

1 AN ACT concerning criminal law.

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

4 Section 5. The Sex Offender Registration Act is amended by  
5 changing 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  
25 104-25(a) of the Code of Criminal Procedure of 1963 for  
26 the alleged commission or attempted commission of such  
27 offense; or

28 (e) is found not guilty by reason of insanity  
29 following a hearing conducted pursuant to a federal,  
30 Uniform Code of Military Justice, sister state, or  
31 foreign country law substantially similar to Section  
32 104-25(c) of the Code of Criminal Procedure of 1963 of

1           such offense or of the attempted commission of such  
2           offense; or

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

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

14          (3) subject to the provisions of Section 2 of the  
15          Interstate Agreements on Sexually Dangerous Persons Act;  
16          or

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

21          (5) adjudicated a juvenile delinquent as the result of  
22          committing or attempting to commit an act which, if  
23          committed by an adult, would constitute any of the offenses  
24          specified in item (B), (C), or (C-5) of this Section or a  
25          violation of any substantially similar federal, Uniform  
26          Code of Military Justice, sister state, or foreign country  
27          law, or found guilty under Article V of the Juvenile Court  
28          Act of 1987 of committing or attempting to commit an act  
29          which, if committed by an adult, would constitute any of  
30          the offenses specified in item (B), (C), or (C-5) of this  
31          Section or a violation of any substantially similar  
32          federal, Uniform Code of Military Justice, sister state, or  
33          foreign country law.

34          Convictions that result from or are connected with the same  
35          act, or result from offenses committed at the same time, shall  
36          be counted for the purpose of this Article as one conviction.

1 Any conviction set aside pursuant to law is not a conviction  
2 for purposes of this Article.

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

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

13 (1) A violation of any of the following Sections of the  
14 Criminal Code of 1961:

15 11-20.1 (child pornography),  
16 11-6 (indecent solicitation of a child),  
17 11-9.1 (sexual exploitation of a child),  
18 11-9.2 (custodial sexual misconduct),  
19 11-15.1 (soliciting for a juvenile prostitute),  
20 11-18.1 (patronizing a juvenile prostitute),  
21 11-17.1 (keeping a place of juvenile  
22 prostitution),  
23 11-19.1 (juvenile pimping),  
24 11-19.2 (exploitation of a child),  
25 12-13 (criminal sexual assault),  
26 12-14 (aggravated criminal sexual assault),  
27 12-14.1 (predatory criminal sexual assault of a  
28 child),  
29 12-15 (criminal sexual abuse),  
30 12-16 (aggravated criminal sexual abuse),  
31 12-33 (ritualized abuse of a child).

32 An attempt to commit any of these offenses.

33 (1.5) A violation of any of the following Sections of  
34 the Criminal Code of 1961, when the victim is a person  
35 under 18 years of age, the defendant is not a parent of the  
36 victim, and the offense was committed on or after January

1 1, 1996:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 An attempt to commit any of these offenses.

7 (1.6) First degree murder under Section 9-1 of the  
8 Criminal Code of 1961, when the victim was a person under  
9 18 years of age and the defendant was at least 17 years of  
10 age at the time of the commission of the offense.

11 (1.7) (Blank).

12 (1.8) A violation or attempted violation of Section  
13 11-11 (sexual relations within families) of the Criminal  
14 Code of 1961, and the offense was committed on or after  
15 June 1, 1997.

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

23 (1.10) A violation or attempted violation of any of the  
24 following Sections of the Criminal Code of 1961 when the  
25 offense was committed on or after July 1, 1999:

26 10-4 (forcible detention, if the victim is under 18  
27 years of age),

28 11-6.5 (indecent solicitation of an adult),

29 11-15 (soliciting for a prostitute, if the victim  
30 is under 18 years of age),

31 11-16 (pandering, if the victim is under 18 years  
32 of age),

33 11-18 (patronizing a prostitute, if the victim is  
34 under 18 years of age),

35 11-19 (pimping, if the victim is under 18 years of  
36 age).

1 (1.11) 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 August 22, 2002:

4 11-9 (public indecency for a third or subsequent  
5 conviction).

6 (1.12) A violation or attempted violation of Section  
7 5.1 of the Wrongs to Children Act (permitting sexual abuse)  
8 when the offense was committed on or after August 22, 2002.

