



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5523

Introduced 1/27/2006, by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

New Act	
730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3
730 ILCS 150/3	from Ch. 38, par. 223
730 ILCS 150/4	from Ch. 38, par. 224
730 ILCS 150/5	from Ch. 38, par. 225
750 ILCS 50/1	from Ch. 40, par. 1501
750 ILCS 50/2	from Ch. 40, par. 1502

Creates the Protection of Children Related to Sex Offenders Act. Provides that a "sex offender" or "sexual predator", as defined in the Sex Offender Registration Act, is barred from having custody of or visitation with his or her own children, grandchildren, or great-grandchildren, living with minor children, serving as a guardian for a minor child, or serving as a foster parent. Amends the Unified Code of Corrections. Provides that a defendant, convicted of an offense that qualifies the defendant for the designation of "sex offender" or "sexual predator" under the Sex Offender Registration Act, is ordered by the court to not live with or have custody or visitation with any minor children. Provides that the circuit clerk obtains from a defendant convicted of an offense included in the Sex Offender Registration Act the names and addresses of the defendant's spouse, former spouse, adult children, minor children, stepchildren, or wards and parents of the defendant's minor grandchildren, great-grandchildren, or stepchildren, or wards. Provides that the circuit clerk notifies the defendant's spouse, former spouse, adult children, parents of the defendant's minor grandchildren, great-grandchildren, or stepchildren, and any person with whom the defendant had a child if that child is now a minor, of the conviction and the court order prohibiting custody, visitation or residing with minors. Amends the Sex Offender Registration Act. Provides that before a sex offender or sexual predator is released from a correctional facility or otherwise released, the offender or predator must read and sign a form acknowledging the receipt of and receiving an understanding of the court order prohibiting the offender or predator from having custody or visitation with minors. Provides that when a sex offender or sexual predator registers that the sheriff, Chicago Police Department, or the chief of police, the sex offender or sexual predator shall provide information about any minor relatives or about any minor with whom the person resides and, if no order exists that, pursuant to the Protection of Children Related to Sex Offenders Act, bars the sex offender or sexual predator from custody, visitation, or sharing a residence with any minor child, the sheriff, Chicago Police Department, or the chief of police shall advise the State's attorney for that county about the lack of a court order, so that the States' attorney can obtain a court order against the person under the Protection of Children Related to Sex Offenders Act to protect minor children. Amends the Adoption Act. Provides that no sex offender or sexual predator may adopt a child or reside with, have custody of, or visitation with any minor that the person adopted.

LRB094 16031 AJO 51266 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

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

4 Section 1. Short title. This Act may be cited as the
5 Protection of Children Related to Sex Offenders Act.

6 Section 5. Following the conviction of a defendant of an
7 offense included in the list of offenses contained in the
8 definition of "sex offender" or the definition of "sexual
9 predator" in the Sex Offender Registration Act, the court shall
10 enter an order that, pursuant to this Act, prohibits the
11 defendant from that day forward, notwithstanding a judgment of
12 dissolution of marriage, any court order concerning custody of
13 or visitation with a minor child of whom the defendant is a
14 parent, grandparent, or great-grandparent, from doing any of
15 the following:

16 (a) living in the same dwelling unit with any minor child
17 of whom the defendant is a parent, grandparent, or
18 great-grandparent;

19 (b) visiting at any location, with any minor child of whom
20 the defendant is a parent, grandparent, or great-grandparent or
21 exercising any visitation rights with any minor child of whom
22 the defendant is the parent, grandparent, or
23 great-grandparent;

24 (c) living in the same dwelling unit with another person
25 and that other person's minor child;

26 (d) visiting, at any location, any minor child or
27 exercising any visitation rights with a minor child;

28 (e) serving as a guardian of the person, guardian of the
29 estate, or plenary guardian of a minor child;

30 (f) petitioning any court for the adoption of, the
31 temporary custody of, or visitation with any minor child
32 including a minor child of whom the defendant is a parent,

1 grandparent, or great-grandparent; or

2 (g) serving as a "foster parent", as defined in the Foster
3 Parent Law, of any minor child.

4 For purposes of this Act, the term "child" means a person
5 who is the natural or adopted son or daughter of another
6 person.

7 Nothing in this Act disturbs the legal obligation of a
8 parent who is a sex offender or sexual predator to pay child
9 support, provide health insurance, or to otherwise provide for
10 a minor child of whom the defendant is a parent.

11 Section 10. No person after conviction for an offense
12 included in the definitions of "sex offender" or "sexual
13 predator" may petition for or obtain custody of or visitation
14 with any minor child of whom the defendant is a parent,
15 grandparent, great-grandparent, stepparent, or guardian in any
16 legal proceeding for dissolution of marriage, concerning
17 custody, paternity, domestic violence, guardianship, adoption,
18 foster care, or in any other proceeding concerning a minor
19 child under Illinois law.

