



Sen. John J. Millner

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1 AMENDMENT TO HOUSE BILL 263

2 AMENDMENT NO. _____. Amend House Bill 263 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as Andrea's Law.

5 Section 5. The State Finance Act is amended by changing
6 Section 5.669 as follows:

7 (30 ILCS 105/5.669)

8 Sec. 5.669. The ~~Child~~ Murderer and Violent Offender Against
9 Youth Registration Fund.

10 (Source: P.A. 94-945, eff. 6-27-06; 95-331, eff. 8-21-07.)

11 Section 10. The School Code is amended by changing Sections
12 10-21.9, 27A-5, and 34-18.5 as follows:

13 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

1 Sec. 10-21.9. Criminal history records checks and checks of
2 the Statewide Sex Offender Database and Statewide ~~Child~~
3 Murderer and Violent Offender Against Youth Database.

4 (a) Certified and noncertified applicants for employment
5 with a school district, except school bus driver applicants,
6 are required as a condition of employment to authorize a
7 fingerprint-based criminal history records check to determine
8 if such applicants have been convicted of any of the enumerated
9 criminal or drug offenses in subsection (c) of this Section or
10 have been convicted, within 7 years of the application for
11 employment with the school district, of any other felony under
12 the laws of this State or of any offense committed or attempted
13 in any other state or against the laws of the United States
14 that, if committed or attempted in this State, would have been
15 punishable as a felony under the laws of this State.
16 Authorization for the check shall be furnished by the applicant
17 to the school district, except that if the applicant is a
18 substitute teacher seeking employment in more than one school
19 district, a teacher seeking concurrent part-time employment
20 positions with more than one school district (as a reading
21 specialist, special education teacher or otherwise), or an
22 educational support personnel employee seeking employment
23 positions with more than one district, any such district may
24 require the applicant to furnish authorization for the check to
25 the regional superintendent of the educational service region
26 in which are located the school districts in which the

1 applicant is seeking employment as a substitute or concurrent
2 part-time teacher or concurrent educational support personnel
3 employee. Upon receipt of this authorization, the school
4 district or the appropriate regional superintendent, as the
5 case may be, shall submit the applicant's name, sex, race, date
6 of birth, social security number, fingerprint images, and other
7 identifiers, as prescribed by the Department of State Police,
8 to the Department. The regional superintendent submitting the
9 requisite information to the Department of State Police shall
10 promptly notify the school districts in which the applicant is
11 seeking employment as a substitute or concurrent part-time
12 teacher or concurrent educational support personnel employee
13 that the check of the applicant has been requested. The
14 Department of State Police and the Federal Bureau of
15 Investigation shall furnish, pursuant to a fingerprint-based
16 criminal history records check, records of convictions, until
17 expunged, to the president of the school board for the school
18 district that requested the check, or to the regional
19 superintendent who requested the check. The Department shall
20 charge the school district or the appropriate regional
21 superintendent a fee for conducting such check, which fee shall
22 be deposited in the State Police Services Fund and shall not
23 exceed the cost of the inquiry; and the applicant shall not be
24 charged a fee for such check by the school district or by the
25 regional superintendent, except that those applicants seeking
26 employment as a substitute teacher with a school district may

1 be charged a fee not to exceed the cost of the inquiry. Subject
2 to appropriations for these purposes, the State Superintendent
3 of Education shall reimburse school districts and regional
4 superintendents for fees paid to obtain criminal history
5 records checks under this Section.

6 (a-5) The school district or regional superintendent shall
7 further perform a check of the Statewide Sex Offender Database,
8 as authorized by the Sex Offender Community Notification Law,
9 for each applicant.

10 (a-6) The school district or regional superintendent shall
11 further perform a check of the Statewide ~~Child~~ Murderer and
12 Violent Offender Against Youth Database, as authorized by the
13 ~~Child~~ Murderer and Violent Offender Against Youth Community
14 Notification Law, for each applicant.

15 (b) Any information concerning the record of convictions
16 obtained by the president of the school board or the regional
17 superintendent shall be confidential and may only be
18 transmitted to the superintendent of the school district or his
19 designee, the appropriate regional superintendent if the check
20 was requested by the school district, the presidents of the
21 appropriate school boards if the check was requested from the
22 Department of State Police by the regional superintendent, the
23 State Superintendent of Education, the State Teacher
24 Certification Board, any other person necessary to the decision
25 of hiring the applicant for employment, or for clarification
26 purposes the Department of State Police or Statewide Sex

1 Offender Database, or both. A copy of the record of convictions
2 obtained from the Department of State Police shall be provided
3 to the applicant for employment. Upon the check of the
4 Statewide Sex Offender Database, the school district or
5 regional superintendent shall notify an applicant as to whether
6 or not the applicant has been identified in the Database as a
7 sex offender. If a check of an applicant for employment as a
8 substitute or concurrent part-time teacher or concurrent
9 educational support personnel employee in more than one school
10 district was requested by the regional superintendent, and the
11 Department of State Police upon a check ascertains that the
12 applicant has not been convicted of any of the enumerated
13 criminal or drug offenses in subsection (c) or has not been
14 convicted, within 7 years of the application for employment
15 with the school district, of any other felony under the laws of
16 this State or of any offense committed or attempted in any
17 other state or against the laws of the United States that, if
18 committed or attempted in this State, would have been
19 punishable as a felony under the laws of this State and so
20 notifies the regional superintendent and if the regional
21 superintendent upon a check ascertains that the applicant has
22 not been identified in the Sex Offender Database as a sex
23 offender, then the regional superintendent shall issue to the
24 applicant a certificate evidencing that as of the date
25 specified by the Department of State Police the applicant has
26 not been convicted of any of the enumerated criminal or drug

1 offenses in subsection (c) or has not been convicted, within 7
2 years of the application for employment with the school
3 district, of any other felony under the laws of this State or
4 of any offense committed or attempted in any other state or
5 against the laws of the United States that, if committed or
6 attempted in this State, would have been punishable as a felony
7 under the laws of this State and evidencing that as of the date
8 that the regional superintendent conducted a check of the
9 Statewide Sex Offender Database, the applicant has not been
10 identified in the Database as a sex offender. The school board
11 of any school district may rely on the certificate issued by
12 any regional superintendent to that substitute teacher,
13 concurrent part-time teacher, or concurrent educational
14 support personnel employee or may initiate its own criminal
15 history records check of the applicant through the Department
16 of State Police and its own check of the Statewide Sex Offender
17 Database as provided in subsection (a). Any person who releases
18 any confidential information concerning any criminal
19 convictions of an applicant for employment shall be guilty of a
20 Class A misdemeanor, unless the release of such information is
21 authorized by this Section.

22 (c) No school board shall knowingly employ a person who has
23 been convicted of any offense that would subject him or her to
24 certification suspension or revocation pursuant to Section
25 21-23a of this Code. Further, no school board shall knowingly
26 employ a person who has been found to be the perpetrator of

1 sexual or physical abuse of any minor under 18 years of age
2 pursuant to proceedings under Article II of the Juvenile Court
3 Act of 1987.

4 (d) No school board shall knowingly employ a person for
5 whom a criminal history records check and a Statewide Sex
6 Offender Database check has not been initiated.

7 (e) Upon receipt of the record of a conviction of or a
8 finding of child abuse by a holder of any certificate issued
9 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
10 Code, the State Superintendent of Education may initiate
11 certificate suspension and revocation proceedings as
12 authorized by law.

