

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) is a minor who has been tried and convicted in an
9 adult criminal prosecution as the result of committing or
10 attempting to commit an offense specified in subsection (b)
11 of this Section or a violation of any substantially similar
12 federal, Uniform Code of Military Justice, sister state, or
13 foreign country law. Convictions that result from or are
14 connected with the same act, or result from offenses
15 committed at the same time, shall be counted for the
16 purpose of this Act as one conviction. Any conviction set
17 aside under law is not a conviction for purposes of this
18 Act.

19 (b) "Arson offense" means:

20 (1) A violation of any of the following Sections of the
21 Criminal Code of 1961:

22 (i) 20-1 (arson),

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

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

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

26 (v) 20-2 (possession of explosives or explosive or
27 incendiary devices), or

28 (vi) An attempt to commit any of the offenses
29 listed in clauses (i) through (v).

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

33 (c) A conviction for an offense of federal law, Uniform
34 Code of Military Justice, or the law of another state or a
35 foreign country that is substantially equivalent to any offense
36 listed in subsection (b) of this Section shall constitute a

1 conviction for the purpose of this Act.

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

13 (e) "Out-of-state student" means any arsonist, as defined
14 in this Section, who is enrolled in Illinois, on a full-time or
15 part-time basis, in any public or private educational
16 institution, including, but not limited to, any secondary
17 school, trade or professional institution, or institution of
18 higher learning.

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

26 (g) "I-CLEAR" means the Illinois Citizens and Law
27 Enforcement Analysis and Reporting System.

28 Section 10. Duty to register.

29 (a) An arsonist shall, within the time period prescribed in
30 subsections (b) and (c), register in person and provide
31 accurate information as required by the Department of State
32 Police. Such information shall include current address,
33 current place of employment, and school attended. The arsonist
34 shall register:

35 (1) with the chief of police in each of the

1 municipalities in which he or she attends school, is
2 employed, resides or is temporarily domiciled for a period
3 of time of 10 or more days, unless the municipality is the
4 City of Chicago, in which case he or she shall register at
5 the Chicago Police Department Headquarters; or

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

17 (a-5) An out-of-state student or out-of-state employee
18 shall, within 10 days after beginning school or employment in
19 this State, register in person and provide accurate information
20 as required by the Department of State Police. Such information
21 must include current place of employment, school attended, and
22 address in state of residence:

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

30 (2) with the sheriff in each of the counties in which
31 he or she attends school or is employed for a period of
32 time of 10 or more days or for an aggregate period of time
33 of more than 30 days during any calendar year in an
34 unincorporated area or, if incorporated, no police chief
35 exists. The out-of-state student or out-of-state employee
36 shall provide accurate information as required by the

1 Department of State Police. That information shall include
2 the out-of-state student's current place of school
3 attendance or the out-of-state employee's current place of
4 employment.

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

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

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

24 (2) Except as provided in paragraph (3) of this
25 subsection (c), any person convicted on or after the
26 effective date of this Act shall register in person within
27 10 days after the entry of the sentencing order based upon
28 his or her conviction.

29 (3) Any person unable to comply with the registration
30 requirements of this Act because he or she is confined,
31 institutionalized, or imprisoned in Illinois on or after
32 the effective date of this Act shall register in person
33 within 10 days of discharge, parole or release.

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

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

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

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

1 the person in writing that the failure to register or other
2 violation of this Act shall result in revocation of parole,
3 mandatory supervised release or conditional release. The
4 facility shall obtain information about where the person
5 expects to reside, work, and attend school upon his or her
6 discharge, parole or release and shall report the information
7 to the Department of State Police. The facility shall give one
8 copy of the form to the person and shall send one copy to each
9 of the law enforcement agencies having jurisdiction where the
10 person expects to reside, work, and attend school upon his or
11 her discharge, parole or release and retain one copy for the
12 files. Electronic data files that includes all notification
13 form information and photographs of arsonists being released
14 from an Illinois Department of Corrections facility shall be
15 shared on a regular basis as determined between the Department
16 of State Police and the Department of Corrections.

