



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5038

Introduced 1/27/2022, by Rep. Patrick Windhorst

SYNOPSIS AS INTRODUCED:

730 ILCS 150/2

from Ch. 38, par. 222

Amends the Sex Offender Registration Act. Provides for registration under the Act of a person who committed a violation or attempted violation of the unauthorized video recording and live video transmission offense that involves: (1) knowingly making a video record or transmitting live video of another person without that person's consent in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom; (2) knowingly making a video record or transmitting live video of another person's intimate parts for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent; or (3) placing or causing to be placed a device that makes a video record or transmitting a live video in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom with the intent to make a video record or transmitting live video of another person without that person's consent.

LRB102 21443 RLC 35146 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.

17 Convictions that result from or are connected with the
18 same act, or result from offenses committed at the same time,
19 shall be counted for the purpose of this Article as one
20 conviction. Any conviction set aside pursuant to law is not a
21 conviction for purposes of this Article.

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

24 (B) As used in this Article, "sex offense" 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 11-20.1 (child pornography),
2 11-20.1B or 11-20.3 (aggravated child
3 pornography),
4 11-6 (indecent solicitation of a child),
5 11-9.1 (sexual exploitation of a child),
6 11-9.2 (custodial sexual misconduct),
7 11-9.5 (sexual misconduct with a person with a
8 disability),
9 11-14.4 (promoting juvenile prostitution),
10 11-15.1 (soliciting for a juvenile prostitute),
11 11-18.1 (patronizing a juvenile prostitute),
12 11-17.1 (keeping a place of juvenile
13 prostitution),
14 11-19.1 (juvenile pimping),
15 11-19.2 (exploitation of a child),
16 11-25 (grooming),
17 11-26 (traveling to meet a minor or traveling to
18 meet a child),
19 11-1.20 or 12-13 (criminal sexual assault),
20 11-1.30 or 12-14 (aggravated criminal sexual
21 assault),
22 11-1.40 or 12-14.1 (predatory criminal sexual
23 assault of a child),
24 11-1.50 or 12-15 (criminal sexual abuse),
25 11-1.60 or 12-16 (aggravated criminal sexual
26 abuse),

1 12-33 (ritualized abuse of a child).

2 An attempt to commit any of these offenses.

3 (1.5) A violation of any of the following Sections of
4 the Criminal Code of 1961 or the Criminal Code of 2012,
5 when the victim is a person under 18 years of age, the
6 defendant is not a parent of the victim, the offense was
7 sexually motivated as defined in Section 10 of the Sex
8 Offender Evaluation and Treatment Act, and the offense was
9 committed on or after January 1, 1996:

10 10-1 (kidnapping),

11 10-2 (aggravated kidnapping),

12 10-3 (unlawful restraint),

13 10-3.1 (aggravated unlawful restraint).

14 If the offense was committed before January 1, 1996,
15 it is a sex offense requiring registration only when the
16 person is convicted of any felony after July 1, 2011, and
17 paragraph (2.1) of subsection (c) of Section 3 of this Act
18 applies.

19 (1.6) First degree murder under Section 9-1 of the
20 Criminal Code of 1961 or the Criminal Code of 2012,
21 provided the offense was sexually motivated as defined in
22 Section 10 of the Sex Offender Management Board Act.

23 (1.7) (Blank).

24 (1.8) A violation or attempted violation of Section
25 11-11 (sexual relations within families) of the Criminal
26 Code of 1961 or the Criminal Code of 2012, and the offense

1 was committed on or after June 1, 1997. If the offense was
2 committed before June 1, 1997, it is a sex offense
3 requiring registration only when the person is convicted
4 of any felony after July 1, 2011, and paragraph (2.1) of
5 subsection (c) of Section 3 of this Act applies.

6 (1.9) Child abduction under paragraph (10) of
7 subsection (b) of Section 10-5 of the Criminal Code of
8 1961 or the Criminal Code of 2012 committed by luring or
9 attempting to lure a child under the age of 16 into a motor
10 vehicle, building, house trailer, or dwelling place
11 without the consent of the parent or lawful custodian of
12 the child for other than a lawful purpose and the offense
13 was committed on or after January 1, 1998, provided the
14 offense was sexually motivated as defined in Section 10 of
15 the Sex Offender Management Board Act. If the offense was
16 committed before January 1, 1998, it is a sex offense
17 requiring registration only when the person is convicted
18 of any felony after July 1, 2011, and paragraph (2.1) of
19 subsection (c) of Section 3 of this Act applies.

20 (1.10) A violation or attempted violation of any of
21 the following Sections of the Criminal Code of 1961 or the
22 Criminal Code of 2012 when the offense was committed on or
23 after July 1, 1999:

24 10-4 (forcible detention, if the victim is under
25 18 years of age), provided the offense was sexually
26 motivated as defined in Section 10 of the Sex Offender

1 Management Board Act,
2 11-6.5 (indecent solicitation of an adult),
3 11-14.3 that involves soliciting for a prostitute,
4 or 11-15 (soliciting for a prostitute, if the victim
5 is under 18 years of age),
6 subdivision (a)(2)(A) or (a)(2)(B) of Section
7 11-14.3, or Section 11-16 (pandering, if the victim is
8 under 18 years of age),
9 11-18 (patronizing a prostitute, if the victim is
10 under 18 years of age),
11 subdivision (a)(2)(C) of Section 11-14.3, or
12 Section 11-19 (pimping, if the victim is under 18
13 years of age).

