



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4425

Introduced 02/03/04, by Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

New Act
20 ILCS 2605/2605-375 was 20 ILCS 2605/55a in part
30 ILCS 105/5.625 new

Creates the Arsonist Registration Act. Requires a person who has committed arson, aggravated arson, residential arson, place of worship arson, or possession of explosives or explosive or incendiary devices to register with the Department of State Police for a 10-year period. Establishes procedures for registration and penalties for violation. Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Requires the Department of State Police to enter arsonist registration information into the Law Enforcement Agencies Data System (LEADS). Amends the State Finance Act. Creates the Arsonist Registration Fund in the State treasury.

LRB093 16719 RLC 42370 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to arson.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Arsonist Registration Act.

6 Section 5. Definitions. In this Act:

7 (a) "Arsonist" means any person who is:

8 (1) charged under Illinois law, or any substantially
9 similar federal, Uniform Code of Military Justice, sister
10 state, or foreign country law, with an arson offense, set
11 forth in subsection (b) of this Section or the attempt to
12 commit an included arson offense, and:

13 (i) is convicted of such offense or an attempt to
14 commit such offense; or

15 (ii) is found not guilty by reason of insanity of
16 such offense or an attempt to commit such offense; or

17 (iii) is found not guilty by reason of insanity
18 under subsection (c) of Section 104-25 of the Code of
19 Criminal Procedure of 1963 of such offense or an
20 attempt to commit such offense; or

21 (iv) is the subject of a finding not resulting in
22 an acquittal at a hearing conducted under subsection
23 (a) of Section 104-25 of the Code of Criminal Procedure
24 of 1963 for the alleged commission or attempted
25 commission of such offense; or

26 (v) is found not guilty by reason of insanity
27 following a hearing conducted under a federal, Uniform
28 Code of Military Justice, sister state, or foreign
29 country law substantially similar to subsection (c) of
30 Section 104-25 of the Code of Criminal Procedure of
31 1963 of such offense or of the attempted commission of
32 such offense; or

1 (vi) is the subject of a finding not resulting in
2 an acquittal at a hearing conducted under a federal,
3 Uniform Code of Military Justice, sister state, or
4 foreign country law substantially similar to
5 subsection (a) of Section 104-25 of the Code of
6 Criminal Procedure of 1963 for the alleged violation or
7 attempted commission of such offense;

8 (2) adjudicated a juvenile delinquent as the result of
9 committing or attempting to commit an act which, if
10 committed by an adult, would constitute any of the offenses
11 specified in subsection (b) of this Section or a violation
12 of any substantially similar federal, Uniform Code of
13 Military Justice, sister state, or foreign country law, or
14 found guilty under Act V of the Juvenile Court Act of 1987
15 of committing or attempting to commit an act which, if
16 committed by an adult, would constitute any of the offenses
17 specified in subsection (b) of this Section or a violation
18 of any substantially similar federal, Uniform Code of
19 Military Justice, sister state, or foreign country law.
20 Convictions that result from or are connected with the same
21 act, or result from offenses committed at the same time,
22 shall be counted for the purpose of this Act as one
23 conviction. Any conviction set aside under law is not a
24 conviction for purposes of this Act. For purposes of this
25 Section, "convicted" shall have the same meaning as
26 "adjudicated".

27 (b) "Arson offense" means:

28 (1) A violation of any of the following Sections of the
29 Criminal Code of 1961:

30 (i) 20-1 (arson),

31 (ii) 20-1.1 (aggravated arson),

32 (iii) 20-1.2 (residential arson),

33 (iv) 20-1.3 (place of worship arson),

34 (v) 20-2 (possession of explosives or explosive or
35 incendiary devices), or

36 (vi) An attempt to commit any of the offenses

1 listed in clauses (i) through (v).

2 (2) A violation of any former law of this State
3 substantially equivalent to any offense listed in
4 subsection (b) of this Section.

5 (c) A conviction for an offense of federal law, Uniform
6 Code of Military Justice, or the law of another state or a
7 foreign country that is substantially equivalent to any offense
8 listed in subsections (b) of this Section shall constitute a
9 conviction for the purpose of this Act.

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

21 (e) "Out-of-state student" means any arsonist, as defined
22 in this Section, who is enrolled in Illinois, on a full-time or
23 part-time basis, in any public or private educational
24 institution, including, but not limited to, any secondary
25 school, trade or professional institution, or institution of
26 higher learning.

