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LRB094 03028 RLC 56205 a

1 AMENDMENT TO HOUSE BILL 2067

2 AMENDMENT NO. _____. Amend House Bill 2067 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Sex Offender Registration Act is amended by
5 changing Sections 2 and 3 and by adding Section 3-5 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
24 acquittal at a hearing conducted pursuant to Section

1 104-25(a) of the Code of Criminal Procedure of 1963 for
2 the alleged commission or attempted commission of such
3 offense; or

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

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

18 (2) certified as a sexually dangerous person pursuant
19 to the Illinois Sexually Dangerous Persons Act, or any
20 substantially similar federal, Uniform Code of Military
21 Justice, sister state, or foreign country law; or

22 (3) subject to the provisions of Section 2 of the
23 Interstate Agreements on Sexually Dangerous Persons Act;
24 or

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

29 (5) adjudicated a juvenile delinquent as the result of
30 committing or attempting to commit an act which, if
31 committed by an adult, would constitute any of the offenses
32 specified in item (B), (C), or (C-5) of this Section or a
33 violation of any substantially similar federal, Uniform
34 Code of Military Justice, sister state, or foreign country

1 law, or found guilty under Article V of the Juvenile Court
2 Act of 1987 of committing or attempting to commit an act
3 which, if committed by an adult, would constitute any of
4 the offenses specified in item (B), (C), or (C-5) of this
5 Section or a violation of any substantially similar
6 federal, Uniform Code of Military Justice, sister state, or
7 foreign country law.

8 Convictions that result from or are connected with the same
9 act, or result from offenses committed at the same time, shall
10 be counted for the purpose of this Article as one conviction.
11 Any conviction set aside pursuant to law is not a conviction
12 for purposes of this Article.

13 For purposes of this Section, "convicted" shall have the
14 same meaning as "adjudicated". ~~For the purposes of this~~
15 ~~Article, a person who is defined as a sex offender as a result~~
16 ~~of being adjudicated a juvenile delinquent under paragraph (5)~~
17 ~~of this subsection (A) upon attaining 17 years of age shall be~~
18 ~~considered as having committed the sex offense on or after the~~
19 ~~sex offender's 17th birthday. Registration of juveniles upon~~
20 ~~attaining 17 years of age shall not extend the original~~
21 ~~registration of 10 years from the date of conviction.~~

22 (B) As used in this Article, "sex offense" means:

23 (1) A violation of any of the following Sections of the
24 Criminal Code of 1961:

25 11-20.1 (child pornography),

26 11-6 (indecent solicitation of a child),

27 11-9.1 (sexual exploitation of a child),

28 11-9.2 (custodial sexual misconduct),

29 11-15.1 (soliciting for a juvenile prostitute),

30 11-18.1 (patronizing a juvenile prostitute),

31 11-17.1 (keeping a place of juvenile
32 prostitution),

33 11-19.1 (juvenile pimping),

34 11-19.2 (exploitation of a child),

1 12-13 (criminal sexual assault),
2 12-14 (aggravated criminal sexual assault),
3 12-14.1 (predatory criminal sexual assault of a
4 child),
5 12-15 (criminal sexual abuse),
6 12-16 (aggravated criminal sexual abuse),
7 12-33 (ritualized abuse of a child).

8 An attempt to commit any of these offenses.

9 (1.5) A violation of any of the following Sections of
10 the Criminal Code of 1961, when the victim is a person
11 under 18 years of age, the defendant is not a parent of the
12 victim, and the offense was committed on or after January
13 1, 1996:

14 10-1 (kidnapping),
15 10-2 (aggravated kidnapping),
16 10-3 (unlawful restraint),
17 10-3.1 (aggravated unlawful restraint).

18 An attempt to commit any of these offenses.

19 (1.6) First degree murder under Section 9-1 of the
20 Criminal Code of 1961, when the victim was a person under
21 18 years of age and the defendant was at least 17 years of
22 age at the time of the commission of the offense.

