



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1267

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

405 ILCS 5/3-212 new
730 ILCS 150/3

Amends the Mental Health and Developmental Disabilities Code. Provides that upon admission to a mental health facility, the facility director is responsible for renewing the registration of a sex offender as defined in the Sex Offender Registration Act who is admitted on an inpatient basis. Provides that the facility director shall act in the name of the sex offender and perform the renewal duties prescribed for sex offenders under the Sex Offender Registration Act, including the payment of registration renewal fees. Amends the Sex Offender Registration Act to make conforming changes. Effective immediately.

LRB098 04043 RLC 34063 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning sex offenders.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by adding Section 3-212 as
6 follows:

7 (405 ILCS 5/3-212 new)

8 Sec. 3-212. Facility director; sex offender registration.

9 Upon admission to a mental health facility, the facility
10 director is responsible for renewing the registration of a sex
11 offender as defined in the Sex Offender Registration Act who is
12 admitted on an inpatient basis. The facility director shall act
13 in the name of the sex offender and perform the renewal duties
14 prescribed for sex offenders under the Sex Offender
15 Registration Act, including the payment of registration
16 renewal fees.

17 Section 10. The Sex Offender Registration Act is amended by
18 changing Section 3 as follows:

19 (730 ILCS 150/3)

20 Sec. 3. Duty to register.

21 (a) A sex offender, as defined in Section 2 of this Act, or

1 sexual predator shall, within the time period prescribed in
2 subsections (b) and (c), register in person and provide
3 accurate information as required by the Department of State
4 Police. Such information shall include a current photograph,
5 current address, current place of employment, the sex
6 offender's or sexual predator's telephone number, including
7 cellular telephone number, the employer's telephone number,
8 school attended, all e-mail addresses, instant messaging
9 identities, chat room identities, and other Internet
10 communications identities that the sex offender uses or plans
11 to use, all Uniform Resource Locators (URLs) registered or used
12 by the sex offender, all blogs and other Internet sites
13 maintained by the sex offender or to which the sex offender has
14 uploaded any content or posted any messages or information,
15 extensions of the time period for registering as provided in
16 this Article and, if an extension was granted, the reason why
17 the extension was granted and the date the sex offender was
18 notified of the extension. The information shall also include a
19 copy of the terms and conditions of parole or release signed by
20 the sex offender and given to the sex offender by his or her
21 supervising officer, the county of conviction, license plate
22 numbers for every vehicle registered in the name of the sex
23 offender, the age of the sex offender at the time of the
24 commission of the offense, the age of the victim at the time of
25 the commission of the offense, and any distinguishing marks
26 located on the body of the sex offender. A sex offender

1 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
2 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012
3 shall provide all Internet protocol (IP) addresses in his or
4 her residence, registered in his or her name, accessible at his
5 or her place of employment, or otherwise under his or her
6 control or custody. If the sex offender is a child sex offender
7 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
8 1961 or the Criminal Code of 2012, the sex offender shall
9 report to the registering agency whether he or she is living in
10 a household with a child under 18 years of age who is not his or
11 her own child, provided that his or her own child is not the
12 victim of the sex offense. The sex offender or sexual predator
13 shall register:

14 (1) with the chief of police in the municipality in
15 which he or she resides or is temporarily domiciled for a
16 period of time of 3 or more days, unless the municipality
17 is the City of Chicago, in which case he or she shall
18 register at the Chicago Police Department Headquarters; or

19 (2) with the sheriff in the county in which he or she
20 resides or is temporarily domiciled for a period of time of
21 3 or more days in an unincorporated area or, if
22 incorporated, no police chief exists.

