



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3980

Introduced 1/8/2020, by Rep. Mark Batinick, Dan Brady, Fred Crespo, Ryan Spain, John M. Cabello, et al.

SYNOPSIS AS INTRODUCED:

730 ILCS 150/2

from Ch. 38, par. 222

Amends the Sex Offender Registration Act. Provides for registration under the Act of a person convicted of a battery if: (1) the State's Attorney filed a notice contemporaneous with or included in the summons, complaint, or other document charging the battery to seek sex offender registration under the provision as a sexually motivated battery; (2) the complaining witness is under 17 years of age; (3) the offender is 21 years of age or older; and (4) the court finds that the battery was "sexually motivated" as defined in the Sex Offender Management Board Act.

LRB101 15697 RLC 65052 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Sex Offender Registration Act is amended by
5 changing Section 2 as follows:

6 (730 ILCS 150/2) (from Ch. 38, par. 222)

7 Sec. 2. Definitions.

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

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

15 (a) is convicted of such offense or an attempt to
16 commit such offense; or

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

19 (c) is found not guilty by reason of insanity
20 pursuant to Section 104-25(c) of the Code of Criminal
21 Procedure of 1963 of such offense or an attempt to
22 commit such offense; or

23 (d) is the subject of a finding not resulting in an

1 acquittal at a hearing conducted pursuant to Section
2 104-25(a) of the Code of Criminal Procedure of 1963 for
3 the alleged commission or attempted commission of such
4 offense; or

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

12 (f) is the subject of a finding not resulting in an
13 acquittal at a hearing conducted pursuant to a federal,
14 Uniform Code of Military Justice, sister state, or
15 foreign country law substantially similar to Section
16 104-25(a) of the Code of Criminal Procedure of 1963 for
17 the alleged violation or attempted commission of such
18 offense; or

19 (2) declared as a sexually dangerous person pursuant to
20 the Illinois Sexually Dangerous Persons Act, or any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law; or

23 (3) subject to the provisions of Section 2 of the
24 Interstate Agreements on Sexually Dangerous Persons Act;
25 or

26 (4) found to be a sexually violent person pursuant to

1 the Sexually Violent Persons Commitment Act or any
2 substantially similar federal, Uniform Code of Military
3 Justice, sister state, or foreign country law; or

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

17 (6) convicted of a battery if: (i) the State's Attorney
18 filed a notice contemporaneous with or included in the
19 summons, complaint, or other document charging the battery
20 to seek sex offender registration this paragraph (6) as a
21 sexually motivated battery; (ii) the complaining witness
22 is under 17 years of age; (iii) the offender is 21 years of
23 age or older; and (iv) the court finds that the battery was
24 "sexually motivated" as defined in subsection (e) of
25 Section 10 of the Sex Offender Management Board Act.

26 Convictions that result from or are connected with the same

1 act, or result from offenses committed at the same time, shall
2 be counted for the purpose of this Article as one conviction.
3 Any conviction set aside pursuant to law is not a conviction
4 for purposes of this Article.

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

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

8 (1) A violation of any of the following Sections of the
9 Criminal Code of 1961 or the Criminal Code of 2012:

- 10 11-20.1 (child pornography),
11 11-20.1B or 11-20.3 (aggravated child
12 pornography),
13 11-6 (indecent solicitation of a child),
14 11-9.1 (sexual exploitation of a child),
15 11-9.2 (custodial sexual misconduct),
16 11-9.5 (sexual misconduct with a person with a
17 disability),
18 11-14.4 (promoting juvenile prostitution),
19 11-15.1 (soliciting for a juvenile prostitute),
20 11-18.1 (patronizing a juvenile prostitute),
21 11-17.1 (keeping a place of juvenile
22 prostitution),
23 11-19.1 (juvenile pimping),
24 11-19.2 (exploitation of a child),
25 11-25 (grooming),
26 11-26 (traveling to meet a minor or traveling to

1 meet a child),
2 11-1.20 or 12-13 (criminal sexual assault),
3 11-1.30 or 12-14 (aggravated criminal sexual
4 assault),
5 11-1.40 or 12-14.1 (predatory criminal sexual
6 assault of a child),
7 11-1.50 or 12-15 (criminal sexual abuse),
8 11-1.60 or 12-16 (aggravated criminal sexual
9 abuse),
10 12-33 (ritualized abuse of a child).