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, and the offense was committed on or after
27 June 1, 1997.

28 (1.9) Child abduction under paragraph (10) of
29 subsection (b) of Section 10-5 of the Criminal Code of 1961
30 committed by luring or attempting to lure a child under the
31 age of 16 into a motor vehicle, building, house trailer, or
32 dwelling place without the consent of the parent or lawful
33 custodian of the child for other than a lawful purpose and
34 the offense was committed on or after January 1, 1998.

1 (1.10) A violation or attempted violation of any of the
2 following Sections of the Criminal Code of 1961 when the
3 offense was committed on or after July 1, 1999:

4 10-4 (forcible detention, if the victim is under 18
5 years of age),

6 11-6.5 (indecent solicitation of an adult),

7 11-15 (soliciting for a prostitute, if the victim
8 is under 18 years of age),

9 11-16 (pandering, if the victim is under 18 years
10 of age),

11 11-18 (patronizing a prostitute, if the victim is
12 under 18 years of age),

13 11-19 (pimping, if the victim is under 18 years of
14 age).

15 (1.11) A violation or attempted violation of any of the
16 following Sections of the Criminal Code of 1961 when the
17 offense was committed on or after August 22, 2002:

18 11-9 (public indecency for a third or subsequent
19 conviction).

20 (1.12) A violation or attempted violation of Section
21 5.1 of the Wrongs to Children Act (permitting sexual abuse)
22 when the offense was committed on or after August 22, 2002.

23 (2) A violation of any former law of this State
24 substantially equivalent to any offense listed in
25 subsection (B) of this Section.

26 (C) A conviction for an offense of federal law, Uniform
27 Code of Military Justice, or the law of another state or a
28 foreign country that is substantially equivalent to any offense
29 listed in subsections (B), (C), and (E) of this Section shall
30 constitute a conviction for the purpose of this Article. A
31 finding or adjudication as a sexually dangerous person or a
32 sexually violent person under any federal law, Uniform Code of
33 Military Justice, or the law of another state or foreign
34 country that is substantially equivalent to the Sexually

1 Dangerous Persons Act or the Sexually Violent Persons
2 Commitment Act shall constitute an adjudication for the
3 purposes of this Article.

4 (C-5) A person at least 17 years of age at the time of the
5 commission of the offense who is convicted of first degree
6 murder under Section 9-1 of the Criminal Code of 1961, against
7 a person under 18 years of age, shall be required to register
8 for natural life. A conviction for an offense of federal,
9 Uniform Code of Military Justice, sister state, or foreign
10 country law that is substantially equivalent to any offense
11 listed in subsection (C-5) of this Section shall constitute a
12 conviction for the purpose of this Article. This subsection
13 (C-5) applies to a person who committed the offense before June
14 1, 1996 only if the person is incarcerated in an Illinois
15 Department of Corrections facility on August 20, 2004 (the
16 effective date of Public Act 93-977).

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

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

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

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

1 of Military Justice, sister state, or foreign country law
2 that is substantially equivalent to any offense listed in
3 subsection (E) of this Section shall constitute a
4 conviction for the purpose of this Article. Convicted of a
5 violation or attempted violation of any of the following
6 Sections of the Criminal Code of 1961, if the conviction
7 occurred after July 1, 1999:

8 11-17.1 (keeping a place of juvenile
9 prostitution),

10 11-19.1 (juvenile pimping),

11 11-19.2 (exploitation of a child),

12 11-20.1 (child pornography),

13 12-13 (criminal sexual assault),

14 12-14 (aggravated criminal sexual assault),

15 12-14.1 (predatory criminal sexual assault of a
16 child),

17 12-16 (aggravated criminal sexual abuse),

18 12-33 (ritualized abuse of a child); or

19 (2) convicted of first degree murder under Section 9-1
20 of the Criminal Code of 1961, when the victim was a person
21 under 18 years of age and the defendant was at least 17
22 years of age at the time of the commission of the offense;
23 or

