

1 AN ACT concerning sex offenders.

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

4 Section 5. The Criminal Identification Act is amended by
5 changing Section 8 as follows:

6 (20 ILCS 2630/8) (from Ch. 38, par. 206-8)

7 Sec. 8. Crime statistics; sex offenders.

8 (a) The Department shall be a central repository and
9 custodian of crime statistics for the State and it shall have
10 all power incident thereto to carry out the purposes of this
11 Act, including the power to demand and receive cooperation in
12 the submission of crime statistics from all units of
13 government. On an annual basis, the Illinois Criminal Justice
14 Information Authority shall make available compilations
15 published by the Authority of crime statistics required to be
16 reported by each policing body of the State, the clerks of the
17 circuit court of each county, the Illinois Department of
18 Corrections, the Sheriff of each county, and the State's
19 Attorney of each county, including, but not limited to,
20 criminal arrest, charge and disposition information.

21 (b) The Department shall develop information relating to
22 the number of sex offenders and sexual predators as defined in
23 Section 2 of the Sex Offender Registration Act who are placed
24 on parole, mandatory supervised release, or extended mandatory
25 supervised release and who are subject to electronic
26 monitoring.

27 (Source: P.A. 86-701.)

28 Section 10. The Unified Code of Corrections is amended by
29 changing Section 3-3-7 and by adding Section 5-8A-6 as follows:

30 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

1 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
2 Release.

3 (a) The conditions of parole or mandatory supervised
4 release shall be such as the Prisoner Review Board deems
5 necessary to assist the subject in leading a law-abiding life.
6 The conditions of every parole and mandatory supervised release
7 are that the subject:

8 (1) not violate any criminal statute of any
9 jurisdiction during the parole or release term;

10 (2) refrain from possessing a firearm or other
11 dangerous weapon;

12 (3) report to an agent of the Department of
13 Corrections;

14 (4) permit the agent to visit him or her at his or her
15 home, employment, or elsewhere to the extent necessary for
16 the agent to discharge his or her duties;

17 (5) attend or reside in a facility established for the
18 instruction or residence of persons on parole or mandatory
19 supervised release;

20 (6) secure permission before visiting or writing a
21 committed person in an Illinois Department of Corrections
22 facility;

23 (7) report all arrests to an agent of the Department of
24 Corrections as soon as permitted by the arresting authority
25 but in no event later than 24 hours after release from
26 custody;

27 (7.5) if convicted of a sex offense as defined in the
28 Sex Offender Management Board Act, the individual shall
29 undergo and successfully complete sex offender treatment
30 conducted in conformance with the standards developed by
31 the Sex Offender Management Board Act by a treatment
32 provider approved by the Board;

33 (7.6) if convicted of a sex offense as defined in the
34 Sex Offender Management Board Act, refrain from residing at
35 the same address or in the same condominium unit or
36 apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or
2 reasonably should know is a convicted sex offender or has
3 been placed on supervision for a sex offense; the
4 provisions of this paragraph do not apply to a person
5 convicted of a sex offense who is placed in a Department of
6 Corrections licensed transitional housing facility for sex
7 offenders, or is in any facility operated or licensed by
8 the Department of Children and Family Services or by the
9 Department of Human Services, or is in any licensed medical
10 facility;

11 (7.7) if convicted for an offense that would qualify
12 the accused as a sexual predator under the Sex Offender
13 Registration Act on or after the effective date of this
14 amendatory Act of the 94th General Assembly, wear an
15 approved electronic monitoring device as defined in
16 Section 5-8A-2 for the duration of the person's parole,
17 mandatory supervised release term, or extended mandatory
18 supervised release term;

19 (8) obtain permission of an agent of the Department of
20 Corrections before leaving the State of Illinois;

21 (9) obtain permission of an agent of the Department of
22 Corrections before changing his or her residence or
23 employment;

24 (10) consent to a search of his or her person,
25 property, or residence under his or her control;

26 (11) refrain from the use or possession of narcotics or
27 other controlled substances in any form, or both, or any
28 paraphernalia related to those substances and submit to a
29 urinalysis test as instructed by a parole agent of the
30 Department of Corrections;

31 (12) not frequent places where controlled substances
32 are illegally sold, used, distributed, or administered;

33 (13) not knowingly associate with other persons on
34 parole or mandatory supervised release without prior
35 written permission of his or her parole agent and not
36 associate with persons who are members of an organized gang