20 Section 15. Following the conviction of a defendant for an
21 offense included in the list of offenses contained in the
22 definition of "sex offender" or the definition of "sexual
23 predator" in the Sex Offender Registration Act, the court shall
24 determine whether the defendant has any minor children,
25 grandchildren, or great-grandchildren, any adult children, any
26 minor step-children, any minor wards of which the defendant is
27 a guardian, and whether any minor child occupies any part of
28 the defendant's dwelling; and if so, the court shall obtain
29 information about each person, or in the case of a minor child,
30 information about the minor child's parents, including the
31 person's name, address, telephone number, and the relationship
32 of each person to the defendant. The defendant shall also
33 provide to the court "basic information" about any legal
34 proceeding in which the defendant is now or has been a party

1 concerning dissolution of marriage, child custody, child
2 visitation, paternity, or other similar proceeding that
3 concerned a minor child. "Basic information" about any legal
4 proceeding includes, but is not limited to, the following: name
5 and case number of the legal proceeding; state and county in
6 which the legal proceeding is located; the year the proceeding
7 began; the dates of any final orders; and the dates of any
8 orders concerning custody of or visitation with a minor child.

9 Section 20.

10 (a) After a defendant is convicted of an offense included
11 in the definitions of "sex offender" or "sexual predator", the
12 court shall require that the clerk of the circuit court send a
13 notice of conviction to the defendant's spouse, former spouse
14 of the defendant, the adult children of the defendant, the
15 parents of any minor child of whom the defendant is a parent,
16 grandparent, great-grandparent, stepparent, or guardian, and
17 any person with whom the defendant had a child, who is still a
18 minor. The notice of conviction shall include the defendant's
19 name and address, a statement that the defendant was convicted
20 of a crime that is included in the definitions of "sex
21 offender" or "sexual predator", the name and nature of the
22 offense of which the defendant was convicted, the court case
23 file number and the location of the court in which the
24 defendant was convicted, and a statement that the court entered
25 an order barring the defendant from having custody of or
26 visitation with any minor child including any minor child, of
27 whom the defendant is a parent, grandparent,
28 great-grandparent, stepparent, or guardian.

29 (b) The circuit clerk shall also forward a copy of the
30 notice of a conviction and a copy of the order referred to in
31 Section 5 to the circuit clerk of any county, or the similar
32 officer in a county in another state, in which there are any
33 pending legal proceedings concerning the custody of or
34 visitation with a minor child of whom the defendant is a
35 parent, grandparent, great-grandparent, stepparent, or

1 guardian.

2 Section 25. The Unified Code of Corrections is amended by
3 changing Section 5-5-3 as follows:

4 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

5 Sec. 5-5-3. Disposition.

6 (a) Except as provided in Section 11-501 of the Illinois
7 Vehicle Code, every person convicted of an offense shall be
8 sentenced as provided in this Section.

9 (b) The following options shall be appropriate
10 dispositions, alone or in combination, for all felonies and
11 misdemeanors other than those identified in subsection (c) of
12 this Section:

13 (1) A period of probation.

14 (2) A term of periodic imprisonment.

15 (3) A term of conditional discharge.

16 (4) A term of imprisonment.

17 (5) An order directing the offender to clean up and
18 repair the damage, if the offender was convicted under
19 paragraph (h) of Section 21-1 of the Criminal Code of 1961
20 (now repealed).

21 (6) A fine.

22 (7) An order directing the offender to make restitution
23 to the victim under Section 5-5-6 of this Code.

24 (8) A sentence of participation in a county impact
25 incarceration program under Section 5-8-1.2 of this Code.

26 (9) A term of imprisonment in combination with a term
27 of probation when the offender has been admitted into a
28 drug court program under Section 20 of the Drug Court
29 Treatment Act.

30 Neither a fine nor restitution shall be the sole
31 disposition for a felony and either or both may be imposed only
32 in conjunction with another disposition.

33 (c) (1) When a defendant is found guilty of first degree
34 murder the State may either seek a sentence of imprisonment

1 under Section 5-8-1 of this Code, or where appropriate seek
2 a sentence of death under Section 9-1 of the Criminal Code
3 of 1961.

4 (2) A period of probation, a term of periodic
5 imprisonment or conditional discharge shall not be imposed
6 for the following offenses. The court shall sentence the
7 offender to not less than the minimum term of imprisonment
8 set forth in this Code for the following offenses, and may
9 order a fine or restitution or both in conjunction with
10 such term of imprisonment:

11 (A) First degree murder where the death penalty is
12 not imposed.

13 (B) Attempted first degree murder.

14 (C) A Class X felony.

15 (D) A violation of Section 401.1 or 407 of the
16 Illinois Controlled Substances Act, or a violation of
17 subdivision (c) (1) or (c) (2) of Section 401 of that Act
18 which relates to more than 5 grams of a substance
19 containing heroin or cocaine or an analog thereof.

20 (E) A violation of Section 5.1 or 9 of the Cannabis
21 Control Act.

22 (F) A Class 2 or greater felony if the offender had
23 been convicted of a Class 2 or greater felony within 10
24 years of the date on which the offender committed the
25 offense for which he or she is being sentenced, except
26 as otherwise provided in Section 40-10 of the
27 Alcoholism and Other Drug Abuse and Dependency Act.

28 (F-5) A violation of Section 24-1, 24-1.1, or
29 24-1.6 of the Criminal Code of 1961 for which
30 imprisonment is prescribed in those Sections.

31 (G) Residential burglary, except as otherwise
32 provided in Section 40-10 of the Alcoholism and Other
33 Drug Abuse and Dependency Act.

34 (H) Criminal sexual assault.

35 (I) Aggravated battery of a senior citizen.

36 (J) A forcible felony if the offense was related to

1 the activities of an organized gang.

2 Before July 1, 1994, for the purposes of this
3 paragraph, "organized gang" means an association of 5
4 or more persons, with an established hierarchy, that
5 encourages members of the association to perpetrate
6 crimes or provides support to the members of the
7 association who do commit crimes.