24 (3) certified as a sexually dangerous person pursuant
25 to the Sexually Dangerous Persons Act or any substantially
26 similar federal, Uniform Code of Military Justice, sister
27 state, or foreign country law; or

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

32 (5) convicted of a second or subsequent offense which
33 requires registration pursuant to this Act. The conviction
34 for the second or subsequent offense must have occurred

1 after July 1, 1999. For purposes of this paragraph (5),
2 "convicted" shall include a conviction under any
3 substantially similar Illinois, federal, Uniform Code of
4 Military Justice, sister state, or foreign country law.

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

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

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

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

27 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
28 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

29 (730 ILCS 150/3) (from Ch. 38, par. 223)

30 Sec. 3. Duty to register.

31 (a) A sex offender, as defined in Section 2 of this Act, or
32 sexual predator shall, within the time period prescribed in
33 subsections (b) and (c), register in person and provide

1 accurate information as required by the Department of State
2 Police. Such information shall include a current photograph,
3 current address, current place of employment, the employer's
4 telephone number, school attended, extensions of the time
5 period for registering as provided in this Article and, if an
6 extension was granted, the reason why the extension was granted
7 and the date the sex offender was notified of the extension. ~~A~~
8 ~~person who has been adjudicated a juvenile delinquent for an~~
9 ~~act which, if committed by an adult, would be a sex offense~~
10 ~~shall register as an adult sex offender within 10 days after~~
11 ~~attaining 17 years of age.~~ The sex offender or sexual predator
12 shall register:

13 (1) with the chief of police in the municipality in
14 which he or she resides or is temporarily domiciled for a
15 period of time of 5 or more days, unless the municipality
16 is the City of Chicago, in which case he or she shall
17 register at the Chicago Police Department Headquarters; or

18 (2) with the sheriff in the county in which he or she
19 resides or is temporarily domiciled for a period of time of
20 5 or more days in an unincorporated area or, if
21 incorporated, no police chief exists.

22 If the sex offender or sexual predator is employed at or
23 attends an institution of higher education, he or she shall
24 register:

25 (i) with the chief of police in the municipality in
26 which he or she is employed at or attends an institution of
27 higher education, 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 (ii) with the sheriff in the county in which he or she
31 is employed or attends an institution of higher education
32 located in an unincorporated area, or if incorporated, no
33 police chief exists.

34 For purposes of this Article, the place of residence or

1 temporary domicile is defined as any and all places where the
2 sex offender resides for an aggregate period of time of 5 or
3 more days during any calendar year. Any person required to
4 register under this Article who lacks a fixed address or
5 temporary domicile must notify, in person, the agency of
6 jurisdiction of his or her last known address within 5 days
7 after ceasing to have a fixed residence.

8 Any person who lacks a fixed residence must report weekly,
9 in person, with the sheriff's office of the county in which he
10 or she is located in an unincorporated area, or with the chief
11 of police in the municipality in which he or she is located.
12 The agency of jurisdiction will document each weekly
13 registration to include all the locations where the person has
14 stayed during the past 7 days.

15 The sex offender or sexual predator shall provide accurate
16 information as required by the Department of State Police. That
17 information shall include the sex offender's or sexual
18 predator's current place of employment.

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

26 (1) with the chief of police in the municipality in
27 which he or she attends school or is employed for a period
28 of time of 5 or more days or for an aggregate period of
29 time of more than 30 days during any calendar year, unless
30 the municipality is the City of Chicago, in which case he
31 or she shall register at the Chicago Police Department
32 Headquarters; or

33 (2) with the sheriff in the county in which he or she
34 attends school or is employed for a period of time of 5 or

1 more days or for an aggregate period of time of more than
2 30 days during any calendar year in an unincorporated area
3 or, if incorporated, no police chief exists.