13 (e-5) The superintendent of the employing school board
14 shall, in writing, notify the State Superintendent of Education
15 and the applicable regional superintendent of schools of any
16 certificate holder whom he or she has reasonable cause to
17 believe has committed an intentional act of abuse or neglect
18 with the result of making a child an abused child or a
19 neglected child, as defined in Section 3 of the Abused and
20 Neglected Child Reporting Act, and that act resulted in the
21 certificate holder's dismissal or resignation from the school
22 district. This notification must be submitted within 30 days
23 after the dismissal or resignation. The certificate holder must
24 also be contemporaneously sent a copy of the notice by the
25 superintendent. All correspondence, documentation, and other
26 information so received by the regional superintendent of

1 schools, the State Superintendent of Education, the State Board
2 of Education, or the State Teacher Certification Board under
3 this subsection (e-5) is confidential and must not be disclosed
4 to third parties, except (i) as necessary for the State
5 Superintendent of Education or his or her designee to
6 investigate and prosecute pursuant to Article 21 of this Code,
7 (ii) pursuant to a court order, (iii) for disclosure to the
8 certificate holder or his or her representative, or (iv) as
9 otherwise provided in this Article and provided that any such
10 information admitted into evidence in a hearing is exempt from
11 this confidentiality and non-disclosure requirement. Except
12 for an act of willful or wanton misconduct, any superintendent
13 who provides notification as required in this subsection (e-5)
14 shall have immunity from any liability, whether civil or
15 criminal or that otherwise might result by reason of such
16 action.

17 (f) After January 1, 1990 the provisions of this Section
18 shall apply to all employees of persons or firms holding
19 contracts with any school district including, but not limited
20 to, food service workers, school bus drivers and other
21 transportation employees, who have direct, daily contact with
22 the pupils of any school in such district. For purposes of
23 criminal history records checks and checks of the Statewide Sex
24 Offender Database on employees of persons or firms holding
25 contracts with more than one school district and assigned to
26 more than one school district, the regional superintendent of

1 the educational service region in which the contracting school
2 districts are located may, at the request of any such school
3 district, be responsible for receiving the authorization for a
4 criminal history records check prepared by each such employee
5 and submitting the same to the Department of State Police and
6 for conducting a check of the Statewide Sex Offender Database
7 for each employee. Any information concerning the record of
8 conviction and identification as a sex offender of any such
9 employee obtained by the regional superintendent shall be
10 promptly reported to the president of the appropriate school
11 board or school boards.

12 (g) In order to student teach in the public schools, a
13 person is required to authorize a fingerprint-based criminal
14 history records check and checks of the Statewide Sex Offender
15 Database and Statewide ~~Child~~ Murderer and Violent Offender
16 Against Youth Database prior to participating in any field
17 experiences in the public schools. Authorization for and
18 payment of the costs of the checks must be furnished by the
19 student teacher. Results of the checks must be furnished to the
20 higher education institution where the student teacher is
21 enrolled and the superintendent of the school district where
22 the student is assigned.

23 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09;
24 96-1452, eff. 8-20-10; 96-1489, eff. 1-1-11; revised 1-4-11.)

1 Sec. 27A-5. Charter school; legal entity; requirements.

2 (a) A charter school shall be a public, nonsectarian,
3 nonreligious, non-home based, and non-profit school. A charter
4 school shall be organized and operated as a nonprofit
5 corporation or other discrete, legal, nonprofit entity
6 authorized under the laws of the State of Illinois.

7 (b) A charter school may be established under this Article
8 by creating a new school or by converting an existing public
9 school or attendance center to charter school status. Beginning
10 on the effective date of this amendatory Act of the 93rd
11 General Assembly, in all new applications submitted to the
12 State Board or a local school board to establish a charter
13 school in a city having a population exceeding 500,000,
14 operation of the charter school shall be limited to one campus.
15 The changes made to this Section by this amendatory Act of the
16 93rd General Assembly do not apply to charter schools existing
17 or approved on or before the effective date of this amendatory
18 Act.

19 (c) A charter school shall be administered and governed by
20 its board of directors or other governing body in the manner
21 provided in its charter. The governing body of a charter school
22 shall be subject to the Freedom of Information Act and the Open
23 Meetings Act.

24 (d) A charter school shall comply with all applicable
25 health and safety requirements applicable to public schools
26 under the laws of the State of Illinois.

1 (e) Except as otherwise provided in the School Code, a
2 charter school shall not charge tuition; provided that a
3 charter school may charge reasonable fees for textbooks,
4 instructional materials, and student activities.

5 (f) A charter school shall be responsible for the
6 management and operation of its fiscal affairs including, but
7 not limited to, the preparation of its budget. An audit of each
8 charter school's finances shall be conducted annually by an
9 outside, independent contractor retained by the charter
10 school. Annually, by December 1, every charter school must
11 submit to the State Board a copy of its audit and a copy of the
12 Form 990 the charter school filed that year with the federal
13 Internal Revenue Service.

14 (g) A charter school shall comply with all provisions of
15 this Article, the Illinois Educational Labor Relations Act, and
16 its charter. A charter school is exempt from all other State
17 laws and regulations in the School Code governing public
18 schools and local school board policies, except the following:

19 (1) Sections 10-21.9 and 34-18.5 of the School Code
20 regarding criminal history records checks and checks of the
21 Statewide Sex Offender Database and Statewide ~~Child~~
22 Murderer and Violent Offender Against Youth Database of
23 applicants for employment;

24 (2) Sections 24-24 and 34-84A of the School Code
25 regarding discipline of students;

26 (3) The Local Governmental and Governmental Employees

1 Tort Immunity Act;

2 (4) Section 108.75 of the General Not For Profit
3 Corporation Act of 1986 regarding indemnification of
4 officers, directors, employees, and agents;

5 (5) The Abused and Neglected Child Reporting Act;

6 (6) The Illinois School Student Records Act;

7 (7) Section 10-17a of the School Code regarding school
8 report cards; and

9 (8) The P-20 Longitudinal Education Data System Act.

10 The change made by Public Act 96-104 to this subsection (g)
11 is declaratory of existing law.

12 (h) A charter school may negotiate and contract with a
13 school district, the governing body of a State college or
14 university or public community college, or any other public or
15 for-profit or nonprofit private entity for: (i) the use of a
16 school building and grounds or any other real property or
17 facilities that the charter school desires to use or convert
18 for use as a charter school site, (ii) the operation and
19 maintenance thereof, and (iii) the provision of any service,
20 activity, or undertaking that the charter school is required to
21 perform in order to carry out the terms of its charter.
22 However, a charter school that is established on or after the
23 effective date of this amendatory Act of the 93rd General
24 Assembly and that operates in a city having a population
25 exceeding 500,000 may not contract with a for-profit entity to
26 manage or operate the school during the period that commences

1 on the effective date of this amendatory Act of the 93rd
2 General Assembly and concludes at the end of the 2004-2005
3 school year. Except as provided in subsection (i) of this
4 Section, a school district may charge a charter school
5 reasonable rent for the use of the district's buildings,
6 grounds, and facilities. Any services for which a charter
7 school contracts with a school district shall be provided by
8 the district at cost. Any services for which a charter school
9 contracts with a local school board or with the governing body
10 of a State college or university or public community college
11 shall be provided by the public entity at cost.

12 (i) In no event shall a charter school that is established
13 by converting an existing school or attendance center to
14 charter school status be required to pay rent for space that is
15 deemed available, as negotiated and provided in the charter
16 agreement, in school district facilities. However, all other
17 costs for the operation and maintenance of school district
18 facilities that are used by the charter school shall be subject
19 to negotiation between the charter school and the local school
20 board and shall be set forth in the charter.

