

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 Child
5 Murderer and 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 17th birthday of the violent
35 offender against youth. Registration of juveniles upon
36 attaining 17 years of age shall not extend the original

1 registration of 10 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 current place of employment of
33 the violent offender against youth.

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

9 (3) Any person unable to comply with the registration
10 requirements of this Act because he or she is confined,
11 institutionalized, or imprisoned in Illinois on or after
12 the effective date of this Act shall register in person
13 within 5 days of discharge, parole or release.

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

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

26 (d) Within 5 days after obtaining or changing employment, a
27 person required to register under this Section must report, in
28 person to the law enforcement agency having jurisdiction, the
29 business name and address where he or she is employed. If the
30 person has multiple businesses or work locations, every
31 business and work location must be reported to the law
32 enforcement agency having jurisdiction.

33 Section 11. Transfer from the sex offender registry.

34 (a) The registration information for a person registered
35 under the Sex Offender Registration Act who was convicted or

1 adjudicated for an offense listed in subsection (b) of Section
2 5 of this Act may only be transferred to the Child Murderer and
3 Violent Offender Against Youth Registry if all the following
4 conditions are met:

5 (1) The offender's sole offense requiring registration
6 was a conviction or adjudication for an offense or offenses
7 listed in subsection (b) of Section 5 of this Act.

8 (2) The State's Attorney's Office in the county in
9 which the offender was convicted has verified, on a form
10 prescribed by the Illinois State Police, that the person's
11 crime that required or requires registration was not
12 sexually motivated as defined in Section 10 of the Sex
13 Offender Management Board Act.

14 (3) The completed form has been received by the
15 registering law enforcement agency and the Illinois State
16 Police's Sex Offender Registration Unit.

17 (b) Transfer under this Section shall not extend the
18 registration period for offenders who were registered under the
19 Sex Offender Registration Act.

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

1 register in the new state within 5 days after establishing the
2 residence, beginning employment, or beginning school.

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

25 Section 20. Release of violent offender against youth;
26 duties of the Court. Any violent offender against youth who is
27 released on probation or discharged upon payment of a fine
28 because of the commission of one of the offenses defined in
29 subsection (b) of Section 5 of this Act, shall, prior to such
30 release be informed of his or her duty to register under this
31 Act by the Court in which he or she was convicted. The Court
32 shall also inform any person who must register that if he or
33 she establishes a residence outside of the State of Illinois,
34 is employed outside of the State of Illinois, or attends school
35 outside of the State of Illinois, he or she must register in

1 the new state within 5 days after establishing the residence,
2 beginning employment, or beginning school. The Court shall
3 require the person to read and sign such form as may be
4 required by the Department of State Police stating that the
5 duty to register and the procedure for registration has been
6 explained to him or her and that he or she understands the duty
7 to register and the procedure for registration. The Court shall
8 further advise the person in writing that the failure to
9 register or other violation of this Act shall result in
10 probation revocation. The Court shall obtain information about
11 where the person expects to reside, work, and attend school
12 upon his or her release, and shall report the information to
13 the Department of State Police. The Court shall give one copy
14 of the form to the person and retain the original in the court
15 records. The Department of State Police shall notify the law
16 enforcement agencies having jurisdiction where the person
17 expects to reside, work and attend school upon his or her
18 release.

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

28 The facility shall require the person to read and sign such
29 form as may be required by the Department of State Police
30 stating that the duty to register and the procedure for
31 registration have been explained to him or her and that he or
32 she understands the duty to register and the procedure for
33 registration. The facility shall give one copy of the form to
34 the person, retain one copy for its records, and forward the
35 original to the Department of State Police. The facility shall

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

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

1 to register under this Act, notify the Department of State
2 Police of the new place of residence, change in employment, or
3 school.

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

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

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

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

29 Section 45. Registration requirements. Registration as
30 required by this Act shall consist of a statement in writing
31 signed by the person giving the information that is required by
32 the Department of State Police, which may include the
33 fingerprints and must include a current photograph of the
34 person, to be updated annually. The registration information
35 must include whether the person is a violent offender against

1 youth. Within 3 days, the registering law enforcement agency
2 shall forward any required information to the Department of
3 State Police. The registering law enforcement agency shall
4 enter the information into the Law Enforcement Agencies Data
5 System (LEADS) as provided in Sections 6 and 7 of the
6 Intergovernmental Missing Child Recovery Act of 1984.

7 Section 50. Verification requirements.

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

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

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

1 Section 60. Penalty. Any person who is required to register
2 under this Act who violates any of the provisions of this Act
3 and any person who is required to register under this Act who
4 seeks to change his or her name under Article 21 of the Code of
5 Civil Procedure is guilty of a Class 3 felony. Any person who
6 is convicted for a violation of this Act for a second or
7 subsequent time is guilty of a Class 2 felony. Any person who
8 is required to register under this Act who knowingly or
9 wilfully gives material information required by this Act that
10 is false is guilty of a Class 3 felony. Any person convicted of
11 a violation of any provision of this Act shall, in addition to
12 any other penalty required by law, be required to serve a
13 minimum period of 7 days confinement in the local county jail.
14 The court shall impose a mandatory minimum fine of \$500 for
15 failure to comply with any provision of this Act. These fines
16 shall be deposited into the Child Murderer and Violent Offender
17 Against Youth Registration Fund. Any violent offender against
18 youth who violates any provision of this Act may be arrested
19 and tried in any Illinois county where the violent offender
20 against youth can be located. The local police department or
21 sheriff's office is not required to determine whether the
22 person is living within its jurisdiction.