8 Beginning July 1, 1994, for the purposes of this
9 paragraph, "organized gang" has the meaning ascribed
10 to it in Section 10 of the Illinois Streetgang
11 Terrorism Omnibus Prevention Act.

12 (K) Vehicular hijacking.

13 (L) A second or subsequent conviction for the
14 offense of hate crime when the underlying offense upon
15 which the hate crime is based is felony aggravated
16 assault or felony mob action.

17 (M) A second or subsequent conviction for the
18 offense of institutional vandalism if the damage to the
19 property exceeds \$300.

20 (N) A Class 3 felony violation of paragraph (1) of
21 subsection (a) of Section 2 of the Firearm Owners
22 Identification Card Act.

23 (O) A violation of Section 12-6.1 of the Criminal
24 Code of 1961.

25 (P) A violation of paragraph (1), (2), (3), (4),
26 (5), or (7) of subsection (a) of Section 11-20.1 of the
27 Criminal Code of 1961.

28 (Q) A violation of Section 20-1.2 or 20-1.3 of the
29 Criminal Code of 1961.

30 (R) A violation of Section 24-3A of the Criminal
31 Code of 1961.

32 (S) (Blank).

33 (T) A second or subsequent violation of the
34 Methamphetamine Control and Community Protection Act.

35 (3) (Blank).

36 (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be
2 imposed for a violation of paragraph (c) of Section 6-303
3 of the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraph (4.3) of this
6 subsection (c), a minimum of 100 hours of community service
7 shall be imposed for a second violation of Section 6-303 of
8 the Illinois Vehicle Code.

9 (4.3) A minimum term of imprisonment of 30 days or 300
10 hours of community service, as determined by the court,
11 shall be imposed for a second violation of subsection (c)
12 of Section 6-303 of the Illinois Vehicle Code.

13 (4.4) Except as provided in paragraph (4.5) and
14 paragraph (4.6) of this subsection (c), a minimum term of
15 imprisonment of 30 days or 300 hours of community service,
16 as determined by the court, shall be imposed for a third or
17 subsequent violation of Section 6-303 of the Illinois
18 Vehicle Code.

19 (4.5) A minimum term of imprisonment of 30 days shall
20 be imposed for a third violation of subsection (c) of
21 Section 6-303 of the Illinois Vehicle Code.

22 (4.6) A minimum term of imprisonment of 180 days shall
23 be imposed for a fourth or subsequent violation of
24 subsection (c) of Section 6-303 of the Illinois Vehicle
25 Code.

26 (5) The court may sentence an offender convicted of a
27 business offense or a petty offense or a corporation or
28 unincorporated association convicted of any offense to:

29 (A) a period of conditional discharge;

30 (B) a fine;

31 (C) make restitution to the victim under Section
32 5-5-6 of this Code.

33 (5.1) In addition to any penalties imposed under
34 paragraph (5) of this subsection (c), and except as
35 provided in paragraph (5.2) or (5.3), a person convicted of
36 violating subsection (c) of Section 11-907 of the Illinois

1 Vehicle Code shall have his or her driver's license,
2 permit, or privileges suspended for at least 90 days but
3 not more than one year, if the violation resulted in damage
4 to the property of another person.

5 (5.2) In addition to any penalties imposed under
6 paragraph (5) of this subsection (c), and except as
7 provided in paragraph (5.3), a person convicted of
8 violating subsection (c) of Section 11-907 of the Illinois
9 Vehicle Code shall have his or her driver's license,
10 permit, or privileges suspended for at least 180 days but
11 not more than 2 years, if the violation resulted in injury
12 to another person.

13 (5.3) In addition to any penalties imposed under
14 paragraph (5) of this subsection (c), a person convicted of
15 violating subsection (c) of Section 11-907 of the Illinois
16 Vehicle Code shall have his or her driver's license,
17 permit, or privileges suspended for 2 years, if the
18 violation resulted in the death of another person.

19 (6) In no case shall an offender be eligible for a
20 disposition of probation or conditional discharge for a
21 Class 1 felony committed while he was serving a term of
22 probation or conditional discharge for a felony.

23 (7) When a defendant is adjudged a habitual criminal
24 under Article 33B of the Criminal Code of 1961, the court
25 shall sentence the defendant to a term of natural life
26 imprisonment.

27 (8) When a defendant, over the age of 21 years, is
28 convicted of a Class 1 or Class 2 felony, after having
29 twice been convicted in any state or federal court of an
30 offense that contains the same elements as an offense now
31 classified in Illinois as a Class 2 or greater Class felony
32 and such charges are separately brought and tried and arise
33 out of different series of acts, such defendant shall be
34 sentenced as a Class X offender. This paragraph shall not
35 apply unless (1) the first felony was committed after the
36 effective date of this amendatory Act of 1977; and (2) the

1 second felony was committed after conviction on the first;
2 and (3) the third felony was committed after conviction on
3 the second. A person sentenced as a Class X offender under
4 this paragraph is not eligible to apply for treatment as a
5 condition of probation as provided by Section 40-10 of the
6 Alcoholism and Other Drug Abuse and Dependency Act.

7 (9) A defendant convicted of a second or subsequent
8 offense of ritualized abuse of a child may be sentenced to
9 a term of natural life imprisonment.

10 (10) (Blank).