17 Section 20. Release of arsonist on probation. An arsonist
18 who is released on probation shall, prior to such release, be
19 informed of his or her duty to register under this Act by the
20 court in which he or she was convicted. The court shall also
21 inform any person who must register that if he or she
22 establishes a residence outside of the State of Illinois, is
23 employed outside of the State of Illinois, or attends school
24 outside of the State of Illinois, he or she must register in
25 the new state within 10 days after establishing the residence,
26 beginning employment, or beginning school. The court shall
27 require the person to read and sign such form as may be
28 required by the Department of State Police stating that the
29 duty to register and the procedure for registration has been
30 explained to him or her and that he or she understands the duty
31 to register and the procedure for registration. The court shall
32 further advise the person in writing that the failure to
33 register or other violation of this Act shall result in
34 probation revocation. The court shall obtain information about
35 where the person expects to reside, work, and attend school

1 upon his or her release, and shall report the information to
2 the Department of State Police. The court shall give one copy
3 of the form to the person and retain the original in the court
4 records. The Department of State Police shall notify the law
5 enforcement agencies having jurisdiction where the person
6 expects to reside, work and attend school upon his or her
7 release.

8 Section 25. Discharge of arsonist from hospital or other
9 treatment facility. Any arsonist who is discharged or released
10 from a hospital or other treatment facility where he or she was
11 confined shall be informed by the hospital or treatment
12 facility in which he or she was confined, prior to discharge or
13 release from the hospital or treatment facility, of his or her
14 duty to register under this Act. The facility shall require the
15 person to read and sign such form as may be required by the
16 Department of State Police stating that the duty to register
17 and the procedure for registration has been explained to him or
18 her and that he or she understands the duty to register and the
19 procedure for registration. The facility shall give one copy of
20 the form to the person, retain one copy for its records, and
21 forward the original to the Department of State Police. The
22 facility shall obtain information about where the person
23 expects to reside, work, and attend school upon his or her
24 discharge, parole, or release and shall report the information
25 to the Department of State Police within 3 days. The facility
26 or institution shall also inform any person who must register
27 that if he or she establishes a residence outside of the State
28 of Illinois, is employed outside of the State of Illinois, or
29 attends school outside of the State of Illinois, he or she must
30 register in the new state within 10 days after establishing the
31 residence, beginning school, or beginning employment. The
32 Department of State Police shall notify the law enforcement
33 agencies having jurisdiction where the person expects to
34 reside, work, and attend school upon his or her release.

1 Section 30. Nonforwardable verification letter. The
2 Department of State Police shall mail an annual nonforwardable
3 verification letter to a person registered under this Act
4 beginning one year from the date of his or her last
5 registration. A person required to register under this Act who
6 is mailed a verification letter shall complete, sign, and
7 return the enclosed verification form to the Department of
8 State Police postmarked within 10 days after the mailing date
9 of the letter. A person's failure to return the verification
10 form to the Department of State Police within 10 days after the
11 mailing date of the letter shall be considered a violation of
12 this Act; however it is an affirmative defense to a prosecution
13 for failure of a person who is required to return a
14 verification form to the Department of State Police if the post
15 office fails to deliver the verification form to the Department
16 of State Police or if it can be proven that the form has been
17 lost by the Department.

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,
35 within 10 days after establishing that residence or employment,

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

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

17 Section 45. Duration of registration. Any person, other
18 than a minor who is tried and convicted in an adult criminal
19 prosecution for an offense for which the person is required to
20 register under this Act, who is required to register under this
21 Act shall be required to register for a period of 10 years
22 after conviction if not confined to a penal institution,
23 hospital or any other institution or facility, and if confined,
24 for a period of 10 years after parole, discharge or release
25 from any such facility. A minor who has been tried and
26 convicted in an adult criminal prosecution for an offense for
27 which the person is required to register under this Act shall
28 be required to register for a period of 10 years after his or
29 her conviction for an offense for which the person is required
30 to register under this Act. An arsonist who is allowed to leave
31 a county, State, or federal facility for the purposes of work
32 release, education, or overnight visitations shall be required
33 to register within 10 days of beginning such a program.
34 Liability for registration terminates at the expiration of 10

1 years from the date of conviction if not confined to a penal
2 institution, hospital or any other institution or facility and
3 if confined, at the expiration of 10 years from the date of
4 parole, discharge or release from any such facility, providing
5 such person does not, during that period, again become liable
6 to register under the provisions of this Act. In the case of a
7 minor who is tried and convicted in an adult criminal
8 prosecution, liability for registration terminates 10 years
9 after conviction. The Director of State Police, consistent with
10 administrative rules, shall extend for 10 years the
11 registration period of any arsonist who fails to comply with
12 the provisions of this Act.

13 Section 50. Registration requirements. Registration as
14 required by this Act shall consist of a statement in writing
15 signed by the person giving the information that is required by
16 the Department of State Police, which may include the
17 fingerprints and must include a photograph of the person. The
18 registration information must include whether the person is an
19 arsonist. Within 3 days, the registering law enforcement agency
20 shall forward any required information to the Department of
21 State Police. The registering law enforcement agency shall
22 enter the information into I-CLEAR as provided in Section
23 2605-378 of the Department of State Police Law of the Civil
24 Administrative Code of Illinois.

