 Sec. 3. Duty to register.

16 (a) A sex offender, as defined in Section 2 of this Act, or
17 sexual predator shall, within the time period prescribed in
18 subsections (b) and (c), register in person and provide
19 accurate information as required by the Department of State
20 Police. Such information shall include a current photograph,
21 current address, current place of employment, the sex
22 offender's or sexual predator's telephone number, including
23 cellular telephone number, the employer's telephone number,
24 school attended, all e-mail addresses, instant messaging
25 identities, chat room identities, and other Internet

1 communications identities that the sex offender uses or plans
2 to use, all Uniform Resource Locators (URLs) registered or used
3 by the sex offender, all blogs and other Internet sites
4 maintained by the sex offender or to which the sex offender has
5 uploaded any content or posted any messages or information,
6 extensions of the time period for registering as provided in
7 this Article and, if an extension was granted, the reason why
8 the extension was granted and the date the sex offender was
9 notified of the extension. The information shall also include a
10 copy of the terms and conditions of parole or release signed by
11 the sex offender and given to the sex offender by his or her
12 supervising officer, the county of conviction, license plate
13 numbers for every vehicle registered in the name of the sex
14 offender, the age of the sex offender at the time of the
15 commission of the offense, the age of the victim at the time of
16 the commission of the offense, and any distinguishing marks
17 located on the body of the sex offender. A sex offender
18 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
19 11-21 of the Criminal Code of 1961 shall provide all Internet
20 protocol (IP) addresses in his or her residence, registered in
21 his or her name, accessible at his or her place of employment,
22 or otherwise under his or her control or custody. If the sex
23 offender is a child sex offender as defined in Section 11-9.3
24 or 11-9.4 of the Criminal Code of 1961, the sex offender shall
25 report to the registering agency whether he or she is living in
26 a household with a child under 18 years of age who is not his or

1 her own child, provided that his or her own child is not the
2 victim of the sex offense. The sex offender or sexual predator
3 shall register:

4 (1) with the chief of police in the municipality in
5 which he or she resides or is temporarily domiciled for a
6 period of time of 3 or more days, unless the municipality
7 is the City of Chicago, in which case he or she shall
8 register at the Chicago Police Department Headquarters; or

9 (2) with the sheriff in the county in which he or she
10 resides or is temporarily domiciled for a period of time of
11 3 or more days in an unincorporated area or, if
12 incorporated, no police chief exists.

13 If the sex offender or sexual predator is employed at or
14 attends an institution of higher education, he or she shall
15 also register:

16 (i) with:

17 (A) the chief of police in the municipality in
18 which he or she is employed at or attends an
19 institution of higher education, unless the
20 municipality is the City of Chicago, in which case he
21 or she shall register at the Chicago Police Department
22 Headquarters; or

23 (B) the sheriff in the county in which he or she is
24 employed or attends an institution of higher education
25 located in an unincorporated area, or if incorporated,
26 no police chief exists; and

1 (ii) with the public safety or security director of the
2 institution of higher education which he or she is employed
3 at or attends.

4 The registration fees shall only apply to the municipality
5 or county of primary registration, and not to campus
6 registration.

7 For purposes of this Article, the place of residence or
8 temporary domicile is defined as any and all places where the
9 sex offender resides for an aggregate period of time of 3 or
10 more days during any calendar year. Any person required to
11 register under this Article who lacks a fixed address or
12 temporary domicile must notify, in person, the agency of
13 jurisdiction of his or her last known address within 3 days
14 after ceasing to have a fixed residence.

15 A sex offender or sexual predator who is temporarily absent
16 from his or her current address of registration for 3 or more
17 days shall notify the law enforcement agency having
18 jurisdiction of his or her current registration, including the
19 itinerary for travel, in the manner provided in Section 6 of
20 this Act for notification to the law enforcement agency having
21 jurisdiction of change of address.