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

1 Section 70. Access to State of Illinois databases. The
2 Department of State Police shall have access to State of
3 Illinois databases containing information that may help in the
4 identification or location of persons required to register
5 under this Act. Interagency agreements shall be implemented,
6 consistent with security and procedures established by the
7 State agency and consistent with the laws governing the
8 confidentiality of the information in the databases.
9 Information shall be used only for administration of this Act.

10 Section 75. Child Murderer and Violent Offender Against
11 Youth Community Notification Law. Sections 75 through 105 of
12 this Act may be cited as the Child Murderer and Violent
13 Offender Against Youth Community Notification Law.

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

16 "Child care facilities" has the meaning set forth in the
17 Child Care Act of 1969, but does not include licensed foster
18 homes.

19 Section 85. Child Murderer and Violent Offender Against
20 Youth Database.

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

1 Statewide Child Murderer and Violent Offender Against Youth
2 Database.

3 (b) The Department of State Police must make the
4 information contained in the Statewide Child Murderer and
5 Violent Offender Against Youth Database accessible on the
6 Internet by means of a hyperlink labeled "Child Murderer and
7 Violent Offender Against Youth Information" on the
8 Department's World Wide Web home page. The Department of State
9 Police must update that information as it deems necessary.

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

19 (c) The Department of State Police must develop and conduct
20 training to educate all those entities involved in the Child
21 Murderer and Violent Offender Against Youth Registration
22 Program.

23 Section 86. Verification that offense was not sexually
24 motivated. Any person who is convicted of any of the offenses
25 listed in subsection (b) of Section 5 of this Act on or after
26 the effective date of this Act, shall be required to register
27 as an offender on the Child Murderer and Violent Offender
28 Against Youth Registry if, at the time of sentencing, the
29 sentencing court verifies in writing that the offense was not
30 sexually motivated as defined in Section 10 of the Sex Offender
31 Management Board Act. If the offense was sexually motivated,
32 the offender shall be required to register pursuant to the Sex
33 Offender Registration Act.

34 Section 90. List of violent offenders against youth; list

1 of facilities, schools, and institutions of higher education.
2 The Department of State Police shall promulgate rules to
3 develop a list of violent offenders against youth covered by
4 this Act and a list of child care facilities, schools, and
5 institutions of higher education eligible to receive notice
6 under this Act, so that the list can be disseminated in a
7 timely manner to law enforcement agencies having jurisdiction.

8 Section 95. Community notification of violent offenders
9 against youth.

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

15 (1) The boards of institutions of higher education or
16 other appropriate administrative offices of each
17 non-public institution of higher education located in the
18 county where the violent offender against youth is required
19 to register, resides, is employed, or is attending an
20 institution of higher education; and

21 (2) School boards of public school districts and the
22 principal or other appropriate administrative officer of
23 each nonpublic school located in the county where the
24 violent offender against youth is required to register or
25 is employed; and

26 (3) Child care facilities located in the county where
27 the violent offender against youth is required to register
28 or is employed.

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

34 (1) School boards of public school districts and the
35 principal or other appropriate administrative officer of

1 each nonpublic school located within the region of Cook
2 County, as those public school districts and nonpublic
3 schools are identified in LEADS, other than the City of
4 Chicago, where the violent offender against youth is
5 required to register or is employed; and

6 (2) Child care facilities located within the region of
7 Cook County, as those child care facilities are identified
8 in LEADS, other than the City of Chicago, where the violent
9 offender against youth is required to register or is
10 employed; and

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

17 (a-3) The Chicago Police Department shall disclose to the
18 following the name, address, date of birth, place of
19 employment, school attended, and offense or adjudication of all
20 violent offenders against youth required to register under
21 Section 10 of this Act:

22 (1) School boards of public school districts and the
23 principal or other appropriate administrative officer of
24 each nonpublic school located in the police district where
25 the violent offender against youth is required to register
26 or is employed if the offender is required to register or
27 is employed in the City of Chicago; and

28 (2) Child care facilities located in the police
29 district where the violent offender against youth is
30 required to register or is employed if the offender is
31 required to register or is employed in the City of Chicago;
32 and

33 (3) The boards of institutions of higher education or
34 other appropriate administrative offices of each
35 non-public institution of higher education located in the
36 police district where the violent offender against youth is

1 required to register, resides, is employed, or attending an
2 institution of higher education in the City of Chicago.

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

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

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

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

12 (3) The offender's photograph or other such
13 information that will help identify the violent offender
14 against youth.

15 (4) Offender employment information, to protect public
16 safety.

