



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4193

Introduced 11/4/2005, by Rep. John A. Fritchey

#### SYNOPSIS AS INTRODUCED:

New Act	
20 ILCS 2605/2605-35	was 20 ILCS 2605/55a-3
30 ILCS 105/5.663 new	
105 ILCS 5/10-21.9	from Ch. 122, par. 10-21.9
105 ILCS 5/34-18.5	from Ch. 122, par. 34-18.5
325 ILCS 40/6	from Ch. 23, par. 2256
730 ILCS 150/2	from Ch. 38, par. 222
730 ILCS 150/8	from Ch. 38, par. 228
730 ILCS 150/9	from Ch. 38, par. 229
730 ILCS 152/101	

Creates the Violent Offender Against Youth Registration Act. Provides for the registration of persons under the Act who were previously registered as sex offenders under the Sex Offender Registration Act for the offenses of kidnapping, aggravated kidnapping, unlawful restraint, aggravated unlawful restraint, first degree murder, child abduction, and forcible detention, or an attempt to commit certain of those offenses when those offenses were committed against persons under 18 years of age. Transfers information about those persons previously registered under the Sex Offender Registration Act for those offenses to the Violent Offender Against Youth Registration Act. Creates the Violent Offender Against Youth Registration Fund. Provides that the Fund shall receive deposits of registration fees from violent offenders against youth. Establishes various requirements for registration and provides penalties for those persons who violate registration requirements. Amends various Acts to make conforming changes.

LRB094 14420 RLC 49353 b

FISCAL NOTE ACT  
MAY APPLY

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 1. Short title. This Act may be cited as the  
5 Violent Offender Against Youth Registration Act.

6 Section 5. Definitions.

7 (a) As used in this Act, "violent offender against youth"  
8 means any person who is:

9 (1) charged pursuant to Illinois law, or any  
10 substantially similar federal, Uniform Code of Military  
11 Justice, sister state, or foreign country law, with a  
12 violent offense against youth set forth in subsection (b)  
13 of this Section or the attempt to commit an included  
14 violent offense against youth, 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 subsection (c) of Section 104-25 of the  
21 Code of Criminal Procedure of 1963 of such offense or  
22 an attempt to commit such offense; or

23 (D) is the subject of a finding not resulting in an  
24 acquittal at a hearing conducted pursuant to  
25 subsection (a) of Section 104-25 of the Code of  
26 Criminal Procedure of 1963 for the alleged commission  
27 or attempted commission of such 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  
32 subsection (c) of Section 104-25 of the Code of

1 Criminal Procedure of 1963 of such offense or of the  
2 attempted commission of such 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  
7 subsection (c) of Section 104-25 of the Code of  
8 Criminal Procedure of 1963 for the alleged violation or  
9 attempted commission of such offense; or

10 (2) adjudicated a juvenile delinquent as the result of  
11 committing or attempting to commit an act which, if  
12 committed by an adult, would constitute any of the offenses  
13 specified in subsection (b) or (c-5) of this Section or a  
14 violation of any substantially similar federal, Uniform  
15 Code of Military Justice, sister state, or foreign country  
16 law, or found guilty under Article V of the Juvenile Court  
17 Act of 1987 of committing or attempting to commit an act  
18 which, if committed by an adult, would constitute any of  
19 the offenses specified in subsection (b) or (c-5) of this  
20 Section or a violation of any substantially similar  
21 federal, Uniform Code of Military Justice, sister state, or  
22 foreign country law.

23 Convictions that result from or are connected with the same  
24 act, or result from offenses committed at the same time, shall  
25 be counted for the purpose of this Act as one conviction. Any  
26 conviction set aside pursuant to law is not a conviction for  
27 purposes of this Act.

28 For purposes of this Section, "convicted" shall have the  
29 same meaning as "adjudicated". For the purposes of this Act, a  
30 person who is defined as a violent offender against youth as a  
31 result of being adjudicated a juvenile delinquent under  
32 paragraph (2) of this subsection (a) upon attaining 17 years of  
33 age shall be considered as having committed the violent offense  
34 against youth on or after the violent offender against youth's  
35 17th birthday. Registration of juveniles upon attaining 17  
36 years of age shall not extend the original registration of 10

1 years from the date of conviction.

2 (b) As used in this Act, "violent offense against youth"  
3 means:

4 (1) A violation of any of the following Sections of the  
5 Criminal Code of 1961, when the victim is a person under 18  
6 years of age, the defendant is not a parent of the victim,  
7 and the offense was committed on or after January 1, 1996:

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

13 (2) First degree murder under Section 9-1 of the  
14 Criminal Code of 1961, when the victim was a person under  
15 18 years of age and the defendant was at least 17 years of  
16 age at the time of the commission of the offense.

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

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

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

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

32 (c) A conviction for an offense of federal law, Uniform  
33 Code of Military Justice, or the law of another state or a  
34 foreign country that is substantially equivalent to any offense  
35 listed in subsections (b) and (c-5) of this Section shall  
36 constitute a conviction for the purpose of this Act.

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

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

25 (e) As used in this Act, "supervising officer" means the  
26 assigned Illinois Department of Corrections parole agent or  
27 county probation officer.

28 (f) As used in this Act, "out-of-state student" means any  
29 violent offender against youth who is enrolled in Illinois, on  
30 a full-time or part-time basis, in any public or private  
31 educational institution, including, but not limited to, any  
32 secondary school, trade or professional institution, or  
33 institution of higher learning.

34 (g) As used in this Act, "out-of-state employee" means any  
35 violent offender against youth who works in Illinois,  
36 regardless of whether the individual receives payment for

1 services performed, for a period of time of 10 or more days or  
2 for an aggregate period of time of 30 or more days during any  
3 calendar year. Persons who operate motor vehicles in the State  
4 accrue one day of employment time for any portion of a day  
5 spent in Illinois.

6 (h) As used in this Act, "school" means any public or  
7 private educational institution, including, but not limited  
8 to, any elementary or secondary school, trade or professional  
9 institution, or institution of higher education.

10 (i) As used in this Act, "fixed residence" means any and  
11 all places that a violent offender against youth resides for an  
12 aggregate period of time of 5 or more days in a calendar year.

13 Section 10. Duty to register.

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

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

34 (2) with the sheriff in the county in which he or she  
35 resides or is temporarily domiciled for a period of time of

1           5 or more days in an unincorporated area or, if  
2           incorporated, no police chief exists.

3           If the violent offender against youth is employed at or  
4           attends an institution of higher education, he or she shall  
5           register:

6                   (i) with the chief of police in the municipality in  
7                   which he or she is employed at or attends an institution of  
8                   higher education, unless the municipality is the City of  
9                   Chicago, in which case he or she shall register at the  
10                  Chicago Police Department Headquarters; or

11                   (ii) with the sheriff in the county in which he or she  
12                   is employed or attends an institution of higher education  
13                   located in an unincorporated area, or if incorporated, no  
14                   police chief exists.

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

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

30           The violent offender against youth shall provide accurate  
31           information as required by the Department of State Police. That  
32           information shall include the violent offender against youth's  
33           current place of employment.

34           (a-5) An out-of-state student or out-of-state employee  
35           shall, within 5 days after beginning school or employment in  
36           this State, register in person and provide accurate information

1 as required by the Department of State Police. Such information  
2 will include current place of employment, school attended, and  
3 address in state of residence. The out-of-state student or  
4 out-of-state employee shall register:

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

12 (2) with the sheriff in the county in which he or she  
13 attends school or is employed for a period of time of 5 or  
14 more days or for an aggregate period of time of more than  
15 30 days during any calendar year in an unincorporated area  
16 or, if incorporated, no police chief exists.

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

22 (b) Any violent offender against youth regardless of any  
23 initial, prior, or other registration, shall, within 5 days of  
24 beginning school, or establishing a residence, place of  
25 employment, or temporary domicile in any county, register in  
26 person as set forth in subsection (a) or (a-5).

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

29 (1) Except as provided in paragraph (4) of this  
30 subsection (c), any person who has not been notified of his  
31 or her responsibility to register shall be notified by a  
32 criminal justice entity of his or her responsibility to  
33 register. Upon notification the person must then register  
34 within 5 days of notification of his or her requirement to  
35 register. If notification is not made within the offender's  
36 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 (4) of this  
5 subsection (c), any person convicted on or after the  
6 effective date of this Act shall register in person within  
7 5 days after the entry of the sentencing order based upon  
8 his or her conviction.