1 as that term is defined in the Illinois Streetgang
2 Terrorism Omnibus Prevention Act;

3 (14) provide true and accurate information, as it
4 relates to his or her adjustment in the community while on
5 parole or mandatory supervised release or to his or her
6 conduct while incarcerated, in response to inquiries by his
7 or her parole agent or of the Department of Corrections;

8 (15) follow any specific instructions provided by the
9 parole agent that are consistent with furthering
10 conditions set and approved by the Prisoner Review Board or
11 by law, exclusive of placement on electronic detention, to
12 achieve the goals and objectives of his or her parole or
13 mandatory supervised release or to protect the public.
14 These instructions by the parole agent may be modified at
15 any time, as the agent deems appropriate; and

16 (16) if convicted of a sex offense as defined in
17 subsection (a-5) of Section 3-1-2 of this Code, unless the
18 offender is a parent or guardian of the person under 18
19 years of age present in the home and no non-familial minors
20 are present, not participate in a holiday event involving
21 children under 18 years of age, such as distributing candy
22 or other items to children on Halloween, wearing a Santa
23 Claus costume on or preceding Christmas, being employed as
24 a department store Santa Claus, or wearing an Easter Bunny
25 costume on or preceding Easter.

26 (b) The Board may in addition to other conditions require
27 that the subject:

28 (1) work or pursue a course of study or vocational
29 training;

30 (2) undergo medical or psychiatric treatment, or
31 treatment for drug addiction or alcoholism;

32 (3) attend or reside in a facility established for the
33 instruction or residence of persons on probation or parole;

34 (4) support his dependents;

35 (5) (blank);

36 (6) (blank);

1 (7) comply with the terms and conditions of an order of
2 protection issued pursuant to the Illinois Domestic
3 Violence Act of 1986, enacted by the 84th General Assembly,
4 or an order of protection issued by the court of another
5 state, tribe, or United States territory; and

6 (8) in addition, if a minor:

7 (i) reside with his parents or in a foster home;

8 (ii) attend school;

9 (iii) attend a non-residential program for youth;

10 or

11 (iv) contribute to his own support at home or in a
12 foster home.

13 (b-1) In addition to the conditions set forth in
14 subsections (a) and (b), persons required to register as sex
15 offenders pursuant to the Sex Offender Registration Act, upon
16 release from the custody of the Illinois Department of
17 Corrections, may be required by the Board to comply with the
18 following specific conditions of release:

19 (1) reside only at a Department approved location;

20 (2) comply with all requirements of the Sex Offender
21 Registration Act;

22 (3) notify third parties of the risks that may be
23 occasioned by his or her criminal record;

24 (4) obtain the approval of an agent of the Department
25 of Corrections prior to accepting employment or pursuing a
26 course of study or vocational training and notify the
27 Department prior to any change in employment, study, or
28 training;

29 (5) not be employed or participate in any volunteer
30 activity that involves contact with children, except under
31 circumstances approved in advance and in writing by an
32 agent of the Department of Corrections;

33 (6) be electronically monitored for a minimum of 12
34 months from the date of release as determined by the Board;

35 (7) refrain from entering into a designated geographic
36 area except upon terms approved in advance by an agent of

1 the Department of Corrections. The terms may include
2 consideration of the purpose of the entry, the time of day,
3 and others accompanying the person;

4 (8) refrain from having any contact, including written
5 or oral communications, directly or indirectly, personally
6 or by telephone, letter, or through a third party with
7 certain specified persons including, but not limited to,
8 the victim or the victim's family without the prior written
9 approval of an agent of the Department of Corrections;

10 (9) refrain from all contact, directly or indirectly,
11 personally, by telephone, letter, or through a third party,
12 with minor children without prior identification and
13 approval of an agent of the Department of Corrections;

14 (10) neither possess or have under his or her control
15 any material that is sexually oriented, sexually
16 stimulating, or that shows male or female sex organs or any
17 pictures depicting children under 18 years of age nude or
18 any written or audio material describing sexual
19 intercourse or that depicts or alludes to sexual activity,
20 including but not limited to visual, auditory, telephonic,
21 or electronic media, or any matter obtained through access
22 to any computer or material linked to computer access use;

23 (11) not patronize any business providing sexually
24 stimulating or sexually oriented entertainment nor utilize
25 "900" or adult telephone numbers;

