



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB5464**

by Rep. Camille Y. Lilly

#### SYNOPSIS AS INTRODUCED:

730 ILCS 154/5  
730 ILCS 154/10  
730 ILCS 154/40  
730 ILCS 154/60

Amends the Murderer and Violent Offender Against Youth Registration Act. Provides that the period of registration shall be 5 years (currently, 10 years). Provides that the period of extended registration imposed for failure to register shall be equal to the period during which the offender failed to register (currently, 10 years). Provides that if the period of registration is extended, a registered letter shall also be sent to the offender (currently, only to local law enforcement). Provides that the penalty for failure to register or providing false information is a Class B misdemeanor (currently, Class 3 felony), a second or subsequent violation is a Class A misdemeanor (currently, Class 2 felony).

LRB101 17479 RLC 66889 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 Murderer and Violent Offender Against Youth  
5 Registration Act is amended by changing Sections 5, 10, 40, and  
6 60 as follows:

7 (730 ILCS 154/5)

8 Sec. 5. Definitions.

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

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

17 (A) is convicted of such offense or an attempt to  
18 commit such offense; or

19 (B) is found not guilty by reason of insanity of  
20 such offense or an attempt to commit such offense; or

21 (C) is found not guilty by reason of insanity  
22 pursuant to subsection (c) of Section 104-25 of the  
23 Code of Criminal Procedure of 1963 of such offense or

1 an attempt to commit such offense; or

2 (D) is the subject of a finding not resulting in an  
3 acquittal at a hearing conducted pursuant to  
4 subsection (a) of Section 104-25 of the Code of  
5 Criminal Procedure of 1963 for the alleged commission  
6 or attempted commission of such offense; or

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

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

21 (2) adjudicated a juvenile delinquent as the result of  
22 committing or attempting to commit an act which, if  
23 committed by an adult, would constitute any of the offenses  
24 specified in subsection (b) or (c-5) of this Section or a  
25 violation of any substantially similar federal, Uniform  
26 Code of Military Justice, sister state, or foreign country

1 law, or found guilty under Article V of the Juvenile Court  
2 Act of 1987 of committing or attempting to commit an act  
3 which, if committed by an adult, would constitute any of  
4 the offenses specified in subsection (b) or (c-5) of this  
5 Section or a violation of any substantially similar  
6 federal, Uniform Code of Military Justice, sister state, or  
7 foreign country law.

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

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

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

25 (1) A violation of any of the following Sections of the  
26 Criminal Code of 1961 or the Criminal Code of 2012, when

1 the victim is a person under 18 years of age and the  
2 offense was committed on or after January 1, 1996:

3 10-1 (kidnapping),  
4 10-2 (aggravated kidnapping),  
5 10-3 (unlawful restraint),  
6 10-3.1 (aggravated unlawful restraint).

7 An attempt to commit any of these offenses.

8 (2) First degree murder under Section 9-1 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012, when  
10 the victim was a person under 18 years of age and the  
11 defendant was at least 17 years of age at the time of the  
12 commission of the offense.

13 (3) Child abduction under paragraph (10) of subsection  
14 (b) of Section 10-5 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012 committed by luring or attempting to  
16 lure a child under the age of 16 into a motor vehicle,  
17 building, house trailer, or dwelling place without the  
18 consent of the parent or lawful custodian of the child for  
19 other than a lawful purpose and the offense was committed  
20 on or after January 1, 1998.

21 (4) A violation or attempted violation of the following  
22 Section of the Criminal Code of 1961 or the Criminal Code  
23 of 2012 when the offense was committed on or after July 1,  
24 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 or the Criminal Code of 2012  
3           where baby shaking was the proximate cause of death of the  
4           victim of the offense.

5           (4.2) Endangering the life or health of a child under  
6           Section 12-21.6 or 12C-5 of the Criminal Code of 1961 or  
7           the Criminal Code of 2012 that results in the death of the  
8           child where baby shaking was the proximate cause of the  
9           death of the child.