27 (f) "Out-of-state employee" means any arsonist, as defined
28 in this Section, who works in Illinois, regardless of whether
29 the individual receives payment for services performed, for a
30 period of time of 10 or more days or for an aggregate period of
31 time of 30 or more days during any calendar year. Persons who
32 operate motor vehicles in the State accrue one day of
33 employment time for any portion of a day spent in Illinois.

34 Section 10. Duty to register.

35 (a) An arsonist shall, within the time period prescribed in

1 subsections (b) and (c), register in person and provide
2 accurate information as required by the Department of State
3 Police. Such information shall include current address,
4 current place of employment, and school attended. The arsonist
5 shall register:

6 (1) with the chief of police in each of the
7 municipalities in which he or she attends school, is
8 employed, resides or is temporarily domiciled for a period
9 of time of 10 or more days, unless the municipality is the
10 City of Chicago, in which case he or she shall register at
11 the Chicago Police Department Headquarters; or

12 (2) with the sheriff in each of the counties in which
13 he or she attends school, is employed, resides or is
14 temporarily domiciled in an unincorporated area or, if
15 incorporated, no police chief exists. For purposes of this
16 Act, the place of residence or temporary domicile is
17 defined as any and all places where the arsonist resides
18 for an aggregate period of time of 10 or more days during
19 any calendar year. The arsonist shall provide accurate
20 information as required by the Department of State Police.
21 That information shall include the arsonist's current
22 place of employment.

23 (a-5) An out-of-state student or out-of-state employee
24 shall, within 10 days after beginning school or employment in
25 this State, register in person and provide accurate information
26 as required by the Department of State Police. Such information
27 must include current place of employment, school attended, and
28 address in state of residence:

29 (1) with the chief of police in each of the
30 municipalities in which he or she attends school or is
31 employed for a period of time of 10 or more days or for an
32 aggregate period of time of more than 30 days during any
33 calendar year, unless the municipality is the City of
34 Chicago, in which case he or she shall register at the
35 Chicago Police Department Headquarters; or

36 (2) with the sheriff in each of the counties in which

1 he or she attends school or is employed for a period of
2 time of 10 or more days or for an aggregate period of time
3 of more than 30 days during any calendar year in an
4 unincorporated area or, if incorporated, no police chief
5 exists. The out-of-state student or out-of-state employee
6 shall provide accurate information as required by the
7 Department of State Police. That information shall include
8 the out-of-state student's current place of school
9 attendance or the out-of-state employee's current place of
10 employment.

11 (b) An arsonist as defined in Section 5 of this Act,
12 regardless of any initial, prior, or other registration, shall,
13 within 10 days of beginning school, or establishing a
14 residence, place of employment, or temporary domicile in any
15 county, register in person as set forth in subsection (a) or
16 (a-5).

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

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

30 (2) Except as provided in paragraph (3) of this
31 subsection (c), any person convicted on or after the
32 effective date of this Act shall register in person within
33 10 days after the entry of the sentencing order based upon
34 his or her conviction.

35 (3) Any person unable to comply with the registration
36 requirements of this Act because he or she is confined,

1 institutionalized, or imprisoned in Illinois on or after
2 the effective date of this Act shall register in person
3 within 10 days of discharge, parole or release.

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

7 (5) The person shall pay a \$10 initial registration fee
8 and a \$5 annual renewal fee. The fees shall be used by the
9 registering agency for official purposes. The agency shall
10 establish procedures to document receipt and use of the
11 funds. The law enforcement agency having jurisdiction may
12 waive the registration fee if it determines that the person
13 is indigent and unable to pay the registration fee.

14 (d) Within 10 days after obtaining or changing employment,
15 a person required to register under this Section must report,
16 in person or in writing to the law enforcement agency having
17 jurisdiction, the business name and address where he or she is
18 employed. If the person has multiple businesses or work
19 locations, every business and work location must be reported to
20 the law enforcement agency having jurisdiction.