9 (3) A person registered under the Sex Offender  
10 Registration Act for the commission of an offense or  
11 offenses listed in subsection (b) of Section 5 of this Act  
12 shall on the effective date of this Act be registered under  
13 this Act and not under the Sex Offender Registration Act.  
14 On the effective date of this Act, the Department of State  
15 Police shall remove from the Statewide Sex Offender  
16 Database information about all persons listed in the  
17 Database who are in the Database because of the commission  
18 of crimes listed in subsection (b) of Section 5. On the  
19 effective date of this Act, the Department of State Police  
20 shall transfer such information into the Statewide Violent  
21 Offender Against Youth Database. This paragraph (3) does  
22 not extend the registration period for persons who were  
23 registered under the Sex Offender Registration Act and by  
24 operation of law are registered under this Act. The  
25 registration of those persons shall expire on the date the  
26 registration would have otherwise expired if those persons  
27 were registered under the Sex Offender Registration Act.

28 (4) Any person unable to comply with the registration  
29 requirements of this Act because he or she is confined,  
30 institutionalized, or imprisoned in Illinois on or after  
31 the effective date of this Act shall register in person  
32 within 5 days of discharge, parole or release.

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

36 (6) The person shall pay a \$20 initial registration fee

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

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

16 Section 15. Discharge of violent offender against youth.  
17 Discharge of violent offender against youth from Department of  
18 Corrections facility or other penal institution; duties of  
19 official in charge. Any violent offender against youth who is  
20 discharged, paroled or released from a Department of  
21 Corrections facility, a facility where such person was placed  
22 by the Department of Corrections or another penal institution,  
23 and whose liability for registration has not terminated under  
24 Section 40 shall, prior to discharge, parole or release from  
25 the facility or institution, be informed of his or her duty to  
26 register in person within 5 days of release by the facility or  
27 institution in which he or she was confined. The facility or  
28 institution shall also inform any person who must register that  
29 if he or she establishes a residence outside of the State of  
30 Illinois, is employed outside of the State of Illinois, or  
31 attends school outside of the State of Illinois, he or she must  
32 register in the new state within 5 days after establishing the  
33 residence, beginning employment, or beginning school.

34 The facility shall require the person to read and sign such  
35 form as may be required by the Department of State Police

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

21 Section 20. Release of violent offender against youth;  
22 duties of the Court. Any violent offender against youth who is  
23 released on probation or discharged upon payment of a fine  
24 because of the commission of one of the offenses defined in  
25 subsection (b) of Section 5 of this Act, shall, prior to such  
26 release be informed of his or her duty to register under this  
27 Act by the Court in which he or she was convicted. The Court  
28 shall also inform any person who must register that if he or  
29 she establishes a residence outside of the State of Illinois,  
30 is employed outside of the State of Illinois, or attends school  
31 outside of the State of Illinois, he or she must register in  
32 the new state within 5 days after establishing the residence,  
33 beginning employment, or beginning school. The Court shall  
34 require the person to read and sign such form as may be  
35 required by the Department of State Police stating that the

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

15 Section 25. Discharge of violent offender against youth  
16 from hospital. Discharge of violent offender against youth from  
17 a hospital or other treatment facility; duties of the official  
18 in charge. Any violent offender against youth who is discharged  
19 or released from a hospital or other treatment facility where  
20 he or she was confined shall be informed by the hospital or  
21 treatment facility in which he or she was confined, prior to  
22 discharge or release from the hospital or treatment facility,  
23 of his or her duty to register under this Act.

24 The facility shall require the person to read and sign such  
25 form as may be required by the Department of State Police  
26 stating that the duty to register and the procedure for  
27 registration have been explained to him or her and that he or  
28 she understands the duty to register and the procedure for  
29 registration. The facility shall give one copy of the form to  
30 the person, retain one copy for its records, and forward the  
31 original to the Department of State Police. The facility shall  
32 obtain information about where the person expects to reside,  
33 work, and attend school upon his or her discharge, parole, or  
34 release and shall report the information to the Department of  
35 State Police within 3 days. The facility or institution shall

1 also inform any person who must register that if he or she  
2 establishes a residence outside of the State of Illinois, is  
3 employed outside of the State of Illinois, or attends school  
4 outside of the State of Illinois, he or she must register in  
5 the new state within 5 days after establishing the residence,  
6 beginning school, or beginning employment. The Department of  
7 State Police shall notify the law enforcement agencies having  
8 jurisdiction where the person expects to reside, work, and  
9 attend school upon his or her release.

10 Section 30. Duty to report; change of address, school, or  
11 employment; duty to inform. Any violent offender against youth  
12 who is required to register under this Act shall report in  
13 person to the appropriate law enforcement agency with whom he  
14 or she last registered within one year from the date of last  
15 registration and every year thereafter and at such other times  
16 at the request of the law enforcement agency not to exceed 4  
17 times a year. If any person required to register under this Act  
18 lacks a fixed residence or temporary domicile, he or she must  
19 notify, in person, the agency of jurisdiction of his or her  
20 last known address within 5 days after ceasing to have a fixed  
21 residence and if the offender leaves the last jurisdiction of  
22 residence, he or she, must within 48 hours after leaving  
23 register in person with the new agency of jurisdiction. If any  
24 other person required to register under this Act changes his or  
25 her residence address, place of employment, or school, he or  
26 she shall report in person to the law enforcement agency with  
27 whom he or she last registered of his or her new address,  
28 change in employment, or school and register, in person, with  
29 the appropriate law enforcement agency within the time period  
30 specified in Section 10. The law enforcement agency shall,  
31 within 3 days of the reporting in person by the person required  
32 to register under this Act, notify the Department of State  
33 Police of the new place of residence, change in employment, or  
34 school.

35 If any person required to register under this Act intends

1 to establish a residence or employment outside of the State of  
2 Illinois, at least 10 days before establishing that residence  
3 or employment, he or she shall report in person to the law  
4 enforcement agency with which he or she last registered of his  
5 or her out-of-state intended residence or employment. The law  
6 enforcement agency with which such person last registered  
7 shall, within 3 days after the reporting in person of the  
8 person required to register under this Act of an address or  
9 employment change, notify the Department of State Police. The  
10 Department of State Police shall forward such information to  
11 the out-of-state law enforcement agency having jurisdiction in  
12 the form and manner prescribed by the Department of State  
13 Police.

14 Section 35. Out-of-State employee or student; duty to  
15 report change. Every out-of-state student or out-of-state  
16 employee must notify the agency having jurisdiction of any  
17 change of employment or change of educational status, in  
18 writing, within 5 days of the change. The law enforcement  
19 agency shall, within 3 days after receiving the notice, enter  
20 the appropriate changes into LEADS.

21 Section 40. Duration of registration. Any person who is  
22 required to register under this Act shall be required to  
23 register for a period of 10 years after conviction or  
24 adjudication if not confined to a penal institution, hospital  
25 or any other institution or facility, and if confined, for a  
26 period of 10 years after parole, discharge or release from any  
27 such facility. A violent offender against youth who is allowed  
28 to leave a county, State, or federal facility for the purposes  
29 of work release, education, or overnight visitations shall be  
30 required to register within 5 days of beginning such a program.  
31 Liability for registration terminates at the expiration of 10  
32 years from the date of conviction or adjudication if not  
33 confined to a penal institution, hospital or any other  
34 institution or facility and if confined, at the expiration of

1 10 years from the date of parole, discharge or release from any  
2 such facility, providing such person does not, during that  
3 period, again become liable to register under the provisions of  
4 this Act. Reconfinement due to a violation of parole or other  
5 circumstances that relates to the original conviction or  
6 adjudication shall extend the period of registration to 10  
7 years after final parole, discharge, or release. The Director  
8 of State Police, consistent with administrative rules, shall  
9 extend for 10 years the registration period of any violent  
10 offender against youth who fails to comply with the provisions  
11 of this Act. The registration period for any violent offender  
12 against youth who fails to comply with any provision of the Act  
13 shall extend the period of registration by 10 years beginning  
14 from the first date of registration after the violation. If the  
15 registration period is extended, the Department of State Police  
16 shall send a registered letter to the law enforcement agency  
17 where the violent offender against youth resides within 3 days  
18 after the extension of the registration period. The violent  
19 offender against youth shall report to that law enforcement  
20 agency and sign for that letter. One copy of that letter shall  
21 be kept on file with the law enforcement agency of the  
22 jurisdiction where the violent offender against youth resides  
23 and one copy shall be returned to the Department of State  
24 Police.

