



Rep. Natalie Phelps Finnie

Filed: 11/9/2018

10000HB0186ham001

LRB100 03854 SLF 43359 a

1 AMENDMENT TO HOUSE BILL 186

2 AMENDMENT NO. _____. Amend House Bill 186 by replacing
3 everything after the enacting clause with the following:

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

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

7 Sec. 2. Definitions.

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

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

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

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

3 (c) is found not guilty by reason of insanity
4 pursuant to Section 104-25(c) of the Code of Criminal
5 Procedure of 1963 of such offense or an attempt to
6 commit such offense; or

7 (d) is the subject of a finding not resulting in an
8 acquittal at a hearing conducted pursuant to Section
9 104-25(a) of the Code of Criminal Procedure of 1963 for
10 the alleged commission or attempted commission of such
11 offense; or

12 (e) is found not guilty by reason of insanity
13 following a hearing conducted pursuant to a federal,
14 Uniform Code of Military Justice, sister state, or
15 foreign country law substantially similar to Section
16 104-25(c) of the Code of Criminal Procedure of 1963 of
17 such offense or of the attempted commission of such
18 offense; or

19 (f) is the subject of a finding not resulting in an
20 acquittal at a hearing conducted pursuant to a federal,
21 Uniform Code of Military Justice, sister state, or
22 foreign country law substantially similar to Section
23 104-25(a) of the Code of Criminal Procedure of 1963 for
24 the alleged violation or attempted commission of such
25 offense; or

26 (2) declared as a sexually dangerous person pursuant to

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

4 (3) subject to the provisions of Section 2 of the
5 Interstate Agreements on Sexually Dangerous Persons Act;
6 or

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

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

24 Convictions that result from or are connected with the same
25 act, or result from offenses committed at the same time, shall
26 be counted for the purpose of this Article as one conviction.

1 Any conviction set aside pursuant to law is not a conviction
2 for purposes of this Article.

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

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

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

8 11-20.1 (child pornography),

9 11-20.1B or 11-20.3 (aggravated child
10 pornography),

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

12 11-9.1 (sexual exploitation of a child),

13 11-9.2 (custodial sexual misconduct),

14 11-9.5 (sexual misconduct with a person with a
15 disability),

16 11-14.4 (promoting juvenile prostitution),

17 11-15.1 (soliciting for a juvenile prostitute),

18 11-18.1 (patronizing a juvenile prostitute),

19 11-17.1 (keeping a place of juvenile
20 prostitution),

21 11-19.1 (juvenile pimping),

22 11-19.2 (exploitation of a child),

23 11-25 (grooming),

24 11-26 (traveling to meet a minor or traveling to
25 meet a child),

26 11-1.20 or 12-13 (criminal sexual assault),

1 11-1.30 or 12-14 (aggravated criminal sexual
2 assault),

3 11-1.40 or 12-14.1 (predatory criminal sexual
4 assault of a child),

5 11-1.50 or 12-15 (criminal sexual abuse),

6 11-1.60 or 12-16 (aggravated criminal sexual
7 abuse),

8 12-33 (ritualized abuse of a child).

9 An attempt to commit any of these offenses.

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

17 10-1 (kidnapping),

18 10-2 (aggravated kidnapping),

19 10-3 (unlawful restraint),

20 10-3.1 (aggravated unlawful restraint).

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

26 (1.6) First degree murder under Section 9-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012,
2 provided the offense was sexually motivated as defined in
3 Section 10 of the Sex Offender Management Board Act.

4 (1.7) (Blank).

5 (1.8) A violation or attempted violation of Section
6 11-11 (sexual relations within families) of the Criminal
7 Code of 1961 or the Criminal Code of 2012, and the offense
8 was committed on or after June 1, 1997. If the offense was
9 committed before June 1, 1997, it is a sex offense
10 requiring registration only when the person is convicted of
11 any felony after July 1, 2011, and paragraph (2.1) of
12 subsection (c) of Section 3 of this Act applies.

13 (1.9) Child abduction under paragraph (10) of
14 subsection (b) of Section 10-5 of the Criminal Code of 1961
15 or the Criminal Code of 2012 committed by luring or
16 attempting to lure a child under the age of 16 into a motor
17 vehicle, building, house trailer, or dwelling place
18 without the consent of the parent or lawful custodian of
19 the child for other than a lawful purpose and the offense
20 was committed on or after January 1, 1998, provided the
21 offense was sexually motivated as defined in Section 10 of
22 the Sex Offender Management Board Act. If the offense was
23 committed before January 1, 1998, it is a sex offense
24 requiring registration only when the person is convicted of
25 any felony after July 1, 2011, and paragraph (2.1) of
26 subsection (c) of Section 3 of this Act applies.

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

5 10-4 (forcible detention, if the victim is under 18
6 years of age), provided the offense was sexually
7 motivated as defined in Section 10 of the Sex Offender
8 Management Board Act,

9 11-6.5 (indecent solicitation of an adult),

10 11-14.3 that involves soliciting for a prostitute,
11 or 11-15 (soliciting for a prostitute, if the victim is
12 under 18 years of age),

13 subdivision (a) (2) (A) or (a) (2) (B) of Section
14 11-14.3, or Section 11-16 (pandering, if the victim is
15 under 18 years of age),

16 11-18 (patronizing a prostitute, if the victim is
17 under 18 years of age),

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

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

26 (1.11) A violation or attempted violation of any of the

1 following Sections of the Criminal Code of 1961 or the
2 Criminal Code of 2012 when the offense was committed on or
3 after August 22, 2002:

4 11-9 or 11-30 (public indecency for a third or
5 subsequent conviction).