21 (j) A charter school may limit student enrollment by age or
22 grade level.

23 (Source: P.A. 96-104, eff. 1-1-10; 96-105, eff. 7-30-09;
24 96-107, eff. 7-30-09; 96-734, eff. 8-25-09; 96-1000, eff.
25 7-2-10.)

1 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

2 Sec. 34-18.5. Criminal history records checks and checks of
3 the Statewide Sex Offender Database and Statewide ~~Child~~
4 Murderer and Violent Offender Against Youth Database.

5 (a) Certified and noncertified applicants for employment
6 with the school district are required as a condition of
7 employment to authorize a fingerprint-based criminal history
8 records check to determine if such applicants have been
9 convicted of any of the enumerated criminal or drug offenses in
10 subsection (c) of this Section or have been convicted, within 7
11 years of the application for employment with the school
12 district, of any other felony under the laws of this State or
13 of any offense committed or attempted in any other state or
14 against the laws of the United States that, if committed or
15 attempted in this State, would have been punishable as a felony
16 under the laws of this State. Authorization for the check shall
17 be furnished by the applicant to the school district, except
18 that if the applicant is a substitute teacher seeking
19 employment in more than one school district, or a teacher
20 seeking concurrent part-time employment positions with more
21 than one school district (as a reading specialist, special
22 education teacher or otherwise), or an educational support
23 personnel employee seeking employment positions with more than
24 one district, any such district may require the applicant to
25 furnish authorization for the check to the regional
26 superintendent of the educational service region in which are

1 located the school districts in which the applicant is seeking
2 employment as a substitute or concurrent part-time teacher or
3 concurrent educational support personnel employee. Upon
4 receipt of this authorization, the school district or the
5 appropriate regional superintendent, as the case may be, shall
6 submit the applicant's name, sex, race, date of birth, social
7 security number, fingerprint images, and other identifiers, as
8 prescribed by the Department of State Police, to the
9 Department. The regional superintendent submitting the
10 requisite information to the Department of State Police shall
11 promptly notify the school districts in which the applicant is
12 seeking employment as a substitute or concurrent part-time
13 teacher or concurrent educational support personnel employee
14 that the check of the applicant has been requested. The
15 Department of State Police and the Federal Bureau of
16 Investigation shall furnish, pursuant to a fingerprint-based
17 criminal history records check, records of convictions, until
18 expunged, to the president of the school board for the school
19 district that requested the check, or to the regional
20 superintendent who requested the check. The Department shall
21 charge the school district or the appropriate regional
22 superintendent a fee for conducting such check, which fee shall
23 be deposited in the State Police Services Fund and shall not
24 exceed the cost of the inquiry; and the applicant shall not be
25 charged a fee for such check by the school district or by the
26 regional superintendent. Subject to appropriations for these

1 purposes, the State Superintendent of Education shall
2 reimburse the school district and regional superintendent for
3 fees paid to obtain criminal history records checks under this
4 Section.

5 (a-5) The school district or regional superintendent shall
6 further perform a check of the Statewide Sex Offender Database,
7 as authorized by the Sex Offender Community Notification Law,
8 for each applicant.

9 (a-6) The school district or regional superintendent shall
10 further perform a check of the Statewide ~~Child~~ Murderer and
11 Violent Offender Against Youth Database, as authorized by the
12 ~~Child~~ Murderer and Violent Offender Against Youth Community
13 Notification Law, for each applicant.

14 (b) Any information concerning the record of convictions
15 obtained by the president of the board of education or the
16 regional superintendent shall be confidential and may only be
17 transmitted to the general superintendent of the school
18 district or his designee, the appropriate regional
19 superintendent if the check was requested by the board of
20 education for the school district, the presidents of the
21 appropriate board of education or school boards if the check
22 was requested from the Department of State Police by the
23 regional superintendent, the State Superintendent of
24 Education, the State Teacher Certification Board or any other
25 person necessary to the decision of hiring the applicant for
26 employment. A copy of the record of convictions obtained from

1 the Department of State Police shall be provided to the
2 applicant for employment. Upon the check of the Statewide Sex
3 Offender Database, the school district or regional
4 superintendent shall notify an applicant as to whether or not
5 the applicant has been identified in the Database as a sex
6 offender. If a check of an applicant for employment as a
7 substitute or concurrent part-time teacher or concurrent
8 educational support personnel employee in more than one school
9 district was requested by the regional superintendent, and the
10 Department of State Police upon a check ascertains that the
11 applicant has not been convicted of any of the enumerated
12 criminal or drug offenses in subsection (c) or has not been
13 convicted, within 7 years of the application for employment
14 with the school district, of any other felony under the laws of
15 this State or of any offense committed or attempted in any
16 other state or against the laws of the United States that, if
17 committed or attempted in this State, would have been
18 punishable as a felony under the laws of this State and so
19 notifies the regional superintendent and if the regional
20 superintendent upon a check ascertains that the applicant has
21 not been identified in the Sex Offender Database as a sex
22 offender, then the regional superintendent shall issue to the
23 applicant a certificate evidencing that as of the date
24 specified by the Department of State Police the applicant has
25 not been convicted of any of the enumerated criminal or drug
26 offenses in subsection (c) or has not been convicted, within 7

1 years of the application for employment with the school
2 district, of any other felony under the laws of this State or
3 of any offense committed or attempted in any other state or
4 against the laws of the United States that, if committed or
5 attempted in this State, would have been punishable as a felony
6 under the laws of this State and evidencing that as of the date
7 that the regional superintendent conducted a check of the
8 Statewide Sex Offender Database, the applicant has not been
9 identified in the Database as a sex offender. The school board
10 of any school district may rely on the certificate issued by
11 any regional superintendent to that substitute teacher,
12 concurrent part-time teacher, or concurrent educational
13 support personnel employee or may initiate its own criminal
14 history records check of the applicant through the Department
15 of State Police and its own check of the Statewide Sex Offender
16 Database as provided in subsection (a). Any person who releases
17 any confidential information concerning any criminal
18 convictions of an applicant for employment shall be guilty of a
19 Class A misdemeanor, unless the release of such information is
20 authorized by this Section.

21 (c) The board of education shall not knowingly employ a
22 person who has been convicted of any offense that would subject
23 him or her to certification suspension or revocation pursuant
24 to Section 21-23a of this Code. Further, the board of education
25 shall not knowingly employ a person who has been found to be
26 the perpetrator of sexual or physical abuse of any minor under

1 18 years of age pursuant to proceedings under Article II of the
2 Juvenile Court Act of 1987.

3 (d) The board of education shall not knowingly employ a
4 person for whom a criminal history records check and a
5 Statewide Sex Offender Database check has not been initiated.

6 (e) Upon receipt of the record of a conviction of or a
7 finding of child abuse by a holder of any certificate issued
8 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
9 Code, the State Superintendent of Education may initiate
10 certificate suspension and revocation proceedings as
11 authorized by law.