22 Any person who lacks a fixed residence must report weekly,
23 in person, with the sheriff's office of the county in which he
24 or she is located in an unincorporated area, or with the chief
25 of police in the municipality in which he or she is located.
26 The agency of jurisdiction will document each weekly

1 registration to include all the locations where the person has
2 stayed during the past 7 days.

3 The sex offender or sexual predator shall provide accurate
4 information as required by the Department of State Police. That
5 information shall include the sex offender's or sexual
6 predator's current place of employment.

7 (a-5) An out-of-state student or out-of-state employee
8 shall, within 3 days after beginning school or employment in
9 this State, register in person and provide accurate information
10 as required by the Department of State Police. Such information
11 will include current place of employment, school attended, and
12 address in state of residence. A sex offender convicted under
13 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
14 Criminal Code of 1961 shall provide all Internet protocol (IP)
15 addresses in his or her residence, registered in his or her
16 name, accessible at his or her place of employment, or
17 otherwise under his or her control or custody. The out-of-state
18 student or out-of-state employee shall register:

19 (1) with:

20 (A) the chief of police in the municipality in
21 which he or she attends school or is employed for a
22 period of time of 5 or more days or for an aggregate
23 period of time of more than 30 days during any calendar
24 year, unless the municipality is the City of Chicago,
25 in which case he or she shall register at the Chicago
26 Police Department Headquarters; or

1 (B) the sheriff in the county in which he or she
2 attends school or is employed for a period of time of 5
3 or more days or for an aggregate period of time of more
4 than 30 days during any calendar year in an
5 unincorporated area or, if incorporated, no police
6 chief exists; and

7 (2) with the public safety or security director of the
8 institution of higher education he or she is employed at or
9 attends for a period of time of 5 or more days or for an
10 aggregate period of time of more than 30 days during a
11 calendar year.

12 The registration fees shall only apply to the municipality
13 or county of primary registration, and not to campus
14 registration.

15 The out-of-state student or out-of-state employee shall
16 provide accurate information as required by the Department of
17 State Police. That information shall include the out-of-state
18 student's current place of school attendance or the
19 out-of-state employee's current place of employment.

20 (a-10) Any law enforcement agency registering sex
21 offenders or sexual predators in accordance with subsections
22 (a) or (a-5) of this Section shall forward to the Attorney
23 General a copy of sex offender registration forms from persons
24 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
25 11-21 of the Criminal Code of 1961, including periodic and
26 annual registrations under Section 6 of this Act.

1 (b) Any sex offender, as defined in Section 2 of this Act,
2 or sexual predator, regardless of any initial, prior, or other
3 registration, shall, within 3 days of beginning school, or
4 establishing a residence, place of employment, or temporary
5 domicile in any county, register in person as set forth in
6 subsection (a) or (a-5).

7 (c) The registration for any person required to register
8 under this Article shall be as follows:

9 (1) Any person registered under the Habitual Child Sex
10 Offender Registration Act or the Child Sex Offender
11 Registration Act prior to January 1, 1996, shall be deemed
12 initially registered as of January 1, 1996; however, this
13 shall not be construed to extend the duration of
14 registration set forth in Section 7.

15 (2) Except as provided in subsection (c)(2.1) or
16 (c)(4), any person convicted or adjudicated prior to
17 January 1, 1996, whose liability for registration under
18 Section 7 has not expired, shall register in person prior
19 to January 31, 1996.

20 (2.1) A sex offender or sexual predator, who has never
21 previously been required to register under this Act, has a
22 duty to register if the person has been convicted of any
23 felony offense after July 1, 2011. A person who previously
24 was required to register under this Act for a period of 10
25 years and successfully completed that registration period
26 has a duty to register if: (i) the person has been

1 convicted of any felony offense after July 1, 2011, and
2 (ii) the offense for which the 10 year registration was
3 served currently requires a registration period of more
4 than 10 years. Notification of an offender's duty to
5 register under this subsection shall be pursuant to Section
6 5-7 of this Act.