21 Section 15. Discharge of arsonist from penal institution.
22 Any arsonist who is discharged, paroled or released from a
23 Department of Corrections facility, a facility where such
24 person was placed by the Department of Corrections or another
25 penal institution, and whose liability for registration has not
26 terminated under Section 45 shall, prior to discharge, parole
27 or release from the facility or institution, be informed of his
28 or her duty to register in person within 10 days under this Act
29 by the facility or institution in which he or she was confined.
30 The facility or institution shall also inform any person who
31 must register that if he or she establishes a residence outside
32 of the State of Illinois, is employed outside of the State of
33 Illinois, or attends school outside of the State of Illinois,
34 he or she must register in the new state within 10 days after
35 establishing the residence, beginning employment, or beginning

1 school. The facility shall require the person to read and sign
2 such form as may be required by the Department of State Police
3 stating that the duty to register and the procedure for
4 registration has been explained to him or her and that he or
5 she understands the duty to register and the procedure for
6 registration. The facility shall further advise the person in
7 writing that the failure to register or other violation of this
8 Act shall result in revocation of parole, mandatory supervised
9 release or conditional release. The facility shall obtain
10 information about where the person expects to reside, work, and
11 attend school upon his or her discharge, parole or release and
12 shall report the information to the Department of State Police.
13 The facility shall give one copy of the form to the person and
14 shall send one copy to each of the law enforcement agencies
15 having jurisdiction where the person expects to reside, work,
16 and attend school upon his or her discharge, parole or release
17 and retain one copy for the files. Electronic data files that
18 includes all notification form information and photographs of
19 arsonists being released from an Illinois Department of
20 Corrections facility shall be shared on a regular basis as
21 determined between the Department of State Police and the
22 Department of Corrections.

23 Section 20. Release of arsonist on probation. An arsonist
24 who is released on probation shall prior to such release be
25 informed of his or her duty to register under this Act by the
26 court in which he or she was convicted. The court shall also
27 inform any person who must register that if he or she
28 establishes a residence outside of the State of Illinois, is
29 employed outside of the State of Illinois, or attends school
30 outside of the State of Illinois, he or she must register in
31 the new state within 10 days after establishing the residence,
32 beginning employment, or beginning school. The court shall
33 require the person to read and sign such form as may be
34 required by the Department of State Police stating that the
35 duty to register and the procedure for registration has been

1 explained to him or her and that he or she understands the duty
2 to register and the procedure for registration. The court shall
3 further advise the person in writing that the failure to
4 register or other violation of this Act shall result in
5 probation revocation. The court shall obtain information about
6 where the person expects to reside, work, and attend school
7 upon his or her release, and shall report the information to
8 the Department of State Police. The court shall give one copy
9 of the form to the person and retain the original in the court
10 records. The Department of State Police shall notify the law
11 enforcement agencies having jurisdiction where the person
12 expects to reside, work and attend school upon his or her
13 release.

14 Section 25. Discharge of arsonist from hospital or other
15 treatment facility. Any arsonist who is discharged or released
16 from a hospital or other treatment facility where he or she was
17 confined shall be informed by the hospital or treatment
18 facility in which he or she was confined, prior to discharge or
19 release from the hospital or treatment facility, of his or her
20 duty to register under this Act. The facility shall require the
21 person to read and sign such form as may be required by the
22 Department of State Police stating that the duty to register
23 and the procedure for registration has been explained to him or
24 her and that he or she understands the duty to register and the
25 procedure for registration. The facility shall give one copy of
26 the form to the person, retain one copy for its records, and
27 forward the original to the Department of State Police. The
28 facility shall obtain information about where the person
29 expects to reside, work, and attend school upon his or her
30 discharge, parole, or release and shall report the information
31 to the Department of State Police within 3 days. The facility
32 or institution shall also inform any person who must register
33 that if he or she establishes a residence outside of the State
34 of Illinois, is employed outside of the State of Illinois, or
35 attends school outside of the State of Illinois, he or she must

1 register in the new state within 10 days after establishing the
2 residence, beginning school, or beginning employment. The
3 Department of State Police shall notify the law enforcement
4 agencies having jurisdiction where the person expects to
5 reside, work, and attend school upon his or her release.

6 Section 30. Nonforwardable verification letter. The
7 Department of State Police shall mail an annual nonforwardable
8 verification letter to a person registered under this Act
9 beginning one year from the date of his or her last
10 registration. A person required to register under this Act who
11 is mailed a verification letter shall complete, sign, and
12 return the enclosed verification form to the Department of
13 State Police postmarked within 10 days after the mailing date
14 of the letter. A person's failure to return the verification
15 form to the Department of State Police within 10 days after the
16 mailing date of the letter shall be considered a violation of
17 this Act.