25 Section 45. Registration requirements. Registration as  
26 required by this Act shall consist of a statement in writing  
27 signed by the person giving the information that is required by  
28 the Department of State Police, which may include the  
29 fingerprints and must include a current photograph of the  
30 person, to be updated annually. The registration information  
31 must include whether the person is a violent offender against  
32 youth. Within 3 days, the registering law enforcement agency  
33 shall forward any required information to the Department of  
34 State Police. The registering law enforcement agency shall  
35 enter the information into the Law Enforcement Agencies Data

1 System (LEADS) as provided in Sections 6 and 7 of the  
2 Intergovernmental Missing Child Recovery Act of 1984.

3 Section 50. Verification requirements.

4 (a) The agency having jurisdiction shall verify the address  
5 of violent offenders against youth required to register with  
6 their agency at least once per year. The verification must be  
7 documented in LEADS in the form and manner required by the  
8 Department of State Police.

9 (b) The supervising officer shall, within 15 days of  
10 sentencing to probation or release from an Illinois Department  
11 of Corrections facility, contact the law enforcement agency in  
12 the jurisdiction which the violent offender against youth  
13 designated as his or her intended residence and verify  
14 compliance with the requirements of this Act. Revocation  
15 proceedings shall be immediately commenced against a violent  
16 offender against youth on probation, parole, or mandatory  
17 supervised release who fails to comply with the requirements of  
18 this Act.

19 Section 55. Public inspection of registration data. Except  
20 as provided in the Violent Offender Against Youth Community  
21 Notification Law, the statements or any other information  
22 required by this Act shall not be open to inspection by the  
23 public, or by any person other than by a law enforcement  
24 officer or other individual as may be authorized by law and  
25 shall include law enforcement agencies of this State, any other  
26 state, or of the federal government. Similar information may be  
27 requested from any law enforcement agency of another state or  
28 of the federal government for purposes of this Act. It is a  
29 Class B misdemeanor to permit the unauthorized release of any  
30 information required by this Act.

31 Section 60. Penalty. Any person who is required to register  
32 under this Act who violates any of the provisions of this Act  
33 and any person who is required to register under this Act who



1 seeks to change his or her name under Article 21 of the Code of  
2 Civil Procedure is guilty of a Class 3 felony. Any person who  
3 is convicted for a violation of this Act for a second or  
4 subsequent time is guilty of a Class 2 felony. Any person who  
5 is required to register under this Act who knowingly or  
6 wilfully gives material information required by this Act that  
7 is false is guilty of a Class 3 felony. Any person convicted of  
8 a violation of any provision of this Act shall, in addition to  
9 any other penalty required by law, be required to serve a  
10 minimum period of 7 days confinement in the local county jail.  
11 The court shall impose a mandatory minimum fine of \$500 for  
12 failure to comply with any provision of this Act. These fines  
13 shall be deposited in the Violent Offender Against Youth  
14 Registration Fund. Any violent offender against youth who  
15 violates any provision of this Act may be arrested and tried in  
16 any Illinois county where the violent offender against youth  
17 can be located. The local police department or sheriff's office  
18 is not required to determine whether the person is living  
19 within its jurisdiction.

20 Section 65. Violent Offender Against Youth Registration  
21 Fund. There is created the Violent Offender Against Youth  
22 Registration Fund. Moneys in the Fund shall be used to cover  
23 costs incurred by the criminal justice system to administer  
24 this Act. The Department of State Police shall establish and  
25 promulgate rules and procedures regarding the administration  
26 of this Fund. Fifty percent of the moneys in the Fund shall be  
27 allocated by the Department for sheriffs' offices and police  
28 departments. The remaining moneys in the Fund shall be  
29 allocated to the Illinois State Police for education and  
30 administration of the Act.

31 Section 70. Access to State of Illinois databases. The  
32 Department of State Police shall have access to State of  
33 Illinois databases containing information that may help in the  
34 identification or location of persons required to register

1 under this Act. Interagency agreements shall be implemented,  
2 consistent with security and procedures established by the  
3 State agency and consistent with the laws governing the  
4 confidentiality of the information in the databases.  
5 Information shall be used only for administration of this Act.

6 Section 75. Violent Offender Against Youth Community  
7 Notification Law. Sections 75 through 105 of this Act may be  
8 cited as the Violent Offender Against Youth Community  
9 Notification Law.

10 Section 80. Definition. As used in Sections 75 through 105,  
11 the following definition applies:

12 "Child care facilities" has the meaning set forth in the  
13 Child Care Act of 1969, but does not include licensed foster  
14 homes.

15 Section 85. Violent offender against youth database.

16 (a) The Department of State Police shall establish and  
17 maintain a Statewide Violent Offender Against Youth Database  
18 for the purpose of identifying violent offenders against youth  
19 and making that information available to the persons specified  
20 in Section 95. The Database shall be created from the Law  
21 Enforcement Agencies Data System (LEADS) established under  
22 Section 6 of the Intergovernmental Missing Child Recovery Act  
23 of 1984. The Department of State Police shall examine its LEADS  
24 database for persons registered as violent offenders against  
25 youth under this Act and shall identify those who are violent  
26 offenders against youth and shall add all the information,  
27 including photographs if available, on those violent offenders  
28 against youth to the Statewide Violent Offender Against Youth  
29 Database.

30 (b) The Department of State Police must make the  
31 information contained in the Statewide Violent Offender  
32 Against Youth Database accessible on the Internet by means of a  
33 hyperlink labeled "Violent Offender Against Youth Information"

1 on the Department's World Wide Web home page. The Department of  
2 State Police must update that information as it deems  
3 necessary.

4 The Department of State Police may require that a person  
5 who seeks access to the violent offender against youth  
6 information submit biographical information about himself or  
7 herself before permitting access to the violent offender  
8 against youth information. The Department of State Police must  
9 promulgate rules in accordance with the Illinois  
10 Administrative Procedure Act to implement this subsection (b)  
11 and those rules must include procedures to ensure that the  
12 information in the database is accurate.

13 (c) The Department of State Police must develop and conduct  
14 training to educate all those entities involved in the Violent  
15 Offender Against Youth Registration Program.

16 Section 90. List of violent offenders against youth; list  
17 of facilities, schools, and institutions of higher education.  
18 The Department of State Police shall promulgate rules to  
19 develop a list of violent offenders against youth covered by  
20 this Act and a list of child care facilities, schools, and  
21 institutions of higher education eligible to receive notice  
22 under this Act, so that the list can be disseminated in a  
23 timely manner to law enforcement agencies having jurisdiction.

24 Section 95. Community notification of violent offenders  
25 against youth.

26 (a) The sheriff of the county, except Cook County, shall  
27 disclose to the following the name, address, date of birth,  
28 place of employment, school attended, and offense or  
29 adjudication of all violent offenders against youth required to  
30 register under Section 10 of this Act:

31 (1) The boards of institutions of higher education or  
32 other appropriate administrative offices of each  
33 non-public institution of higher education located in the  
34 county where the violent offender against youth is required

1 to register, resides, is employed, or is attending an  
2 institution of higher education; and

3 (2) School boards of public school districts and the  
4 principal or other appropriate administrative officer of  
5 each nonpublic school located in the county where the  
6 violent offender against youth is required to register or  
7 is employed; and

8 (3) Child care facilities located in the county where  
9 the violent offender against youth is required to register  
10 or is employed.