7 (2.5) Except as provided in subsection (c)(4), any
8 person who has not been notified of his or her
9 responsibility to register shall be notified by a criminal
10 justice entity of his or her responsibility to register.
11 Upon notification the person must then register within 3
12 days of notification of his or her requirement to register.
13 Except as provided in subsection (c)(2.1), if notification
14 is not made within the offender's 10 year registration
15 requirement, and the Department of State Police determines
16 no evidence exists or indicates the offender attempted to
17 avoid registration, the offender will no longer be required
18 to register under this Act.

19 (3) Except as provided in subsection (c)(4), any person
20 convicted on or after January 1, 1996, shall register in
21 person within 3 days after the entry of the sentencing
22 order based upon his or her conviction.

23 (4) Any person unable to comply with the registration
24 requirements of this Article because he or she is confined,
25 institutionalized, or imprisoned in Illinois on or after
26 January 1, 1996, shall register in person within 3 days of

1 discharge, parole or release.

2 (5) The person shall provide positive identification
3 and documentation that substantiates proof of residence at
4 the registering address.

5 (6) The person shall pay a \$100 initial registration
6 fee and a \$100 annual renewal fee. The fees shall be used
7 by the registering agency for official purposes. The agency
8 shall establish procedures to document receipt and use of
9 the funds. The law enforcement agency having jurisdiction
10 may waive the registration fee if it determines that the
11 person is indigent and unable to pay the registration fee.
12 Thirty-five ~~Thirty~~ dollars for the initial registration
13 fee and \$35 ~~\$30~~ of the annual renewal fee shall be used by
14 the registering agency for official purposes. Five ~~Ten~~
15 dollars of the initial registration fee and \$5 ~~\$10~~ of the
16 annual fee shall be deposited into the Sex Offender
17 Management Board Fund under Section 19 of the Sex Offender
18 Management Board Act. Money deposited into the Sex Offender
19 Management Board Fund shall be administered by the Sex
20 Offender Management Board and shall be used by the Board to
21 comply with the provisions of the Sex Offender Management
22 Board Act ~~to fund practices endorsed or required by the Sex~~
23 ~~Offender Management Board Act including but not limited to~~
24 ~~sex offenders evaluation, treatment, or monitoring~~
25 ~~programs that are or may be developed, as well as for~~
26 ~~administrative costs, including staff, incurred by the~~

1 ~~Board~~. Thirty dollars of the initial registration fee and
2 \$30 of the annual renewal fee shall be deposited into the
3 Sex Offender Registration Fund and shall be used by the
4 Department of State Police to maintain and update the
5 Illinois State Police Sex Offender Registry. Thirty
6 dollars of the initial registration fee and \$30 of the
7 annual renewal fee shall be deposited into the Attorney
8 General Sex Offender Awareness, Training, and Education
9 Fund. Moneys deposited into the Fund shall be used by the
10 Attorney General to administer the I-SORT program and to
11 alert and educate the public, victims, and witnesses of
12 their rights under various victim notification laws and for
13 training law enforcement agencies, State's Attorneys, and
14 medical providers of their legal duties concerning the
15 prosecution and investigation of sex offenses.

16 (d) Within 3 days after obtaining or changing employment
17 and, if employed on January 1, 2000, within 5 days after that
18 date, a person required to register under this Section must
19 report, in person to the law enforcement agency having
20 jurisdiction, the business name and address where he or she is
21 employed. If the person has multiple businesses or work
22 locations, every business and work location must be reported to
23 the law enforcement agency having jurisdiction.

24 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
25 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.
26 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.

1 8-12-11; 97-578, eff. 1-1-12; revised 9-15-11.)

2 (730 ILCS 150/3-5)

3 Sec. 3-5. Application of Act to adjudicated juvenile
4 delinquents.

5 (a) In all cases involving an adjudicated juvenile
6 delinquent who meets the definition of sex offender as set
7 forth in paragraph (5) of subsection (A) of Section 2 of this
8 Act, the court shall order the minor to register as a sex
9 offender.

