

# HB0104



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0104

by Rep. Mark Batinick

#### SYNOPSIS AS INTRODUCED:

730 ILCS 150/3

Amends the Sex Offender Registration Act. Provides for registration under the Act of a person convicted of a battery when the court: (1) finds that the battery was sexually motivated as defined in the Sex Offender Management Board Act; and (2) in its discretion requires the person to register under the Act.

LRB100 03890 RLC 13895 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 3 as follows:

6 (730 ILCS 150/3)

7 Sec. 3. Duty to register.

8 (a) A sex offender, ~~as defined in Section 2 of this Act,~~ or  
9 sexual predator, as defined in Section 2 of this Act, or a  
10 person convicted of a battery when the court: (1) finds that  
11 the battery was sexually motivated as defined in Section 10 of  
12 the Sex Offender Management Board Act; and (2) in its  
13 discretion requires the person to register under this Act,  
14 shall, within the time period prescribed in subsections (b) and  
15 (c), register in person and provide accurate information as  
16 required by the Department of State Police. Such information  
17 shall include a current photograph, current address, current  
18 place of employment, the sex offender's or sexual predator's  
19 telephone number, including cellular telephone number, the  
20 employer's telephone number, school attended, all e-mail  
21 addresses, instant messaging identities, chat room identities,  
22 and other Internet communications identities that the sex  
23 offender uses or plans to use, all Uniform Resource Locators

1 (URLs) registered or used by the sex offender, all blogs and  
2 other Internet sites maintained by the sex offender or to which  
3 the sex offender has uploaded any content or posted any  
4 messages or information, extensions of the time period for  
5 registering as provided in this Article and, if an extension  
6 was granted, the reason why the extension was granted and the  
7 date the sex offender was notified of the extension. The  
8 information shall also include a copy of the terms and  
9 conditions of parole or release signed by the sex offender and  
10 given to the sex offender by his or her supervising officer or  
11 aftercare specialist, the county of conviction, license plate  
12 numbers for every vehicle registered in the name of the sex  
13 offender, the age of the sex offender at the time of the  
14 commission of the offense, the age of the victim at the time of  
15 the commission of the offense, and any distinguishing marks  
16 located on the body of the sex offender. A sex offender  
17 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
18 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012  
19 shall provide all Internet protocol (IP) addresses in his or  
20 her residence, registered in his or her name, accessible at his  
21 or her place of employment, or otherwise under his or her  
22 control or custody. If the sex offender is a child sex offender  
23 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
24 1961 or the Criminal Code of 2012, the sex offender shall  
25 report to the registering agency whether he or she is living in  
26 a household with a child under 18 years of age who is not his or

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

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

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

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

17 (i) with:

18 (A) the chief of police in the municipality in  
19 which he or she is employed at or attends an  
20 institution of higher education, unless the  
21 municipality is the City of Chicago, in which case he  
22 or she shall register at a fixed location designated by  
23 the Superintendent of the Chicago Police Department;  
24 or

25 (B) the sheriff in the county in which he or she is  
26 employed or attends an institution of higher education

1           located in an unincorporated area, or if incorporated,  
2           no police chief exists; and

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

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

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

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

24          Any person who lacks a fixed residence must report weekly,  
25          in person, with the sheriff's office of the county in which he  
26          or she is located in an unincorporated area, or with the chief

1 of police in the municipality in which he or she is located.  
2 The agency of jurisdiction will document each weekly  
3 registration to include all the locations where the person has  
4 stayed during the past 7 days.

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

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

22 (1) with:

23 (A) the chief of police in the municipality in  
24 which he or she attends school or is employed for a  
25 period of time of 5 or more days or for an aggregate  
26 period of time of more than 30 days during any calendar

1 year, unless the municipality is the City of Chicago,  
2 in which case he or she shall register at a fixed  
3 location designated by the Superintendent of the  
4 Chicago Police Department; or

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

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

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

19 The out-of-state student or out-of-state employee shall  
20 provide accurate information as required by the Department of  
21 State Police. That information shall include the out-of-state  
22 student's current place of school attendance or the  
23 out-of-state employee's current place of employment.