11 An attempt to commit any of these offenses.

12 (1.5) A violation of any of the following Sections of
13 the Criminal Code of 1961 or the Criminal Code of 2012,
14 when the victim is a person under 18 years of age, the
15 defendant is not a parent of the victim, the offense was
16 sexually motivated as defined in Section 10 of the Sex
17 Offender Evaluation and Treatment Act, and the offense was
18 committed on or after January 1, 1996:

19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint).

23 If the offense was committed before January 1, 1996, it
24 is a sex offense requiring registration only when the
25 person is convicted of any felony after July 1, 2011, and
26 paragraph (2.1) of subsection (c) of Section 3 of this Act

1 applies.

2 (1.6) First degree murder under Section 9-1 of the
3 Criminal Code of 1961 or the Criminal Code of 2012,
4 provided the offense was sexually motivated as defined in
5 Section 10 of the Sex Offender Management Board Act.

6 (1.7) (Blank).

7 (1.8) A violation or attempted violation of Section
8 11-11 (sexual relations within families) of the Criminal
9 Code of 1961 or the Criminal Code of 2012, and the offense
10 was committed on or after June 1, 1997. If the offense was
11 committed before June 1, 1997, it is a sex offense
12 requiring registration only when the person is convicted of
13 any felony after July 1, 2011, and paragraph (2.1) of
14 subsection (c) of Section 3 of this Act applies.

15 (1.9) Child abduction under paragraph (10) of
16 subsection (b) of Section 10-5 of the Criminal Code of 1961
17 or the Criminal Code of 2012 committed by luring or
18 attempting to lure a child under the age of 16 into a motor
19 vehicle, building, house trailer, or dwelling place
20 without the consent of the parent or lawful custodian of
21 the child for other than a lawful purpose and the offense
22 was committed on or after January 1, 1998, provided the
23 offense was sexually motivated as defined in Section 10 of
24 the Sex Offender Management Board Act. If the offense was
25 committed before January 1, 1998, it is a sex offense
26 requiring registration only when the person is convicted of

1 any felony after July 1, 2011, and paragraph (2.1) of
2 subsection (c) of Section 3 of this Act applies.

3 (1.10) A violation or attempted violation of any of the
4 following Sections of the Criminal Code of 1961 or the
5 Criminal Code of 2012 when the offense was committed on or
6 after July 1, 1999:

7 10-4 (forcible detention, if the victim is under 18
8 years of age), provided the offense was sexually
9 motivated as defined in Section 10 of the Sex Offender
10 Management Board Act,

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

12 11-14.3 that involves soliciting for a prostitute,
13 or 11-15 (soliciting for a prostitute, if the victim is
14 under 18 years of age),

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

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

20 subdivision (a)(2)(C) of Section 11-14.3, or
21 Section 11-19 (pimping, if the victim is under 18 years
22 of age).

23 If the offense was committed before July 1, 1999, it is
24 a sex offense requiring registration only when the person
25 is convicted of any felony after July 1, 2011, and
26 paragraph (2.1) of subsection (c) of Section 3 of this Act

1 applies.

2 (1.11) A violation or attempted violation of any of the
3 following Sections of the Criminal Code of 1961 or the
4 Criminal Code of 2012 when the offense was committed on or
5 after August 22, 2002:

6 11-9 or 11-30 (public indecency for a third or
7 subsequent conviction).

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

13 (1.12) A violation or attempted violation of Section
14 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
15 Criminal Code of 1961 or the Criminal Code of 2012
16 (permitting sexual abuse) when the offense was committed on
17 or after August 22, 2002. If the offense was committed
18 before August 22, 2002, it is a sex offense requiring
19 registration only when the person is convicted of any
20 felony after July 1, 2011, and paragraph (2.1) of
21 subsection (c) of Section 3 of this Act applies.

