



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4805

Introduced 2/18/2020, by Rep. Blaine Wilhour

#### SYNOPSIS AS INTRODUCED:

730 ILCS 150/3

730 ILCS 150/7

from Ch. 38, par. 227

Amends the Sex Offender Registration Act. Provides that the registration period for all sex offenders and sexual predators under the Act shall be for the offender's or predator's natural life (rather than 10 years for some sex offenders) after conviction or adjudication if the sex offender or sexual predator is not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. In a provision requiring a person, who previously was required to register for a period of 10 years and successfully completed that registration, to register if the person has been convicted of a felony offense after July 1, 2011, deletes an additional condition that the offense for which the 10-year registration was served currently requires a registration period of more than 10 years.

LRB101 18005 RLC 67443 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 Sections 3 and 7 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 shall, within the time period prescribed in  
10 subsections (b) and (c), register in person and provide  
11 accurate information as required by the Department of State  
12 Police. Such information shall include a current photograph,  
13 current address, current place of employment, the sex  
14 offender's or sexual predator's telephone number, including  
15 cellular telephone number, the employer's telephone number,  
16 school attended, all e-mail addresses, instant messaging  
17 identities, chat room identities, and other Internet  
18 communications identities that the sex offender uses or plans  
19 to use, all Uniform Resource Locators (URLs) registered or used  
20 by the sex offender, all blogs and other Internet sites  
21 maintained by the sex offender or to which the sex offender has  
22 uploaded any content or posted any messages or information,  
23 extensions of the time period for registering as provided in

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

- 25 (1) with the chief of police in the municipality in  
26 which he or she resides or is temporarily domiciled for a

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

5 (2) with the sheriff in the county in which he or she  
6 resides or is temporarily domiciled for a period of time of  
7 3 or more days in an unincorporated area or, if  
8 incorporated, no police chief exists.

9 If the sex offender or sexual predator is employed at or  
10 attends an institution of higher education, he or she shall  
11 also register:

12 (i) with:

13 (A) the chief of police in the municipality in  
14 which he or she is employed at or attends an  
15 institution of higher education, unless the  
16 municipality is the City of Chicago, in which case he  
17 or she shall register at a fixed location designated by  
18 the Superintendent of the Chicago Police Department;  
19 or

20 (B) the sheriff in the county in which he or she is  
21 employed or attends an institution of higher education  
22 located in an unincorporated area, or if incorporated,  
23 no police chief exists; and

24 (ii) with the public safety or security director of the  
25 institution of higher education which he or she is employed  
26 at or attends.

1           The registration fees shall only apply to the municipality  
2           or county of primary registration, and not to campus  
3           registration.

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

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

19          Any person who lacks a fixed residence must report weekly,  
20          in person, with the sheriff's office of the county in which he  
21          or she is located in an unincorporated area, or with the chief  
22          of police in the municipality in which he or she is located.  
23          The agency of jurisdiction will document each weekly  
24          registration to include all the locations where the person has  
25          stayed during the past 7 days.

26          The sex offender or sexual predator shall provide accurate

1 information as required by the Department of State Police. That  
2 information shall include the sex offender's or sexual  
3 predator's current place of employment.

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

17 (1) with:

18 (A) the chief of police in the municipality in  
19 which he or she attends school or is employed for a  
20 period of time of 5 or more days or for an aggregate  
21 period of time of more than 30 days during any calendar  
22 year, unless the municipality is the City of Chicago,  
23 in which case he or she shall register at a fixed  
24 location designated by the Superintendent of the  
25 Chicago Police Department; or

26 (B) the sheriff in the county in which he or she

1 attends school or is employed for a period of time of 5  
2 or more days or for an aggregate period of time of more  
3 than 30 days during any calendar year in an  
4 unincorporated area or, if incorporated, no police  
5 chief exists; and

6 (2) with the public safety or security director of the  
7 institution of higher education he or she is employed at or  
8 attends for a period of time of 5 or more days or for an  
9 aggregate period of time of more than 30 days during a  
10 calendar year.

11 The registration fees shall only apply to the municipality  
12 or county of primary registration, and not to campus  
13 registration.

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 (a-10) Any law enforcement agency registering sex  
20 offenders or sexual predators in accordance with subsections  
21 (a) or (a-5) of this Section shall forward to the Attorney  
22 General a copy of sex offender registration forms from persons  
23 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
24 11-21 of the Criminal Code of 1961 or the Criminal Code of  
25 2012, including periodic and annual registrations under  
26 Section 6 of this Act.