10 (b) Once an adjudicated juvenile delinquent is ordered to
11 register as a sex offender, the adjudicated juvenile delinquent
12 shall be subject to the registration requirements set forth in
13 Sections 3, 6, 6-5, 8, 8-5, and 10 for the term of his or her
14 registration.

15 (c) For a minor adjudicated delinquent for an offense
16 which, if charged as an adult, would be a felony, no less than
17 5 years after registration ordered pursuant to subsection (a)
18 of this Section, the minor may petition for the termination of
19 the term of registration. For a minor adjudicated delinquent
20 for an offense which, if charged as an adult, would be a
21 misdemeanor, no less than 2 years after registration ordered
22 pursuant to subsection (a) of this Section, the minor may
23 petition for termination of the term of registration.

24 (d) The court may upon a hearing on the petition for
25 termination of registration, terminate registration if the

1 court finds that the registrant poses no risk to the community
2 by a preponderance of the evidence based upon the factors set
3 forth in subsection (e).

4 Notwithstanding any other provisions of this Act to the
5 contrary, no registrant whose registration has been terminated
6 under this Section shall be required to register under the
7 provisions of this Act for the offense or offenses which were
8 the subject of the successful petition for termination of
9 registration. This exemption shall apply only to those offenses
10 which were the subject of the successful petition for
11 termination of registration, and shall not apply to any other
12 or subsequent offenses requiring registration under this Act.

13 (e) To determine whether a registrant poses a risk to the
14 community as required by subsection (d), the court shall
15 consider the following factors:

16 (1) a risk assessment performed by an evaluator
17 licensed under the Sex Offender Evaluation and Treatment
18 Provider Act ~~approved by the Sex Offender Management Board;~~

19 (2) the sex offender history of the adjudicated
20 juvenile delinquent;

21 (3) evidence of the adjudicated juvenile delinquent's
22 rehabilitation;

23 (4) the age of the adjudicated juvenile delinquent at
24 the time of the offense;

25 (5) information related to the adjudicated juvenile
26 delinquent's mental, physical, educational, and social

1 history;

2 (6) victim impact statements; and

3 (7) any other factors deemed relevant by the court.

4 (f) At the hearing set forth in subsections (c) and (d), a
5 registrant shall be represented by counsel and may present a
6 risk assessment conducted by an evaluator who is licensed under
7 the Sex Offender Evaluation and Treatment Provider Act ~~a~~
8 ~~licensed psychiatrist, psychologist, or other mental health~~
9 ~~professional, and who has demonstrated clinical experience in~~
10 ~~juvenile sex offender treatment.~~

11 (g) After a registrant completes the term of his or her
12 registration, his or her name, address, and all other
13 identifying information shall be removed from all State and
14 local registries.

15 (h) This Section applies retroactively to cases in which
16 adjudicated juvenile delinquents who registered or were
17 required to register before the effective date of this
18 amendatory Act of the 95th General Assembly. On or after the
19 effective date of this amendatory Act of the 95th General
20 Assembly, a person adjudicated delinquent before the effective
21 date of this amendatory Act of the 95th General Assembly may
22 request a hearing regarding status of registration by filing a
23 Petition Requesting Registration Status with the clerk of the
24 court. Upon receipt of the Petition Requesting Registration
25 Status, the clerk of the court shall provide notice to the
26 parties and set the Petition for hearing pursuant to

1 subsections (c) through (e) of this Section.

2 (i) This Section does not apply to minors prosecuted under
3 the criminal laws as adults.

4 (Source: P.A. 97-578, eff. 1-1-12.)

5 Section 999. Effective date. This Act takes effect July 1,
6 2013, except that this Section, Section 175, Section 180, and
7 the amendatory changes to Sections 2 and 3 of the Sex Offender
8 Registration Act take effect on January 1, 2013, the other
9 amendatory changes to Section 3-5 of the Sex Offender
10 Registration Act, the amendatory changes to the Sexually
11 Dangerous Persons Act, and the amendatory changes to the
12 Sexually Violent Persons Commitment Act take effect January 1,
13 2014.