23 If the sex offender or sexual predator is employed at or
24 attends an institution of higher education, he or she shall
25 also register:

26 (i) with:

1 (A) the chief of police in the municipality in
2 which he or she is employed at or attends an
3 institution of higher education, unless the
4 municipality is the City of Chicago, in which case he
5 or she shall register at the Chicago Police Department
6 Headquarters; or

7 (B) the sheriff in the county in which he or she is
8 employed or attends an institution of higher education
9 located in an unincorporated area, or if incorporated,
10 no police chief exists; and

11 (ii) with the public safety or security director of the
12 institution of higher education which he or she is employed
13 at or attends.

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

17 For purposes of this Article, the place of residence or
18 temporary domicile is defined as any and all places where the
19 sex offender resides for an aggregate period of time of 3 or
20 more days during any calendar year. Any person required to
21 register under this Article who lacks a fixed address or
22 temporary domicile must notify, in person, the agency of
23 jurisdiction of his or her last known address within 3 days
24 after ceasing to have a fixed residence.

25 A sex offender or sexual predator who is temporarily absent
26 from his or her current address of registration for 3 or more

1 days shall notify the law enforcement agency having
2 jurisdiction of his or her current registration, including the
3 itinerary for travel, in the manner provided in Section 6 of
4 this Act for notification to the law enforcement agency having
5 jurisdiction of change of address.

6 Any person who lacks a fixed residence must report weekly,
7 in person, with the sheriff's office of the county in which he
8 or she is located in an unincorporated area, or with the chief
9 of police in the municipality in which he or she is located.
10 The agency of jurisdiction will document each weekly
11 registration to include all the locations where the person has
12 stayed during the past 7 days.

13 The sex offender or sexual predator shall provide accurate
14 information as required by the Department of State Police. That
15 information shall include the sex offender's or sexual
16 predator's current place of employment.

17 (a-5) An out-of-state student or out-of-state employee
18 shall, within 3 days after beginning school or employment in
19 this State, register in person and provide accurate information
20 as required by the Department of State Police. Such information
21 will include current place of employment, school attended, and
22 address in state of residence. A sex offender convicted under
23 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 shall
25 provide all Internet protocol (IP) addresses in his or her
26 residence, registered in his or her name, accessible at his or

1 her place of employment, or otherwise under his or her control
2 or custody. The out-of-state student or out-of-state employee
3 shall register:

4 (1) with:

5 (A) the chief of police in the municipality in
6 which he or she attends school or is employed for a
7 period of time of 5 or more days or for an aggregate
8 period of time of more than 30 days during any calendar
9 year, unless the municipality is the City of Chicago,
10 in which case he or she shall register at the Chicago
11 Police Department Headquarters; or

12 (B) the sheriff in the county in which he or she
13 attends school or is employed for a period of time of 5
14 or more days or for an aggregate period of time of more
15 than 30 days during any calendar year in an
16 unincorporated area or, if incorporated, no police
17 chief exists; and

18 (2) with the public safety or security director of the
19 institution of higher education he or she is employed at or
20 attends for a period of time of 5 or more days or for an
21 aggregate period of time of more than 30 days during a
22 calendar year.

23 The registration fees shall only apply to the municipality
24 or county of primary registration, and not to campus
25 registration.

26 The out-of-state student or out-of-state employee shall

1 provide accurate information as required by the Department of
2 State Police. That information shall include the out-of-state
3 student's current place of school attendance or the
4 out-of-state employee's current place of employment.

5 (a-10) Any law enforcement agency registering sex
6 offenders or sexual predators in accordance with subsections
7 (a) or (a-5) of this Section shall forward to the Attorney
8 General a copy of sex offender registration forms from persons
9 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
10 11-21 of the Criminal Code of 1961 or the Criminal Code of
11 2012, including periodic and annual registrations under
12 Section 6 of this Act.

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

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

21 (1) Any person registered under the Habitual Child Sex
22 Offender Registration Act or the Child Sex Offender
23 Registration Act prior to January 1, 1996, shall be deemed
24 initially registered as of January 1, 1996; however, this
25 shall not be construed to extend the duration of
26 registration set forth in Section 7.