4 The out-of-state student or out-of-state employee shall
5 provide accurate information as required by the Department of
6 State Police. That information shall include the out-of-state
7 student's current place of school attendance or the
8 out-of-state employee's current place of employment.

9 (b) Any sex offender, as defined in Section 2 of this Act,
10 or sexual predator, regardless of any initial, prior, or other
11 registration, shall, within 5 days of beginning school, or
12 establishing a residence, place of employment, or temporary
13 domicile in any county, register in person as set forth in
14 subsection (a) or (a-5).

15 (c) The registration for any person required to register
16 under this Article shall be as follows:

17 (1) Any person registered under the Habitual Child Sex
18 Offender Registration Act or the Child Sex Offender
19 Registration Act prior to January 1, 1996, shall be deemed
20 initially registered as of January 1, 1996; however, this
21 shall not be construed to extend the duration of
22 registration set forth in Section 7.

23 (2) Except as provided in subsection (c)(4), any person
24 convicted or adjudicated prior to January 1, 1996, whose
25 liability for registration under Section 7 has not expired,
26 shall register in person prior to January 31, 1996.

27 (2.5) Except as provided in subsection (c)(4), any
28 person who has not been notified of his or her
29 responsibility to register shall be notified by a criminal
30 justice entity of his or her responsibility to register.
31 Upon notification the person must then register within 5
32 days of notification of his or her requirement to register.
33 If notification is not made within the offender's 10 year
34 registration requirement, and the Department of State

1 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 (3) Except as provided in subsection (c)(4), any person
5 convicted on or after January 1, 1996, shall register in
6 person within 5 days after the entry of the sentencing
7 order based upon his or her conviction.

8 (4) Any person unable to comply with the registration
9 requirements of this Article because he or she is confined,
10 institutionalized, or imprisoned in Illinois on or after
11 January 1, 1996, shall register in person within 5 days of
12 discharge, parole or release.

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

16 (6) The person shall pay a \$20 initial registration fee
17 and a \$10 annual renewal fee. The fees shall be used by the
18 registering agency for official purposes. The agency shall
19 establish procedures to document receipt and use of the
20 funds. The law enforcement agency having jurisdiction may
21 waive the registration fee if it determines that the person
22 is indigent and unable to pay the registration fee. Ten
23 dollars for the initial registration fee and \$5 of the
24 annual renewal fee shall be used by the registering agency
25 for official purposes. Ten dollars of the initial
26 registration fee and \$5 of the annual fee shall be
27 deposited into the Sex Offender Management Board Fund under
28 Section 19 of the Sex Offender Management Board Act. Money
29 deposited into the Sex Offender Management Board Fund shall
30 be administered by the Sex Offender Management Board and
31 shall be used to fund practices endorsed or required by the
32 Sex Offender Management Board Act including but not limited
33 to sex offenders evaluation, treatment, or monitoring
34 programs that are or may be developed, as well as for

1 administrative costs, including staff, incurred by the
2 Board.

3 (d) Within 5 days after obtaining or changing employment
4 and, if employed on January 1, 2000, within 5 days after that
5 date, a person required to register under this Section must
6 report, in person to the law enforcement agency having
7 jurisdiction, the business name and address where he or she is
8 employed. If the person has multiple businesses or work
9 locations, every business and work location must be reported to
10 the law enforcement agency having jurisdiction.

11 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;
12 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

13 (730 ILCS 150/3-5 new)

14 Sec. 3-5. Application of Act to adjudicated juvenile
15 delinquents.

16 (a) In all cases involving an adjudicated juvenile
17 delinquent who meets the definition of sex offender as set
18 forth in paragraph (5) of subsection (A) of Section 2 of this
19 Act, the court may determine whether to order registration, and
20 if so, the duration of the registration. To determine whether
21 to order registration, the court shall consider the following
22 factors:

23 (1) the report regarding the adjudicated juvenile
24 delinquent's risk assessment prepared for purposes of
25 sentencing;