11 (11) The court shall impose a minimum fine of \$1,000
12 for a first offense and \$2,000 for a second or subsequent
13 offense upon a person convicted of or placed on supervision
14 for battery when the individual harmed was a sports
15 official or coach at any level of competition and the act
16 causing harm to the sports official or coach occurred
17 within an athletic facility or within the immediate
18 vicinity of the athletic facility at which the sports
19 official or coach was an active participant of the athletic
20 contest held at the athletic facility. For the purposes of
21 this paragraph (11), "sports official" means a person at an
22 athletic contest who enforces the rules of the contest,
23 such as an umpire or referee; "athletic facility" means an
24 indoor or outdoor playing field or recreational area where
25 sports activities are conducted; and "coach" means a person
26 recognized as a coach by the sanctioning authority that
27 conducted the sporting event.

28 (12) A person may not receive a disposition of court
29 supervision for a violation of Section 5-16 of the Boat
30 Registration and Safety Act if that person has previously
31 received a disposition of court supervision for a violation
32 of that Section.

33 (d) In any case in which a sentence originally imposed is
34 vacated, the case shall be remanded to the trial court. The
35 trial court shall hold a hearing under Section 5-4-1 of the
36 Unified Code of Corrections which may include evidence of the

1 defendant's life, moral character and occupation during the
2 time since the original sentence was passed. The trial court
3 shall then impose sentence upon the defendant. The trial court
4 may impose any sentence which could have been imposed at the
5 original trial subject to Section 5-5-4 of the Unified Code of
6 Corrections. If a sentence is vacated on appeal or on
7 collateral attack due to the failure of the trier of fact at
8 trial to determine beyond a reasonable doubt the existence of a
9 fact (other than a prior conviction) necessary to increase the
10 punishment for the offense beyond the statutory maximum
11 otherwise applicable, either the defendant may be re-sentenced
12 to a term within the range otherwise provided or, if the State
13 files notice of its intention to again seek the extended
14 sentence, the defendant shall be afforded a new trial.

15 (e) In cases where prosecution for aggravated criminal
16 sexual abuse under Section 12-16 of the Criminal Code of 1961
17 results in conviction of a defendant who was a family member of
18 the victim at the time of the commission of the offense, the
19 court shall consider the safety and welfare of the victim and
20 may impose a sentence of probation only where:

21 (1) the court finds (A) or (B) or both are appropriate:

22 (A) the defendant is willing to undergo a court
23 approved counseling program for a minimum duration of 2
24 years; or

25 (B) the defendant is willing to participate in a
26 court approved plan including but not limited to the
27 defendant's:

28 (i) removal from the household;

29 (ii) restricted contact with the victim;

30 (iii) continued financial support of the
31 family;

32 (iv) restitution for harm done to the victim;

33 and

34 (v) compliance with any other measures that
35 the court may deem appropriate; and

36 (2) the court orders the defendant to pay for the

1 victim's counseling services, to the extent that the court
2 finds, after considering the defendant's income and
3 assets, that the defendant is financially capable of paying
4 for such services, if the victim was under 18 years of age
5 at the time the offense was committed and requires
6 counseling as a result of the offense.

7 Probation may be revoked or modified pursuant to Section
8 5-6-4; except where the court determines at the hearing that
9 the defendant violated a condition of his or her probation
10 restricting contact with the victim or other family members or
11 commits another offense with the victim or other family
12 members, the court shall revoke the defendant's probation and
13 impose a term of imprisonment.

14 For the purposes of this Section, "family member" and
15 "victim" shall have the meanings ascribed to them in Section
16 12-12 of the Criminal Code of 1961.

17 (f) This Article shall not deprive a court in other
18 proceedings to order a forfeiture of property, to suspend or
19 cancel a license, to remove a person from office, or to impose
20 any other civil penalty.

21 (g) Whenever a defendant is convicted of an offense under
22 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
23 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
24 of the Criminal Code of 1961, the defendant shall undergo
25 medical testing to determine whether the defendant has any
26 sexually transmissible disease, including a test for infection
27 with human immunodeficiency virus (HIV) or any other identified
28 causative agent of acquired immunodeficiency syndrome (AIDS).
29 Any such medical test shall be performed only by appropriately
30 licensed medical practitioners and may include an analysis of
31 any bodily fluids as well as an examination of the defendant's
32 person. Except as otherwise provided by law, the results of
33 such test shall be kept strictly confidential by all medical
34 personnel involved in the testing and must be personally
35 delivered in a sealed envelope to the judge of the court in
36 which the conviction was entered for the judge's inspection in

1 camera. Acting in accordance with the best interests of the
2 victim and the public, the judge shall have the discretion to
3 determine to whom, if anyone, the results of the testing may be
4 revealed. The court shall notify the defendant of the test
5 results. The court shall also notify the victim if requested by
6 the victim, and if the victim is under the age of 15 and if
7 requested by the victim's parents or legal guardian, the court
8 shall notify the victim's parents or legal guardian of the test
9 results. The court shall provide information on the
10 availability of HIV testing and counseling at Department of
11 Public Health facilities to all parties to whom the results of
12 the testing are revealed and shall direct the State's Attorney
13 to provide the information to the victim when possible. A
14 State's Attorney may petition the court to obtain the results
15 of any HIV test administered under this Section, and the court
16 shall grant the disclosure if the State's Attorney shows it is
17 relevant in order to prosecute a charge of criminal
18 transmission of HIV under Section 12-16.2 of the Criminal Code
19 of 1961 against the defendant. The court shall order that the
20 cost of any such test shall be paid by the county and may be
21 taxed as costs against the convicted defendant.

