



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3722

Introduced 2/22/2021, by Rep. Mark Batinick

SYNOPSIS AS INTRODUCED:

730 ILCS 150/2

from Ch. 38, par. 222

Amends the Sex Offender Registration Act. Provides that "sex offender" includes a person convicted of a battery if: (1) the State's Attorney's office filed a notice contemporaneous with or included in the summons, complaint, or other document charging the battery to seek sex offender registration as a sexually motivated battery; (2) the complaining witness is under 17 years of age; (3) the offender is 21 years of age or older; and (4) the court finds that the battery was sexually motivated.

LRB102 13310 KMF 18654 b

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 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

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

19 (c) is found not guilty by reason of insanity
20 pursuant to Section 104-25(c) of the Code of Criminal
21 Procedure of 1963 of such offense or an attempt to
22 commit such offense; or

23 (d) is the subject of a finding not resulting in an

1 acquittal at a hearing conducted pursuant to Section
2 104-25(a) of the Code of Criminal Procedure of 1963
3 for the alleged commission or attempted commission of
4 such offense; or

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

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

19 (2) declared as a sexually dangerous person pursuant
20 to the Illinois Sexually Dangerous Persons Act, or any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law; or

23 (3) subject to the provisions of Section 2 of the
24 Interstate Agreements on Sexually Dangerous Persons Act;
25 or

26 (4) found to be a sexually violent person pursuant to

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

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

17 (6) convicted of a battery if: (1) the State's
18 Attorney's office filed a notice contemporaneous with or
19 included in the summons, complaint, or other document
20 charging the battery to seek sex offender registration
21 under this paragraph (6) as a sexually motivated battery;
22 (2) the complaining witness is under 17 years of age; (3)
23 the offender is 21 years of age or older; and (4) the court
24 finds that the battery was "sexually motivated" as defined
25 in subsection (e) of Section 10 of the Sex Offender
26 Management Board Act.

1 Convictions that result from or are connected with the
2 same act, or result from offenses committed at the same time,
3 shall be counted for the purpose of this Article as one
4 conviction. Any conviction set aside pursuant to law is not a
5 conviction for purposes of this Article.

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

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

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

11 11-20.1 (child pornography),

12 11-20.1B or 11-20.3 (aggravated child
13 pornography),

14 11-6 (indecent solicitation of a child),

15 11-9.1 (sexual exploitation of a child),

16 11-9.2 (custodial sexual misconduct),

17 11-9.5 (sexual misconduct with a person with a
18 disability),

19 11-14.4 (promoting juvenile prostitution),

20 11-15.1 (soliciting for a juvenile prostitute),

21 11-18.1 (patronizing a juvenile prostitute),

22 11-17.1 (keeping a place of juvenile
23 prostitution),

24 11-19.1 (juvenile pimping),

25 11-19.2 (exploitation of a child),

26 11-25 (grooming),

1 11-26 (traveling to meet a minor or traveling to
2 meet a child),

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

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

11 12-33 (ritualized abuse of a child).

12 An attempt to commit any of these offenses.

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

20 10-1 (kidnapping),

21 10-2 (aggravated kidnapping),

22 10-3 (unlawful restraint),

23 10-3.1 (aggravated unlawful restraint).

24 If the offense was committed before January 1, 1996,
25 it is a sex offense requiring registration only when the
26 person is convicted of any felony after July 1, 2011, and

1 paragraph (2.1) of subsection (c) of Section 3 of this Act
2 applies.

3 (1.6) First degree murder under Section 9-1 of the
4 Criminal Code of 1961 or the Criminal Code of 2012,
5 provided the offense was sexually motivated as defined in
6 Section 10 of the Sex Offender Management Board Act.

7 (1.7) (Blank).

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

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

1 requiring registration only when the person is convicted
2 of any felony after July 1, 2011, and paragraph (2.1) of
3 subsection (c) of Section 3 of this Act applies.

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

8 10-4 (forcible detention, if the victim is under
9 18 years of age), provided the offense was sexually
10 motivated as defined in Section 10 of the Sex Offender
11 Management Board Act,

12 11-6.5 (indecent solicitation of an adult),

13 11-14.3 that involves soliciting for a prostitute,
14 or 11-15 (soliciting for a prostitute, if the victim
15 is under 18 years of age),

16 subdivision (a)(2)(A) or (a)(2)(B) of Section
17 11-14.3, or Section 11-16 (pandering, if the victim is
18 under 18 years of age),

19 11-18 (patronizing a prostitute, if the victim is
20 under 18 years of age),

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

24 If the offense was committed before July 1, 1999, it
25 is a sex offense requiring registration only when the
26 person is convicted of any felony after July 1, 2011, and

1 paragraph (2.1) of subsection (c) of Section 3 of this Act
2 applies.

3 (1.11) A violation or attempted violation of any of
4 the following Sections of the Criminal Code of 1961 or the
5 Criminal Code of 2012 when the offense was committed on or
6 after August 22, 2002:

7 11-9 or 11-30 (public indecency for a third or
8 subsequent conviction).

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

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

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

26 (C) A conviction for an offense of federal law, Uniform

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

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

1 (2.1) of subsection (c) of Section 3 of this Act applies.

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

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

26 (D-1) As used in this Article, "supervising officer" means

1 the assigned Illinois Department of Corrections parole agent
2 or county probation officer.

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

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

13 10-5.1 (luring of a minor),

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

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

19 subdivision (a) (4) of Section 11-14.4, or Section
20 11-19.2 (exploitation of a child),

21 11-20.1 (child pornography),

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

24 11-1.20 or 12-13 (criminal sexual assault),

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

1 11-1.40 or 12-14.1 (predatory criminal sexual
2 assault of a child),

3 11-1.60 or 12-16 (aggravated criminal sexual
4 abuse),

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

6 (2) (blank);

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

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

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

21 (6) (blank); or

22 (7) if the person was convicted of an offense set
23 forth in this subsection (E) on or before July 1, 1999, the
24 person is a sexual predator for whom registration is
25 required only when the person is convicted of a felony
26 offense after July 1, 2011, and paragraph (2.1) of

1 subsection (c) of Section 3 of this Act applies.

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

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

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

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

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

1 the offense was committed on or after January 1, 1998,
2 provided the offense was sexually motivated as defined in
3 Section 10 of the Sex Offender Management Board Act).

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

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

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

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

1 to, any elementary or secondary school, trade or professional
2 institution, or institution of higher education.

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

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

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