12 (e-5) The general superintendent of schools shall, in
13 writing, notify the State Superintendent of Education of any
14 certificate holder whom he or she has reasonable cause to
15 believe has committed an intentional act of abuse or neglect
16 with the result of making a child an abused child or a
17 neglected child, as defined in Section 3 of the Abused and
18 Neglected Child Reporting Act, and that act resulted in the
19 certificate holder's dismissal or resignation from the school
20 district. This notification must be submitted within 30 days
21 after the dismissal or resignation. The certificate holder must
22 also be contemporaneously sent a copy of the notice by the
23 superintendent. All correspondence, documentation, and other
24 information so received by the State Superintendent of
25 Education, the State Board of Education, or the State Teacher
26 Certification Board under this subsection (e-5) is

1 confidential and must not be disclosed to third parties, except
2 (i) as necessary for the State Superintendent of Education or
3 his or her designee to investigate and prosecute pursuant to
4 Article 21 of this Code, (ii) pursuant to a court order, (iii)
5 for disclosure to the certificate holder or his or her
6 representative, or (iv) as otherwise provided in this Article
7 and provided that any such information admitted into evidence
8 in a hearing is exempt from this confidentiality and
9 non-disclosure requirement. Except for an act of willful or
10 wanton misconduct, any superintendent who provides
11 notification as required in this subsection (e-5) shall have
12 immunity from any liability, whether civil or criminal or that
13 otherwise might result by reason of such action.

14 (f) After March 19, 1990, the provisions of this Section
15 shall apply to all employees of persons or firms holding
16 contracts with any school district including, but not limited
17 to, food service workers, school bus drivers and other
18 transportation employees, who have direct, daily contact with
19 the pupils of any school in such district. For purposes of
20 criminal history records checks and checks of the Statewide Sex
21 Offender Database on employees of persons or firms holding
22 contracts with more than one school district and assigned to
23 more than one school district, the regional superintendent of
24 the educational service region in which the contracting school
25 districts are located may, at the request of any such school
26 district, be responsible for receiving the authorization for a

1 criminal history records check prepared by each such employee
2 and submitting the same to the Department of State Police and
3 for conducting a check of the Statewide Sex Offender Database
4 for each employee. Any information concerning the record of
5 conviction and identification as a sex offender of any such
6 employee obtained by the regional superintendent shall be
7 promptly reported to the president of the appropriate school
8 board or school boards.

9 (g) In order to student teach in the public schools, a
10 person is required to authorize a fingerprint-based criminal
11 history records check and checks of the Statewide Sex Offender
12 Database and Statewide ~~Child~~ Murderer and Violent Offender
13 Against Youth Database prior to participating in any field
14 experiences in the public schools. Authorization for and
15 payment of the costs of the checks must be furnished by the
16 student teacher. Results of the checks must be furnished to the
17 higher education institution where the student teacher is
18 enrolled and the general superintendent of schools.

19 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09;
20 96-1452, eff. 8-20-10.)

21 Section 15. The Intergovernmental Missing Child Recovery
22 Act of 1984 is amended by changing Section 6 as follows:

23 (325 ILCS 40/6) (from Ch. 23, par. 2256)

24 Sec. 6. The Department shall:

1 (a) Establish and maintain a statewide Law Enforcement
2 Agencies Data System (LEADS) for the purpose of effecting an
3 immediate law enforcement response to reports of missing
4 children. The Department shall implement an automated data
5 exchange system to compile, to maintain and to make available
6 for dissemination to Illinois and out-of-State law enforcement
7 agencies, data which can assist appropriate agencies in
8 recovering missing children.

9 (b) Establish contacts and exchange information regarding
10 lost, missing or runaway children with nationally recognized
11 "missing person and runaway" service organizations and monitor
12 national research and publicize important developments.

13 (c) Provide a uniform reporting format for the entry of
14 pertinent information regarding reports of missing children
15 into LEADS.

16 (d) Develop and implement a policy whereby a statewide or
17 regional alert would be used in situations relating to the
18 disappearances of children, based on criteria and in a format
19 established by the Department. Such a format shall include, but
20 not be limited to, the age and physical description of the
21 missing child and the suspected circumstances of the
22 disappearance.

23 (e) Notify all law enforcement agencies that reports of
24 missing persons shall be entered as soon as the minimum level
25 of data specified by the Department is available to the
26 reporting agency and that no waiting period for entry of such

1 data exists.

2 (f) Provide a procedure for prompt confirmation of the
3 receipt and entry of the missing child report into LEADS to the
4 parent or guardian of the missing child.

5 (g) Compile and retain information regarding missing
6 children in a separate data file, in a manner that allows such
7 information to be used by law enforcement and other agencies
8 deemed appropriate by the Director, for investigative
9 purposes. Such files shall be updated to reflect and include
10 information relating to the disposition of the case.

11 (h) Compile and maintain an historic data repository
12 relating to missing children in order (1) to develop and
13 improve techniques utilized by law enforcement agencies when
14 responding to reports of missing children and (2) to provide a
15 factual and statistical base for research that would address
16 the problem of missing children.

17 (i) Create a quality control program to monitor timeliness
18 of entries of missing children reports into LEADS and conduct
19 performance audits of all entering agencies.

20 (j) Prepare a periodic information bulletin concerning
21 missing children who it determines may be present in this
22 State, compiling such bulletin from information contained in
23 both the National Crime Information Center computer and from
24 reports, alerts and other information entered into LEADS or
25 otherwise compiled and retained by the Department pursuant to
26 this Act. The bulletin shall indicate the name, age, physical

1 description, suspected circumstances of disappearance if that
2 information is available, a photograph if one is available, the
3 name of the law enforcement agency investigating the case, and
4 such other information as the Director considers appropriate
5 concerning each missing child who the Department determines may
6 be present in this State. The Department shall send a copy of
7 each periodic information bulletin to the State Board of
8 Education for its use in accordance with Section 2-3.48 of the
9 School Code. The Department shall provide a copy of the
10 bulletin, upon request, to law enforcement agencies of this or
11 any other state or of the federal government, and may provide a
12 copy of the bulletin, upon request, to other persons or
13 entities, if deemed appropriate by the Director, and may
14 establish limitations on its use and a reasonable fee for so
15 providing the same, except that no fee shall be charged for
16 providing the periodic information bulletin to the State Board
17 of Education, appropriate units of local government, State
18 agencies, or law enforcement agencies of this or any other
19 state or of the federal government.

20 (k) Provide for the entry into LEADS of the names and
21 addresses of sex offenders as defined in the Sex Offender
22 Registration Act who are required to register under that Act.
23 The information shall be immediately accessible to law
24 enforcement agencies and peace officers of this State or any
25 other state or of the federal government. Similar information
26 may be requested from any other state or of the federal

1 government for purposes of this Act.

2 (1) Provide for the entry into LEADS of the names and
3 addresses of violent offenders against youth as defined in the
4 ~~Child~~ Murderer and Violent Offender Against Youth Registration
5 Act who are required to register under that Act. The
6 information shall be immediately accessible to law enforcement
7 agencies and peace officers of this State or any other state or
8 of the federal government. Similar information may be requested
9 from any other state or of the federal government for purposes
10 of this Act.

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

12 Section 20. The Unified Code of Corrections is amended by
13 changing Section 5-5.5-5 as follows:

14 (730 ILCS 5/5-5.5-5)

15 Sec. 5-5.5-5. Definitions and rules of construction. In
16 this Article:

17 "Eligible offender" means a person who has been convicted
18 of a crime that does not include any offense or attempted
19 offense that would subject a person to registration under the
20 Sex Offender Registration Act, the Arsonist Registration Act,
21 or the ~~Child~~ Murderer and Violent Offender Against Youth
22 Registration Act, but who has not been convicted more than
23 twice of a felony. "Eligible offender" does not include a
24 person who has been convicted of committing or attempting to

1 commit a Class X felony, aggravated driving under the influence
2 of alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof, aggravated domestic
4 battery, or a forcible felony.

5 "Felony" means a conviction of a felony in this State, or
6 of an offense in any other jurisdiction for which a sentence to
7 a term of imprisonment in excess of one year, was authorized.