17 (c) The name, address, date of birth, and offense or
18 adjudication for violent offenders against youth required to
19 register under Section 10 of this Act shall be open to
20 inspection by the public as provided in this Section. Every
21 municipal police department shall make available at its
22 headquarters the information on all violent offenders against
23 youth who are required to register in the municipality under
24 this Act. The sheriff shall also make available at his or her
25 headquarters the information on all violent offenders against
26 youth who are required to register under this Act and who live
27 in unincorporated areas of the county. Violent offender against
28 youth information must be made available for public inspection
29 to any person, no later than 72 hours or 3 business days from
30 the date of the request. The request must be made in person, in
31 writing, or by telephone. Availability must include giving the
32 inquirer access to a facility where the information may be
33 copied. A department or sheriff may charge a fee, but the fee
34 may not exceed the actual costs of copying the information. An
35 inquirer must be allowed to copy this information in his or her
36 own handwriting. A department or sheriff must allow access to

1 the information during normal public working hours. The sheriff
2 or a municipal police department may publish the photographs of
3 violent offenders against youth where any victim was 13 years
4 of age or younger and who are required to register in the
5 municipality or county under this Act in a newspaper or
6 magazine of general circulation in the municipality or county
7 or may disseminate the photographs of those violent offenders
8 against youth on the Internet or on television. The law
9 enforcement agency may make available the information on all
10 violent offenders against youth residing within any county.

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

15 Section 100. Notification regarding juvenile offenders.

16 (a) The Department of State Police and any law enforcement
17 agency having jurisdiction may, in the Department's or agency's
18 discretion, only provide the information specified in
19 subsection (b) of Section 95, with respect to an adjudicated
20 juvenile delinquent, to any person when that person's safety
21 may be compromised for some reason related to the juvenile
22 violent offender against youth.

23 (b) The local law enforcement agency having jurisdiction to
24 register the juvenile violent offender against youth shall
25 ascertain from the juvenile violent offender against youth
26 whether the juvenile violent offender against youth is enrolled
27 in school; and if so, shall provide a copy of the violent
28 offender against youth registration form only to the principal
29 or chief administrative officer of the school and any guidance
30 counselor designated by him or her. The registration form shall
31 be kept separately from any and all school records maintained
32 on behalf of the juvenile violent offender against youth.

33 Section 105. Special alerts. A law enforcement agency
34 having jurisdiction may provide to the public a special alert

1 list warning parents to be aware that violent offenders against
2 youth may attempt to contact children during holidays involving
3 children, such as Halloween, Christmas, and Easter and
4 informing parents that information containing the names and
5 addresses of registered violent offenders against youth are
6 accessible on the Internet by means of a hyperlink labeled
7 "Violent Offender Against Youth Information" on the Department
8 of State Police's World Wide Web home page and are available
9 for public inspection at the agency's headquarters.

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

13 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

14 Sec. 2605-35. Division of Operations (formerly Criminal
15 Investigation).

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

18 (1) Exercise the rights, powers, and duties vested by
19 law in the Department by the Illinois Horse Racing Act of
20 1975.

21 (2) Investigate the origins, activities, personnel,
22 and incidents of crime and enforce the criminal laws of
23 this State related thereto.

24 (3) Enforce all laws regulating the production, sale,
25 prescribing, manufacturing, administering, transporting,
26 having in possession, dispensing, delivering,
27 distributing, or use of controlled substances and
28 cannabis.

29 (4) Cooperate with the police of cities, villages, and
30 incorporated towns and with the police officers of any
31 county in enforcing the laws of the State and in making
32 arrests and recovering property.

33 (5) Apprehend and deliver up any person charged in this
34 State or any other state with treason or a felony or other

1 crime who has fled from justice and is found in this State.

2 (6) Investigate recipients and providers under the
3 Illinois Public Aid Code and any personnel involved in the
4 administration of the Code who are suspected of any
5 violation of the Code pertaining to fraud in the
6 administration, receipt, or provision of assistance and
7 pertaining to any violation of criminal law; and exercise
8 the functions required under Section 2605-220 in the
9 conduct of those investigations.

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

11 (8) Exercise the powers and perform the duties that
12 have been vested in the Department by the Sex Offender
13 Registration Act and the Sex Offender ~~and Child Murderer~~
14 Community Notification Law; and promulgate reasonable
15 rules and regulations necessitated thereby.

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

19 (b) There is hereby established in the Division of
20 Operations the Office of Coordination of Gang Prevention,
21 hereafter referred to as the Office.

22 The Office shall consult with units of local government and
23 school districts to assist them in gang control activities and
24 to administer a system of grants to units of local government
25 and school districts that, upon application, have demonstrated
26 a workable plan to reduce gang activity in their area. The
27 grants shall not include reimbursement for personnel, nor shall
28 they exceed 75% of the total request by any applicant. The
29 grants may be calculated on a proportional basis, determined by
30 funds available to the Department for this purpose. The
31 Department has the authority to promulgate appropriate rules
32 and regulations to administer this program.

33 The Office shall establish mobile units of trained
34 personnel to respond to gang activities.

35 The Office shall also consult with and use the services of
36 religious leaders and other celebrities to assist in gang

1 control activities.

2 The Office may sponsor seminars, conferences, or any other
3 educational activity to assist communities in their gang crime
4 control activities.

5 (Source: P.A. 90-193, eff. 7-24-97; 91-239, eff. 1-1-00;
6 91-760, eff. 1-1-01.)