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

6 (2.1) A sex offender or sexual predator, who has never
7 previously been required to register under this Act, has a
8 duty to register if the person has been convicted of any
9 felony offense after July 1, 2011. A person who previously
10 was required to register under this Act for a period of 10
11 years and successfully completed that registration period
12 has a duty to register if: (i) the person has been
13 convicted of any felony offense after July 1, 2011, and
14 (ii) the offense for which the 10 year registration was
15 served currently requires a registration period of more
16 than 10 years. Notification of an offender's duty to
17 register under this subsection shall be pursuant to Section
18 5-7 of this Act.

19 (2.5) Except as provided in subsection (c)(4), any
20 person who has not been notified of his or her
21 responsibility to register shall be notified by a criminal
22 justice entity of his or her responsibility to register.
23 Upon notification the person must then register within 3
24 days of notification of his or her requirement to register.
25 Except as provided in subsection (c)(2.1), if notification
26 is not made within the offender's 10 year registration

1 requirement, and the Department of State Police determines
2 no evidence exists or indicates the offender attempted to
3 avoid registration, the offender will no longer be required
4 to register under this Act.

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

9 (4) Any person unable to comply with the registration
10 requirements of this Article because he or she is confined,
11 institutionalized, or imprisoned in Illinois on or after
12 January 1, 1996, shall register in person within 3 days of
13 discharge, parole or release.

14 (5) The person shall provide positive identification
15 and documentation that substantiates proof of residence at
16 the registering address.

17 (6) The person shall pay a \$100 initial registration
18 fee and a \$100 annual renewal fee. The fees shall be used
19 by the registering agency for official purposes. The agency
20 shall establish procedures to document receipt and use of
21 the funds. The law enforcement agency having jurisdiction
22 may waive the registration fee if it determines that the
23 person is indigent and unable to pay the registration fee.
24 Thirty-five dollars for the initial registration fee and
25 \$35 of the annual renewal fee shall be used by the
26 registering agency for official purposes. Five dollars of

1 the initial registration fee and \$5 of the annual fee shall
2 be deposited into the Sex Offender Management Board Fund
3 under Section 19 of the Sex Offender Management Board Act.
4 Money deposited into the Sex Offender Management Board Fund
5 shall be administered by the Sex Offender Management Board
6 and shall be used by the Board to comply with the
7 provisions of the Sex Offender Management Board Act. Thirty
8 dollars of the initial registration fee and \$30 of the
9 annual renewal fee shall be deposited into the Sex Offender
10 Registration Fund and shall be used by the Department of
11 State Police to maintain and update the Illinois State
12 Police Sex Offender Registry. Thirty dollars of the initial
13 registration fee and \$30 of the annual renewal fee shall be
14 deposited into the Attorney General Sex Offender
15 Awareness, Training, and Education Fund. Moneys deposited
16 into the Fund shall be used by the Attorney General to
17 administer the I-SORT program and to alert and educate the
18 public, victims, and witnesses of their rights under
19 various victim notification laws and for training law
20 enforcement agencies, State's Attorneys, and medical
21 providers of their legal duties concerning the prosecution
22 and investigation of sex offenses.

23 (d) Within 3 days after obtaining or changing employment
24 and, if employed on January 1, 2000, within 5 days after that
25 date, a person required to register under this Section must
26 report, in person to the law enforcement agency having

1 jurisdiction, the business name and address where he or she is
2 employed. If the person has multiple businesses or work
3 locations, every business and work location must be reported to
4 the law enforcement agency having jurisdiction.

5 (e) If the sex offender has been admitted to a mental
6 health facility on an inpatient basis, the duties required
7 under this Act relating to renewal fees and other renewal
8 requirements shall be performed by the facility director of the
9 mental health facility where the sex offender has been
10 admitted.

11 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
12 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.
13 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.
14 8-12-11; 97-578, eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109,
15 eff. 1-1-13.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.