22 (g-5) When an inmate is tested for an airborne communicable
23 disease, as determined by the Illinois Department of Public
24 Health including but not limited to tuberculosis, the results
25 of the test shall be personally delivered by the warden or his
26 or her designee in a sealed envelope to the judge of the court
27 in which the inmate must appear for the judge's inspection in
28 camera if requested by the judge. Acting in accordance with the
29 best interests of those in the courtroom, the judge shall have
30 the discretion to determine what if any precautions need to be
31 taken to prevent transmission of the disease in the courtroom.

32 (h) Whenever a defendant is convicted of an offense under
33 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
34 defendant shall undergo medical testing to determine whether
35 the defendant has been exposed to human immunodeficiency virus
36 (HIV) or any other identified causative agent of acquired

1 immunodeficiency syndrome (AIDS). Except as otherwise provided
2 by law, the results of such test shall be kept strictly
3 confidential by all medical personnel involved in the testing
4 and must be personally delivered in a sealed envelope to the
5 judge of the court in which the conviction was entered for the
6 judge's inspection in camera. Acting in accordance with the
7 best interests of the public, the judge shall have the
8 discretion to determine to whom, if anyone, the results of the
9 testing may be revealed. The court shall notify the defendant
10 of a positive test showing an infection with the human
11 immunodeficiency virus (HIV). The court shall provide
12 information on the availability of HIV testing and counseling
13 at Department of Public Health facilities to all parties to
14 whom the results of the testing are revealed and shall direct
15 the State's Attorney to provide the information to the victim
16 when possible. A State's Attorney may petition the court to
17 obtain the results of any HIV test administered under this
18 Section, and the court shall grant the disclosure if the
19 State's Attorney shows it is relevant in order to prosecute a
20 charge of criminal transmission of HIV under Section 12-16.2 of
21 the Criminal Code of 1961 against the defendant. The court
22 shall order that the cost of any such test shall be paid by the
23 county and may be taxed as costs against the convicted
24 defendant.

25 (i) All fines and penalties imposed under this Section for
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois
27 Vehicle Code, or a similar provision of a local ordinance, and
28 any violation of the Child Passenger Protection Act, or a
29 similar provision of a local ordinance, shall be collected and
30 disbursed by the circuit clerk as provided under Section 27.5
31 of the Clerks of Courts Act.

32 (j) In cases when prosecution for any violation of Section
33 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
34 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
35 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
36 Code of 1961, any violation of the Illinois Controlled

1 Substances Act, any violation of the Cannabis Control Act, or
2 any violation of the Methamphetamine Control and Community
3 Protection Act results in conviction, a disposition of court
4 supervision, or an order of probation granted under Section 10
5 of the Cannabis Control Act, Section 410 of the Illinois
6 Controlled Substance Act, or Section 70 of the Methamphetamine
7 Control and Community Protection Act of a defendant, the court
8 shall determine whether the defendant is employed by a facility
9 or center as defined under the Child Care Act of 1969, a public
10 or private elementary or secondary school, or otherwise works
11 with children under 18 years of age on a daily basis. When a
12 defendant is so employed, the court shall order the Clerk of
13 the Court to send a copy of the judgment of conviction or order
14 of supervision or probation to the defendant's employer by
15 certified mail. If the employer of the defendant is a school,
16 the Clerk of the Court shall direct the mailing of a copy of
17 the judgment of conviction or order of supervision or probation
18 to the appropriate regional superintendent of schools. The
19 regional superintendent of schools shall notify the State Board
20 of Education of any notification under this subsection.

21 (j-5) A defendant at least 17 years of age who is convicted
22 of a felony and who has not been previously convicted of a
23 misdemeanor or felony and who is sentenced to a term of
24 imprisonment in the Illinois Department of Corrections shall as
25 a condition of his or her sentence be required by the court to
26 attend educational courses designed to prepare the defendant
27 for a high school diploma and to work toward a high school
28 diploma or to work toward passing the high school level Test of
29 General Educational Development (GED) or to work toward
30 completing a vocational training program offered by the
31 Department of Corrections. If a defendant fails to complete the
32 educational training required by his or her sentence during the
33 term of incarceration, the Prisoner Review Board shall, as a
34 condition of mandatory supervised release, require the
35 defendant, at his or her own expense, to pursue a course of
36 study toward a high school diploma or passage of the GED test.

1 The Prisoner Review Board shall revoke the mandatory supervised
2 release of a defendant who wilfully fails to comply with this
3 subsection (j-5) upon his or her release from confinement in a
4 penal institution while serving a mandatory supervised release
5 term; however, the inability of the defendant after making a
6 good faith effort to obtain financial aid or pay for the
7 educational training shall not be deemed a wilful failure to
8 comply. The Prisoner Review Board shall recommit the defendant
9 whose mandatory supervised release term has been revoked under
10 this subsection (j-5) as provided in Section 3-3-9. This
11 subsection (j-5) does not apply to a defendant who has a high
12 school diploma or has successfully passed the GED test. This
13 subsection (j-5) does not apply to a defendant who is
14 determined by the court to be developmentally disabled or
15 otherwise mentally incapable of completing the educational or
16 vocational program.

17 (k) A court may not impose a sentence or disposition for a
18 felony or misdemeanor that requires the defendant to be
19 implanted or injected with or to use any form of birth control.