7 Section 1010. The State Finance Act is amended by adding
8 Section 5.663 as follows:

9 (30 ILCS 105/5.663 new)

10 Sec. 5.663. The Child Murderer and Violent Offender Against
11 Youth Registration Fund.

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

14 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

15 Sec. 10-21.9. Criminal history records checks and checks of
16 the Statewide Sex Offender Database.

17 (a) Certified and noncertified applicants for employment
18 with a school district, except school bus driver applicants,
19 are required as a condition of employment to authorize a
20 fingerprint-based criminal history records check to determine
21 if such applicants have been convicted of any of the enumerated
22 criminal or drug offenses in subsection (c) of this Section or
23 have been convicted, within 7 years of the application for
24 employment with the school district, of any other felony under
25 the laws of this State or of any offense committed or attempted
26 in any other state or against the laws of the United States
27 that, if committed or attempted in this State, would have been
28 punishable as a felony under the laws of this State.
29 Authorization for the check shall be furnished by the applicant
30 to the school district, except that if the applicant is a
31 substitute teacher seeking employment in more than one school
32 district, a teacher seeking concurrent part-time employment

1 positions with more than one school district (as a reading
2 specialist, special education teacher or otherwise), or an
3 educational support personnel employee seeking employment
4 positions with more than one district, any such district may
5 require the applicant to furnish authorization for the check to
6 the regional superintendent of the educational service region
7 in which are located the school districts in which the
8 applicant is seeking employment as a substitute or concurrent
9 part-time teacher or concurrent educational support personnel
10 employee. Upon receipt of this authorization, the school
11 district or the appropriate regional superintendent, as the
12 case may be, shall submit the applicant's name, sex, race, date
13 of birth, social security number, fingerprint images, and other
14 identifiers, as prescribed by the Department of State Police,
15 to the Department. The regional superintendent submitting the
16 requisite information to the Department of State Police shall
17 promptly notify the school districts in which the applicant is
18 seeking employment as a substitute or concurrent part-time
19 teacher or concurrent educational support personnel employee
20 that the check of the applicant has been requested. The
21 Department of State Police and the Federal Bureau of
22 Investigation shall furnish, pursuant to a fingerprint-based
23 criminal history records check, records of convictions, until
24 expunged, to the president of the school board for the school
25 district that requested the check, or to the regional
26 superintendent who requested the check. The Department shall
27 charge the school district or the appropriate regional
28 superintendent a fee for conducting such check, which fee shall
29 be deposited in the State Police Services Fund and shall not
30 exceed the cost of the inquiry; and the applicant shall not be
31 charged a fee for such check by the school district or by the
32 regional superintendent. Subject to appropriations for these
33 purposes, the State Superintendent of Education shall
34 reimburse school districts and regional superintendents for
35 fees paid to obtain criminal history records checks under this
36 Section.

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

5 (a-6) The school district or regional superintendent shall
6 further perform a check of the Statewide Child Murderer and
7 Violent Offender Against Youth Database, as authorized by the
8 Child Murderer and Violent Offender Against Youth Community
9 Notification Law, for each applicant.

10 (b) Any information concerning the record of convictions
11 obtained by the president of the school board or the regional
12 superintendent shall be confidential and may only be
13 transmitted to the superintendent of the school district or his
14 designee, the appropriate regional superintendent if the check
15 was requested by the school district, the presidents of the
16 appropriate school boards if the check was requested from the
17 Department of State Police by the regional superintendent, the
18 State Superintendent of Education, the State Teacher
19 Certification Board or any other person necessary to the
20 decision of hiring the applicant for employment. A copy of the
21 record of convictions obtained from the Department of State
22 Police shall be provided to the applicant for employment. Upon
23 the check of the Statewide Sex Offender Database, the school
24 district or regional superintendent shall notify an applicant
25 as to whether or not the applicant has been identified in the
26 Database as a sex offender. If a check of an applicant for
27 employment as a substitute or concurrent part-time teacher or
28 concurrent educational support personnel employee in more than
29 one school district was requested by the regional
30 superintendent, and the Department of State Police upon a check
31 ascertains that the applicant has not been convicted of any of
32 the enumerated criminal or drug offenses in subsection (c) or
33 has not been convicted, within 7 years of the application for
34 employment with the school district, of any other felony under
35 the laws of this State or of any offense committed or attempted
36 in any other state or against the laws of the United States

1 that, if committed or attempted in this State, would have been
2 punishable as a felony under the laws of this State and so
3 notifies the regional superintendent and if the regional
4 superintendent upon a check ascertains that the applicant has
5 not been identified in the Sex Offender Database as a sex
6 offender, then the regional superintendent shall issue to the
7 applicant a certificate evidencing that as of the date
8 specified by the Department of State Police the applicant has
9 not been convicted of any of the enumerated criminal or drug
10 offenses in subsection (c) or has not been convicted, within 7
11 years of the application for employment with the school
12 district, of any other felony under the laws of this State or
13 of any offense committed or attempted in any other state or
14 against the laws of the United States that, if committed or
15 attempted in this State, would have been punishable as a felony
16 under the laws of this State and evidencing that as of the date
17 that the regional superintendent conducted a check of the
18 Statewide Sex Offender Database, the applicant has not been
19 identified in the Database as a sex offender. The school board
20 of any school district located in the educational service
21 region served by the regional superintendent who issues such a
22 certificate to an applicant for employment as a substitute
23 teacher in more than one such district may rely on the
24 certificate issued by the regional superintendent to that
25 applicant, or may initiate its own criminal history records
26 check of the applicant through the Department of State Police
27 and its own check of the Statewide Sex Offender Database as
28 provided in subsection (a). Any person who releases any
29 confidential information concerning any criminal convictions
30 of an applicant for employment shall be guilty of a Class A
31 misdemeanor, unless the release of such information is
32 authorized by this Section.

