



Rep. Michael P. McAuliffe

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LRB093 16718 RLC 49383 a

1 AMENDMENT TO HOUSE BILL 4426

2 AMENDMENT NO. _____. Amend House Bill 4426 by replacing
3 everything after the enacting clause with the following:

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

1 commission of such offense; or

2 (v) is found not guilty by reason of insanity
3 following a hearing conducted under a federal, Uniform
4 Code of Military Justice, sister state, or foreign
5 country law substantially similar to subsection (c) of
6 Section 104-25 of the Code of Criminal Procedure of
7 1963 of such offense or of the attempted commission of
8 such offense; or

9 (vi) is the subject of a finding not resulting in
10 an acquittal at a hearing conducted under a federal,
11 Uniform Code of Military Justice, sister state, or
12 foreign country law substantially similar to
13 subsection (a) of Section 104-25 of the Code of
14 Criminal Procedure of 1963 for the alleged violation or
15 attempted commission of such offense;

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

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

1 incendiary devices), or

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

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

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

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

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

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

1 employment time for any portion of a day spent in Illinois.

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

4 Section 10. Duty to register.

5 (a) An arsonist shall, within the time period prescribed in
6 subsections (b) and (c), register in person and provide
7 accurate information as required by the Department of State
8 Police. Such information shall include current address,
9 current place of employment, and school attended. The arsonist
10 shall register:

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

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

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

1 (1) with the chief of police in each of the
2 municipalities in which he or she attends school or is
3 employed for a period of time of 10 or more days or for an
4 aggregate period of time of more than 30 days during any
5 calendar year, unless the municipality is the City of
6 Chicago, in which case he or she shall register at the
7 Chicago Police Department Headquarters; or

8 (2) with the sheriff in each of the counties in which
9 he or she attends school or is employed for a period of
10 time of 10 or more days or for an aggregate period of time
11 of more than 30 days during any calendar year in an
12 unincorporated area or, if incorporated, no police chief
13 exists. The out-of-state student or out-of-state employee
14 shall provide accurate information as required by the
15 Department of State Police. That information shall include
16 the out-of-state student's current place of school
17 attendance or the out-of-state employee's current place of
18 employment.

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

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

27 (1) Except as provided in paragraph (3) of this
28 subsection (c), any person who has not been notified of his
29 or her responsibility to register shall be notified by a
30 criminal justice entity of his or her responsibility to
31 register. Upon notification the person must then register
32 within 10 days of notification of his or her requirement to
33 register. If notification is not made within the offender's
34 10 year registration requirement, and the Department of

1 State Police determines no evidence exists or indicates the
2 offender attempted to avoid registration, the offender
3 will no longer be required to register under this Act.

4 (2) Except as provided in paragraph (3) of this
5 subsection (c), any person convicted on or after the
6 effective date of this Act shall register in person within
7 10 days after the entry of the sentencing order based upon
8 his or her conviction.

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

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

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

24 (d) Within 10 days after obtaining or changing employment,
25 a person required to register under this Section must report,
26 in person or in writing to the law enforcement agency having
27 jurisdiction, the business name and address where he or she is
28 employed. If the person has multiple businesses or work
29 locations, every business and work location must be reported to
30 the law enforcement agency having jurisdiction.

31 Section 15. Discharge of arsonist from penal institution.
32 Any arsonist who is discharged, paroled or released from a
33 Department of Corrections facility, a facility where such

1 person was placed by the Department of Corrections or another
2 penal institution, and whose liability for registration has not
3 terminated under Section 45 shall, within 10 days prior to
4 discharge, parole, or release from the facility or institution,
5 be informed of his or her duty to register in person under this
6 Act by the facility or institution in which he or she was
7 confined. The facility or institution shall also inform any
8 person who must register that if he or she establishes a
9 residence outside of the State of Illinois, is employed outside
10 of the State of Illinois, or attends school outside of the
11 State of Illinois, he or she must register in the new state
12 within 10 days after establishing the residence, beginning
13 employment, or beginning school. The facility shall require the
14 person to read and sign such form as may be required by the
15 Department of State Police stating that the duty to register
16 and the procedure for registration has been explained to him or
17 her and that he or she understands the duty to register and the
18 procedure for registration. The facility shall further advise
19 the person in writing that the failure to register or other
20 violation of this Act shall result in revocation of parole,
21 mandatory supervised release or conditional release. 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. The facility shall give one
26 copy of the form to the person and shall send one copy to each
27 of the law enforcement agencies having jurisdiction where the
28 person expects to reside, work, and attend school upon his or
29 her discharge, parole or release and retain one copy for the
30 files. Electronic data files that includes all notification
31 form information and photographs of arsonists being released
32 from an Illinois Department of Corrections facility shall be
33 shared on a regular basis as determined between the Department
34 of State Police and the Department of Corrections.

1 Section 20. Release of arsonist on probation. An arsonist
2 who is released on probation shall, prior to such release, be
3 informed of his or her duty to register under this Act by the
4 court in which he or she was convicted. The court shall also
5 inform any person who must register that if he or she
6 establishes a residence outside of the State of Illinois, is
7 employed outside of the State of Illinois, or attends school
8 outside of the State of Illinois, he or she must register in
9 the new state within 10 days after establishing the residence,
10 beginning employment, or beginning school. The court shall
11 require the person to read and sign such form as may be
12 required by the Department of State Police stating that the
13 duty to register and the procedure for registration has been
14 explained to him or her and that he or she understands the duty
15 to register and the procedure for registration. The court shall
16 further advise the person in writing that the failure to
17 register or other violation of this Act shall result in
18 probation revocation. The court shall obtain information about
19 where the person expects to reside, work, and attend school
20 upon his or her release, and shall report the information to
21 the Department of State Police. The court shall give one copy
22 of the form to the person and retain the original in the court
23 records. The Department of State Police shall notify the law
24 enforcement agencies having jurisdiction where the person
25 expects to reside, work and attend school upon his or her
26 release.

