

# SB1971



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1971

Introduced 2/9/2023, by Sen. Steve McClure

### SYNOPSIS AS INTRODUCED:

730 ILCS 150/2

from Ch. 38, par. 222

Amends the Sex Offender Registration Act. Includes in the definition of "sex offense" under the Act, home invasion in which the defendant commits against any person or persons within the dwelling place criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse.

LRB103 25593 RLC 51942 b

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 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 of paragraph (6) of subsection (a)  
14 of Section 19-6 of the Criminal Code of 2012 (home  
15 invasion in which the defendant commits against any person  
16 or persons within the dwelling place criminal sexual  
17 assault, aggravated criminal sexual assault, predatory  
18 criminal sexual assault of a child, criminal sexual abuse,  
19 or aggravated criminal sexual abuse).

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

23 (C) A conviction for an offense of federal law, Uniform  
24 Code of Military Justice, or the law of another state or a  
25 foreign country that is substantially equivalent to any  
26 offense listed in subsections (B), (C), (E), and (E-5) of this

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

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

25 (C-6) A person who is convicted or adjudicated delinquent  
26 of first degree murder as defined in Section 9-1 of the

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

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

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

26 (E) As used in this Article, "sexual predator" means any

1 person who, after July 1, 1999, is:

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

10 10-5.1 (luring of a minor),

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

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

16 subdivision (a) (4) of Section 11-14.4, or Section  
17 11-19.2 (exploitation of a child),

18 11-20.1 (child pornography),

19 11-20.1B or 11-20.3 (aggravated child  
20 pornography),

21 11-1.20 or 12-13 (criminal sexual assault),

22 11-1.30 or 12-14 (aggravated criminal sexual  
23 assault),

24 11-1.40 or 12-14.1 (predatory criminal sexual  
25 assault of a child),

26 11-1.60 or 12-16 (aggravated criminal sexual

1 abuse),

2 12-33 (ritualized abuse of a child);

3 (2) (blank);

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

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

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

18 (6) (blank); or

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

25 (E-5) As used in this Article, "sexual predator" also  
26 means a person convicted of a violation or attempted violation

1 of any of the following Sections of the Criminal Code of 1961  
2 or the Criminal Code of 2012:

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

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

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

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

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

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

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

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

26 (I) As used in this Article, "fixed residence" means any

1 and all places that a sex offender resides for an aggregate  
2 period of time of 5 or more days in a calendar year.

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

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