33 (c) No school board shall knowingly employ a person who has
34 been convicted for committing attempted first degree murder or
35 for committing or attempting to commit first degree murder or a
36 Class X felony or any one or more of the following offenses:

1 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
2 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
3 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
4 Criminal Code of 1961; (ii) those defined in the Cannabis
5 Control Act except those defined in Sections 4(a), 4(b) and
6 5(a) of that Act; (iii) those defined in the Illinois
7 Controlled Substances Act; (iv) those defined in the
8 Methamphetamine Control and Community Protection Act; and (v)
9 any offense committed or attempted in any other state or
10 against the laws of the United States, which if committed or
11 attempted in this State, would have been punishable as one or
12 more of the foregoing offenses. Further, no school board shall
13 knowingly employ a person who has been found to be the
14 perpetrator of sexual or physical abuse of any minor under 18
15 years of age pursuant to proceedings under Article II of the
16 Juvenile Court Act of 1987.

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

20 (e) Upon receipt of the record of a conviction of or a
21 finding of child abuse by a holder of any certificate issued
22 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
23 Code, the appropriate regional superintendent of schools or the
24 State Superintendent of Education shall initiate the
25 certificate suspension and revocation proceedings authorized
26 by law.

27 (f) After January 1, 1990 the provisions of this Section
28 shall apply to all employees of persons or firms holding
29 contracts with any school district including, but not limited
30 to, food service workers, school bus drivers and other
31 transportation employees, who have direct, daily contact with
32 the pupils of any school in such district. For purposes of
33 criminal history records checks and checks of the Statewide Sex
34 Offender Database on employees of persons or firms holding
35 contracts with more than one school district and assigned to
36 more than one school district, the regional superintendent of

1 the educational service region in which the contracting school
2 districts are located may, at the request of any such school
3 district, be responsible for receiving the authorization for a
4 criminal history records check prepared by each such employee
5 and submitting the same to the Department of State Police and
6 for conducting a check of the Statewide Sex Offender Database
7 for each employee. Any information concerning the record of
8 conviction and identification as a sex offender of any such
9 employee obtained by the regional superintendent shall be
10 promptly reported to the president of the appropriate school
11 board or school boards.

12 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
13 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)

14 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

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

17 (a) Certified and noncertified applicants for employment
18 with the school district are required as a condition of
19 employment to authorize a fingerprint-based criminal history
20 records check to determine if such applicants have been
21 convicted of any of the enumerated criminal or drug offenses in
22 subsection (c) of this Section or have been convicted, within 7
23 years of the application for employment with the school
24 district, of any other felony under the laws of this State or
25 of any offense committed or attempted in any other state or
26 against the laws of the United States that, if committed or
27 attempted in this State, would have been punishable as a felony
28 under the laws of this State. Authorization for the check shall
29 be furnished by the applicant to the school district, except
30 that if the applicant is a substitute teacher seeking
31 employment in more than one school district, or a teacher
32 seeking concurrent part-time employment positions with more
33 than one school district (as a reading specialist, special
34 education teacher or otherwise), or an educational support
35 personnel employee seeking employment positions with more than

1 one district, any such district may require the applicant to
2 furnish authorization for the check to the regional
3 superintendent of the educational service region in which are
4 located the school districts in which the applicant is seeking
5 employment as a substitute or concurrent part-time teacher or
6 concurrent educational support personnel employee. Upon
7 receipt of this authorization, the school district or the
8 appropriate regional superintendent, as the case may be, shall
9 submit the applicant's name, sex, race, date of birth, social
10 security number, fingerprint images, and other identifiers, as
11 prescribed by the Department of State Police, to the
12 Department. The regional superintendent submitting the
13 requisite information to the Department of State Police shall
14 promptly notify the school districts in which the applicant is
15 seeking employment as a substitute or concurrent part-time
16 teacher or concurrent educational support personnel employee
17 that the check of the applicant has been requested. The
18 Department of State Police and the Federal Bureau of
19 Investigation shall furnish, pursuant to a fingerprint-based
20 criminal history records check, records of convictions, until
21 expunged, to the president of the school board for the school
22 district that requested the check, or to the regional
23 superintendent who requested the check. The Department shall
24 charge the school district or the appropriate regional
25 superintendent a fee for conducting such check, which fee shall
26 be deposited in the State Police Services Fund and shall not
27 exceed the cost of the inquiry; and the applicant shall not be
28 charged a fee for such check by the school district or by the
29 regional superintendent. Subject to appropriations for these
30 purposes, the State Superintendent of Education shall
31 reimburse the school district and regional superintendent for
32 fees paid to obtain criminal history records checks under this
33 Section.

34 (a-5) The school district or regional superintendent shall
35 further perform a check of the Statewide Sex Offender Database,
36 as authorized by the Sex Offender ~~and Child Murderer~~ Community

1 Notification Law, for each applicant.

2 (a-6) The school district or regional superintendent shall
3 further perform a check of the Statewide Child Murderer and
4 Violent Offender Against Youth Database, as authorized by the
5 Child Murderer and Violent Offender Against Youth Community
6 Notification Law, for each applicant.