26 (12) not reside near, visit, or be in or about parks,
27 schools, day care centers, swimming pools, beaches,
28 theaters, or any other places where minor children
29 congregate without advance approval of an agent of the
30 Department of Corrections and immediately report any
31 incidental contact with minor children to the Department;

32 (13) not possess or have under his or her control
33 certain specified items of contraband related to the
34 incidence of sexually offending as determined by an agent
35 of the Department of Corrections;

36 (14) may be required to provide a written daily log of

1 activities if directed by an agent of the Department of
2 Corrections;

3 (15) comply with all other special conditions that the
4 Department may impose that restrict the person from
5 high-risk situations and limit access to potential
6 victims.

7 (c) The conditions under which the parole or mandatory
8 supervised release is to be served shall be communicated to the
9 person in writing prior to his release, and he shall sign the
10 same before release. A signed copy of these conditions,
11 including a copy of an order of protection where one had been
12 issued by the criminal court, shall be retained by the person
13 and another copy forwarded to the officer in charge of his
14 supervision.

15 (d) After a hearing under Section 3-3-9, the Prisoner
16 Review Board may modify or enlarge the conditions of parole or
17 mandatory supervised release.

18 (e) The Department shall inform all offenders committed to
19 the Department of the optional services available to them upon
20 release and shall assist inmates in availing themselves of such
21 optional services upon their release on a voluntary basis.

22 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
23 eff. 7-11-05; 94-161, eff. 7-11-05; revised 8-19-05.)

24 (730 ILCS 5/5-8A-6 new)

25 Sec. 5-8A-6. Electronic monitoring of certain sex
26 offenders. For a sexual predator subject to electronic home
27 monitoring under paragraph (7.7) of subsection (a) of Section
28 3-3-7, the Department of Corrections must use a system that
29 actively monitors and identifies the offender's current
30 location and timely reports or records the offender's presence
31 and that alerts the Department of the offender's presence
32 within a prohibited area described in Sections 11-9.3 and
33 11-9.4 of the Criminal Code of 1961, in a court order, or as a
34 condition of the offender's parole, mandatory supervised
35 release, or extended mandatory supervised release and the

1 offender's departure from specified geographic limitations.

2 Section 15. The Sex Offender Registration Act is amended by
3 changing Sections 6, 8-5, and 10 as follows:

4 (730 ILCS 150/6) (from Ch. 38, par. 226)

5 Sec. 6. Duty to report; change of address, school, or
6 employment; duty to inform. A person who has been adjudicated
7 to be sexually dangerous or is a sexually violent person and is
8 later released, or found to be no longer sexually dangerous or
9 no longer a sexually violent person and discharged, or
10 convicted of a violation of this Act after July 1, 2005, shall
11 report in person to the law enforcement agency with whom he or
12 she last registered no later than 90 days after the date of his
13 or her last registration and every 90 days thereafter and at
14 such other times at the request of the law enforcement agency
15 not to exceed 4 times a year. Any person who lacks a fixed
16 residence must report weekly, in person, to the appropriate law
17 enforcement agency where the sex offender is located. Any other
18 person who is required to register under this Article shall
19 report in person to the appropriate law enforcement agency with
20 whom he or she last registered within 6 months ~~one year~~ from
21 the date of last registration and every 6 months ~~year~~
22 thereafter and at such other times at the request of the law
23 enforcement agency not to exceed 4 times a year. If any person
24 required to register under this Article lacks a fixed residence
25 or temporary domicile, he or she must notify, in person, the
26 agency of jurisdiction of his or her last known address within
27 5 days after ceasing to have a fixed residence and if the
28 offender leaves the last jurisdiction of residence, he or she,
29 must within 48 hours after leaving register in person with the
30 new agency of jurisdiction. If any other person required to
31 register under this Article changes his or her residence
32 address, place of employment, or school, he or she shall report
33 in person to ~~5~~ the law enforcement agency with whom he or she
34 last registered of his or her new address, change in

1 employment, or school and register, in person, with the
2 appropriate law enforcement agency within the time period
3 specified in Section 3. The law enforcement agency shall,
4 within 3 days of the reporting in person by the person required
5 to register under this Article, notify the Department of State
6 Police of the new place of residence, change in employment, or
7 school.

