



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3902

Introduced 2/22/2021, 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).

LRB102 16977 KMF 22395 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,
6 and 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
16 federal, Uniform Code of Military Justice, sister
17 state, or 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
20 or 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
24 offenses specified in subsection (b) or (c-5) of this
25 Section or a violation of any substantially similar
26 federal, Uniform Code of Military Justice, sister state,

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

8 Convictions that result from or are connected with the
9 same act, or result from offenses committed at the same time,
10 shall be counted for the purpose of this Act as one conviction.
11 Any conviction set aside pursuant to law is not a conviction
12 for 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
18 of age shall be considered as having committed the violent
19 offense against youth on or after the 17th birthday of the
20 violent 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
26 the Criminal Code of 1961 or the Criminal Code of 2012,

1 when 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
22 following Section of the Criminal Code of 1961 or the
23 Criminal Code of 2012 when the offense was committed on or
24 after July 1, 1999:

25 10-4 (forcible detention, if the victim is under
26 18 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
12 Criminal Code of 2012 when the defendant was 18 years or
13 older and the victim was under 18 years of age and the
14 offense was 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
22 9-1 of the Criminal Code of 1961 or the Criminal Code of 2012
23 when the victim was a person 18 years of age or older at the
24 time of 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
2 offense listed in subsections (b) and (c-5) of this Section
3 shall 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)
12 shall constitute a conviction for the purpose of this Act.
13 This subsection (c-5) applies to a person who committed the
14 offense before June 1, 1996 only if the person is incarcerated
15 in an Illinois Department of Corrections facility on August
16 20, 2004.

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

1 conviction for the purpose of this Act. This subsection (c-6)
2 does not apply to those individuals released from
3 incarceration more than 10 years prior to January 1, 2012 (the
4 effective date of Public Act 97-154).

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

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

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

26 (g) As used in this Act, "out-of-state employee" means any

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

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

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

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

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

1 eff. 1-25-13.)

2 (730 ILCS 154/10)

3 Sec. 10. Duty to register.

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

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

25 (2) with the sheriff in the county in which he or she

1 resides or is temporarily domiciled for a period of time
2 of 5 or more days in an unincorporated area or, if
3 incorporated, no police chief exists.

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

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

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

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

25 Any person who lacks a fixed residence must report weekly,
26 in person, with the sheriff's office of the county in which he

1 or she is located in an unincorporated area, or with the chief
2 of police in the municipality in which he or she is located.
3 The agency of jurisdiction will document each weekly
4 registration to include all the locations where the person has
5 stayed during the past 7 days.

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

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

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

25 (2) with the sheriff in the county in which he or she
26 attends school or is employed for a period of time of 5 or

1 more days or for an aggregate period of time of more than
2 30 days during any calendar year in an unincorporated area
3 or, if incorporated, no police chief exists.

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

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

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

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

1 register under this Act.

2 (2) Except as provided in paragraph (3) of this
3 subsection (c), any person convicted on or after the
4 effective date of this Act shall register in person within
5 5 days after the entry of the sentencing order based upon
6 his or her conviction.

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

12 (4) The person shall provide positive identification
13 and documentation that substantiates proof of residence at
14 the registering address.

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

24 (d) Within 5 days after obtaining or changing employment,
25 a person required to register under this Section must report,
26 in person to the law enforcement agency having jurisdiction,

1 the business name and address where he or she is employed. If
2 the person has multiple businesses or work locations, every
3 business and work location must be reported to the law
4 enforcement agency having jurisdiction.

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

6 (730 ILCS 154/40)

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

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

1 of that letter shall be kept on file with the law enforcement
2 agency of the jurisdiction where the violent offender against
3 youth resides and one copy shall be returned to the Illinois
4 ~~Department of~~ State Police.

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

6 (730 ILCS 154/60)

7 Sec. 60. Penalty. Any person who is required to register
8 under this Act who violates any of the provisions of this Act
9 and any person who is required to register under this Act who
10 seeks to change his or her name under Article XXI of the Code
11 of Civil Procedure is guilty of a Class B misdemeanor ~~3 felony~~.
12 Any person who is convicted for a violation of this Act for a
13 second or subsequent time is guilty of a Class A misdemeanor ~~2~~
14 ~~felony~~. Any person who is required to register under this Act
15 who knowingly or willfully gives material information required
16 by this Act that is false is guilty of a Class B misdemeanor ~~3~~
17 ~~felony~~. Any person convicted of a violation of any provision
18 of this Act shall, in addition to any other penalty required by
19 law, be required to serve a minimum period of 7 days
20 confinement in the local county jail. The court shall impose a
21 mandatory minimum fine of \$500 for failure to comply with any
22 provision of this Act. These fines shall be deposited into the
23 Offender Registration Fund. Any violent offender against youth
24 who violates any provision of this Act may be arrested and
25 tried in any Illinois county where the violent offender

1 against youth can be located. The local police department or
2 sheriff's office is not required to determine whether the
3 person is living within its jurisdiction.

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