



Rep. Patrick Windhorst

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10200HB0780ham001

LRB102 04200 KMF 23799 a

1 AMENDMENT TO HOUSE BILL 780

2 AMENDMENT NO. _____. Amend House Bill 780 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Sex Offender Registration Act is amended
5 by 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
10 for the alleged commission or attempted commission of
11 such 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
21 federal, Uniform Code of Military Justice, sister
22 state, or foreign country law substantially similar to
23 Section 104-25(a) of the Code of Criminal Procedure of
24 1963 for the alleged violation or attempted commission
25 of such offense; or

26 (2) declared as a sexually dangerous person pursuant

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

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

1 conviction. Any conviction set aside pursuant to law is not a
2 conviction 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
7 the 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,
22 it 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
11 of 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
15 1961 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
25 of 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
2 the 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
6 18 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
12 is 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
20 years of age).

21 If the offense was committed before July 1, 1999, 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 (1.11) A violation or attempted violation of any of

1 the 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
15 on 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 of subsection (a), (a-10), or
21 (a-15) of Section 26-4 of the Criminal Code of 2012.

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

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

11 (C-5) A person at least 17 years of age at the time of the
12 commission of the offense who is convicted of first degree
13 murder under Section 9-1 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, against a person under 18 years of age,
15 shall be required to register for natural life. A conviction
16 for an offense of federal, Uniform Code of Military Justice,
17 sister state, or foreign country law that is substantially
18 equivalent to any offense listed in subsection (C-5) of this
19 Section shall constitute a conviction for the purpose of this
20 Article. This subsection (C-5) applies to a person who
21 committed the offense before June 1, 1996 if: (i) the person is
22 incarcerated in an Illinois Department of Corrections facility
23 on August 20, 2004 (the effective date of Public Act 93-977),
24 or (ii) subparagraph (i) does not apply and the person is
25 convicted of any felony after July 1, 2011, and paragraph
26 (2.1) of subsection (c) of Section 3 of this Act applies.

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

13 (D) As used in this Article, "law enforcement agency
14 having jurisdiction" means the Chief of Police in each of the
15 municipalities in which the sex offender expects to reside,
16 work, or attend school (1) upon his or her discharge, parole or
17 release or (2) during the service of his or her sentence of
18 probation or conditional discharge, or the Sheriff of the
19 county, in the event no Police Chief exists or if the offender
20 intends to reside, work, or attend school in an unincorporated
21 area. "Law enforcement agency having jurisdiction" includes
22 the location where out-of-state students attend school and
23 where out-of-state employees are employed or are otherwise
24 required to register.

25 (D-1) As used in this Article, "supervising officer" means
26 the assigned Illinois Department of Corrections parole agent

1 or county probation officer.

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

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

12 10-5.1 (luring of a minor),

13 11-14.4 that involves keeping a place of juvenile
14 prostitution, or 11-17.1 (keeping a place of juvenile
15 prostitution),

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

18 subdivision (a) (4) of Section 11-14.4, or Section
19 11-19.2 (exploitation of a child),

20 11-20.1 (child pornography),

21 11-20.1B or 11-20.3 (aggravated child
22 pornography),

23 11-1.20 or 12-13 (criminal sexual assault),

24 11-1.30 or 12-14 (aggravated criminal sexual
25 assault),

26 11-1.40 or 12-14.1 (predatory criminal sexual

1 assault of a child),
2 11-1.60 or 12-16 (aggravated criminal sexual
3 abuse),
4 12-33 (ritualized abuse of a child);
5 (2) (blank);
6 (3) declared as a sexually dangerous person pursuant
7 to the Sexually Dangerous Persons Act or any substantially
8 similar federal, Uniform Code of Military Justice, sister
9 state, or foreign country law;
10 (4) found to be a sexually violent person pursuant to
11 the Sexually Violent Persons Commitment Act or any
12 substantially similar federal, Uniform Code of Military
13 Justice, sister state, or foreign country law;
14 (5) convicted of a second or subsequent offense which
15 requires registration pursuant to this Act. For purposes
16 of this paragraph (5), "convicted" shall include a
17 conviction under any substantially similar Illinois,
18 federal, Uniform Code of Military Justice, sister state,
19 or foreign country law;
20 (6) (blank); or
21 (7) if the person was convicted of an offense set
22 forth in this subsection (E) on or before July 1, 1999, the
23 person is a sexual predator for whom registration is
24 required only when the person is convicted of a felony
25 offense after July 1, 2011, and paragraph (2.1) of
26 subsection (c) of Section 3 of this Act applies.

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

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

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

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

21 (4) Section 10-5(b)(10) (child abduction committed by
22 luring or attempting to lure a child under the age of 16
23 into a motor vehicle, building, house trailer, or dwelling
24 place without the consent of the parent or lawful
25 custodian of the child for other than a lawful purpose and
26 the offense was committed on or after January 1, 1998,

1 provided the offense was sexually motivated as defined in
2 Section 10 of the Sex Offender Management Board Act).

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

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

16 (G) As used in this Article, "out-of-state employee" means
17 any sex offender, as defined in this Section, or sexual
18 predator who works in Illinois, regardless of whether the
19 individual receives payment for services performed, for a
20 period of time of 10 or more days or for an aggregate period of
21 time of 30 or more days during any calendar year. Persons who
22 operate motor vehicles in the State accrue one day of
23 employment time for any portion of a day spent in Illinois.

24 (H) As used in this Article, "school" means any public or
25 private educational institution, including, but not limited
26 to, any elementary or secondary school, trade or professional

1 institution, or institution of higher education.

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

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

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