25 Section 55. Address verification requirements. The agency
26 having jurisdiction shall verify the address of arsonists
27 required to register with their agency at least once per
28 calendar year. The verification must be documented in I-CLEAR
29 in the form and manner required by the Department of State
30 Police.

31 Section 60. Public inspection of registration data.

32 (a) Except as otherwise provided in subsection (b), the
33 statements or any other information required by this Act shall

1 not be open to inspection by the public, or by any person other
2 than by a law enforcement officer or other individual as may be
3 authorized by law and shall include law enforcement agencies of
4 this State, any other state, or of the federal government.
5 Similar information may be requested from any law enforcement
6 agency of another state or of the federal government for
7 purposes of this Act. It is a Class B misdemeanor to permit the
8 unauthorized release of any information required by this Act.

9 (b) The Department of State Police shall furnish to the
10 Office of the State Fire Marshal the registration information
11 concerning persons who are required to register under this Act.
12 The Office of the State Fire Marshal shall establish and
13 maintain a Statewide Arsonist Database for the purpose of
14 making that information available to the public on the Internet
15 by means of a hyperlink labeled "Arsonist Information" on the
16 Office of the State Fire Marshal's website.

17 Section 65. Penalty. Any person who is required to register
18 under this Act who violates any of the provisions of this Act
19 and any person who is required to register under this Act who
20 seeks to change his or her name under Article 21 of the Code of
21 Civil Procedure is guilty of a Class 4 felony. Any person who
22 is required to register under this Act who knowingly or
23 wilfully gives material information required by this Act that
24 is false is guilty of a Class 3 felony. Any person convicted of
25 a violation of any provision of this Act shall, in addition to
26 any other penalty required by law, be required to serve a
27 minimum period of 7 days confinement in the local county jail.
28 The court shall impose a mandatory minimum fine of \$500 for
29 failure to comply with any provision of this Act. These fines
30 shall be deposited in the Arsonist Registration Fund. An
31 arsonist who violates any provision of this Act may be tried in
32 any Illinois county where the arsonist can be located.

33 Section 70. Arsonist Registration Fund. There is created in
34 the State treasury the Arsonist Registration Fund. Moneys in

1 the Fund shall be used to cover costs incurred by the criminal
2 justice system to administer this Act. The Department of State
3 Police shall establish and promulgate rules and procedures
4 regarding the administration of this Fund. At least 50% of the
5 moneys in the Fund shall be allocated by the Department for
6 sheriffs' offices and police departments.

7 Section 75. Access to State of Illinois databases. The
8 Department of State Police shall have access to State of
9 Illinois databases containing information that may help in the
10 identification or location of persons required to register
11 under this Act. Interagency agreements shall be implemented,
12 consistent with security and procedures established by the
13 State agency and consistent with the laws governing the
14 confidentiality of the information in the databases.
15 Information shall be used only for administration of this Act.

16 Section 80. Applicability. Until the Department of State
17 Police establishes I-CLEAR throughout this State, this Act
18 applies only to arsonists who reside, are employed, or attend
19 school within the City of Chicago. Once I-CLEAR is established
20 throughout this State, this Act applies throughout the State to
21 arsonists who reside, are employed, or attend school anywhere
22 in this State. Any duties imposed upon the Department of State
23 Police by this Act shall until I-CLEAR is implemented
24 throughout this State be imposed upon the City of Chicago.

25 Section 85. Prospective application of Act. This Act
26 applies only to persons who commit arson on or after the
27 effective date of this Act and shall not apply to any person
28 who committed arson before the effective date of this Act.

29 Section 105. The Department of State Police Law of the
30 Civil Administrative Code of Illinois is amended by adding
31 Section 2605-378 as follows:

1 (20 ILCS 2605/2605-378 new)

2 Sec. 2605-378. I-CLEAR. The Department of State Police
3 shall provide for the entry into the Illinois Citizens and Law
4 Enforcement Analysis and Reporting System (I-CLEAR) of the
5 names and addresses of arsonists as defined in the Arsonist
6 Registration Act who are required to register under that Act.
7 The information shall be immediately accessible to law
8 enforcement agencies and peace officers of this State or any
9 other state or of the federal government. Similar information
10 may be requested from any other state or of the federal
11 government for the purposes of that Act.

12 Section 110. The State Finance Act is amended by adding
13 Section 5.625 as follows:

14 (30 ILCS 105/5.625 new)

15 Sec. 5.625. The Arsonist Registration Fund.

16 Section 999. Effective date. This Act takes effect January
17 1, 2005.