27 Section 25. Discharge of arsonist from hospital or other
28 treatment facility. Any arsonist who is discharged or released
29 from a hospital or other treatment facility where he or she was
30 confined shall be informed by the hospital or treatment
31 facility in which he or she was confined, prior to discharge or
32 release from the hospital or treatment facility, of his or her

1 duty to register under this Act. The facility shall require the
2 person to read and sign such form as may be required by the
3 Department of State Police stating that the duty to register
4 and the procedure for registration has been explained to him or
5 her and that he or she understands the duty to register and the
6 procedure for registration. The facility shall give one copy of
7 the form to the person, retain one copy for its records, and
8 forward the original to the Department of State Police. The
9 facility shall obtain information about where the person
10 expects to reside, work, and attend school upon his or her
11 discharge, parole, or release and shall report the information
12 to the Department of State Police within 3 days. The facility
13 or institution shall also inform any person who must register
14 that if he or she establishes a residence outside of the State
15 of Illinois, is employed outside of the State of Illinois, or
16 attends school outside of the State of Illinois, he or she must
17 register in the new state within 10 days after establishing the
18 residence, beginning school, or beginning employment. The
19 Department of State Police shall notify the law enforcement
20 agencies having jurisdiction where the person expects to
21 reside, work, and attend school upon his or her release.

22 Section 30. Nonforwardable verification letter. The
23 Department of State Police shall mail an annual nonforwardable
24 verification letter to a person registered under this Act
25 beginning one year from the date of his or her last
26 registration. A person required to register under this Act who
27 is mailed a verification letter shall complete, sign, and
28 return the enclosed verification form to the Department of
29 State Police postmarked within 10 days after the mailing date
30 of the letter. A person's failure to return the verification
31 form to the Department of State Police within 10 days after the
32 mailing date of the letter shall be considered a violation of
33 this Act; however it is an affirmative defense to a prosecution

1 for failure of a person who is required to return a
2 verification form to the Department of State Police if the post
3 office fails to deliver the verification form to the Department
4 of State Police or if it can be proven that the form has been
5 lost by the Department.

6 Section 35. Duty to report change of address, school, or
7 employment. Any person who is required to register under this
8 Act shall report in person to the appropriate law enforcement
9 agency with whom he or she last registered within one year from
10 the date of last registration and every year thereafter. If any
11 person required to register under this Act changes his or her
12 residence address, place of employment, or school, he or she
13 shall, in writing, within 10 days inform the law enforcement
14 agency with whom he or she last registered of his or her new
15 address, change in employment, or school and register with the
16 appropriate law enforcement agency within the time period
17 specified in Section 10. The law enforcement agency shall,
18 within 3 days of receipt, notify the Department of State Police
19 and the law enforcement agency having jurisdiction of the new
20 place of residence, change in employment, or school. If any
21 person required to register under this Act establishes a
22 residence or employment outside of the State of Illinois,
23 within 10 days after establishing that residence or employment,
24 he or she shall, in writing, inform the law enforcement agency
25 with which he or she last registered of his or her out-of-state
26 residence or employment. The law enforcement agency with which
27 such person last registered shall, within 3 days notice of an
28 address or employment change, notify the Department of State
29 Police. The Department of State Police shall forward such
30 information to the out-of-state law enforcement agency having
31 jurisdiction in the form and manner prescribed by the
32 Department of State Police.

1 Section 40. Out-of-State employee or student. Every
2 out-of-state student or out-of-state employee must notify the
3 agency having jurisdiction of any change of employment or
4 change of educational status, in writing, within 10 days of the
5 change. The law enforcement agency shall, within 3 days after
6 receiving the notice, enter the appropriate changes into
7 I-CLEAR.

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

1 after conviction. The Director of State Police, consistent with
2 administrative rules, shall extend for 10 years the
3 registration period of any arsonist who fails to comply with
4 the provisions of this Act.

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

23 Section 60. Public inspection of registration data.

24 (a) Except as otherwise provided in subsection (b), the
25 statements or any other information required by this Act shall
26 not be open to inspection by the public, or by any person other
27 than by a law enforcement officer or other individual as may be
28 authorized by law and shall include law enforcement agencies of
29 this State, any other state, or of the federal government.
30 Similar information may be requested from any law enforcement
31 agency of another state or of the federal government for

1 purposes of this Act. It is a Class B misdemeanor to permit the
2 unauthorized release of any information required by this Act.

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

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

27 Section 70. Arsonist Registration Fund. There is created in
28 the State treasury the Arsonist Registration Fund. Moneys in
29 the Fund shall be used to cover costs incurred by the criminal
30 justice system to administer this Act. The Department of State
31 Police shall establish and promulgate rules and procedures
32 regarding the administration of this Fund. At least 50% of the

1 moneys in the Fund shall be allocated by the Department for
2 sheriffs' offices and police departments.

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

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

21 Section 85. Prospective application of Act. This Act
22 applies only to persons who commit arson on or after the
23 effective date of this Act and shall not apply to any person
24 who committed arson before the effective date of this Act.

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

28 (20 ILCS 2605/2605-378 new)

29 Sec. 2605-378. I-CLEAR. The Department of State Police

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

10 Section 110. The State Finance Act is amended by adding
11 Section 5.625 as follows:

12 (30 ILCS 105/5.625 new)

13 Sec. 5.625. The Arsonist Registration Fund.

14 Section 999. Effective date. This Act takes effect January
15 1, 2005."