20 (l) (A) Except as provided in paragraph (C) of subsection
21 (l), whenever a defendant, who is an alien as defined by
22 the Immigration and Nationality Act, is convicted of any
23 felony or misdemeanor offense, the court after sentencing
24 the defendant may, upon motion of the State's Attorney,
25 hold sentence in abeyance and remand the defendant to the
26 custody of the Attorney General of the United States or his
27 or her designated agent to be deported when:

28 (1) a final order of deportation has been issued
29 against the defendant pursuant to proceedings under
30 the Immigration and Nationality Act, and

31 (2) the deportation of the defendant would not
32 deprecate the seriousness of the defendant's conduct
33 and would not be inconsistent with the ends of justice.

34 Otherwise, the defendant shall be sentenced as
35 provided in this Chapter V.

36 (B) If the defendant has already been sentenced for a

1 felony or misdemeanor offense, or has been placed on
2 probation under Section 10 of the Cannabis Control Act,
3 Section 410 of the Illinois Controlled Substances Act, or
4 Section 70 of the Methamphetamine Control and Community
5 Protection Act, the court may, upon motion of the State's
6 Attorney to suspend the sentence imposed, commit the
7 defendant to the custody of the Attorney General of the
8 United States or his or her designated agent when:

9 (1) a final order of deportation has been issued
10 against the defendant pursuant to proceedings under
11 the Immigration and Nationality Act, and

12 (2) the deportation of the defendant would not
13 deprecate the seriousness of the defendant's conduct
14 and would not be inconsistent with the ends of justice.

15 (C) This subsection (1) does not apply to offenders who
16 are subject to the provisions of paragraph (2) of
17 subsection (a) of Section 3-6-3.

18 (D) Upon motion of the State's Attorney, if a defendant
19 sentenced under this Section returns to the jurisdiction of
20 the United States, the defendant shall be recommitted to
21 the custody of the county from which he or she was
22 sentenced. Thereafter, the defendant shall be brought
23 before the sentencing court, which may impose any sentence
24 that was available under Section 5-5-3 at the time of
25 initial sentencing. In addition, the defendant shall not be
26 eligible for additional good conduct credit for
27 meritorious service as provided under Section 3-6-6.

28 (m) A person convicted of criminal defacement of property
29 under Section 21-1.3 of the Criminal Code of 1961, in which the
30 property damage exceeds \$300 and the property damaged is a
31 school building, shall be ordered to perform community service
32 that may include cleanup, removal, or painting over the
33 defacement.

34 (n) The court may sentence a person convicted of a
35 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
36 Code of 1961 (i) to an impact incarceration program if the

1 person is otherwise eligible for that program under Section
2 5-8-1.1, (ii) to community service, or (iii) if the person is
3 an addict or alcoholic, as defined in the Alcoholism and Other
4 Drug Abuse and Dependency Act, to a substance or alcohol abuse
5 program licensed under that Act.

6 (o) Whenever a defendant is convicted of an offense that
7 qualifies the defendant to be designated as a "sex offender" or
8 a "sexual predator" under the Sex Offender Registration Act,
9 the court after the conviction shall enter an order, or include
10 in another order, that provides the defendant with notice,
11 pursuant to the Protection of Children Related to Sex Offenders
12 Act:

13 (1) That effective on the date of the court's order,
14 the defendant is barred from that day on from the
15 following:

16 (A) living in the same dwelling unit with any minor
17 child of whom the defendant is a parent, grandparent,
18 or great-grandparent;

19 (B) visiting at any location, with any minor child
20 of whom the defendant is a parent, grandparent, or
21 great-grandparent or exercising any visitation rights
22 with any minor child of whom the defendant is the
23 parent, grandparent, or great-grandparent;

24 (C) living in the same dwelling unit with another
25 person and that other person's minor child;

26 (D) visiting, at any location, any minor child or
27 exercising any visitation rights with a minor child;

28 (E) serving as a guardian of the person, guardian
29 of the estate, or plenary guardian of a minor child;

30 (F) petitioning any court for the adoption of, the
31 temporary custody of, or visitation with any minor
32 child, including a minor child of whom the defendant is
33 a parent, grandparent, great-grandparent, stepparent,
34 or guardian; or

35 (G) serving as a "foster parent", as defined in the
36 Foster Parent Law, of any minor child.

1 (2) Nothing in this court order disturbs the obligation
2 of the defendant to pay child support, provide health
3 insurance, or to otherwise provide for a minor child of
4 whom the defendant is a parent.

5 Following the conviction of a defendant for an offense
6 included in the list of offenses contained in the definition of
7 "sex offender" or the definition of "sexual predator" in the
8 Sex Offender Registration Act, the court shall determine
9 whether the defendant has any minor children, grandchildren, or
10 great-grandchildren, any adult children, any minor
11 step-children, any minor wards of which the defendant is a
12 guardian, and whether any minor child occupies any part of the
13 defendant's dwelling; and if so, the court shall obtain
14 information about each person, or in the case of a minor child,
15 information about the minor child's parents, including the
16 person's name, address, telephone number, and the relationship
17 of each person to the defendant. The defendant shall also
18 provide to the court "basic information" about any legal
19 proceeding in which the defendant is now or has been a party
20 concerning dissolution of marriage, child custody, child
21 visitation, paternity, or other similar proceeding that
22 concerned a minor child. "Basic information" about any legal
23 proceeding includes, but is not limited to, the following: name
24 and case number of the legal proceeding; state and county in
25 which the legal proceeding is located; the year the proceeding
26 began; the dates of any final orders; and the dates of any
27 orders concerning custody of or visitation with a minor child.