11 (a-2) The sheriff of Cook County shall disclose to the  
12 following the name, address, date of birth, place of  
13 employment, school attended, and offense or adjudication of all  
14 violent offenders against youth required to register under  
15 Section 10 of this Act:

16 (1) School boards of public school districts and the  
17 principal or other appropriate administrative officer of  
18 each nonpublic school located within the region of Cook  
19 County, as those public school districts and nonpublic  
20 schools are identified in LEADS, other than the City of  
21 Chicago, where the violent offender against youth is  
22 required to register or is employed; and

23 (2) Child care facilities located within the region of  
24 Cook County, as those child care facilities are identified  
25 in LEADS, other than the City of Chicago, where the violent  
26 offender against youth is required to register or is  
27 employed; and

28 (3) The boards of institutions of higher education or  
29 other appropriate administrative offices of each  
30 non-public institution of higher education located in the  
31 county, other than the City of Chicago, where the violent  
32 offender against youth is required to register, resides, is  
33 employed, or attending an institution of higher education.

34 (a-3) The Chicago Police Department shall disclose to the  
35 following the name, address, date of birth, place of  
36 employment, school attended, and offense or adjudication of all

1 violent offenders against youth required to register under  
2 Section 10 of this Act:

3 (1) School boards of public school districts and the  
4 principal or other appropriate administrative officer of  
5 each nonpublic school located in the police district where  
6 the violent offender against youth is required to register  
7 or is employed if the offender is required to register or  
8 is employed in the City of Chicago; and

9 (2) Child care facilities located in the police  
10 district where the violent offender against youth is  
11 required to register or is employed if the offender is  
12 required to register or is employed in the City of Chicago;  
13 and

14 (3) The boards of institutions of higher education or  
15 other appropriate administrative offices of each  
16 non-public institution of higher education located in the  
17 police district where the violent offender against youth is  
18 required to register, resides, is employed, or attending an  
19 institution of higher education in the City of Chicago.

20 (a-4) The Department of State Police shall provide a list  
21 of violent offenders against youth required to register to the  
22 Illinois Department of Children and Family Services.

23 (b) The Department of State Police and any law enforcement  
24 agency may disclose, in the Department's or agency's  
25 discretion, the following information to any person likely to  
26 encounter a violent offender against youth:

27 (1) The offender's name, address, and date of birth.

28 (2) The offense for which the offender was convicted.

29 (3) The offender's photograph or other such  
30 information that will help identify the violent offender  
31 against youth.

32 (4) Offender employment information, to protect public  
33 safety.

34 (c) The name, address, date of birth, and offense or  
35 adjudication for violent offenders against youth required to  
36 register under Section 10 of this Act shall be open to

1 inspection by the public as provided in this Section. Every  
2 municipal police department shall make available at its  
3 headquarters the information on all violent offenders against  
4 youth who are required to register in the municipality under  
5 this Act. The sheriff shall also make available at his or her  
6 headquarters the information on all violent offenders against  
7 youth who are required to register under this Act and who live  
8 in unincorporated areas of the county. Violent offender against  
9 youth information must be made available for public inspection  
10 to any person, no later than 72 hours or 3 business days from  
11 the date of the request. The request must be made in person, in  
12 writing, or by telephone. Availability must include giving the  
13 inquirer access to a facility where the information may be  
14 copied. A department or sheriff may charge a fee, but the fee  
15 may not exceed the actual costs of copying the information. An  
16 inquirer must be allowed to copy this information in his or her  
17 own handwriting. A department or sheriff must allow access to  
18 the information during normal public working hours. The sheriff  
19 or a municipal police department may publish the photographs of  
20 violent offenders against youth where any victim was 13 years  
21 of age or younger and who are required to register in the  
22 municipality or county under this Act in a newspaper or  
23 magazine of general circulation in the municipality or county  
24 or may disseminate the photographs of those violent offenders  
25 against youth on the Internet or on television. The law  
26 enforcement agency may make available the information on all  
27 violent offenders against youth residing within any county.

28 (d) The Department of State Police and any law enforcement  
29 agency having jurisdiction may, in the Department's or agency's  
30 discretion, place the information specified in subsection (b)  
31 on the Internet or in other media.

32 Section 100. Notification regarding juvenile offenders.

33 (a) The Department of State Police and any law enforcement  
34 agency having jurisdiction may, in the Department's or agency's  
35 discretion, only provide the information specified in

1 subsection (b) of Section 95, with respect to an adjudicated  
2 juvenile delinquent, to any person when that person's safety  
3 may be compromised for some reason related to the juvenile  
4 violent offender against youth.

5 (b) The local law enforcement agency having jurisdiction to  
6 register the juvenile violent offender against youth shall  
7 ascertain from the juvenile violent offender against youth  
8 whether the juvenile violent offender against youth is enrolled  
9 in school; and if so, shall provide a copy of the violent  
10 offender against youth registration form only to the principal  
11 or chief administrative officer of the school and any guidance  
12 counselor designated by him or her. The registration form shall  
13 be kept separately from any and all school records maintained  
14 on behalf of the juvenile violent offender against youth.

15 Section 105. Special alerts. A law enforcement agency  
16 having jurisdiction may provide to the public a special alert  
17 list warning parents to be aware that violent offenders against  
18 youth may attempt to contact children during holidays involving  
19 children, such as Halloween, Christmas, and Easter and  
20 informing parents that information containing the names and  
21 addresses of registered violent offenders against youth are  
22 accessible on the Internet by means of a hyperlink labeled  
23 "Violent Offender Against Youth Information" on the Department  
24 of State Police's World Wide Web home page and are available  
25 for public inspection at the agency's headquarters.

26 Section 1005. The Department of State Police Law of the  
27 Civil Administrative Code of Illinois is amended by changing  
28 Section 2605-35 as follows:

29 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

30 Sec. 2605-35. Division of Operations (formerly Criminal  
31 Investigation).

32 (a) The Division of Operations shall exercise the following  
33 functions and those in Section 2605-30:

1           (1) Exercise the rights, powers, and duties vested by  
2 law in the Department by the Illinois Horse Racing Act of  
3 1975.

4           (2) Investigate the origins, activities, personnel,  
5 and incidents of crime and enforce the criminal laws of  
6 this State related thereto.

7           (3) Enforce all laws regulating the production, sale,  
8 prescribing, manufacturing, administering, transporting,  
9 having in possession, dispensing, delivering,  
10 distributing, or use of controlled substances and  
11 cannabis.

12           (4) Cooperate with the police of cities, villages, and  
13 incorporated towns and with the police officers of any  
14 county in enforcing the laws of the State and in making  
15 arrests and recovering property.

16           (5) Apprehend and deliver up any person charged in this  
17 State or any other state with treason or a felony or other  
18 crime who has fled from justice and is found in this State.

19           (6) Investigate recipients and providers under the  
20 Illinois Public Aid Code and any personnel involved in the  
21 administration of the Code who are suspected of any  
22 violation of the Code pertaining to fraud in the  
23 administration, receipt, or provision of assistance and  
24 pertaining to any violation of criminal law; and exercise  
25 the functions required under Section 2605-220 in the  
26 conduct of those investigations.

27           (7) Conduct other investigations as provided by law.

28           (8) Exercise the powers and perform the duties that  
29 have been vested in the Department by the Sex Offender  
30 Registration Act and the Sex Offender ~~and Child Murderer~~  
31 Community Notification Law; and promulgate reasonable  
32 rules and regulations necessitated thereby.

33           (9) Exercise other duties that may be assigned by the  
34 Director in order to fulfill the responsibilities and  
35 achieve the purposes of the Department.

36           (b) There is hereby established in the Division of



1 Operations the Office of Coordination of Gang Prevention,  
2 hereafter referred to as the Office.

3 The Office shall consult with units of local government and  
4 school districts to assist them in gang control activities and  
5 to administer a system of grants to units of local government  
6 and school districts that, upon application, have demonstrated  
7 a workable plan to reduce gang activity in their area. The  
8 grants shall not include reimbursement for personnel, nor shall  
9 they exceed 75% of the total request by any applicant. The  
10 grants may be calculated on a proportional basis, determined by  
11 funds available to the Department for this purpose. The  
12 Department has the authority to promulgate appropriate rules  
13 and regulations to administer this program.

14 The Office shall establish mobile units of trained  
15 personnel to respond to gang activities.

16 The Office shall also consult with and use the services of  
17 religious leaders and other celebrities to assist in gang  
18 control activities.

19 The Office may sponsor seminars, conferences, or any other  
20 educational activity to assist communities in their gang crime  
21 control activities.