10          (4.3) Domestic battery resulting in bodily harm under  
11          Section 12-3.2 of the Criminal Code of 1961 or the Criminal  
12          Code of 2012 when the defendant was 18 years or older and  
13          the victim was under 18 years of age and the offense was  
14          committed on or after July 26, 2010.

15          (4.4) A violation or attempted violation of any of the  
16          following Sections or clauses of the Criminal Code of 1961  
17          or the Criminal Code of 2012 when the victim was under 18  
18          years of age and the offense was committed on or after (1)  
19          July 26, 2000 if the defendant was 18 years of age or older  
20          or (2) July 26, 2010 and the defendant was under the age of  
21          18:

22                   12-3.3 (aggravated domestic battery),

23                   12-3.05(a) (1),    12-3.05(d) (2),    12-3.05(f) (1),

24                   12-4(a),    12-4(b) (1),    or    12-4(b) (14)    (aggravated  
25                   battery),

26                   12-3.05(a) (2) or 12-4.1 (heinous battery),

1           12-3.05(b) or 12-4.3 (aggravated battery of a  
2 child),

3           12-3.1(a-5) or 12-4.4 (aggravated battery of an  
4 unborn child),

5           12-33 (ritualized abuse of a child).

6           (4.5) A violation or attempted violation of any of the  
7 following Sections of the Criminal Code of 1961 or the  
8 Criminal Code of 2012 when the victim was under 18 years of  
9 age and the offense was committed on or after (1) August 1,  
10 2001 if the defendant was 18 years of age or older or (2)  
11 August 1, 2011 and the defendant was under the age of 18:

12           12-3.05(e) (1), (2), (3), or (4) or 12-4.2  
13 (aggravated battery with a firearm),

14           12-3.05(e) (5), (6), (7), or (8) or 12-4.2-5  
15 (aggravated battery with a machine gun),

16           12-11 or 19-6 (home invasion).

17           (5) A violation of any former law of this State  
18 substantially equivalent to any offense listed in this  
19 subsection (b).

20           (b-5) For the purposes of this Section, "first degree  
21 murder of an adult" means first degree murder under Section 9-1  
22 of the Criminal Code of 1961 or the Criminal Code of 2012 when  
23 the victim was a person 18 years of age or older at the time of  
24 the commission of the offense.

25           (c) A conviction for an offense of federal law, Uniform  
26 Code of Military Justice, or the law of another state or a

1 foreign country that is substantially equivalent to any offense  
2 listed in subsections (b) and (c-5) of this Section shall  
3 constitute a conviction for the purpose of this Act.

4 (c-5) A person at least 17 years of age at the time of the  
5 commission of the offense who is convicted of first degree  
6 murder under Section 9-1 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012, against a person under 18 years of age,  
8 shall be required to register for natural life. A conviction  
9 for an offense of federal, Uniform Code of Military Justice,  
10 sister state, or foreign country law that is substantially  
11 equivalent to any offense listed in this subsection (c-5) shall  
12 constitute a conviction for the purpose of this Act. This  
13 subsection (c-5) applies to a person who committed the offense  
14 before June 1, 1996 only if the person is incarcerated in an  
15 Illinois Department of Corrections facility on August 20, 2004.

16 (c-6) A person who is convicted or adjudicated delinquent  
17 of first degree murder of an adult shall be required to  
18 register for a period of 10 years after conviction or  
19 adjudication if not confined to a penal institution, hospital,  
20 or any other institution or facility, and if confined, for a  
21 period of 5 ~~10~~ years after parole, discharge, or release from  
22 any such facility. A conviction for an offense of federal,  
23 Uniform Code of Military Justice, sister state, or foreign  
24 country law that is substantially equivalent to any offense  
25 listed in subsection (c-6) of this Section shall constitute a  
26 conviction for the purpose of this Act. This subsection (c-6)



1 does not apply to those individuals released from incarceration  
2 more than 10 years prior to January 1, 2012 (the effective date  
3 of Public Act 97-154).