28 After a defendant is convicted of an offense included in
29 the definitions of "sex offender" or "sexual predator", the
30 court shall require that the clerk of the circuit court send a
31 notice of conviction to the defendant's spouse, former spouse
32 of the defendant, the adult children of the defendant, the
33 parents of any minor child of whom the defendant is a
34 grandparent, great-grandparent, stepparent, or guardian, and
35 any person with whom the defendant had a child. The notice of
36 conviction shall include the defendant's name and address, a

1 statement that the defendant was convicted of a crime that is
2 included in the definitions of "sex offender" or "sexual
3 predator", the name and nature of the offense of which the
4 defendant was convicted, the court case file number and the
5 location of the court in which the defendant was convicted, and
6 a statement that the court entered an order barring the
7 defendant from having custody of or visitation with any minor
8 child including any minor child, of whom the defendant is a
9 parent, grandparent, great-grandparent, stepparent, or
10 guardian. The circuit clerk shall also forward a copy of the
11 notice of a conviction and a copy of the order referred to in
12 Section 5 to the circuit clerk of any county, or the similar
13 officer in a county in another state, in which there are any
14 pending legal proceedings concerning the custody of or
15 visitation with a minor child of whom the defendant is a
16 parent, grandparent, great-grandparent, stepparent, or
17 guardian. Nothing in this subsection (o) disturbs the
18 obligation of a defendant to pay child support or to otherwise
19 provide for his or her minor children.

20 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
21 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
22 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
23 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
24 eff. 9-11-05; revised 8-19-05.)

25 Section 30. The Sex Offender Registration Act is amended by
26 changing Sections 3, 4, and 5 as follows:

27 (730 ILCS 150/3) (from Ch. 38, par. 223)

28 Sec. 3. Duty to register.

29 (a) A sex offender, as defined in Section 2 of this Act, or
30 sexual predator shall, within the time period prescribed in
31 subsections (b) and (c), register in person and provide
32 accurate information as required by the Department of State
33 Police. Such information shall include a current photograph,
34 current address, current place of employment, the employer's

1 telephone number, school attended, extensions of the time
2 period for registering as provided in this Article and, if an
3 extension was granted, the reason why the extension was granted
4 and the date the sex offender was notified of the extension.
5 Such information shall also include: marital status; the names,
6 addresses, and telephone numbers of any child, grandchild,
7 great-grandchild, stepchild, ward, and of any minor child who
8 lives at the residence of the sex offender or sexual predator;
9 if any person in any of these categories is a minor, the names,
10 addresses, and telephone numbers of the parents of the minor;
11 and, if applicable, a copy of a court order entered pursuant to
12 subsection (o) of Section 5-5-3 of the Uniform Code of
13 Corrections and the Protection of Children Related to Sex
14 Offenders Act. A person who has been adjudicated a juvenile
15 delinquent for an act which, if committed by an adult, would be
16 a sex offense shall register as an adult sex offender within 10
17 days after attaining 17 years of age. The sex offender or
18 sexual predator shall register:

19 (1) with the chief of police in the municipality in
20 which he or she resides or is temporarily domiciled for a
21 period of time of 5 or more days, unless the municipality
22 is the City of Chicago, in which case he or she shall
23 register at the Chicago Police Department Headquarters; or

24 (2) with the sheriff in the county in which he or she
25 resides or is temporarily domiciled for a period of time of
26 5 or more days in an unincorporated area or, if
27 incorporated, no police chief exists.

28 If the sex offender or sexual predator is employed at or
29 attends an institution of higher education, he or she shall
30 register:

31 (i) with the chief of police in the municipality in
32 which he or she is employed at or attends an institution of
33 higher education, unless the municipality is the City of
34 Chicago, in which case he or she shall register at the
35 Chicago Police Department Headquarters; or

36 (ii) with the sheriff in the county in which he or she

1 is employed or attends an institution of higher education
2 located in an unincorporated area, or if incorporated, no
3 police chief exists.

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

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

19 The sex offender or sexual predator shall provide accurate
20 information as required by the Department of State Police. That
21 information shall include the sex offender's or sexual
22 predator's current place of employment. Such information shall
23 also include: marital status; the names, addresses, and
24 telephone numbers of any child, grandchild, great-grandchild,
25 stepchild, ward, and of any minor child who lives at the
26 residence of the sex offender or sexual predator; if any person
27 in any of these categories is a minor, the names, addresses,
28 and telephone numbers of the parents of the minor; and, if
29 applicable, a copy of a court order entered pursuant to
30 subsection (o) of Section 5-5-3 of the Uniform Code of
31 Corrections and the Protection of Children Related to Sex
32 Offenders Act.