8 For the purposes of this Article the following rules of
9 construction apply:

10 (i) two or more convictions of felonies charged in
11 separate counts of one indictment or information shall be
12 deemed to be one conviction;

13 (ii) two or more convictions of felonies charged in 2
14 or more indictments or informations, filed in the same
15 court prior to entry of judgment under any of them, shall
16 be deemed to be one conviction; and

17 (iii) a plea or a verdict of guilty upon which a
18 sentence of probation, conditional discharge, or
19 supervision has been imposed shall be deemed to be a
20 conviction.

21 "Forcible felony" means first degree murder, second degree
22 murder, aggravated arson, arson, aggravated kidnapping,
23 kidnapping, aggravated battery that resulted in great bodily
24 harm or permanent disability, and any other felony which
25 involved the use of physical force or violence against any
26 individual that resulted in great bodily harm or permanent

1 disability.

2 (Source: P.A. 96-852, eff. 1-1-10.)

3 Section 25. The Sex Offender Registration Act is amended by
4 changing Sections 2 and 7 as follows:

5 (730 ILCS 150/2) (from Ch. 38, par. 222)

6 (Text of Section after amendment by P.A. 96-1551)

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
24 acquittal at a hearing conducted pursuant to Section

1 104-25(a) of the Code of Criminal Procedure of 1963 for
2 the alleged commission or attempted commission of such
3 offense; or

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

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

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

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

25 (4) found to be a sexually violent person pursuant to
26 the Sexually Violent Persons Commitment Act or any

1 substantially similar federal, Uniform Code of Military
2 Justice, sister state, or foreign country law; or

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

16 Convictions that result from or are connected with the same
17 act, or result from offenses committed at the same time, shall
18 be counted for the purpose of this Article as one conviction.
19 Any conviction set aside pursuant to law is not a conviction
20 for purposes of this Article.

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

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

24 (1) A violation of any of the following Sections of the
25 Criminal Code of 1961:

26 11-20.1 (child pornography),

1 11-20.1B or 11-20.3 (aggravated child
2 pornography),
3 11-6 (indecent solicitation of a child),
4 11-9.1 (sexual exploitation of a child),
5 11-9.2 (custodial sexual misconduct),
6 11-9.5 (sexual misconduct with a person with a
7 disability),
8 11-14.4 (promoting juvenile prostitution),
9 11-15.1 (soliciting for a juvenile prostitute),
10 11-18.1 (patronizing a juvenile prostitute),
11 11-17.1 (keeping a place of juvenile
12 prostitution),
13 11-19.1 (juvenile pimping),
14 11-19.2 (exploitation of a child),
15 11-25 (grooming),
16 11-26 (traveling to meet a minor),
17 11-1.20 or 12-13 (criminal sexual assault),
18 11-1.30 or 12-14 (aggravated criminal sexual
19 assault),
20 11-1.40 or 12-14.1 (predatory criminal sexual
21 assault of a child),
22 11-1.50 or 12-15 (criminal sexual abuse),
23 11-1.60 or 12-16 (aggravated criminal sexual
24 abuse),
25 12-33 (ritualized abuse of a child).
26 An attempt to commit any of these offenses.

1 (1.5) A violation of any of the following Sections of
2 the Criminal Code of 1961, when the victim is a person
3 under 18 years of age, the defendant is not a parent of the
4 victim, the offense was sexually motivated as defined in
5 Section 10 of the Sex Offender Management Board Act, and
6 the offense was committed on or after January 1, 1996:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 (1.6) First degree murder under Section 9-1 of the
12 Criminal Code of 1961, ~~when the victim was a person under~~
13 ~~18 years of age and the defendant was at least 17 years of~~
14 ~~age at the time of the commission of the offense,~~ provided
15 the offense was sexually motivated as defined in Section 10
16 of the Sex Offender Management Board Act.

17 (1.7) (Blank).

18 (1.8) A violation or attempted violation of Section
19 11-11 (sexual relations within families) of the Criminal
20 Code of 1961, and the offense was committed on or after
21 June 1, 1997.

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.

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

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

12 11-6.5 (indecent solicitation of an adult),

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

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

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

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

24 (1.11) A violation or attempted violation of any of the
25 following Sections of the Criminal Code of 1961 when the
26 offense was committed on or after August 22, 2002:

1 11-9 or 11-30 (public indecency for a third or
2 subsequent conviction).

3 (1.12) A violation or attempted violation of Section
4 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
5 Criminal Code of 1961 (permitting sexual abuse) when the
6 offense was committed on or after August 22, 2002.

7 (2) A violation of any former law of this State
8 substantially equivalent to any offense listed in
9 subsection (B) of this Section.

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

22 (C-5) A person at least 17 years of age at the time of the
23 commission of the offense who is convicted of first degree
24 murder under Section 9-1 of the Criminal Code of 1961, against
25 a person under 18 years of age, shall be required to register
26 for natural life. A conviction for an offense of federal,

1 Uniform Code of Military Justice, sister state, or foreign
2 country law that is substantially equivalent to any offense
3 listed in subsection (C-5) of this Section shall constitute a
4 conviction for the purpose of this Article. This subsection
5 (C-5) applies to a person who committed the offense before June
6 1, 1996 only if the person is incarcerated in an Illinois
7 Department of Corrections facility on August 20, 2004 (the
8 effective date of Public Act 93-977).

9 (C-6) A person who is convicted or adjudicated delinquent
10 of first degree murder as defined in Section 9-1 of the
11 Criminal Code of 1961, against a person 18 years of age or
12 over, shall be required to register for his or her natural
13 life. A conviction for an offense of federal, Uniform Code of
14 Military Justice, sister state, or foreign country law that is
15 substantially equivalent to any offense listed in subsection
16 (C-6) of this Section shall constitute a conviction for the
17 purpose of this Article. This subsection (C-6) does not apply
18 to those individuals released from incarceration more than 10
19 years prior to the effective date of this amendatory Act of the
20 97th General Assembly.

21 (D) As used in this Article, "law enforcement agency having
22 jurisdiction" means the Chief of Police in each of the
23 municipalities in which the sex offender expects to reside,
24 work, or attend school (1) upon his or her discharge, parole or
25 release or (2) during the service of his or her sentence of
26 probation or conditional discharge, or the Sheriff of the

1 county, in the event no Police Chief exists or if the offender
2 intends to reside, work, or attend school in an unincorporated
3 area. "Law enforcement agency having jurisdiction" includes
4 the location where out-of-state students attend school and
5 where out-of-state employees are employed or are otherwise
6 required to register.

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

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

12 (1) Convicted for an offense of federal, Uniform Code
13 of Military Justice, sister state, or foreign country law
14 that is substantially equivalent to any offense listed in
15 subsection (E) or (E-5) of this Section shall constitute a
16 conviction for the purpose of this Article. Convicted of a
17 violation or attempted violation of any of the following
18 Sections of the Criminal Code of 1961, if the conviction
19 occurred after July 1, 1999:

20 11-14.4 that involves keeping a place of juvenile
21 prostitution, or 11-17.1 (keeping a place of juvenile
22 prostitution),

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

25 subdivision (a) (4) of Section 11-14.4, or Section
26 11-19.2 (exploitation of a child),

1 11-20.1 (child pornography),
2 11-20.1B or 11-20.3 (aggravated child
3 pornography),
4 11-1.20 or 12-13 (criminal sexual assault),
5 11-1.30 or 12-14 (aggravated criminal sexual
6 assault),
7 11-1.40 or 12-14.1 (predatory criminal sexual
8 assault of a child),
9 11-1.60 or 12-16 (aggravated criminal sexual
10 abuse),
11 12-33 (ritualized abuse of a child);
12 (2) (blank);
13 (3) certified as a sexually dangerous person pursuant
14 to the Sexually Dangerous Persons Act or any substantially
15 similar federal, Uniform Code of Military Justice, sister
16 state, or foreign country law;
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;
21 (5) convicted of a second or subsequent offense which
22 requires registration pursuant to this Act. The conviction
23 for the second or subsequent offense must have occurred
24 after July 1, 1999. For purposes of this paragraph (5),
25 "convicted" shall include a conviction under any
26 substantially similar Illinois, federal, Uniform Code of

1 Military Justice, sister state, or foreign country law; or

2 (6) convicted of a second or subsequent offense of
3 luring a minor under Section 10-5.1 of the Criminal Code of
4 1961.