7 (b) Any information concerning the record of convictions
8 obtained by the president of the board of education or the
9 regional superintendent shall be confidential and may only be
10 transmitted to the general superintendent of the school
11 district or his designee, the appropriate regional
12 superintendent if the check was requested by the board of
13 education for the school district, the presidents of the
14 appropriate board of education or school boards if the check
15 was requested from the Department of State Police by the
16 regional superintendent, the State Superintendent of
17 Education, the State Teacher Certification Board or any other
18 person necessary to the decision of hiring the applicant for
19 employment. A copy of the record of convictions obtained from
20 the Department of State Police shall be provided to the
21 applicant for employment. Upon the check of the Statewide Sex
22 Offender Database, the school district or regional
23 superintendent shall notify an applicant as to whether or not
24 the applicant has been identified in the Database as a sex
25 offender. If a check of an applicant for employment as a
26 substitute or concurrent part-time teacher or concurrent
27 educational support personnel employee in more than one school
28 district was requested by the regional superintendent, and the
29 Department of State Police upon a check ascertains that the
30 applicant has not been convicted of any of the enumerated
31 criminal or drug offenses in subsection (c) or has not been
32 convicted, within 7 years of the application for employment
33 with the school district, of any other felony under the laws of
34 this State or of any offense committed or attempted in any
35 other state or against the laws of the United States that, if
36 committed or attempted in this State, would have been

1 punishable as a felony under the laws of this State and so
2 notifies the regional superintendent and if the regional
3 superintendent upon a check ascertains that the applicant has
4 not been identified in the Sex Offender Database as a sex
5 offender, then the regional superintendent shall issue to the
6 applicant a certificate evidencing that as of the date
7 specified by the Department of State Police the applicant has
8 not been convicted of any of the enumerated criminal or drug
9 offenses in subsection (c) or has not been convicted, within 7
10 years of the application for employment with the school
11 district, of any other felony under the laws of this State or
12 of any offense committed or attempted in any other state or
13 against the laws of the United States that, if committed or
14 attempted in this State, would have been punishable as a felony
15 under the laws of this State and evidencing that as of the date
16 that the regional superintendent conducted a check of the
17 Statewide Sex Offender Database, the applicant has not been
18 identified in the Database as a sex offender. The school board
19 of any school district located in the educational service
20 region served by the regional superintendent who issues such a
21 certificate to an applicant for employment as a substitute or
22 concurrent part-time teacher or concurrent educational support
23 personnel employee in more than one such district may rely on
24 the certificate issued by the regional superintendent to that
25 applicant, or may initiate its own criminal history records
26 check of the applicant through the Department of State Police
27 and its own check of the Statewide Sex Offender Database as
28 provided in subsection (a). Any person who releases any
29 confidential information concerning any criminal convictions
30 of an applicant for employment shall be guilty of a Class A
31 misdemeanor, unless the release of such information is
32 authorized by this Section.

33 (c) The board of education shall not knowingly employ a
34 person who has been convicted for committing attempted first
35 degree murder or for committing or attempting to commit first
36 degree murder or a Class X felony or any one or more of the

1 following offenses: (i) those defined in Sections 11-6, 11-9,
2 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,
3 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15
4 and 12-16 of the Criminal Code of 1961; (ii) those defined in
5 the Cannabis Control Act, except those defined in Sections
6 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the
7 Illinois Controlled Substances Act; (iv) those defined in the
8 Methamphetamine Control and Community Protection Act; and (v)
9 any offense committed or attempted in any other state or
10 against the laws of the United States, which if committed or
11 attempted in this State, would have been punishable as one or
12 more of the foregoing offenses. Further, the board of education
13 shall not knowingly employ a person who has been found to be
14 the perpetrator of sexual or physical abuse of any minor under
15 18 years of age pursuant to proceedings under Article II of the
16 Juvenile Court Act of 1987.

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

20 (e) Upon receipt of the record of a conviction of or a
21 finding of child abuse by a holder of any certificate issued
22 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
23 Code, the board of education or the State Superintendent of
24 Education shall initiate the certificate suspension and
25 revocation proceedings authorized by law.

26 (f) After March 19, 1990, the provisions of this Section
27 shall apply to all employees of persons or firms holding
28 contracts with any school district including, but not limited
29 to, food service workers, school bus drivers and other
30 transportation employees, who have direct, daily contact with
31 the pupils of any school in such district. For purposes of
32 criminal history records checks and checks of the Statewide Sex
33 Offender Database on employees of persons or firms holding
34 contracts with more than one school district and assigned to
35 more than one school district, the regional superintendent of
36 the educational service region in which the contracting school

1 districts are located may, at the request of any such school
2 district, be responsible for receiving the authorization for a
3 criminal history records check prepared by each such employee
4 and submitting the same to the Department of State Police and
5 for conducting a check of the Statewide Sex Offender Database
6 for each employee. Any information concerning the record of
7 conviction and identification as a sex offender of any such
8 employee obtained by the regional superintendent shall be
9 promptly reported to the president of the appropriate school
10 board or school boards.