24 (a-10) Any law enforcement agency registering sex  
25 offenders or sexual predators in accordance with subsections  
26 (a) or (a-5) of this Section shall forward to the Attorney

1 General a copy of sex offender registration forms from persons  
2 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
3 11-21 of the Criminal Code of 1961 or the Criminal Code of  
4 2012, including periodic and annual registrations under  
5 Section 6 of this Act.

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

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

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

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

25 (2.1) A sex offender or sexual predator, who has never  
26 previously been required to register under this Act, has a



1 duty to register if the person has been convicted of any  
2 felony offense after July 1, 2011. A person who previously  
3 was required to register under this Act for a period of 10  
4 years and successfully completed that registration period  
5 has a duty to register if: (i) the person has been  
6 convicted of any felony offense after July 1, 2011, and  
7 (ii) the offense for which the 10 year registration was  
8 served currently requires a registration period of more  
9 than 10 years. Notification of an offender's duty to  
10 register under this subsection shall be pursuant to Section  
11 5-7 of this Act.

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

24 (3) Except as provided in subsection (c)(4), any person  
25 convicted on or after January 1, 1996, shall register in  
26 person within 3 days after the entry of the sentencing

1 order based upon his or her conviction.

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

7 (5) The person shall provide positive identification  
8 and documentation that substantiates proof of residence at  
9 the registering address.

10 (6) The person shall pay a \$100 initial registration  
11 fee and a \$100 annual renewal fee to the registering law  
12 enforcement agency having jurisdiction. The registering  
13 agency may waive the registration fee if it determines that  
14 the person is indigent and unable to pay the registration  
15 fee. Thirty-five dollars for the initial registration fee  
16 and \$35 of the annual renewal fee shall be retained and  
17 used by the registering agency for official purposes.  
18 Having retained \$35 of the initial registration fee and \$35  
19 of the annual renewal fee, the registering agency shall  
20 remit the remainder of the fee to State agencies within 30  
21 days of receipt for deposit into the State funds as  
22 follows:

23 (A) Five dollars of the initial registration fee  
24 and \$5 of the annual fee shall be remitted to the State  
25 Treasurer who shall deposit the moneys into the Sex  
26 Offender Management Board Fund under Section 19 of the

1 Sex Offender Management Board Act. Money deposited  
2 into the Sex Offender Management Board Fund shall be  
3 administered by the Sex Offender Management Board and  
4 shall be used by the Board to comply with the  
5 provisions of the Sex Offender Management Board Act.

6 (B) Thirty dollars of the initial registration fee  
7 and \$30 of the annual renewal fee shall be remitted to  
8 the Department of State Police which shall deposit the  
9 moneys into the Sex Offender Registration Fund and  
10 shall be used by the Department of State Police to  
11 maintain and update the Illinois State Police Sex  
12 Offender Registry.

13 (C) Thirty dollars of the initial registration fee  
14 and \$30 of the annual renewal fee shall be remitted to  
15 the Attorney General who shall deposit the moneys into  
16 the Attorney General Sex Offender Awareness, Training,  
17 and Education Fund. Moneys deposited into the Fund  
18 shall be used by the Attorney General to administer the  
19 I-SORT program and to alert and educate the public,  
20 victims, and witnesses of their rights under various  
21 victim notification laws and for training law  
22 enforcement agencies, State's Attorneys, and medical  
23 providers of their legal duties concerning the  
24 prosecution and investigation of sex offenses.

25 The registering agency shall establish procedures to  
26 document the receipt and remittance of the \$100 initial

1 registration fee and \$100 annual renewal fee.

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

10 (Source: P.A. 98-558, eff. 1-1-14; 98-612, eff. 12-27-13;  
11 99-755, eff. 8-5-16.)