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

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

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

16 (3) when the victim is a person under 18 years of age,
17 the defendant is not a parent of the victim, the offense
18 was sexually motivated as defined in Section 10 of the Sex
19 Offender Management Board Act, and the offense was
20 committed on or after January 1, 1996: (A) Section 10-1
21 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
22 (C) Section 10-3 (unlawful restraint), and (D) Section
23 10-3.1 (aggravated unlawful restraint); and

24 (4) Section 10-5(b)(10) (child abduction committed by
25 luring or attempting to lure a child under the age of 16
26 into a motor vehicle, building, house trailer, or dwelling

1 place without the consent of the parent or lawful custodian
2 of the child for other than a lawful purpose and the
3 offense was committed on or after January 1, 1998, provided
4 the offense was sexually motivated as defined in Section 10
5 of the Sex Offender Management Board Act).

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

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

21 (H) As used in this Article, "school" means any public or
22 private educational institution, including, but not limited
23 to, any elementary or secondary school, trade or professional
24 institution, or institution of higher education.

25 (I) As used in this Article, "fixed residence" means any
26 and all places that a sex offender resides for an aggregate

1 period of time of 5 or more days in a calendar year.

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

6 (Source: P.A. 95-331, eff. 8-21-07; 95-579, eff. 6-1-08;
7 95-625, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff.
8 8-21-08; 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11; 96-1551,
9 eff. 7-1-11.)

10 (730 ILCS 150/7) (from Ch. 38, par. 227)

11 Sec. 7. Duration of registration. A person who has been
12 adjudicated to be sexually dangerous and is later released or
13 found to be no longer sexually dangerous and discharged, shall
14 register for the period of his or her natural life. A sexually
15 violent person or sexual predator shall register for the period
16 of his or her natural life after conviction or adjudication if
17 not confined to a penal institution, hospital, or other
18 institution or facility, and if confined, for the period of his
19 or her natural life after parole, discharge, or release from
20 any such facility. A person who becomes subject to registration
21 under this Article who has previously been subject to
22 registration under this Article or under the ~~Child~~ Murderer and
23 Violent Offender Against Youth Registration Act or similar
24 registration requirements of other jurisdictions shall
25 register for the period of his or her natural life if not

1 confined to a penal institution, hospital, or other institution
2 or facility, and if confined, for the period of his or her
3 natural life after parole, discharge, or release from any such
4 facility. Any other person who is required to register under
5 this Article shall be required to register for a period of 10
6 years after conviction or adjudication if not confined to a
7 penal institution, hospital or any other institution or
8 facility, and if confined, for a period of 10 years after
9 parole, discharge or release from any such facility. A sex
10 offender who is allowed to leave a county, State, or federal
11 facility for the purposes of work release, education, or
12 overnight visitations shall be required to register within 3
13 days of beginning such a program. Liability for registration
14 terminates at the expiration of 10 years from the date of
15 conviction or adjudication if not confined to a penal
16 institution, hospital or any other institution or facility and
17 if confined, at the expiration of 10 years from the date of
18 parole, discharge or release from any such facility, providing
19 such person does not, during that period, again become liable
20 to register under the provisions of this Article. Reconfinement
21 due to a violation of parole or other circumstances that
22 relates to the original conviction or adjudication shall extend
23 the period of registration to 10 years after final parole,
24 discharge, or release. Reconfinement due to a violation of
25 parole or other circumstances that do not relate to the
26 original conviction or adjudication shall toll the running of

1 the balance of the 10-year period of registration, which shall
2 not commence running until after final parole, discharge, or
3 release. The Director of State Police, consistent with
4 administrative rules, shall extend for 10 years the
5 registration period of any sex offender, as defined in Section
6 2 of this Act, who fails to comply with the provisions of this
7 Article. The registration period for any sex offender who fails
8 to comply with any provision of the Act shall extend the period
9 of registration by 10 years beginning from the first date of
10 registration after the violation. If the registration period is
11 extended, the Department of State Police shall send a
12 registered letter to the law enforcement agency where the sex
13 offender resides within 3 days after the extension of the
14 registration period. The sex offender shall report to that law
15 enforcement agency and sign for that letter. One copy of that
16 letter shall be kept on file with the law enforcement agency of
17 the jurisdiction where the sex offender resides and one copy
18 shall be returned to the Department of State Police.

19 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 95-169,
20 eff. 8-14-07; 95-331, eff. 8-21-07; 95-513, eff. 6-1-08;
21 95-640, eff. 6-1-08; 95-876, eff. 8-21-08.)

22 Section 30. The Child Murderer and Violent Offender Against
23 Youth Registration Act is amended by changing Sections 1, 5,
24 10, 11, 55, 60, 65, 75, 85, and 86 as follows:

1 (730 ILCS 154/1)

2 Sec. 1. Short title. This Act may be cited as the ~~Child~~
3 Murderer and Violent Offender Against Youth Registration Act.
4 (Source: P.A. 94-945, eff. 6-27-06.)

5 (730 ILCS 154/5)

6 Sec. 5. Definitions.

7 (a) As used in this Act, "violent offender against youth"
8 means any person who is:

9 (1) charged pursuant to Illinois law, or any
10 substantially similar federal, Uniform Code of Military
11 Justice, sister state, or foreign country law, with a
12 violent offense against youth set forth in subsection (b)
13 of this Section or the attempt to commit an included
14 violent offense against youth, 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 subsection (c) of Section 104-25 of the
21 Code of Criminal Procedure of 1963 of such offense or
22 an attempt to commit such offense; or

23 (D) is the subject of a finding not resulting in an
24 acquittal at a hearing conducted pursuant to
25 subsection (a) of Section 104-25 of the Code of

1 Criminal Procedure of 1963 for the alleged commission
2 or attempted commission of such offense; or

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

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

17 (2) adjudicated a juvenile delinquent as the result of
18 committing or attempting to commit an act which, if
19 committed by an adult, would constitute any of the offenses
20 specified in subsection (b) or (c-5) of this Section or a
21 violation of any substantially similar federal, Uniform
22 Code of Military Justice, sister state, or foreign country
23 law, or found guilty under Article V of the Juvenile Court
24 Act of 1987 of committing or attempting to commit an act
25 which, if committed by an adult, would constitute any of
26 the offenses specified in subsection (b) or (c-5) of this

1 Section or a violation of any substantially similar
2 federal, Uniform Code of Military Justice, sister state, or
3 foreign country law.

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

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

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

21 (1) A violation of any of the following Sections of the
22 Criminal Code of 1961, when the victim is a person under 18
23 years of age and the offense was committed on or after
24 January 1, 1996:

25 10-1 (kidnapping),

26 10-2 (aggravated kidnapping),

1 10-3 (unlawful restraint),
2 10-3.1 (aggravated unlawful restraint),
3 12-3.2 (domestic battery),
4 12-3.3 (aggravated domestic battery),
5 12-4 (aggravated battery),
6 12-4.1 (heinous battery),
7 12-4.3 (aggravated battery of a child),
8 12-4.4 (aggravated battery of an unborn child),
9 12-33 (ritualized abuse of a child).