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

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

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

15 (2) Except as provided in subsection (c)(2.1) or  
16 (c)(4), any person convicted or adjudicated prior to  
17 January 1, 1996, whose liability for registration under  
18 Section 7 has not expired, shall register in person prior  
19 to January 31, 1996.

20 (2.1) A sex offender or sexual predator, who has never  
21 previously been required to register under this Act, has a  
22 duty to register if the person has been convicted of any  
23 felony offense after July 1, 2011. A person who previously  
24 was required to register under this Act for a period of 10  
25 years and successfully completed that registration period  
26 has a duty to register if: ~~(i)~~ the person has been



1 convicted of any felony offense after July 1, 2011, ~~and~~  
2 ~~(ii) the offense for which the 10 year registration was~~  
3 ~~served currently requires a registration period of more~~  
4 ~~than 10 years.~~ Notification of an offender's duty to  
5 register under this subsection shall be pursuant to Section  
6 5-7 of this Act.

7 (2.5) Except as provided in subsection (c)(4), any  
8 person who has not been notified of his or her  
9 responsibility to register shall be notified by a criminal  
10 justice entity of his or her responsibility to register.  
11 Upon notification the person must then register within 3  
12 days of notification of his or her requirement to register.  
13 ~~Except as provided in subsection (c)(2.1), if notification~~  
14 ~~is not made within the offender's 10 year registration~~  
15 ~~requirement, and the Department of State Police determines~~  
16 ~~no evidence exists or indicates the offender attempted to~~  
17 ~~avoid registration, the offender will no longer be required~~  
18 ~~to register under this Act.~~

19 (3) Except as provided in subsection (c)(4), any person  
20 convicted on or after January 1, 1996, shall register in  
21 person within 3 days after the entry of the sentencing  
22 order based upon his or her conviction.

23 (4) Any person unable to comply with the registration  
24 requirements of this Article because he or she is confined,  
25 institutionalized, or imprisoned in Illinois on or after  
26 January 1, 1996, shall register in person within 3 days of

1 discharge, parole or release.

2 (5) The person shall provide positive identification  
3 and documentation that substantiates proof of residence at  
4 the registering address.

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

18 (A) Five dollars of the initial registration fee  
19 and \$5 of the annual fee shall be remitted to the State  
20 Treasurer who shall deposit the moneys into the Sex  
21 Offender Management Board Fund under Section 19 of the  
22 Sex Offender Management Board Act. Money deposited  
23 into the Sex Offender Management Board Fund shall be  
24 administered by the Sex Offender Management Board and  
25 shall be used by the Board to comply with the  
26 provisions of the Sex Offender Management Board Act.

1           (B) Thirty dollars of the initial registration fee  
2           and \$30 of the annual renewal fee shall be remitted to  
3           the Department of State Police which shall deposit the  
4           moneys into the Offender Registration Fund.

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

17          The registering agency shall establish procedures to  
18          document the receipt and remittance of the \$100 initial  
19          registration fee and \$100 annual renewal fee.

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

1 the law enforcement agency having jurisdiction.

2 (Source: P.A. 101-571, eff. 8-23-19.)

3 (730 ILCS 150/7) (from Ch. 38, par. 227)

4 Sec. 7. Duration of registration. A person who has been  
5 adjudicated to be sexually dangerous and is later released or  
6 found to be no longer sexually dangerous and discharged, shall  
7 register for the period of his or her natural life. A sexually  
8 violent person or sexual predator shall register for the period  
9 of his or her natural life after conviction or adjudication if  
10 not confined to a penal institution, hospital, or other  
11 institution or facility, and if confined, for the period of his  
12 or her natural life after parole, discharge, or release from  
13 any such facility. A person who becomes subject to registration  
14 under paragraph (2.1) of subsection (c) of Section 3 of this  
15 Article who has previously been subject to registration under  
16 this Article shall register for the period of his or her  
17 natural life ~~currently required for the offense for which the~~  
18 ~~person was previously registered~~ if not confined to a penal  
19 institution, hospital, or other institution or facility, and if  
20 confined, for the same period after parole, discharge, or  
21 release from any such facility. Except as otherwise provided in  
22 this Section, a person who becomes subject to registration  
23 under this Article who has previously been subject to  
24 registration under this Article or under the Murderer and  
25 Violent Offender Against Youth Registration Act or similar

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

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

26 (Source: P.A. 97-154, eff. 1-1-12; 97-578, eff. 1-1-12; 97-813,

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1 eff. 7-13-12.)