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

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

15 (325 ILCS 40/6) (from Ch. 23, par. 2256)

16 Sec. 6. The Department shall:

17 (a) Establish and maintain a statewide Law Enforcement
18 Agencies Data System (LEADS) for the purpose of effecting an
19 immediate law enforcement response to reports of missing
20 children. The Department shall implement an automated data
21 exchange system to compile, to maintain and to make available
22 for dissemination to Illinois and out-of-State law enforcement
23 agencies, data which can assist appropriate agencies in
24 recovering missing children.

25 (b) Establish contacts and exchange information regarding
26 lost, missing or runaway children with nationally recognized
27 "missing person and runaway" service organizations and monitor
28 national research and publicize important developments.

29 (c) Provide a uniform reporting format for the entry of
30 pertinent information regarding reports of missing children
31 into LEADS.

32 (d) Develop and implement a policy whereby a statewide or
33 regional alert would be used in situations relating to the
34 disappearances of children, based on criteria and in a format

1 established by the Department. Such a format shall include, but
2 not be limited to, the age and physical description of the
3 missing child and the suspected circumstances of the
4 disappearance.

5 (e) Notify all law enforcement agencies that reports of
6 missing persons shall be entered as soon as the minimum level
7 of data specified by the Department is available to the
8 reporting agency and that no waiting period for entry of such
9 data exists.

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

13 (g) Compile and retain information regarding missing
14 children in a separate data file, in a manner that allows such
15 information to be used by law enforcement and other agencies
16 deemed appropriate by the Director, for investigative
17 purposes. Such files shall be updated to reflect and include
18 information relating to the disposition of the case.

19 (h) Compile and maintain an historic data repository
20 relating to missing children in order (1) to develop and
21 improve techniques utilized by law enforcement agencies when
22 responding to reports of missing children and (2) to provide a
23 factual and statistical base for research that would address
24 the problem of missing children.

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

28 (j) Prepare a periodic information bulletin concerning
29 missing children who it determines may be present in this
30 State, compiling such bulletin from information contained in
31 both the National Crime Information Center computer and from
32 reports, alerts and other information entered into LEADS or
33 otherwise compiled and retained by the Department pursuant to
34 this Act. The bulletin shall indicate the name, age, physical
35 description, suspected circumstances of disappearance if that
36 information is available, a photograph if one is available, the

1 name of the law enforcement agency investigating the case, and
2 such other information as the Director considers appropriate
3 concerning each missing child who the Department determines may
4 be present in this State. The Department shall send a copy of
5 each periodic information bulletin to the State Board of
6 Education for its use in accordance with Section 2-3.48 of the
7 School Code. The Department shall provide a copy of the
8 bulletin, upon request, to law enforcement agencies of this or
9 any other state or of the federal government, and may provide a
10 copy of the bulletin, upon request, to other persons or
11 entities, if deemed appropriate by the Director, and may
12 establish limitations on its use and a reasonable fee for so
13 providing the same, except that no fee shall be charged for
14 providing the periodic information bulletin to the State Board
15 of Education, appropriate units of local government, State
16 agencies, or law enforcement agencies of this or any other
17 state or of the federal government.

18 (k) Provide for the entry into LEADS of the names and
19 addresses of sex offenders as defined in the Sex Offender
20 Registration Act who are required to register under that Act.
21 The information shall be immediately accessible to law
22 enforcement agencies and peace officers of this State or any
23 other state or of the federal government. Similar information
24 may be requested from any other state or of the federal
25 government for purposes of this Act.

26 (l) Provide for the entry into LEADS of the names and
27 addresses of violent offenders against youth as defined in the
28 Child Murderer and Violent Offender Against Youth Registration
29 Act who are required to register under that Act. The
30 information shall be immediately accessible to law enforcement
31 agencies and peace officers of this State or any other state or
32 of the federal government. Similar information may be requested
33 from any other state or of the federal government for purposes
34 of this Act.

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

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

3 (730 ILCS 150/2) (from Ch. 38, par. 222)

4 Sec. 2. Definitions.

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

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

12 (a) is convicted of such offense or an attempt to
13 commit such offense; or

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

16 (c) is found not guilty by reason of insanity
17 pursuant to Section 104-25(c) of the Code of Criminal
18 Procedure of 1963 of such offense or an attempt to
19 commit such offense; or

20 (d) is the subject of a finding not resulting in an
21 acquittal at a hearing conducted pursuant to Section
22 104-25(a) of the Code of Criminal Procedure of 1963 for
23 the alleged commission or attempted commission of such
24 offense; or

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

32 (f) is the subject of a finding not resulting in an
33 acquittal at a hearing conducted pursuant to a federal,
34 Uniform Code of Military Justice, sister state, or
35 foreign country law substantially similar to Section

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

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

8 (3) subject to the provisions of Section 2 of the
9 Interstate Agreements on Sexually Dangerous Persons Act;
10 or

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

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

28 Convictions that result from or are connected with the same
29 act, or result from offenses committed at the same time, shall
30 be counted for the purpose of this Article as one conviction.
31 Any conviction set aside pursuant to law is not a conviction
32 for purposes of this Article.

33 For purposes of this Section, "convicted" shall have the
34 same meaning as "adjudicated". For the purposes of this
35 Article, a person who is defined as a sex offender as a result
36 of being adjudicated a juvenile delinquent under paragraph (5)

1 of this subsection (A) upon attaining 17 years of age shall be
2 considered as having committed the sex offense on or after the
3 sex offender's 17th birthday. Registration of juveniles upon
4 attaining 17 years of age shall not extend the original
5 registration of 10 years from the date of conviction.