22 (Source: P.A. 90-193, eff. 7-24-97; 91-239, eff. 1-1-00;  
23 91-760, eff. 1-1-01.)

24 Section 1010. The State Finance Act is amended by adding  
25 Section 5.663 as follows:

26 (30 ILCS 105/5.663 new)

27 Sec. 5.663. The Violent Offender Against Youth  
28 Registration Fund.

29 Section 1015. The School Code is amended by changing  
30 Sections 10-21.9 and 34-18.5 as follows:

31 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

32 Sec. 10-21.9. Criminal history records checks and checks of

1 the Statewide Sex Offender Database.

2 (a) Certified and noncertified applicants for employment  
3 with a school district, except school bus driver applicants,  
4 are required as a condition of employment to authorize a  
5 fingerprint-based criminal history records check to determine  
6 if such applicants have been convicted of any of the enumerated  
7 criminal or drug offenses in subsection (c) of this Section or  
8 have been convicted, within 7 years of the application for  
9 employment with the school district, of any other felony under  
10 the laws of this State or of any offense committed or attempted  
11 in any other state or against the laws of the United States  
12 that, if committed or attempted in this State, would have been  
13 punishable as a felony under the laws of this State.  
14 Authorization for the check shall be furnished by the applicant  
15 to the school district, except that if the applicant is a  
16 substitute teacher seeking employment in more than one school  
17 district, a teacher seeking concurrent part-time employment  
18 positions with more than one school district (as a reading  
19 specialist, special education teacher or otherwise), or an  
20 educational support personnel employee seeking employment  
21 positions with more than one district, any such district may  
22 require the applicant to furnish authorization for the check to  
23 the regional superintendent of the educational service region  
24 in which are located the school districts in which the  
25 applicant is seeking employment as a substitute or concurrent  
26 part-time teacher or concurrent educational support personnel  
27 employee. Upon receipt of this authorization, the school  
28 district or the appropriate regional superintendent, as the  
29 case may be, shall submit the applicant's name, sex, race, date  
30 of birth, social security number, fingerprint images, and other  
31 identifiers, as prescribed by the Department of State Police,  
32 to the Department. The regional superintendent submitting the  
33 requisite information to the Department of State Police shall  
34 promptly notify the school districts in which the applicant is  
35 seeking employment as a substitute or concurrent part-time  
36 teacher or concurrent educational support personnel employee

1 that the check of the applicant has been requested. The  
2 Department of State Police and the Federal Bureau of  
3 Investigation shall furnish, pursuant to a fingerprint-based  
4 criminal history records check, records of convictions, until  
5 expunged, to the president of the school board for the school  
6 district that requested the check, or to the regional  
7 superintendent who requested the check. The Department shall  
8 charge the school district or the appropriate regional  
9 superintendent a fee for conducting such check, which fee shall  
10 be deposited in the State Police Services Fund and shall not  
11 exceed the cost of the inquiry; and the applicant shall not be  
12 charged a fee for such check by the school district or by the  
13 regional superintendent. Subject to appropriations for these  
14 purposes, the State Superintendent of Education shall  
15 reimburse school districts and regional superintendents for  
16 fees paid to obtain criminal history records checks under this  
17 Section.

18 (a-5) The school district or regional superintendent shall  
19 further perform a check of the Statewide Sex Offender Database,  
20 as authorized by the Sex Offender ~~and Child Murderer~~ Community  
21 Notification Law, for each applicant.

22 (a-6) The school district or regional superintendent shall  
23 further perform a check of the Statewide Violent Offender  
24 Against Youth Database, as authorized by the Violent Offender  
25 Against Youth Community Notification Law, for each applicant.

26 (b) Any information concerning the record of convictions  
27 obtained by the president of the school board or the regional  
28 superintendent shall be confidential and may only be  
29 transmitted to the superintendent of the school district or his  
30 designee, the appropriate regional superintendent if the check  
31 was requested by the school district, the presidents of the  
32 appropriate school boards if the check was requested from the  
33 Department of State Police by the regional superintendent, the  
34 State Superintendent of Education, the State Teacher  
35 Certification Board or any other person necessary to the  
36 decision of hiring the applicant for employment. A copy of the

1 record of convictions obtained from the Department of State  
2 Police shall be provided to the applicant for employment. Upon  
3 the check of the Statewide Sex Offender Database, the school  
4 district or regional superintendent shall notify an applicant  
5 as to whether or not the applicant has been identified in the  
6 Database as a sex offender. If a check of an applicant for  
7 employment as a substitute or concurrent part-time teacher or  
8 concurrent educational support personnel employee in more than  
9 one school district was requested by the regional  
10 superintendent, and the Department of State Police upon a check  
11 ascertains that the applicant has not been convicted of any of  
12 the enumerated criminal or drug offenses in subsection (c) or  
13 has not been convicted, within 7 years of the application for  
14 employment with the school district, of any other felony under  
15 the laws of this State or of any offense committed or attempted  
16 in any other state or against the laws of the United States  
17 that, if committed or attempted in this State, would have been  
18 punishable as a felony under the laws of this State and so  
19 notifies the regional superintendent and if the regional  
20 superintendent upon a check ascertains that the applicant has  
21 not been identified in the Sex Offender Database as a sex  
22 offender, then the regional superintendent shall issue to the  
23 applicant a certificate evidencing that as of the date  
24 specified by the Department of State Police the applicant has  
25 not been convicted of any of the enumerated criminal or drug  
26 offenses in subsection (c) or has not been convicted, within 7  
27 years of the application for employment with the school  
28 district, of any other felony under the laws of this State or  
29 of any offense committed or attempted in any other state or  
30 against the laws of the United States that, if committed or  
31 attempted in this State, would have been punishable as a felony  
32 under the laws of this State and evidencing that as of the date  
33 that the regional superintendent conducted a check of the  
34 Statewide Sex Offender Database, the applicant has not been  
35 identified in the Database as a sex offender. The school board  
36 of any school district located in the educational service

1 region served by the regional superintendent who issues such a  
2 certificate to an applicant for employment as a substitute  
3 teacher in more than one such district may rely on the  
4 certificate issued by the regional superintendent to that  
5 applicant, or may initiate its own criminal history records  
6 check of the applicant through the Department of State Police  
7 and its own check of the Statewide Sex Offender Database as  
8 provided in subsection (a). Any person who releases any  
9 confidential information concerning any criminal convictions  
10 of an applicant for employment shall be guilty of a Class A  
11 misdemeanor, unless the release of such information is  
12 authorized by this Section.

13 (c) No school board shall knowingly employ a person who has  
14 been convicted for committing attempted first degree murder or  
15 for committing or attempting to commit first degree murder or a  
16 Class X felony or any one or more of the following offenses:  
17 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,  
18 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,  
19 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the  
20 Criminal Code of 1961; (ii) those defined in the Cannabis  
21 Control Act except those defined in Sections 4(a), 4(b) and  
22 5(a) of that Act; (iii) those defined in the Illinois  
23 Controlled Substances Act; (iv) those defined in the  
24 Methamphetamine Control and Community Protection Act; and (v)  
25 any offense committed or attempted in any other state or  
26 against the laws of the United States, which if committed or  
27 attempted in this State, would have been punishable as one or  
28 more of the foregoing offenses. Further, no school board shall  
29 knowingly employ a person who has been found to be the  
30 perpetrator of sexual or physical abuse of any minor under 18  
31 years of age pursuant to proceedings under Article II of the  
32 Juvenile Court Act of 1987.

33 (d) No school board shall knowingly employ a person for  
34 whom a criminal history records check and a Statewide Sex  
35 Offender Database check has not been initiated.

36 (e) Upon receipt of the record of a conviction of or a

1 finding of child abuse by a holder of any certificate issued  
2 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
3 Code, the appropriate regional superintendent of schools or the  
4 State Superintendent of Education shall initiate the  
5 certificate suspension and revocation proceedings authorized  
6 by law.