26 (2) the adjudicated juvenile delinquent's level of
27 planning and participation in the offense;

28 (3) the sex offender history of the adjudicated
29 juvenile delinquent, including whether the adjudicated
30 juvenile delinquent has been adjudicated delinquent for
31 prior sexually-motivated offenses;

32 (4) the possibility that facilities or programs
33 available to the court will contribute to the

1 rehabilitation of the adjudicated juvenile delinquent
2 prior to the expiration of the court's jurisdiction;

3 (5) the ages of the adjudicated juvenile delinquent and
4 the victim;

5 (6) the relationship of the adjudicated juvenile
6 delinquent to the victim;

7 (7) the proposed placement alternatives for the
8 adjudicated juvenile delinquent;

9 (8) information related to the adjudicated juvenile
10 delinquent's mental, physical, educational, and social
11 history;

12 (9) victim impact statements; and

13 (10) any other factors deemed relevant by the court.

14 (b) Once an adjudicated juvenile delinquent is ordered to
15 register as a sex offender, the adjudicated juvenile delinquent
16 shall be subject to the registration requirements set forth in
17 Sections 3, 6, 6-5, 8, 8-5, and 10 for the term of his or her
18 registration.

19 (c) Ninety days prior to the completion of an adjudicated
20 juvenile delinquent's term of registration, ordered pursuant
21 to subsection (a) of this Section, the clerk of the court shall
22 provide notice to the parties of a hearing regarding status of
23 registration. Prior to the registration status hearing, the
24 State's Attorney may petition for the continuation of the term
25 of registration.

26 (d) At the registration status hearing, if the State's
27 Attorney fails to file a petition for continuation of term of
28 registration, or if the court determines, based upon the
29 factors set forth in subsection (e), that the registrant no
30 longer poses a serious risk to the community, registration
31 shall be terminated. At the registration status hearing, both
32 parties may present evidence about whether the registrant poses
33 a risk to the community. Upon the State's presentation of clear
34 and convincing evidence that the registrant poses a serious

1 risk to the community, the court may extend registration and
2 determine which, if any, conditions of registration shall
3 apply.

4 (e) To determine whether a registrant poses a serious risk
5 to the community as required by subsection (d), the court shall
6 consider the following factors:

7 (1) a risk assessment performed by an evaluator
8 approved by the Sex Offender Management Board;

9 (2) the sex offender history of the adjudicated
10 juvenile delinquent;

11 (3) evidence of the adjudicated juvenile delinquent's
12 rehabilitation;

13 (4) the age of the adjudicated juvenile delinquent at
14 the time of the offense;

15 (5) information related to the adjudicated juvenile
16 delinquent's mental, physical, educational, and social
17 history; and

18 (6) any other factors deemed relevant by the court.

19 (f) At the hearing set forth in subsections (c) and (d), a
20 registrant shall be represented by counsel and may present a
21 risk assessment conducted by an evaluator who is a licensed
22 psychiatrist, psychologist, or other mental health
23 professional, and who has demonstrated clinical experience in
24 juvenile sex offender treatment.

25 (g) After a registrant completes the term of his or her
26 registration, his or her name, address, and all other
27 identifying information shall be removed from all State and
28 local registries.

29 (h) An adjudicated juvenile delinquent shall not be
30 considered a sexual predator, as defined in subsection (E) of
31 Section 2 of this Act, for the purposes of mandatory
32 registration for the term of natural life as set forth in
33 Section 7 of this Act.

34 (i) This Section applies retroactively to cases in which

1 adjudicated juvenile delinquents who registered or were
2 required to register before the effective date of this
3 amendatory Act of the 94th General Assembly. Within 90 days
4 after the effective date of this amendatory Act, the clerk's
5 office shall send notice to registrants affected by this
6 Section notifying them of a registration status hearing
7 pursuant to subsections (c) through (e) of this Section.

8 (j) This Section does not apply to minors prosecuted under
9 the criminal laws as adults.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.".