9 (2) A violation of any former law of this State  
10 substantially equivalent to any offense listed in  
11 subsection (B) of this Section.

12 (C) A conviction for an offense of federal law, Uniform  
13 Code of Military Justice, or the law of another state or a  
14 foreign country that is substantially equivalent to any offense  
15 listed in subsections (B), (C), and (E) of this Section shall  
16 constitute a conviction for the purpose of this Article. A  
17 finding or adjudication as a sexually dangerous person or a  
18 sexually violent person under any federal law, Uniform Code of  
19 Military Justice, or the law of another state or foreign  
20 country that is substantially equivalent to the Sexually  
21 Dangerous Persons Act or the Sexually Violent Persons  
22 Commitment Act shall constitute an adjudication for the  
23 purposes of this Article.

24 (C-5) A person at least 17 years of age at the time of the  
25 commission of the offense who is convicted of first degree  
26 murder under Section 9-1 of the Criminal Code of 1961, against  
27 a person under 18 years of age, shall be required to register  
28 for natural life. A conviction for an offense of federal,  
29 Uniform Code of Military Justice, sister state, or foreign  
30 country law that is substantially equivalent to any offense  
31 listed in subsection (C-5) of this Section shall constitute a  
32 conviction for the purpose of this Article. This subsection  
33 (C-5) applies to a person who committed the offense before June  
34 1, 1996 only if the person is incarcerated in an Illinois  
35 Department of Corrections facility on August 20, 2004 (the  
36 effective date of Public Act 93-977).

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

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

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

18 (1) Convicted for an offense of federal, Uniform Code  
19 of Military Justice, sister state, or foreign country law  
20 that is substantially equivalent to any offense listed in  
21 subsection (E) of this Section shall constitute a  
22 conviction for the purpose of this Article. Convicted of a  
23 violation or attempted violation of any of the following  
24 Sections of the Criminal Code of 1961, if the conviction  
25 occurred after July 1, 1999:

26 11-17.1 (keeping a place of juvenile  
27 prostitution),

28 11-19.1 (juvenile pimping),

29 11-19.2 (exploitation of a child),

30 11-20.1 (child pornography),

31 12-13 (criminal sexual assault),

32 12-14 (aggravated criminal sexual assault),

33 12-14.1 (predatory criminal sexual assault of a  
34 child),

35 12-16 (aggravated criminal sexual abuse),

36 12-33 (ritualized abuse of a child); or

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

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

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

14          (5) convicted of a second or subsequent offense which  
15          requires registration pursuant to this Act. The conviction  
16          for the second or subsequent offense must have occurred  
17          after July 1, 1999. For purposes of this paragraph (5),  
18          "convicted" shall include a conviction under any  
19          substantially similar Illinois, federal, Uniform Code of  
20          Military Justice, sister state, or foreign country law.

21          (F) As used in this Article, "out-of-state student" means  
22          any sex offender, as defined in this Section, or sexual  
23          predator who is enrolled in Illinois, on a full-time or  
24          part-time basis, in any public or private educational  
25          institution, including, but not limited to, any secondary  
26          school, trade or professional institution, or institution of  
27          higher learning.

28          (G) As used in this Article, "out-of-state employee" means  
29          any sex offender, as defined in this Section, or sexual  
30          predator who works in Illinois, regardless of whether the  
31          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  
35          employment time for any portion of a day spent in Illinois.

36          (H) As used in this Article, "school" means any public or

1 private educational institution, including, but not limited  
2 to, any elementary or secondary school, trade or professional  
3 institution, or institution of higher education.