7 (f) After January 1, 1990 the provisions of this Section  
8 shall apply to all employees of persons or firms holding  
9 contracts with any school district including, but not limited  
10 to, food service workers, school bus drivers and other  
11 transportation employees, who have direct, daily contact with  
12 the pupils of any school in such district. For purposes of  
13 criminal history records checks and checks of the Statewide Sex  
14 Offender Database on employees of persons or firms holding  
15 contracts with more than one school district and assigned to  
16 more than one school district, the regional superintendent of  
17 the educational service region in which the contracting school  
18 districts are located may, at the request of any such school  
19 district, be responsible for receiving the authorization for a  
20 criminal history records check prepared by each such employee  
21 and submitting the same to the Department of State Police and  
22 for conducting a check of the Statewide Sex Offender Database  
23 for each employee. Any information concerning the record of  
24 conviction and identification as a sex offender of any such  
25 employee obtained by the regional superintendent shall be  
26 promptly reported to the president of the appropriate school  
27 board or school boards.

28 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;  
29 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)

30 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

31 Sec. 34-18.5. Criminal history records checks and checks of  
32 the Statewide Sex Offender Database.

33 (a) Certified and noncertified applicants for employment  
34 with the school district are required as a condition of  
35 employment to authorize a fingerprint-based criminal history

1 records check to determine if such applicants have been  
2 convicted of any of the enumerated criminal or drug offenses in  
3 subsection (c) of this Section or have been convicted, within 7  
4 years of the application for employment with the school  
5 district, of any other felony under the laws of this State or  
6 of any offense committed or attempted in any other state or  
7 against the laws of the United States that, if committed or  
8 attempted in this State, would have been punishable as a felony  
9 under the laws of this State. Authorization for the check shall  
10 be furnished by the applicant to the school district, except  
11 that if the applicant is a substitute teacher seeking  
12 employment in more than one school district, or a teacher  
13 seeking concurrent part-time employment positions with more  
14 than one school district (as a reading specialist, special  
15 education teacher or otherwise), or an educational support  
16 personnel employee seeking employment positions with more than  
17 one district, any such district may require the applicant to  
18 furnish authorization for the check to the regional  
19 superintendent of the educational service region in which are  
20 located the school districts in which the applicant is seeking  
21 employment as a substitute or concurrent part-time teacher or  
22 concurrent educational support personnel employee. Upon  
23 receipt of this authorization, the school district or the  
24 appropriate regional superintendent, as the case may be, shall  
25 submit the applicant's name, sex, race, date of birth, social  
26 security number, fingerprint images, and other identifiers, as  
27 prescribed by the Department of State Police, to the  
28 Department. The regional superintendent submitting the  
29 requisite information to the Department of State Police shall  
30 promptly notify the school districts in which the applicant is  
31 seeking employment as a substitute or concurrent part-time  
32 teacher or concurrent educational support personnel employee  
33 that the check of the applicant has been requested. The  
34 Department of State Police and the Federal Bureau of  
35 Investigation shall furnish, pursuant to a fingerprint-based  
36 criminal history records check, records of convictions, until

1 expunged, to the president of the school board for the school  
2 district that requested the check, or to the regional  
3 superintendent who requested the check. The Department shall  
4 charge the school district or the appropriate regional  
5 superintendent a fee for conducting such check, which fee shall  
6 be deposited in the State Police Services Fund and shall not  
7 exceed the cost of the inquiry; and the applicant shall not be  
8 charged a fee for such check by the school district or by the  
9 regional superintendent. Subject to appropriations for these  
10 purposes, the State Superintendent of Education shall  
11 reimburse the school district and regional superintendent for  
12 fees paid to obtain criminal history records checks under this  
13 Section.

14 (a-5) The school district or regional superintendent shall  
15 further perform a check of the Statewide Sex Offender Database,  
16 as authorized by the Sex Offender ~~and Child Murderer~~ Community  
17 Notification Law, for each applicant.

18 (a-6) The school district or regional superintendent shall  
19 further perform a check of the Statewide Violent Offender  
20 Against Youth Database, as authorized by the Violent Offender  
21 Against Youth Community Notification Law, for each applicant.

22 (b) Any information concerning the record of convictions  
23 obtained by the president of the board of education or the  
24 regional superintendent shall be confidential and may only be  
25 transmitted to the general superintendent of the school  
26 district or his designee, the appropriate regional  
27 superintendent if the check was requested by the board of  
28 education for the school district, the presidents of the  
29 appropriate board of education or school boards if the check  
30 was requested from the Department of State Police by the  
31 regional superintendent, the State Superintendent of  
32 Education, the State Teacher Certification Board or any other  
33 person necessary to the decision of hiring the applicant for  
34 employment. A copy of the record of convictions obtained from  
35 the Department of State Police shall be provided to the  
36 applicant for employment. Upon the check of the Statewide Sex



1 Offender Database, the school district or regional  
2 superintendent shall notify an applicant as to whether or not  
3 the applicant has been identified in the Database as a sex  
4 offender. If a check of an applicant for employment as a  
5 substitute or concurrent part-time teacher or concurrent  
6 educational support personnel employee in more than one school  
7 district was requested by the regional superintendent, and the  
8 Department of State Police upon a check ascertains that the  
9 applicant has not been convicted of any of the enumerated  
10 criminal or drug offenses in subsection (c) or has not been  
11 convicted, within 7 years of the application for employment  
12 with the school district, of any other felony under the laws of  
13 this State or of any offense committed or attempted in any  
14 other state or against the laws of the United States that, if  
15 committed or attempted in this State, would have been  
16 punishable as a felony under the laws of this State and so  
17 notifies the regional superintendent and if the regional  
18 superintendent upon a check ascertains that the applicant has  
19 not been identified in the Sex Offender Database as a sex  
20 offender, then the regional superintendent shall issue to the  
21 applicant a certificate evidencing that as of the date  
22 specified by the Department of State Police the applicant has  
23 not been convicted of any of the enumerated criminal or drug  
24 offenses in subsection (c) or has not been convicted, within 7  
25 years of the application for employment with the school  
26 district, of any other felony under the laws of this State or  
27 of any offense committed or attempted in any other state or  
28 against the laws of the United States that, if committed or  
29 attempted in this State, would have been punishable as a felony  
30 under the laws of this State and evidencing that as of the date  
31 that the regional superintendent conducted a check of the  
32 Statewide Sex Offender Database, the applicant has not been  
33 identified in the Database as a sex offender. The school board  
34 of any school district located in the educational service  
35 region served by the regional superintendent who issues such a  
36 certificate to an applicant for employment as a substitute or

1 concurrent part-time teacher or concurrent educational support  
2 personnel employee in more than one such district may rely on  
3 the certificate issued by the regional superintendent to that  
4 applicant, or may initiate its own criminal history records  
5 check of the applicant through the Department of State Police  
6 and its own check of the Statewide Sex Offender Database as  
7 provided in subsection (a). Any person who releases any  
8 confidential information concerning any criminal convictions  
9 of an applicant for employment shall be guilty of a Class A  
10 misdemeanor, unless the release of such information is  
11 authorized by this Section.

12 (c) The board of education shall not knowingly employ a  
13 person who has been convicted for committing attempted first  
14 degree murder or for committing or attempting to commit first  
15 degree murder or a Class X felony or any one or more of the  
16 following offenses: (i) those defined in Sections 11-6, 11-9,  
17 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,  
18 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15  
19 and 12-16 of the Criminal Code of 1961; (ii) those defined in  
20 the Cannabis Control Act, except those defined in Sections  
21 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the  
22 Illinois Controlled Substances Act; (iv) those defined in the  
23 Methamphetamine Control and Community Protection Act; and (v)  
24 any offense committed or attempted in any other state or  
25 against the laws of the United States, which if committed or  
26 attempted in this State, would have been punishable as one or  
27 more of the foregoing offenses. Further, the board of education  
28 shall not knowingly employ a person who has been found to be  
29 the perpetrator of sexual or physical abuse of any minor under  
30 18 years of age pursuant to proceedings under Article II of the  
31 Juvenile Court Act of 1987.

32 (d) The board of education shall not knowingly employ a  
33 person for whom a criminal history records check and a  
34 Statewide Sex Offender Database check has not been initiated.

35 (e) Upon receipt of the record of a conviction of or a  
36 finding of child abuse by a holder of any certificate issued

1 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
2 Code, the board of education or the State Superintendent of  
3 Education shall initiate the certificate suspension and  
4 revocation proceedings authorized by law.