14 If the offense was committed before July 1, 1999, it
15 is a sex offense requiring registration only when the
16 person is convicted of any felony after July 1, 2011, and
17 paragraph (2.1) of subsection (c) of Section 3 of this Act
18 applies.

19 (1.11) A violation or attempted violation of any of
20 the following Sections of the Criminal Code of 1961 or the
21 Criminal Code of 2012 when the offense was committed on or
22 after August 22, 2002:

23 11-9 or 11-30 (public indecency for a third or
24 subsequent conviction).

25 If the third or subsequent conviction was imposed
26 before August 22, 2002, it is a sex offense requiring

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

4 (1.12) A violation or attempted violation of Section
5 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
6 Criminal Code of 1961 or the Criminal Code of 2012
7 (permitting sexual abuse) when the offense was committed
8 on or after August 22, 2002. If the offense was committed
9 before August 22, 2002, it is a sex offense requiring
10 registration only when the person is convicted of any
11 felony after July 1, 2011, and paragraph (2.1) of
12 subsection (c) of Section 3 of this Act applies.

13 (1.13) A violation or attempted violation of
14 subsection (a), (a-10), or (a-15) of Section 26-4 of the
15 Criminal Code of 2012 when the violation or attempted
16 violation was committed after the effective of this
17 amendatory Act of the 102nd General Assembly.

18 (2) A violation of any former law of this State
19 substantially equivalent to any offense listed in
20 subsection (B) of this Section.

21 (C) A conviction for an offense of federal law, Uniform
22 Code of Military Justice, or the law of another state or a
23 foreign country that is substantially equivalent to any
24 offense listed in subsections (B), (C), (E), and (E-5) of this
25 Section shall constitute a conviction for the purpose of this
26 Article. A finding or adjudication as a sexually dangerous

1 person or a sexually violent person under any federal law,
2 Uniform Code of Military Justice, or the law of another state
3 or foreign country that is substantially equivalent to the
4 Sexually Dangerous Persons Act or the Sexually Violent Persons
5 Commitment Act shall constitute an adjudication for the
6 purposes of this Article.

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

23 (C-6) A person who is convicted or adjudicated delinquent
24 of first degree murder as defined in Section 9-1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, against a
26 person 18 years of age or over, shall be required to register

1 for his or her natural life. A conviction for an offense of
2 federal, Uniform Code of Military Justice, sister state, or
3 foreign country law that is substantially equivalent to any
4 offense listed in subsection (C-6) of this Section shall
5 constitute a conviction for the purpose of this Article. This
6 subsection (C-6) does not apply to those individuals released
7 from incarceration more than 10 years prior to January 1, 2012
8 (the effective date of Public Act 97-154).

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

21 (D-1) As used in this Article, "supervising officer" means
22 the assigned Illinois Department of Corrections parole agent
23 or county probation officer.

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

26 (1) Convicted for an offense of federal, Uniform Code

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

8 10-5.1 (luring of a minor),

9 11-14.4 that involves keeping a place of juvenile
10 prostitution, or 11-17.1 (keeping a place of juvenile
11 prostitution),

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

14 subdivision (a) (4) of Section 11-14.4, or Section
15 11-19.2 (exploitation of a child),

16 11-20.1 (child pornography),

17 11-20.1B or 11-20.3 (aggravated child
18 pornography),

19 11-1.20 or 12-13 (criminal sexual assault),

20 11-1.30 or 12-14 (aggravated criminal sexual
21 assault),

22 11-1.40 or 12-14.1 (predatory criminal sexual
23 assault of a child),

24 11-1.60 or 12-16 (aggravated criminal sexual
25 abuse),

26 12-33 (ritualized abuse of a child);

1 (2) (blank);

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

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

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

16 (6) (blank); or

17 (7) if the person was convicted of an offense set
18 forth in this subsection (E) on or before July 1, 1999, the
19 person is a sexual predator for whom registration is
20 required only when the person is convicted of a felony
21 offense after July 1, 2011, and paragraph (2.1) of
22 subsection (c) of Section 3 of this Act applies.

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

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

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

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

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

25 (E-10) As used in this Article, "sexual predator" also
26 means a person required to register in another State due to a

1 conviction, adjudication or other action of any court
2 triggering an obligation to register as a sex offender, sexual
3 predator, or substantially similar status under the laws of
4 that State.

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

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

20 (H) As used in this Article, "school" means any public or
21 private educational institution, including, but not limited
22 to, any elementary or secondary school, trade or professional
23 institution, or institution of higher education.

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

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

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