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

11 (1.12) A violation or attempted violation of Section
12 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
13 Criminal Code of 1961 or the Criminal Code of 2012
14 (permitting sexual abuse) when the offense was committed on
15 or after August 22, 2002. If the offense was committed
16 before August 22, 2002, it is a sex offense requiring
17 registration only when the person is convicted of any
18 felony after July 1, 2011, and paragraph (2.1) of
19 subsection (c) of Section 3 of this Act applies.

20 (1.13) A violation or attempted violation of Section
21 26-4 of the Criminal Code of 2012 (unauthorized video
22 recording and live video transmission) if the victim is a
23 person under 18 years of age when the offense was committed
24 on or after the effective date of this amendatory Act of
25 the 100th General Assembly. If the victim is a person who
26 is under 18 years of age, the person shall be required to

1 register under this Act for a period of at least 10 years.

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

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

17 (C-5) A person at least 17 years of age at the time of the
18 commission of the offense who is convicted of first degree
19 murder under Section 9-1 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, against a person under 18 years of age,
21 shall be required to register for natural life. A conviction
22 for an offense of federal, Uniform Code of Military Justice,
23 sister state, or foreign country law that is substantially
24 equivalent to any offense listed in subsection (C-5) of this
25 Section shall constitute a conviction for the purpose of this
26 Article. This subsection (C-5) applies to a person who

1 committed the offense before June 1, 1996 if: (i) the person is
2 incarcerated in an Illinois Department of Corrections facility
3 on August 20, 2004 (the effective date of Public Act 93-977),
4 or (ii) subparagraph (i) does not apply and the person is
5 convicted of any felony after July 1, 2011, and paragraph (2.1)
6 of subsection (c) of Section 3 of this Act applies.

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

19 (D) As used in this Article, "law enforcement agency having
20 jurisdiction" means the Chief of Police in each of the
21 municipalities in which the sex offender expects to reside,
22 work, or attend school (1) upon his or her discharge, parole or
23 release or (2) during the service of his or her sentence of
24 probation or conditional discharge, or the Sheriff of the
25 county, in the event no Police Chief exists or if the offender
26 intends to reside, work, or attend school in an unincorporated

1 area. "Law enforcement agency having jurisdiction" includes
2 the location where out-of-state students attend school and
3 where out-of-state employees are employed or are otherwise
4 required to register.

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

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

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

18 10-5.1 (luring of a minor),

19 11-14.4 that involves keeping a place of juvenile
20 prostitution, or 11-17.1 (keeping a place of juvenile
21 prostitution),

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

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

26 11-20.1 (child pornography),

1 11-20.1B or 11-20.3 (aggravated child
2 pornography),

3 11-1.20 or 12-13 (criminal sexual assault),

4 11-1.30 or 12-14 (aggravated criminal sexual
5 assault),

6 11-1.40 or 12-14.1 (predatory criminal sexual
7 assault of a child),

8 11-1.60 or 12-16 (aggravated criminal sexual
9 abuse),

10 12-33 (ritualized abuse of a child);

11 (2) (blank);

12 (3) declared as a sexually dangerous person pursuant to
13 the Sexually Dangerous Persons Act or any substantially
14 similar federal, Uniform Code of Military Justice, sister
15 state, or foreign country law;

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

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

26 (6) (blank); or

1 (7) if the person was convicted of an offense set forth
2 in this subsection (E) on or before July 1, 1999, the
3 person is a sexual predator for whom registration is
4 required only when the person is convicted of a felony
5 offense after July 1, 2011, and paragraph (2.1) of
6 subsection (c) of Section 3 of this Act applies.

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

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

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

19 (3) when the victim is a person under 18 years of age,
20 the defendant is not a parent of the victim, the offense
21 was sexually motivated as defined in Section 10 of the Sex
22 Offender Management Board Act, and the offense was
23 committed on or after January 1, 1996: (A) Section 10-1
24 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
25 (C) Section 10-3 (unlawful restraint), and (D) Section
26 10-3.1 (aggravated unlawful restraint); and

1 (4) Section 10-5(b)(10) (child abduction committed by
2 luring or attempting to lure a child under the age of 16
3 into a motor vehicle, building, house trailer, or dwelling
4 place without the consent of the parent or lawful custodian
5 of the child for other than a lawful purpose and the
6 offense was committed on or after January 1, 1998, provided
7 the offense was sexually motivated as defined in Section 10
8 of the Sex Offender Management Board Act).

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

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

22 (G) As used in this Article, "out-of-state employee" means
23 any sex offender, as defined in this Section, or sexual
24 predator who works in Illinois, regardless of whether the
25 individual receives payment for services performed, for a
26 period of time of 10 or more days or for an aggregate period of

1 time of 30 or more days during any calendar year. Persons who
2 operate motor vehicles in the State accrue one day of
3 employment time for any portion of a day spent in Illinois.

4 (H) As used in this Article, "school" means any public or
5 private educational institution, including, but not limited
6 to, any elementary or secondary school, trade or professional
7 institution, or institution of higher education.

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

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

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