5 (f) After March 19, 1990, the provisions of this Section  
6 shall apply to all employees of persons or firms holding  
7 contracts with any school district including, but not limited  
8 to, food service workers, school bus drivers and other  
9 transportation employees, who have direct, daily contact with  
10 the pupils of any school in such district. For purposes of  
11 criminal history records checks and checks of the Statewide Sex  
12 Offender Database on employees of persons or firms holding  
13 contracts with more than one school district and assigned to  
14 more than one school district, the regional superintendent of  
15 the educational service region in which the contracting school  
16 districts are located may, at the request of any such school  
17 district, be responsible for receiving the authorization for a  
18 criminal history records check prepared by each such employee  
19 and submitting the same to the Department of State Police and  
20 for conducting a check of the Statewide Sex Offender Database  
21 for each employee. Any information concerning the record of  
22 conviction and identification as a sex offender of any such  
23 employee obtained by the regional superintendent shall be  
24 promptly reported to the president of the appropriate school  
25 board or school boards.

26 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;  
27 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)

28 Section 1020. The Intergovernmental Missing Child Recovery  
29 Act of 1984 is amended by changing Section 6 as follows:

30 (325 ILCS 40/6) (from Ch. 23, par. 2256)

31 Sec. 6. The Department shall:

32 (a) Establish and maintain a statewide Law Enforcement  
33 Agencies Data System (LEADS) for the purpose of effecting an  
34 immediate law enforcement response to reports of missing

1 children. The Department shall implement an automated data  
2 exchange system to compile, to maintain and to make available  
3 for dissemination to Illinois and out-of-State law enforcement  
4 agencies, data which can assist appropriate agencies in  
5 recovering missing children.

6 (b) Establish contacts and exchange information regarding  
7 lost, missing or runaway children with nationally recognized  
8 "missing person and runaway" service organizations and monitor  
9 national research and publicize important developments.

10 (c) Provide a uniform reporting format for the entry of  
11 pertinent information regarding reports of missing children  
12 into LEADS.

13 (d) Develop and implement a policy whereby a statewide or  
14 regional alert would be used in situations relating to the  
15 disappearances of children, based on criteria and in a format  
16 established by the Department. Such a format shall include, but  
17 not be limited to, the age and physical description of the  
18 missing child and the suspected circumstances of the  
19 disappearance.

20 (e) Notify all law enforcement agencies that reports of  
21 missing persons shall be entered as soon as the minimum level  
22 of data specified by the Department is available to the  
23 reporting agency and that no waiting period for entry of such  
24 data exists.

25 (f) Provide a procedure for prompt confirmation of the  
26 receipt and entry of the missing child report into LEADS to the  
27 parent or guardian of the missing child.

28 (g) Compile and retain information regarding missing  
29 children in a separate data file, in a manner that allows such  
30 information to be used by law enforcement and other agencies  
31 deemed appropriate by the Director, for investigative  
32 purposes. Such files shall be updated to reflect and include  
33 information relating to the disposition of the case.

34 (h) Compile and maintain an historic data repository  
35 relating to missing children in order (1) to develop and  
36 improve techniques utilized by law enforcement agencies when

1 responding to reports of missing children and (2) to provide a  
2 factual and statistical base for research that would address  
3 the problem of missing children.

4 (i) Create a quality control program to monitor timeliness  
5 of entries of missing children reports into LEADS and conduct  
6 performance audits of all entering agencies.

7 (j) Prepare a periodic information bulletin concerning  
8 missing children who it determines may be present in this  
9 State, compiling such bulletin from information contained in  
10 both the National Crime Information Center computer and from  
11 reports, alerts and other information entered into LEADS or  
12 otherwise compiled and retained by the Department pursuant to  
13 this Act. The bulletin shall indicate the name, age, physical  
14 description, suspected circumstances of disappearance if that  
15 information is available, a photograph if one is available, the  
16 name of the law enforcement agency investigating the case, and  
17 such other information as the Director considers appropriate  
18 concerning each missing child who the Department determines may  
19 be present in this State. The Department shall send a copy of  
20 each periodic information bulletin to the State Board of  
21 Education for its use in accordance with Section 2-3.48 of the  
22 School Code. The Department shall provide a copy of the  
23 bulletin, upon request, to law enforcement agencies of this or  
24 any other state or of the federal government, and may provide a  
25 copy of the bulletin, upon request, to other persons or  
26 entities, if deemed appropriate by the Director, and may  
27 establish limitations on its use and a reasonable fee for so  
28 providing the same, except that no fee shall be charged for  
29 providing the periodic information bulletin to the State Board  
30 of Education, appropriate units of local government, State  
31 agencies, or law enforcement agencies of this or any other  
32 state or of the federal government.

33 (k) Provide for the entry into LEADS of the names and  
34 addresses of sex offenders as defined in the Sex Offender  
35 Registration Act who are required to register under that Act.  
36 The information shall be immediately accessible to law

1 enforcement agencies and peace officers of this State or any  
2 other state or of the federal government. Similar information  
3 may be requested from any other state or of the federal  
4 government for purposes of this Act.

5 (1) Provide for the entry into LEADS of the names and  
6 addresses of violent offenders against youth as defined in the  
7 Violent Offender Against Youth Registration Act who are  
8 required to register under that Act. The information shall be  
9 immediately accessible to law enforcement agencies and peace  
10 officers of this State or any other state or of the federal  
11 government. Similar information may be requested from any other  
12 state or of the federal government for purposes of this Act.

13 (Source: P.A. 88-76; 89-8, eff. 1-1-96.)

14 Section 1025. The Sex Offender Registration Act is amended  
15 by changing Sections 2, 8, and 9 as follows:

16 (730 ILCS 150/2) (from Ch. 38, par. 222)

17 Sec. 2. Definitions.

18 (A) As used in this Article, "sex offender" means any  
19 person who is:

20 (1) charged pursuant to Illinois law, or any  
21 substantially similar federal, Uniform Code of Military  
22 Justice, sister state, or foreign country law, with a sex  
23 offense set forth in subsection (B) of this Section or the  
24 attempt to commit an included sex offense, and:

25 (a) is convicted of such offense or an attempt to  
26 commit such offense; or

27 (b) is found not guilty by reason of insanity of  
28 such offense or an attempt to commit such offense; or

29 (c) is found not guilty by reason of insanity  
30 pursuant to Section 104-25(c) of the Code of Criminal  
31 Procedure of 1963 of such offense or an attempt to  
32 commit such offense; or

33 (d) is the subject of a finding not resulting in an  
34 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  
35 law, or found guilty under Article V of the Juvenile Court  
36 Act of 1987 of committing or attempting to commit an act

1           which, if committed by an adult, would constitute any of  
2           the offenses specified in item (B), (C), or (C-5) of this  
3           Section or a violation of any substantially similar  
4           federal, Uniform Code of Military Justice, sister state, or  
5           foreign country law.

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

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

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

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

23                       11-20.1 (child pornography),  
24                       11-6 (indecent solicitation of a child),  
25                       11-9.1 (sexual exploitation of a child),  
26                       11-9.2 (custodial sexual misconduct),  
27                       11-15.1 (soliciting for a juvenile prostitute),  
28                       11-18.1 (patronizing a juvenile prostitute),  
29                       11-17.1 (keeping a place of juvenile  
30                       prostitution),  
31                       11-19.1 (juvenile pimping),  
32                       11-19.2 (exploitation of a child),  
33                       12-13 (criminal sexual assault),  
34                       12-14 (aggravated criminal sexual assault),  
35                       12-14.1 (predatory criminal sexual assault of a  
36                       child),



1 12-15 (criminal sexual abuse),  
2 12-16 (aggravated criminal sexual abuse),  
3 12-33 (ritualized abuse of a child).