4 (d) As used in this Act, "law enforcement agency having  
5 jurisdiction" means the Chief of Police in each of the  
6 municipalities in which the violent offender against youth  
7 expects to reside, work, or attend school (1) upon his or her  
8 discharge, parole or release or (2) during the service of his  
9 or her sentence of probation or conditional discharge, or the  
10 Sheriff of the county, in the event no Police Chief exists or  
11 if the offender intends to reside, work, or attend school in an  
12 unincorporated area. "Law enforcement agency having  
13 jurisdiction" includes the location where out-of-state  
14 students attend school and where out-of-state employees are  
15 employed or are otherwise required to register.

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

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

25 (g) As used in this Act, "out-of-state employee" means any  
26 violent offender against youth who works in Illinois,

1 regardless of whether the individual receives payment for  
2 services performed, for a period of time of 10 or more days or  
3 for an aggregate period of time of 30 or more days during any  
4 calendar year. Persons who operate motor vehicles in the State  
5 accrue one day of employment time for any portion of a day  
6 spent in Illinois.

7 (h) As used in this Act, "school" means any public or  
8 private educational institution, including, but not limited  
9 to, any elementary or secondary school, trade or professional  
10 institution, or institution of higher education.

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

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

22 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;  
23 97-154, eff. 1-1-12; 97-333, eff. 8-12-11; 97-432, eff.  
24 8-16-11; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,  
25 eff. 1-25-13.)

1 (730 ILCS 154/10)

2 Sec. 10. Duty to register.

3 (a) A violent offender against youth shall, within the time  
4 period prescribed in subsections (b) and (c), register in  
5 person and provide accurate information as required by the  
6 Illinois Department of State Police. Such information shall  
7 include a current photograph, current address, current place of  
8 employment, the employer's telephone number, school attended,  
9 extensions of the time period for registering as provided in  
10 this Act and, if an extension was granted, the reason why the  
11 extension was granted and the date the violent offender against  
12 youth was notified of the extension. A person who has been  
13 adjudicated a juvenile delinquent for an act which, if  
14 committed by an adult, would be a violent offense against youth  
15 shall register as an adult violent offender against youth  
16 within 10 days after attaining 17 years of age. The violent  
17 offender against youth shall register:

18 (1) with the chief of police in the municipality in  
19 which he or she resides or is temporarily domiciled for a  
20 period of time of 5 or more days, unless the municipality  
21 is the City of Chicago, in which case he or she shall  
22 register at a fixed location designated by the  
23 Superintendent of the Chicago Police Department; or

24 (2) with the sheriff in the county in which he or she  
25 resides or is temporarily domiciled for a period of time of  
26 5 or more days in an unincorporated area or, if

1 incorporated, no police chief exists.

2 If the violent offender against youth is employed at or  
3 attends an institution of higher education, he or she shall  
4 register:

5 (i) with the chief of police in the municipality in  
6 which he or she is employed at or attends an institution of  
7 higher education, unless the municipality is the City of  
8 Chicago, in which case he or she shall register at a fixed  
9 location designated by the Superintendent of the Chicago  
10 Police Department; or

11 (ii) with the sheriff in the county in which he or she  
12 is employed or attends an institution of higher education  
13 located in an unincorporated area, or if incorporated, no  
14 police chief exists.

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

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

1 The agency of jurisdiction will document each weekly  
2 registration to include all the locations where the person has  
3 stayed during the past 7 days.

4 The violent offender against youth shall provide accurate  
5 information as required by the Illinois ~~Department of~~ State  
6 Police. That information shall include the current place of  
7 employment of the violent offender against youth.

8 (a-5) An out-of-state student or out-of-state employee  
9 shall, within 5 days after beginning school or employment in  
10 this State, register in person and provide accurate information  
11 as required by the Illinois ~~Department of~~ State Police. Such  
12 information will include current place of employment, school  
13 attended, and address in state of residence. The out-of-state  
14 student or out-of-state employee shall register:

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

22 (2) with the sheriff in the county in which he or she  
23 attends school or is employed for a period of time of 5 or  
24 more days or for an aggregate period of time of more than  
25 30 days during any calendar year in an unincorporated area  
26 or, if incorporated, no police chief exists.

1           The out-of-state student or out-of-state employee shall  
2 provide accurate information as required by the Illinois  
3 ~~Department of~~ State Police. That information shall include the  
4 out-of-state student's current place of school attendance or  
5 the out-of-state employee's current place of employment.