22 (2) A violation of any former law of this State
23 substantially equivalent to any offense listed in
24 subsection (B) of this Section.

25 (C) A conviction for an offense of federal law, Uniform
26 Code of Military Justice, or the law of another state or a

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

11 (C-5) A person at least 17 years of age at the time of the
12 commission of the offense who is convicted of first degree
13 murder under Section 9-1 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, against a person under 18 years of age,
15 shall be required to register for natural life. A conviction
16 for an offense of federal, Uniform Code of Military Justice,
17 sister state, or foreign country law that is substantially
18 equivalent to any offense listed in subsection (C-5) of this
19 Section shall constitute a conviction for the purpose of this
20 Article. This subsection (C-5) applies to a person who
21 committed the offense before June 1, 1996 if: (i) the person is
22 incarcerated in an Illinois Department of Corrections facility
23 on August 20, 2004 (the effective date of Public Act 93-977),
24 or (ii) subparagraph (i) does not apply and the person is
25 convicted of any felony after July 1, 2011, and paragraph (2.1)
26 of subsection (c) of Section 3 of this Act applies.

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

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

25 (D-1) As used in this Article, "supervising officer" means
26 the assigned Illinois Department of Corrections parole agent or

1 county probation officer.

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

4 (1) Convicted for an offense of federal, Uniform Code
5 of Military Justice, sister state, or foreign country law
6 that is substantially equivalent to any offense listed in
7 subsection (E) or (E-5) of this Section shall constitute a
8 conviction for the purpose of this Article. Convicted of a
9 violation or attempted violation of any of the following
10 Sections of the Criminal Code of 1961 or the Criminal Code
11 of 2012:

12 10-5.1 (luring of a minor),

13 11-14.4 that involves keeping a place of juvenile
14 prostitution, or 11-17.1 (keeping a place of juvenile
15 prostitution),

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

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

20 11-20.1 (child pornography),

21 11-20.1B or 11-20.3 (aggravated child
22 pornography),

23 11-1.20 or 12-13 (criminal sexual assault),

24 11-1.30 or 12-14 (aggravated criminal sexual
25 assault),

26 11-1.40 or 12-14.1 (predatory criminal sexual

1 assault of a child),
2 11-1.60 or 12-16 (aggravated criminal sexual
3 abuse),
4 12-33 (ritualized abuse of a child);
5 (2) (blank);
6 (3) declared as a sexually dangerous person pursuant to
7 the Sexually Dangerous Persons Act or any substantially
8 similar federal, Uniform Code of Military Justice, sister
9 state, or foreign country law;
10 (4) found to be a sexually violent person pursuant to
11 the Sexually Violent Persons Commitment Act or any
12 substantially similar federal, Uniform Code of Military
13 Justice, sister state, or foreign country law;
14 (5) convicted of a second or subsequent offense which
15 requires registration pursuant to this Act. For purposes of
16 this paragraph (5), "convicted" shall include a conviction
17 under any substantially similar Illinois, federal, Uniform
18 Code of Military Justice, sister state, or foreign country
19 law;
20 (6) (blank); or
21 (7) if the person was convicted of an offense set forth
22 in this subsection (E) on or before July 1, 1999, the
23 person is a sexual predator for whom registration is
24 required only when the person is convicted of a felony
25 offense after July 1, 2011, and paragraph (2.1) of
26 subsection (c) of Section 3 of this Act applies.

1 (E-5) As used in this Article, "sexual predator" also means
2 a person convicted of a violation or attempted violation of any
3 of the following Sections of the Criminal Code of 1961 or the
4 Criminal Code of 2012:

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

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

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

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

1 the offense was sexually motivated as defined in Section 10
2 of the Sex Offender Management Board Act).

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

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

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

24 (H) As used in this Article, "school" means any public or
25 private educational institution, including, but not limited
26 to, any elementary or secondary school, trade or professional

1 institution, or institution of higher education.

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

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

9 (Source: P.A. 100-428, eff. 1-1-18.)