4 An attempt to commit any of these offenses.

5 (1.5) (Blank). ~~A violation of any of the following~~  
6 ~~Sections of the Criminal Code of 1961, when the victim is a~~  
7 ~~person under 18 years of age, the defendant is not a parent~~  
8 ~~of the victim, and the offense was committed on or after~~  
9 ~~January 1, 1996:~~

10 ~~10-1 (kidnapping),~~  
11 ~~10-2 (aggravated kidnapping),~~  
12 ~~10-3 (unlawful restraint),~~  
13 ~~10-3.1 (aggravated unlawful restraint).~~

14 ~~An attempt to commit any of these offenses.~~

15 (1.6) (Blank). ~~First degree murder under Section 9-1 of~~  
16 ~~the Criminal Code of 1961, when the victim was a person~~  
17 ~~under 18 years of age and the defendant was at least 17~~  
18 ~~years of age at the time of the commission of the offense.~~

19 (1.7) (Blank).

20 (1.8) A violation or attempted violation of Section  
21 11-11 (sexual relations within families) of the Criminal  
22 Code of 1961, and the offense was committed on or after  
23 June 1, 1997.

24 (1.9) (Blank). ~~Child abduction under paragraph (10)~~  
25 ~~of subsection (b) of Section 10-5 of the Criminal Code of~~  
26 ~~1961 committed by luring or attempting to lure a child~~  
27 ~~under the age of 16 into a motor vehicle, building, house~~  
28 ~~trailer, or dwelling place without the consent of the~~  
29 ~~parent or lawful custodian of the child for other than a~~  
30 ~~lawful purpose and the offense was committed on or after~~  
31 ~~January 1, 1998.~~

32 (1.10) A violation or attempted violation of any of the  
33 following Sections of the Criminal Code of 1961 when the  
34 offense was committed on or after July 1, 1999:

35 ~~10-4 (forcible detention, if the victim is under 18~~  
36 ~~years of age),~~

1           11-6.5 (indecent solicitation of an adult),  
2           11-15 (soliciting for a prostitute, if the victim  
3 is under 18 years of age),  
4           11-16 (pandering, if the victim is under 18 years  
5 of age),  
6           11-18 (patronizing a prostitute, if the victim is  
7 under 18 years of age),  
8           11-19 (pimping, if the victim is under 18 years of  
9 age).

10           (1.11) A violation or attempted violation of any of the  
11 following Sections of the Criminal Code of 1961 when the  
12 offense was committed on or after August 22, 2002:

13           11-9 (public indecency for a third or subsequent  
14 conviction).

15           (1.12) A violation or attempted violation of Section  
16 5.1 of the Wrongs to Children Act (permitting sexual abuse)  
17 when the offense was committed on or after August 22, 2002.

18           (2) A violation of any former law of this State  
19 substantially equivalent to any offense listed in  
20 subsection (B) of this Section.

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

33           ~~(C-5) A person at least 17 years of age at the time of the~~  
34 ~~commission of the offense who is convicted of first degree~~  
35 ~~murder under Section 9-1 of the Criminal Code of 1961, against~~  
36 ~~a person under 18 years of age, shall be required to register~~

1 ~~for natural life.~~ A conviction for an offense of federal,  
2 Uniform Code of Military Justice, sister state, or foreign  
3 country law that is substantially equivalent to any offense  
4 listed in subsection (C-5) of this Section shall constitute a  
5 conviction for the purpose of this Article. This subsection  
6 (C-5) applies to a person who committed the offense before June  
7 1, 1996 only if the person is incarcerated in an Illinois  
8 Department of Corrections facility on August 20, 2004 (the  
9 effective date of Public Act 93-977).

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

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

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

27 (1) Convicted for an offense of federal, Uniform Code  
28 of Military Justice, sister state, or foreign country law  
29 that is substantially equivalent to any offense listed in  
30 subsection (E) of this Section shall constitute a  
31 conviction for the purpose of this Article. Convicted of a  
32 violation or attempted violation of any of the following  
33 Sections of the Criminal Code of 1961, if the conviction  
34 occurred after July 1, 1999:

35 11-17.1 (keeping a place of juvenile  
36 prostitution),

1 11-19.1 (juvenile pimping),  
2 11-19.2 (exploitation of a child),  
3 11-20.1 (child pornography),  
4 12-13 (criminal sexual assault),  
5 12-14 (aggravated criminal sexual assault),  
6 12-14.1 (predatory criminal sexual assault of a  
7 child),  
8 12-16 (aggravated criminal sexual abuse),  
9 12-33 (ritualized abuse of a child); or

10 (2) (Blank) ~~convicted of first degree murder under~~  
11 ~~Section 9-1 of the Criminal Code of 1961, when the victim~~  
12 ~~was a person under 18 years of age and the defendant was at~~  
13 ~~least 17 years of age at the time of the commission of the~~  
14 ~~offense; or~~

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

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

23 (5) convicted of a second or subsequent offense which  
24 requires registration pursuant to this Act. The conviction  
25 for the second or subsequent offense must have occurred  
26 after July 1, 1999. For purposes of this paragraph (5),  
27 "convicted" shall include a conviction under any  
28 substantially similar Illinois, federal, Uniform Code of  
29 Military Justice, sister state, or foreign country law.

30 (F) As used in this Article, "out-of-state student" means  
31 any sex offender, as defined in this Section, or sexual  
32 predator who is enrolled in Illinois, on a full-time or  
33 part-time basis, in any public or private educational  
34 institution, including, but not limited to, any secondary  
35 school, trade or professional institution, or institution of  
36 higher learning.

1 (G) As used in this Article, "out-of-state employee" means  
2 any sex offender, as defined in this Section, or sexual  
3 predator who works in Illinois, regardless of whether the  
4 individual receives payment for services performed, for a  
5 period of time of 10 or more days or for an aggregate period of  
6 time of 30 or more days during any calendar year. Persons who  
7 operate motor vehicles in the State accrue one day of  
8 employment time for any portion of a day spent in Illinois.

9 (H) As used in this Article, "school" means any public or  
10 private educational institution, including, but not limited  
11 to, any elementary or secondary school, trade or professional  
12 institution, or institution of higher education.

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

16 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;  
17 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

18 (730 ILCS 150/8) (from Ch. 38, par. 228)

19 Sec. 8. Registration Requirements. Registration as  
20 required by this Article shall consist of a statement in  
21 writing signed by the person giving the information that is  
22 required by the Department of State Police, which may include  
23 the fingerprints and must include a current photograph of the  
24 person, to be updated annually. If the sex offender is a child  
25 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
26 Criminal Code of 1961, he or she shall sign a statement that he  
27 or she understands that according to Illinois law as a child  
28 sex offender he or she may not reside within 500 feet of a  
29 school, park, or playground. The offender may also not reside  
30 within 500 feet of a facility providing services directed  
31 exclusively toward persons under 18 years of age unless the sex  
32 offender meets specified exemptions. The registration  
33 information must include whether the person is a sex offender  
34 as defined in the Sex Offender ~~and Child Murderer~~ Community  
35 Notification Law. Within 3 days, the registering law

1 enforcement agency shall forward any required information to  
2 the Department of State Police. The registering law enforcement  
3 agency shall enter the information into the Law Enforcement  
4 Agencies Data System (LEADS) as provided in Sections 6 and 7 of  
5 the Intergovernmental Missing Child Recovery Act of 1984.  
6 (Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06.)

7 (730 ILCS 150/9) (from Ch. 38, par. 229)

8 Sec. 9. Public inspection of registration data. Except as  
9 provided in the Sex Offender ~~and Child Murderer~~ Community  
10 Notification Law, the statements or any other information  
11 required by this Article shall not be open to inspection by the  
12 public, or by any person other than by a law enforcement  
13 officer or other individual as may be authorized by law and  
14 shall include law enforcement agencies of this State, any other  
15 state, or of the federal government. Similar information may be  
16 requested from any law enforcement agency of another state or  
17 of the federal government for purposes of this Act. It is a  
18 Class B misdemeanor to permit the unauthorized release of any  
19 information required by this Article.

20 (Source: P.A. 89-428, eff. 6-1-96; 89-462, eff. 6-1-96; 90-193,  
21 eff. 7-24-97.)

22 Section 1030. The Sex Offender and Child Murderer Community  
23 Notification Law is amended by changing Section 101 as follows:

24 (730 ILCS 152/101)

25 Sec. 101. Short title. This Article may be cited as the Sex  
26 Offender ~~and Child Murderer~~ Community Notification Law.

27 (Source: P.A. 89-428, eff. 6-1-96; 89-462, eff. 6-1-96; 90-193,  
28 eff. 7-24-97.)