



Rep. Patrick Windhorst

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LRB101 05066 SLF 56817 a

1 AMENDMENT TO HOUSE BILL 339

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 339 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 court: (A)  
23 finds that the offense was sexually motivated as defined in  
24 Section 10 of the Sex Offender Management Board Act; and  
25 (B) in its discretion requires the person to register under  
26 this Act.



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

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

16          (C-5) A person at least 17 years of age at the time of the  
17          commission of the offense who is convicted of first degree  
18          murder under Section 9-1 of the Criminal Code of 1961 or the  
19          Criminal Code of 2012, against a person under 18 years of age,  
20          shall be required to register for natural life. A conviction  
21          for an offense of federal, Uniform Code of Military Justice,  
22          sister state, or foreign country law that is substantially  
23          equivalent to any offense listed in subsection (C-5) of this  
24          Section shall constitute a conviction for the purpose of this  
25          Article. This subsection (C-5) applies to a person who  
26          committed the offense before June 1, 1996 if: (i) the person is

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

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

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

1 the location where out-of-state students attend school and  
2 where out-of-state employees are employed or are otherwise  
3 required to register.

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

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

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

17 10-5.1 (luring of a minor),

18 11-14.4 that involves keeping a place of juvenile  
19 prostitution, or 11-17.1 (keeping a place of juvenile  
20 prostitution),

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

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

25 11-20.1 (child pornography),

26 11-20.1B or 11-20.3 (aggravated child

1           pornography),

2                   11-1.20 or 12-13 (criminal sexual assault),

3                   11-1.30 or 12-14 (aggravated criminal sexual  
4 assault),

5                   11-1.40 or 12-14.1 (predatory criminal sexual  
6 assault of a child),

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

9                   12-33 (ritualized abuse of a child);

10           (2) (blank);

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

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

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

25           (6) (blank); or

26           (7) if the person was convicted of an offense set forth

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

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

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

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

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

26 (4) Section 10-5(b)(10) (child abduction committed by

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

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

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

21 (G) As used in this Article, "out-of-state employee" means  
22 any sex offender, as defined in this Section, or sexual  
23 predator who works in Illinois, regardless of whether the  
24 individual receives payment for services performed, for a  
25 period of time of 10 or more days or for an aggregate period of  
26 time of 30 or more days during any calendar year. Persons who

1 operate motor vehicles in the State accrue one day of  
2 employment time for any portion of a day spent in Illinois.

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

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

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

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