18 Section 35. Duty to report change of address, school, or
19 employment. Any person who is required to register under this
20 Act shall report in person to the appropriate law enforcement
21 agency with whom he or she last registered within one year from
22 the date of last registration and every year thereafter. If any
23 person required to register under this Act changes his or her
24 residence address, place of employment, or school, he or she
25 shall, in writing, within 10 days inform the law enforcement
26 agency with whom he or she last registered of his or her new
27 address, change in employment, or school and register with the
28 appropriate law enforcement agency within the time period
29 specified in Section 10. The law enforcement agency shall,
30 within 3 days of receipt, notify the Department of State Police
31 and the law enforcement agency having jurisdiction of the new
32 place of residence, change in employment, or school. If any
33 person required to register under this Act establishes a
34 residence or employment outside of the State of Illinois,

1 within 10 days after establishing that residence or employment,
2 he or she shall, in writing, inform the law enforcement agency
3 with which he or she last registered of his or her out-of-state
4 residence or employment. The law enforcement agency with which
5 such person last registered shall, within 3 days notice of an
6 address or employment change, notify the Department of State
7 Police. The Department of State Police shall forward such
8 information to the out-of-state law enforcement agency having
9 jurisdiction in the form and manner prescribed by the
10 Department of State Police.

11 Section 40. Out-of-State employee or student. Every
12 out-of-state student or out-of-state employee must notify the
13 agency having jurisdiction of any change of employment or
14 change of educational status, in writing, within 10 days of the
15 change. The law enforcement agency shall, within 3 days after
16 receiving the notice, enter the appropriate changes into LEADS.

17 Section 45. Duration of registration. Any person who is
18 required to register under this Act 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 10 years after parole, discharge or release from any
23 such facility. An arsonist who is allowed to leave a county,
24 State, or federal facility for the purposes of work release,
25 education, or overnight visitations shall be required to
26 register within 10 days of beginning such a program. Liability
27 for registration terminates at the expiration of 10 years from
28 the date of conviction or adjudication if not confined to a
29 penal institution, hospital or any other institution or
30 facility and if confined, at the expiration of 10 years from
31 the date of parole, discharge or release from any such
32 facility, providing such person does not, during that period,
33 again become liable to register under the provisions of this
34 Act. The Director of State Police, consistent with

1 administrative rules, shall extend for 10 years the
2 registration period of any arsonist who fails to comply with
3 the provisions of this Act.

4 Section 50. Registration requirements. Registration as
5 required by this Act shall consist of a statement in writing
6 signed by the person giving the information that is required by
7 the Department of State Police, which may include the
8 fingerprints and must include a photograph of the person. The
9 registration information must include whether the person is an
10 arsonist. Within 3 days, the registering law enforcement agency
11 shall forward any required information to the Department of
12 State Police. The registering law enforcement agency shall
13 enter the information into the Law Enforcement Agencies Data
14 System (LEADS) as provided in Section 2605-375 of the
15 Department of State Police Law of the Civil Administrative Code
16 of Illinois.

17 Section 55. Address verification requirements. The agency
18 having jurisdiction shall verify the address of arsonists
19 required to register with their agency at least once per
20 calendar year. The verification must be documented in LEADS in
21 the form and manner required by the Department of State Police.

22 Section 60. Public inspection of registration data. The
23 statements or any other information required by this Act shall
24 not be open to inspection by the public, or by any person other
25 than by a law enforcement officer or other individual as may be
26 authorized by law and shall include law enforcement agencies of
27 this State, any other state, or of the federal government.
28 Similar information may be requested from any law enforcement
29 agency of another state or of the federal government for
30 purposes of this Act. It is a Class B misdemeanor to permit the
31 unauthorized release of any information required by this Act.