10 An attempt to commit any of these offenses.

11 (2) First degree murder under Section 9-1 of the
12 Criminal Code of 1961, when the victim was a person under
13 18 years of age and the defendant was at least 17 years of
14 age at the time of the commission of the offense.

15 (3) Child abduction under paragraph (10) of subsection
16 (b) of Section 10-5 of the Criminal Code of 1961 committed
17 by luring or attempting to lure a child under the age of 16
18 into a motor vehicle, building, house trailer, or dwelling
19 place without the consent of the parent or lawful custodian
20 of the child for other than a lawful purpose and the
21 offense was committed on or after January 1, 1998.

22 (4) A violation or attempted violation of ~~any of~~ the
23 following Section ~~Sections~~ of the Criminal Code of 1961
24 when the offense was committed on or after July 1, 1999:

25 10-4 (forcible detention, if the victim is under 18
26 years of age).

1 (4.1) Involuntary manslaughter under Section 9-3 of
2 the Criminal Code of 1961 where baby shaking was the
3 proximate cause of death of the victim of the offense.

4 (4.2) Endangering the life or health of a child under
5 Section 12-21.6 of the Criminal Code of 1961 that results
6 in the death of the child where baby shaking was the
7 proximate cause of the death of the child.

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

11 (b-5) For the purposes of this Section, "first degree
12 murder of an adult" means first degree murder under Section 9-1
13 of the Criminal Code of 1961 when the victim was a person 18
14 years of age or older at the time of the commission of the
15 offense.

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

21 (c-5) A person at least 17 years of age at the time of the
22 commission of the offense who is convicted of first degree
23 murder under Section 9-1 of the Criminal Code of 1961, against
24 a person under 18 years of age, shall be required to register
25 for natural life. A conviction for an offense of federal,
26 Uniform Code of Military Justice, sister state, or foreign

1 country law that is substantially equivalent to any offense
2 listed in this subsection (c-5) shall constitute a conviction
3 for the purpose of this Act. This subsection (c-5) applies to a
4 person who committed the offense before June 1, 1996 only if
5 the person is incarcerated in an Illinois Department of
6 Corrections facility on August 20, 2004.

7 (c-6) A person who is convicted or adjudicated delinquent
8 of first degree murder of an adult shall be required to
9 register for a period of 10 years after conviction or
10 adjudication if not confined to a penal institution, hospital,
11 or any other institution or facility, and if confined, for a
12 period of 10 years after parole, discharge, or release from any
13 such facility. A conviction for an offense of federal, Uniform
14 Code of Military Justice, sister state, or foreign country law
15 that is substantially equivalent to any offense listed in
16 subsection (c-6) of this Section shall constitute a conviction
17 for the purpose of this Act. This subsection (c-6) does not
18 apply to those individuals released from incarceration more
19 than 10 years prior to the effective date of this amendatory
20 Act of the 97th General Assembly.

21 (d) As used in this Act, "law enforcement agency having
22 jurisdiction" means the Chief of Police in each of the
23 municipalities in which the violent offender against youth
24 expects to reside, work, or attend school (1) upon his or her
25 discharge, parole or release or (2) during the service of his
26 or her sentence of probation or conditional discharge, or the

1 Sheriff of the county, in the event no Police Chief exists or
2 if the offender intends to reside, work, or attend school in an
3 unincorporated area. "Law enforcement agency having
4 jurisdiction" includes the location where out-of-state
5 students attend school and where out-of-state employees are
6 employed or are otherwise required to register.

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

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

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

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

5 (j) As used in this Act, "baby shaking" means the vigorous
6 shaking of an infant or a young child that may result in
7 bleeding inside the head and cause one or more of the following
8 conditions: irreversible brain damage; blindness, retinal
9 hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal
10 cord injury, including paralysis; seizures; learning
11 disability; central nervous system injury; closed head injury;
12 rib fracture; subdural hematoma; or death.

13 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;
14 revised 9-2-10.)

15 (730 ILCS 154/10)

16 Sec. 10. Duty to register.

17 (a) A violent offender against youth shall, within the time
18 period prescribed in subsections (b) and (c), register in
19 person and provide accurate information as required by the
20 Department of State Police. Such information shall include a
21 current photograph, current address, current place of
22 employment, the employer's telephone number, school attended,
23 extensions of the time period for registering as provided in
24 this Act and, if an extension was granted, the reason why the
25 extension was granted and the date the violent offender against

1 youth was notified of the extension. A person who has been
2 adjudicated a juvenile delinquent for an act which, if
3 committed by an adult, would be a violent offense against youth
4 shall register as an adult violent offender against youth
5 within 10 days after attaining 17 years of age. The violent
6 offender against youth shall register:

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

12 (2) with the sheriff in the county in which he or she
13 resides or is temporarily domiciled for a period of time of
14 5 or more days in an unincorporated area or, if
15 incorporated, no police chief exists.

16 If the violent offender against youth is employed at or
17 attends an institution of higher education, he or she shall
18 register:

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

24 (ii) with the sheriff in the county in which he or she
25 is employed or attends an institution of higher education
26 located in an unincorporated area, or if incorporated, no

1 police chief exists.

2 For purposes of this Act, the place of residence or
3 temporary domicile is defined as any and all places where the
4 violent offender against youth resides for an aggregate period
5 of time of 5 or more days during any calendar year. Any person
6 required to register under this Act who lacks a fixed address
7 or temporary domicile must notify, in person, the agency of
8 jurisdiction of his or her last known address within 5 days
9 after ceasing to have a fixed residence.

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

17 The violent offender against youth shall provide accurate
18 information as required by the Department of State Police. That
19 information shall include the current place of employment of
20 the violent offender against youth.

21 (a-5) An out-of-state student or out-of-state employee
22 shall, within 5 days after beginning school or employment in
23 this State, register in person and provide accurate information
24 as required by the Department of State Police. Such information
25 will include current place of employment, school attended, and
26 address in state of residence. The out-of-state student or

1 out-of-state employee shall register:

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

9 (2) with the sheriff in the county in which he or she
10 attends school or is employed for a period of time of 5 or
11 more days or for an aggregate period of time of more than
12 30 days during any calendar year in an unincorporated area
13 or, if incorporated, no police chief exists.

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

19 (b) Any violent offender against youth regardless of any
20 initial, prior, or other registration, shall, within 5 days of
21 beginning school, or establishing a residence, place of
22 employment, or temporary domicile in any county, register in
23 person as set forth in subsection (a) or (a-5).

24 (c) The registration for any person required to register
25 under this Act shall be as follows:

26 (1) Except as provided in paragraph (3) of this

1 subsection (c), any person who has not been notified of his
2 or her responsibility to register shall be notified by a
3 criminal justice entity of his or her responsibility to
4 register. Upon notification the person must then register
5 within 5 days of notification of his or her requirement to
6 register. If notification is not made within the offender's
7 10 year registration requirement, and the Department of
8 State Police determines no evidence exists or indicates the
9 offender attempted to avoid registration, the offender
10 will no longer be required to register under this Act.

11 (2) Except as provided in paragraph (3) of this
12 subsection (c), any person convicted on or after the
13 effective date of this Act shall register in person within
14 5 days after the entry of the sentencing order based upon
15 his or her conviction.

16 (3) Any person unable to comply with the registration
17 requirements of this Act because he or she is confined,
18 institutionalized, or imprisoned in Illinois on or after
19 the effective date of this Act shall register in person
20 within 5 days of discharge, parole or release.