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

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

13           (1) Except as provided in paragraph (3) of this  
14 subsection (c), any person who has not been notified of his  
15 or her responsibility to register shall be notified by a  
16 criminal justice entity of his or her responsibility to  
17 register. Upon notification the person must then register  
18 within 5 days of notification of his or her requirement to  
19 register. If notification is not made within the offender's  
20 5 ~~10~~ year registration requirement, and the Illinois  
21 ~~Department of~~ State Police determines no evidence exists or  
22 indicates the offender attempted to avoid registration,  
23 the offender will no longer be required to register under  
24 this Act.

25           (2) Except as provided in paragraph (3) of this  
26 subsection (c), any person convicted on or after the

1 effective date of this Act shall register in person within  
2 5 days after the entry of the sentencing order based upon  
3 his or her conviction.

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

9 (4) The person shall provide positive identification  
10 and documentation that substantiates proof of residence at  
11 the registering address.

12 (5) The person shall pay a \$20 initial registration fee  
13 and a \$10 annual renewal fee. The fees shall be deposited  
14 into the Offender Registration Fund. The fees shall be used  
15 by the registering agency for official purposes. The agency  
16 shall establish procedures to document receipt and use of  
17 the funds. The law enforcement agency having jurisdiction  
18 may waive the registration fee if it determines that the  
19 person is indigent and unable to pay the registration fee.

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

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

2 (730 ILCS 154/40)

3 Sec. 40. Duration of registration. A person who becomes  
4 subject to registration under this Article who has previously  
5 been subject to registration under this Article or under the  
6 Sex Offender Registration Act or similar registration  
7 requirements of other jurisdictions shall register for the  
8 period of his or her natural life if not confined to a penal  
9 institution, hospital, or other institution or facility, and if  
10 confined, for the period of his or her natural life after  
11 parole, discharge, or release from any such facility. Any other  
12 person who is required to register under this Act shall be  
13 required to register for a period of 5 ~~10~~ years after  
14 conviction or adjudication if not confined to a penal  
15 institution, hospital or any other institution or facility, and  
16 if confined, for a period of 10 years after parole, discharge  
17 or release from any such facility. A violent offender against  
18 youth who is allowed to leave a county, State, or federal  
19 facility for the purposes of work release, education, or  
20 overnight visitations shall be required to register within 5  
21 days of beginning such a program. Liability for registration  
22 terminates at the expiration of 5 ~~10~~ years from the date of  
23 conviction or adjudication if not confined to a penal  
24 institution, hospital or any other institution or facility and  
25 if confined, at the expiration of 5 ~~10~~ years from the date of



1 parole, discharge or release from any such facility, providing  
2 such person does not, during that period, again become liable  
3 to register under the provisions of this Act. Reconfinement due  
4 to a violation of parole or other circumstances that relates to  
5 the original conviction or adjudication shall extend the period  
6 of registration to 10 years after final parole, discharge, or  
7 release. The Director of the Illinois State Police, consistent  
8 with administrative rules, shall extend for 5 ~~10~~ years the  
9 registration period of any violent offender against youth who  
10 fails to comply with the provisions of this Act. The  
11 registration period for any violent offender against youth who  
12 fails to comply with any provision of the Act shall extend the  
13 period of registration by the length of the period of time  
14 during which the person was not registered ~~10 years~~ beginning  
15 from the first date of registration after the violation. If the  
16 registration period is extended, the Illinois ~~Department of~~  
17 State Police shall send a registered letter to the violent  
18 offender and to the law enforcement agency where the violent  
19 offender against youth resides within 3 days after the  
20 extension of the registration period. The violent offender  
21 against youth shall report to that law enforcement agency and  
22 sign for that letter. One copy of that letter shall be kept on  
23 file with the law enforcement agency of the jurisdiction where  
24 the violent offender against youth resides and one copy shall  
25 be returned to the Illinois ~~Department of~~ State Police.

26 (Source: P.A. 94-945, eff. 6-27-06; 95-169, eff. 8-14-07.)

1 (730 ILCS 154/60)

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

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