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

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

9 (730 ILCS 150/3) (from Ch. 38, par. 223)

10 Sec. 3. Duty to register.

11 (a) A sex offender, as defined in Section 2 of this Act, or  
12 sexual predator shall, within the time period prescribed in  
13 subsections (b) and (c), register in person and provide  
14 accurate information as required by the Department of State  
15 Police. Such information shall include a current photograph,  
16 current address, current place of employment, the employer's  
17 telephone number, school attended, extensions of the time  
18 period for registering as provided in this Article and, if an  
19 extension was granted, the reason why the extension was granted  
20 and the date the sex offender was notified of the extension. ~~A~~  
21 ~~person who has been adjudicated a juvenile delinquent for an~~  
22 ~~act which, if committed by an adult, would be a sex offense~~  
23 ~~shall register as an adult sex offender within 10 days after~~  
24 ~~attaining 17 years of age.~~ The sex offender or sexual predator  
25 shall register:

26 (1) with the chief of police in the municipality in  
27 which he or she resides or is temporarily domiciled for a  
28 period of time of 5 or more days, unless the municipality  
29 is the City of Chicago, in which case he or she shall  
30 register at the Chicago Police Department Headquarters; or

31 (2) with the sheriff in the county in which he or she  
32 resides or is temporarily domiciled for a period of time of  
33 5 or more days in an unincorporated area or, if  
34 incorporated, no police chief exists.

35 If the sex offender or sexual predator is employed at or



1 attends an institution of higher education, he or she shall  
2 register:

3 (i) with the chief of police in the municipality in  
4 which he or she is employed at or attends an institution of  
5 higher education, 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 (ii) with the sheriff in the county in which he or she  
9 is employed or attends an institution of higher education  
10 located in an unincorporated area, or if incorporated, no  
11 police chief exists.

12 For purposes of this Article, the place of residence or  
13 temporary domicile is defined as any and all places where the  
14 sex offender resides for an aggregate period of time of 5 or  
15 more days during any calendar year. Any person required to  
16 register under this Article who lacks a fixed address or  
17 temporary domicile must notify, in person, the agency of  
18 jurisdiction of his or her last known address within 5 days  
19 after ceasing to have a fixed residence.

20 Any person who lacks a fixed residence must report weekly,  
21 in person, with the sheriff's office of the county in which he  
22 or she is located in an unincorporated area, or with the chief  
23 of police in the municipality in which he or she is located.  
24 The agency of jurisdiction will document each weekly  
25 registration to include all the locations where the person has  
26 stayed during the past 7 days.

27 The sex offender or sexual predator shall provide accurate  
28 information as required by the Department of State Police. That  
29 information shall include the sex offender's or sexual  
30 predator's current place of employment.

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

1 out-of-state employee shall register:

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

9 (2) with the sheriff in the county in which he or she  
10 attends school or is employed for a period of time of 5 or  
11 more days or for an aggregate period of time of more than  
12 30 days during any calendar year in an unincorporated area  
13 or, if incorporated, no police chief exists.

14 The out-of-state student or out-of-state employee shall  
15 provide accurate information as required by the Department of  
16 State Police. That information shall include the out-of-state  
17 student's current place of school attendance or the  
18 out-of-state employee's current place of employment.

19 (b) Any sex offender, as defined in Section 2 of this Act,  
20 or sexual predator, regardless of any initial, prior, or other  
21 registration, shall, within 5 days of beginning school, or  
22 establishing a residence, place of employment, or temporary  
23 domicile in any county, register in person as set forth in  
24 subsection (a) or (a-5).

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

27 (1) Any person registered under the Habitual Child Sex  
28 Offender Registration Act or the Child Sex Offender  
29 Registration Act prior to January 1, 1996, shall be deemed  
30 initially registered as of January 1, 1996; however, this  
31 shall not be construed to extend the duration of  
32 registration set forth in Section 7.

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

1           (2.5) Except as provided in subsection (c)(4), any  
2 person who has not been notified of his or her  
3 responsibility to register shall be notified by a criminal  
4 justice entity of his or her responsibility to register.  
5 Upon notification the person must then register within 5  
6 days of notification of his or her requirement to register.  
7 If notification is not made within the offender's 10 year  
8 registration requirement, and the Department of State  
9 Police determines no evidence exists or indicates the  
10 offender attempted to avoid registration, the offender  
11 will no longer be required to register under this Act.