21 (4) The person shall provide positive identification
22 and documentation that substantiates proof of residence at
23 the registering address.

24 (5) The person shall pay a \$20 initial registration fee
25 and a \$10 annual renewal fee. The fees shall be deposited
26 into the ~~Child~~ Murderer and Violent Offender Against Youth

1 Registration Fund. The fees shall be used by the
2 registering agency for official purposes. The agency shall
3 establish procedures to document receipt and use of the
4 funds. The law enforcement agency having jurisdiction may
5 waive the registration fee if it determines that the person
6 is indigent and unable to pay the registration fee.

7 (d) Within 5 days after obtaining or changing employment, a
8 person required to register under this Section must report, in
9 person to the law enforcement agency having jurisdiction, the
10 business name and address where he or she is employed. If the
11 person has multiple businesses or work locations, every
12 business and work location must be reported to the law
13 enforcement agency having jurisdiction.

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

15 (730 ILCS 154/11)

16 Sec. 11. Transfer from the sex offender registry.

17 (a) The registration information for a person registered
18 under the Sex Offender Registration Act who was convicted or
19 adjudicated for an offense listed in subsection (b) of Section
20 5 of this Act may only be transferred to the ~~Child~~ Murderer and
21 Violent Offender Against Youth Registry if all the following
22 conditions are met:

23 (1) The offender's sole offense requiring registration
24 was a conviction or adjudication for an offense or offenses
25 listed in subsection (b) of Section 5 of this Act.

1 (2) The State's Attorney's Office in the county in
2 which the offender was convicted has verified, on a form
3 prescribed by the Illinois State Police, that the person's
4 crime that required or requires registration was not
5 sexually motivated as defined in Section 10 of the Sex
6 Offender Management Board Act.

7 (3) The completed form has been received by the
8 registering law enforcement agency and the Illinois State
9 Police's Sex Offender Registration Unit.

10 (b) Transfer under this Section shall not extend the
11 registration period for offenders who were registered under the
12 Sex Offender Registration Act.

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

14 (730 ILCS 154/55)

15 Sec. 55. Public inspection of registration data. Except as
16 provided in the ~~Child~~ Murderer and Violent Offender Against
17 Youth Community Notification Law, the statements or any other
18 information required by this Act shall not be open to
19 inspection by the public, or by any person other than by a law
20 enforcement officer or other individual as may be authorized by
21 law and shall include law enforcement agencies of this State,
22 any other state, or of the federal government. Similar
23 information may be requested from any law enforcement agency of
24 another state or of the federal government for purposes of this
25 Act. It is a Class B misdemeanor to permit the unauthorized

1 release of any information required by this Act.

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

3 (730 ILCS 154/60)

4 Sec. 60. Penalty. Any person who is required to register
5 under this Act who violates any of the provisions of this Act
6 and any person who is required to register under this Act who
7 seeks to change his or her name under Article 21 of the Code of
8 Civil Procedure is guilty of a Class 3 felony. Any person who
9 is convicted for a violation of this Act for a second or
10 subsequent time is guilty of a Class 2 felony. Any person who
11 is required to register under this Act who knowingly or
12 wilfully gives material information required by this Act that
13 is false is guilty of a Class 3 felony. Any person convicted of
14 a violation of any provision of this Act shall, in addition to
15 any other penalty required by law, be required to serve a
16 minimum period of 7 days confinement in the local county jail.
17 The court shall impose a mandatory minimum fine of \$500 for
18 failure to comply with any provision of this Act. These fines
19 shall be deposited into the ~~Child~~ Murderer and Violent Offender
20 Against Youth Registration Fund. Any violent offender against
21 youth who violates any provision of this Act may be arrested
22 and tried in any Illinois county where the violent offender
23 against youth can be located. The local police department or
24 sheriff's office is not required to determine whether the
25 person is living within its jurisdiction.

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

2 (730 ILCS 154/65)

3 Sec. 65. ~~Child~~ Murderer and Violent Offender Against Youth
4 Registration Fund. There is created the ~~Child~~ Murderer and
5 Violent Offender Against Youth Registration Fund. Moneys in the
6 Fund shall be used to cover costs incurred by the criminal
7 justice system to administer this Act. The Department of State
8 Police shall establish and promulgate rules and procedures
9 regarding the administration of this Fund. Fifty percent of the
10 moneys in the Fund shall be allocated by the Department for
11 sheriffs' offices and police departments. The remaining moneys
12 in the Fund shall be allocated to the Illinois State Police for
13 education and administration of the Act.

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

15 (730 ILCS 154/75)

16 Sec. 75. ~~Child~~ Murderer and Violent Offender Against Youth
17 Community Notification Law. Sections 75 through 105 of this Act
18 may be cited as the ~~Child~~ Murderer and Violent Offender Against
19 Youth Community Notification Law.

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

21 (730 ILCS 154/85)

22 Sec. 85. ~~Child~~ Murderer and Violent Offender Against Youth
23 Database.

1 (a) The Department of State Police shall establish and
2 maintain a Statewide ~~Child~~ Murderer and Violent Offender
3 Against Youth Database for the purpose of identifying violent
4 offenders against youth and making that information available
5 to the persons specified in Section 95. The Database shall be
6 created from the Law Enforcement Agencies Data System (LEADS)
7 established under Section 6 of the Intergovernmental Missing
8 Child Recovery Act of 1984. The Department of State Police
9 shall examine its LEADS database for persons registered as
10 violent offenders against youth under this Act and shall
11 identify those who are violent offenders against youth and
12 shall add all the information, including photographs if
13 available, on those violent offenders against youth to the
14 Statewide ~~Child~~ Murderer and Violent Offender Against Youth
15 Database.

16 (b) The Department of State Police must make the
17 information contained in the Statewide ~~Child~~ Murderer and
18 Violent Offender Against Youth Database accessible on the
19 Internet by means of a hyperlink labeled "~~Child~~ Murderer and
20 Violent Offender Against Youth Information" on the
21 Department's World Wide Web home page. The Department of State
22 Police must update that information as it deems necessary.

23 The Department of State Police may require that a person
24 who seeks access to the violent offender against youth
25 information submit biographical information about himself or
26 herself before permitting access to the violent offender

1 against youth information. The Department of State Police must
2 promulgate rules in accordance with the Illinois
3 Administrative Procedure Act to implement this subsection (b)
4 and those rules must include procedures to ensure that the
5 information in the database is accurate.

6 (c) The Department of State Police must develop and conduct
7 training to educate all those entities involved in the ~~Child~~
8 Murderer and Violent Offender Against Youth Registration
9 Program.

10 (d) The Department of State Police shall commence the
11 duties prescribed in the ~~Child~~ Murderer and Violent Offender
12 Against Youth Registration Act within 12 months after the
13 effective date of this Act.

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

15 (730 ILCS 154/86)

16 Sec. 86. Verification that offense was not sexually
17 motivated. Any person who is convicted of any of the offenses
18 listed in subsection (b) of Section 5 of this Act on or after
19 the effective date of this Act, shall be required to register
20 as an offender on the ~~Child~~ Murderer and Violent Offender
21 Against Youth Registry if, at the time of sentencing, the
22 sentencing court verifies in writing that the offense was not
23 sexually motivated as defined in Section 10 of the Sex Offender
24 Management Board Act. If the offense was sexually motivated,
25 the offender shall be required to register pursuant to the Sex

1 Offender Registration Act.

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

3 Section 99. Effective date. This Act takes effect January

4 1, 2012."