32 Section 65. Penalty. Any person who is required to register

1 under this Act who violates any of the provisions of this Act
2 and any person who is required to register under this Act who
3 seeks to change his or her name under Article 21 of the Code of
4 Civil Procedure is guilty of a Class 4 felony. Any person who
5 is required to register under this Act who knowingly or
6 wilfully gives material information required by this Act that
7 is false is guilty of a Class 3 felony. Any person convicted of
8 a violation of any provision of this Act shall, in addition to
9 any other penalty required by law, be required to serve a
10 minimum period of 7 days confinement in the local county jail.
11 The court shall impose a mandatory minimum fine of \$500 for
12 failure to comply with any provision of this Act. These fines
13 shall be deposited in the Arsonist Registration Fund. An
14 arsonist who violates any provision of this Act may be tried in
15 any Illinois county where the arsonist can be located.

16 Section 70. Arsonist Registration Fund. There is created in
17 the State treasury the Arsonist Registration Fund. Moneys in
18 the Fund shall be used to cover costs incurred by the criminal
19 justice system to administer this Act. The Department of State
20 Police shall establish and promulgate rules and procedures
21 regarding the administration of this Fund. At least 50% of the
22 moneys in the Fund shall be allocated by the Department for
23 sheriffs' offices and police departments.

24 Section 75. Access to State of Illinois databases. The
25 Department of State Police shall have access to State of
26 Illinois databases containing information that may help in the
27 identification or location of persons required to register
28 under this Act. Interagency agreements shall be implemented,
29 consistent with security and procedures established by the
30 State agency and consistent with the laws governing the
31 confidentiality of the information in the databases.
32 Information shall be used only for administration of this Act.

33 Section 105. The Department of State Police Law of the

1 Civil Administrative Code of Illinois is amended by changing
2 Section 2605-375 as follows:

3 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

4 Sec. 2605-375. Missing persons; Law Enforcement Agencies
5 Data System (LEADS).

6 (a) To establish and maintain a statewide Law Enforcement
7 Agencies Data System (LEADS) for the purpose of providing
8 electronic access by authorized entities to criminal justice
9 data repositories and effecting an immediate law enforcement
10 response to reports of missing persons, including lost, missing
11 or runaway minors. The Department shall implement an automatic
12 data exchange system to compile, to maintain, and to make
13 available to other law enforcement agencies for immediate
14 dissemination data that can assist appropriate agencies in
15 recovering missing persons and provide access by authorized
16 entities to various data repositories available through LEADS
17 for criminal justice and related purposes. To assist the
18 Department in this effort, funds may be appropriated from the
19 LEADS Maintenance Fund.

20 (b) In exercising its duties under this Section, the
21 Department shall do the following:

22 (1) Provide a uniform reporting format for the entry of
23 pertinent information regarding the report of a missing
24 person into LEADS.

25 (2) Develop and implement a policy whereby a statewide
26 or regional alert would be used in situations relating to
27 the disappearances of individuals, based on criteria and in
28 a format established by the Department. Such a format shall
29 include, but not be limited to, the age of the missing
30 person and the suspected circumstance of the
31 disappearance.

32 (3) Notify all law enforcement agencies that reports of
33 missing persons shall be entered as soon as the minimum
34 level of data specified by the Department is available to
35 the reporting agency and that no waiting period for the

1 entry of the data exists.

2 (4) Compile and retain information regarding lost,
3 abducted, missing, or runaway minors in a separate data
4 file, in a manner that allows that information to be used
5 by law enforcement and other agencies deemed appropriate by
6 the Director, for investigative purposes. The information
7 shall include the disposition of all reported lost,
8 abducted, missing, or runaway minor cases.

9 (5) Compile and maintain an historic data repository
10 relating to lost, abducted, missing, or runaway minors and
11 other missing persons in order to develop and improve
12 techniques utilized by law enforcement agencies when
13 responding to reports of missing persons.

14 (6) Create a quality control program regarding
15 confirmation of missing person data, timeliness of entries
16 of missing person reports into LEADS, and performance
17 audits of all entering agencies.

18 (7) Provide for the entry into LEADS of the names and
19 addresses of arsonists as defined in the Arsonist
20 Registration Act who are required to register under that
21 Act. The information shall be immediately accessible to law
22 enforcement agencies and peace officers of this State or
23 any other state or of the federal government. Similar
24 information may be requested from any other state or of the
25 federal government for the purposes of this Act.

26 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
27 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
28 eff. 8-14-98; 91-239, eff. 1-1-00.)

29 Section 110. The State Finance Act is amended by adding
30 Section 5.625 as follows:

31 (30 ILCS 105/5.625 new)

32 Sec. 5.625. The Arsonist Registration Fund.