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

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

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

24           (6) The person shall pay a \$20 initial registration fee  
25 and a \$10 annual renewal fee. The fees shall be used by the  
26 registering agency for official purposes. The agency shall  
27 establish procedures to document receipt and use of the  
28 funds. The law enforcement agency having jurisdiction may  
29 waive the registration fee if it determines that the person  
30 is indigent and unable to pay the registration fee. Ten  
31 dollars for the initial registration fee and \$5 of the  
32 annual renewal fee shall be used by the registering agency  
33 for official purposes. Ten dollars of the initial  
34 registration fee and \$5 of the annual fee shall be  
35 deposited into the Sex Offender Management Board Fund under  
36 Section 19 of the Sex Offender Management Board Act. Money

1 deposited into the Sex Offender Management Board Fund shall  
2 be administered by the Sex Offender Management Board and  
3 shall be used to fund practices endorsed or required by the  
4 Sex Offender Management Board Act including but not limited  
5 to sex offenders evaluation, treatment, or monitoring  
6 programs that are or may be developed, as well as for  
7 administrative costs, including staff, incurred by the  
8 Board.

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

17 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;  
18 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

19 (730 ILCS 150/3-5 new)

20 Sec. 3-5. Application of Act to adjudicated juvenile  
21 delinquents.

22 (a) In all cases involving an adjudicated juvenile  
23 delinquent who meets the definition of sex offender as set  
24 forth in paragraph (5) of subsection (A) of Section 2 of this  
25 Act, the court shall determine at the sentencing hearing  
26 whether to order registration, and if so, the duration of the  
27 registration. To determine whether to order registration, the  
28 court shall consider the following factors:

29 (1) the report regarding the adjudicated juvenile  
30 delinquent's risk assessment prepared for purposes of  
31 sentencing;

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

34 (3) the sex offender history of the adjudicated  
35 juvenile delinquent, including whether the adjudicated

1 juvenile delinquent has been adjudicated delinquent for  
2 prior sexually-motivated offenses;

3 (4) the possibility that facilities or programs  
4 available to the court will contribute to the  
5 rehabilitation of the adjudicated juvenile delinquent  
6 prior to the expiration of the court's jurisdiction;

7 (5) the ages of the adjudicated juvenile delinquent and  
8 the victim;

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

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

13 (8) information related to the adjudicated juvenile  
14 delinquent's mental, physical, educational, and social  
15 history;

16 (9) victim impact statements; and

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

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

23 (c) No less than 90 days prior to the completion of an  
24 adjudicated juvenile delinquent's term of registration,  
25 ordered pursuant to subsection (a) of this Section, the State's  
26 Attorney may petition for the continuation of the term of  
27 registration.

28 (d) The court may, upon a hearing on the petition for  
29 continuation of registration, extend registration and  
30 determine which, if any, conditions of registration shall apply  
31 if the court finds that the registrant poses a serious risk to  
32 the community by a preponderance of the evidence based on the  
33 factors set forth in subsection (e).

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

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

3           (2) the sex offender history of the adjudicated  
4           juvenile delinquent;

5           (3) evidence of the adjudicated juvenile delinquent's  
6           rehabilitation;

7           (4) the age of the adjudicated juvenile delinquent at  
8           the time of the offense;

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

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

13           (f) At the hearing set forth in subsections (c) and (d), a  
14           registrant shall be represented by counsel and may present a  
15           risk assessment conducted by an evaluator who is a licensed  
16           psychiatrist, psychologist, or other mental health  
17           professional, and who has demonstrated clinical experience in  
18           juvenile sex offender treatment.

19           (g) After a registrant completes the term of his or her  
20           registration, his or her name, address, and all other  
21           identifying information shall be removed from all State and  
22           local registries.

23           (h) An adjudicated juvenile delinquent shall not be  
24           considered a sexual predator, as defined in subsection (E) of  
25           Section 2 of this Act, for the purposes of mandatory  
26           registration for the term of natural life as set forth in  
27           Section 7 of this Act.

28           (i) This Section applies retroactively to cases in which  
29           adjudicated juvenile delinquents who registered or were  
30           required to register before the effective date of this  
31           amendatory Act of the 94th General Assembly. On or after the  
32           effective date of this amendatory Act of the 94th General  
33           Assembly, a person adjudicated delinquent before the effective  
34           date of this amendatory Act of the 94th General Assembly may  
35           request a hearing regarding status of registration by filing a  
36           Petition Requesting Registration Status with the clerk of the

1 court. Upon receipt of the Petition Requesting Registration  
2 Status, the clerk of the court shall provide notice to the  
3 parties and set the Petition for hearing pursuant to  
4 subsections (c) through (e) of this Section.

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

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.