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

7 (1) A violation of any of the following Sections of the
8 Criminal Code of 1961:

- 9 11-20.1 (child pornography),
10 11-6 (indecent solicitation of a child),
11 11-9.1 (sexual exploitation of a child),
12 11-9.2 (custodial sexual misconduct),
13 11-15.1 (soliciting for a juvenile prostitute),
14 11-18.1 (patronizing a juvenile prostitute),
15 11-17.1 (keeping a place of juvenile
16 prostitution),
17 11-19.1 (juvenile pimping),
18 11-19.2 (exploitation of a child),
19 12-13 (criminal sexual assault),
20 12-14 (aggravated criminal sexual assault),
21 12-14.1 (predatory criminal sexual assault of a
22 child),
23 12-15 (criminal sexual abuse),
24 12-16 (aggravated criminal sexual abuse),
25 12-33 (ritualized abuse of a child).

26 An attempt to commit any of these offenses.

27 (1.5) A violation of any of the following Sections of
28 the Criminal Code of 1961, when the victim is a person
29 under 18 years of age, the defendant is not a parent of the
30 victim, the offense was sexually motivated as defined in
31 Section 10 of the Sex Offender Management Board Act, and
32 the offense was committed on or after January 1, 1996:

- 33 10-1 (kidnapping),
34 10-2 (aggravated kidnapping),
35 10-3 (unlawful restraint),
36 10-3.1 (aggravated unlawful restraint).

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

2 (1.6) First degree murder under Section 9-1 of the
3 Criminal Code of 1961, when the victim was a person under
4 18 years of age and the defendant was at least 17 years of
5 age at the time of the commission of the offense, provided
6 the offense was sexually motivated as defined in Section 10
7 of the Sex Offender Management Board Act.

8 (1.7) (Blank).

9 (1.8) A violation or attempted violation of Section
10 11-11 (sexual relations within families) of the Criminal
11 Code of 1961, and the offense was committed on or after
12 June 1, 1997.

13 (1.9) Child abduction under paragraph (10) of
14 subsection (b) of Section 10-5 of the Criminal Code of 1961
15 committed by luring or attempting to lure a child under the
16 age of 16 into a motor vehicle, building, house trailer, or
17 dwelling place without the consent of the parent or lawful
18 custodian of the child for other than a lawful purpose and
19 the offense was committed on or after January 1, 1998, and
20 provided the offense was sexually motivated as defined in
21 Section 10 of the Sex Offender Management Board Act.

22 (1.10) A violation or attempted violation of any of the
23 following Sections of the Criminal Code of 1961 when the
24 offense was committed on or after July 1, 1999:

25 10-4 (forcible detention, if the victim is under 18
26 years of age), provided the offense was sexually
27 motivated as defined in Section 10 of the Sex Offender
28 Management Board Act,

29 11-6.5 (indecent solicitation of an adult),

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

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

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

36 11-19 (pimping, if the victim is under 18 years of

1 age).

2 (1.11) A violation or attempted violation of any of the
3 following Sections of the Criminal Code of 1961 when the
4 offense was committed on or after August 22, 2002:

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

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

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

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

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

1 effective date of Public Act 93-977).

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

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

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

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

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

29 11-19.1 (juvenile pimping),

30 11-19.2 (exploitation of a child),

31 11-20.1 (child pornography),

32 12-13 (criminal sexual assault),

33 12-14 (aggravated criminal sexual assault),

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

36 12-16 (aggravated criminal sexual abuse),

1 12-33 (ritualized abuse of a child); or

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

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

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

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

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

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

1 (H) As used in this Article, "school" means any public or
2 private educational institution, including, but not limited
3 to, any elementary or secondary school, trade or professional
4 institution, or institution of higher education.

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

8 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
9 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

10 (730 ILCS 150/8) (from Ch. 38, par. 228)

11 Sec. 8. Registration Requirements. Registration as
12 required by this Article shall consist of a statement in
13 writing signed by the person giving the information that is
14 required by the Department of State Police, which may include
15 the fingerprints and must include a current photograph of the
16 person, to be updated annually. If the sex offender is a child
17 sex offender as defined in Section 11-9.3 or 11-9.4 of the
18 Criminal Code of 1961, he or she shall sign a statement that he
19 or she understands that according to Illinois law as a child
20 sex offender he or she may not reside within 500 feet of a
21 school, park, or playground. The offender may also not reside
22 within 500 feet of a facility providing services directed
23 exclusively toward persons under 18 years of age unless the sex
24 offender meets specified exemptions. The registration
25 information must include whether the person is a sex offender
26 as defined in the Sex Offender ~~and Child Murderer~~ Community
27 Notification Law. Within 3 days, the registering law
28 enforcement agency shall forward any required information to
29 the Department of State Police. The registering law enforcement
30 agency shall enter the information into the Law Enforcement
31 Agencies Data System (LEADS) as provided in Sections 6 and 7 of
32 the Intergovernmental Missing Child Recovery Act of 1984.

33 (Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06.)

34 (730 ILCS 150/9) (from Ch. 38, par. 229)

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

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

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

17 (730 ILCS 152/101)

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

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