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

22 (Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06;
23 94-168, eff. 1-1-06; revised 8-19-05.)

24 (730 ILCS 150/8-5)

25 Sec. 8-5. Verification requirements.

26 (a) Address verification. The agency having jurisdiction
27 shall verify the address of sex offenders, as defined in
28 Section 2 of this Act, or sexual predators required to register
29 with their agency at least once per year. The verification must
30 be documented in LEADS in the form and manner required by the
31 Department of State Police.

32 (b) Registration verification. The supervising officer
33 shall, within 15 days of sentencing to probation or release
34 from an Illinois Department of Corrections facility, contact
35 the law enforcement agency in the jurisdiction in which the sex

1 offender or sexual predator designated as his or her intended
2 residence and verify compliance with the requirements of this
3 Act. Revocation proceedings shall be immediately commenced
4 against a sex offender or sexual predator on probation, parole,
5 or mandatory supervised release who fails to comply with the
6 requirements of this Act.

7 (c) In an effort to ensure that sexual predators and sex
8 offenders who fail to respond to address-verification attempts
9 or who otherwise abscond from registration are located in a
10 timely manner, the Department of State Police shall share
11 information with local law enforcement agencies. The
12 Department shall use analytical resources to assist local law
13 enforcement agencies to determine the potential whereabouts of
14 any sexual predator or sex offender who fails to respond to
15 address-verification attempts or who otherwise absconds from
16 registration. The Department shall review and analyze all
17 available information concerning any such predator or offender
18 who fails to respond to address-verification attempts or who
19 otherwise absconds from registration and provide the
20 information to local law enforcement agencies in order to
21 assist the agencies in locating and apprehending the sexual
22 predator or sex offender.

23 (Source: P.A. 92-828, eff. 8-22-02; 93-979, eff. 8-20-04.)

24 (730 ILCS 150/10) (from Ch. 38, par. 230)

25 Sec. 10. Penalty.

26 (a) Any person who is required to register under this
27 Article who violates any of the provisions of this Article and
28 any person who is required to register under this Article who
29 seeks to change his or her name under Article 21 of the Code of
30 Civil Procedure is guilty of a Class 3 felony. Any person who
31 is convicted for a violation of this Act for a second or
32 subsequent time is guilty of a Class 2 felony. Any person who
33 is required to register under this Article who knowingly or
34 wilfully gives material information required by this Article
35 that is false is guilty of a Class 3 felony. Any person

1 convicted of a violation of any provision of this Article
2 shall, in addition to any other penalty required by law, be
3 required to serve a minimum period of 7 days confinement in the
4 local county jail. The court shall impose a mandatory minimum
5 fine of \$500 for failure to comply with any provision of this
6 Article. These fines shall be deposited in the Sex Offender
7 Registration Fund. Any sex offender, as defined in Section 2 of
8 this Act, or sexual predator who violates any provision of this
9 Article may be arrested and tried in any Illinois county where
10 the sex offender can be located. The local police department or
11 sheriff's office is not required to determine whether the
12 person is living within its jurisdiction.

13 (b) Any person, not covered by privilege under Part 8 of
14 Article VIII of the Code of Civil Procedure or the Illinois
15 Supreme Court's Rules of Professional Conduct, who has reason
16 to believe that a sexual predator is not complying, or has not
17 complied, with the requirements of this Article and who, with
18 the intent to assist the sexual predator in eluding a law
19 enforcement agency that is seeking to find the sexual predator
20 to question the sexual predator about, or to arrest the sexual
21 predator for, his or her noncompliance with the requirements of
22 this Article is guilty of a Class 3 felony if he or she:

23 (1) provides false information to the law enforcement
24 agency having jurisdiction about the sexual predator's
25 noncompliance with the requirements of this Article, and,
26 if known, the whereabouts of the sexual predator;

27 (2) harbors, or attempts to harbor, or assists another
28 person in harboring or attempting to harbor, the sexual
29 predator; or

30 (3) conceals or attempts to conceal, or assists another
31 person in concealing or attempting to conceal, the sexual
32 predator.

33 (c) Subsection (b) does not apply if the sexual predator is
34 incarcerated in or is in the custody of a State correctional
35 facility, a private correctional facility, a county or
36 municipal jail, or a federal correctional facility.

1 (Source: P.A. 93-979, eff. 8-20-04; 94-168, eff. 1-1-06.)