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

1 will include current place of employment, school attended, and
2 address in state of residence. Such information shall also
3 include: marital status; the names, addresses, and telephone
4 numbers of any child, grandchild, great-grandchild, stepchild,
5 ward, and of any minor child who lives at the residence of the
6 sex offender or sexual predator; if any person in any of these
7 categories is a minor, the names, addresses, and telephone
8 numbers of the parents of the minor; and, if applicable, a copy
9 of a court order entered pursuant to subsection (o) of Section
10 5-5-3 of the Uniform Code of Corrections and the Protection of
11 Children Related to Sex Offenders Act. The out-of-state student
12 or out-of-state employee shall register:

13 (1) with the chief of police in the municipality in
14 which he or she attends school or is employed for a period
15 of time of 5 or more days or for an aggregate period of
16 time of more than 30 days during any calendar year, unless
17 the municipality is the City of Chicago, in which case he
18 or she shall register at the Chicago Police Department
19 Headquarters; or

20 (2) with the sheriff in the county in which he or she
21 attends school or is employed for a period of time of 5 or
22 more days or for an aggregate period of time of more than
23 30 days during any calendar year in an unincorporated area
24 or, if incorporated, no police chief exists.

25 The out-of-state student or out-of-state employee shall
26 provide accurate information as required by the Department of
27 State Police. That information shall include the out-of-state
28 student's current place of school attendance or the
29 out-of-state employee's current place of employment. Such
30 information shall also include: marital status; the names,
31 addresses, and telephone numbers of any child, grandchild,
32 great-grandchild, stepchild, ward, and of any minor child who
33 lives at the residence of the sex offender or sexual predator;
34 if any person in any of these categories is a minor, the names,
35 addresses, and telephone numbers of the parents of the minor;
36 and, if applicable, a copy of a court order entered pursuant to

1 subsection (o) of Section 5-5-3 of the Uniform Code of
2 Corrections and the Protection of Children Related to Sex
3 Offenders Act.

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

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

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

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

22 (2.5) Except as provided in subsection (c) (4), any
23 person who has not been notified of his or her
24 responsibility to register shall be notified by a criminal
25 justice entity of his or her responsibility to register.
26 Upon notification the person must then register within 5
27 days of notification of his or her requirement to register.
28 If notification is not made within the offender's 10 year
29 registration requirement, and the Department of State
30 Police determines no evidence exists or indicates the
31 offender attempted to avoid registration, the offender
32 will no longer be required to register under this Act.

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

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

6 (5) The person shall provide positive identification
7 and documentation that substantiates proof of residence at
8 the registering address.

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

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

1 the law enforcement agency having jurisdiction.

2 (e) If the chief of police of a municipality, the Chicago
3 Police Department, or the sheriff of a county determines from
4 the information supplied by the sex offender or the sexual
5 predator at the time of registration that there is a minor
6 child with whom the sex offender or sexual predator has a legal
7 or familial relationship or with whom the sex offender or
8 sexual predator resides and also determines that no order was
9 ever entered as to the sex offender or sexual predator pursuant
10 to Section 5-5-3 of the Uniform Code of Corrections and the
11 Protection of Children Related to Sex Offenders Act, this
12 information shall be forwarded to the State's attorney for that
13 county for the purpose of the State's attorney obtaining a
14 court order under the Protection of Children Related to Sex
15 Offenders Act against the sex offender or sexual predator for
16 the protection of all such minor children. Nothing in this
17 Section shall prevent the chief of police, the Chicago Police
18 Department, or the sheriff from monitoring, acting upon,
19 reporting, or otherwise addressing the circumstances of the sex
20 offender or sexual predator working, residing, or attending an
21 educational institution in the municipality or in the county,
22 by appropriate means which include, but are not limited to,
23 reporting this information to other law enforcement officials,
24 the Department of Children and Family Services, or any other
25 appropriate entity.

26 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;
27 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

28 (730 ILCS 150/4) (from Ch. 38, par. 224)

29 Sec. 4. (a) Discharge of sex offender, as defined in
30 Section 2 of this Act, or sexual predator from Department of
31 Corrections facility or other penal institution; duties of
32 official in charge. Any sex offender, as defined in Section 2
33 of this Act, or sexual predator, as defined by this Article,
34 who is discharged, paroled or released from a Department of
35 Corrections facility, a facility where such person was placed

1 by the Department of Corrections or another penal institution,
2 and whose liability for registration has not terminated under
3 Section 7 shall, prior to discharge, parole or release from the
4 facility or institution, be informed of his or her duty to
5 register in person within 5 days of release by the facility or
6 institution in which he or she was confined. The facility or
7 institution shall also inform any person who must register that
8 if he or she establishes a residence outside of the State of
9 Illinois, is employed outside of the State of Illinois, or
10 attends school outside of the State of Illinois, he or she must
11 register in the new state within 5 days after establishing the
12 residence, beginning employment, or beginning school.

13 (b) The facility shall require the person to read and sign
14 such form as may be required by the Department of State Police
15 stating that the duty to register and the procedure for
16 registration has been explained to him or her and that he or
17 she understands the duty to register and the procedure for
18 registration. The facility shall further advise the person in
19 writing that the failure to register or other violation of this
20 Article shall result in revocation of parole, mandatory
21 supervised release or conditional release. The facility shall
22 obtain information about where the person expects to reside,
23 work, and attend school upon his or her discharge, parole or
24 release and shall report the information to the Department of
25 State Police. The facility shall give one copy of the form to
26 the person and shall send one copy to each of the law
27 enforcement agencies having jurisdiction where the person
28 expects to reside, work, and attend school upon his or her
29 discharge, parole or release and retain one copy for the files.
30 Electronic data files which includes all notification form
31 information and photographs of sex offenders being released
32 from an Illinois Department of Corrections facility will be
33 shared on a regular basis as determined between the Department
34 of State Police and the Department of Corrections.

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

1 stating that the court order that bars the person from having
2 custody or visitation with any minor child, stepchild,
3 grandchild, great-grandchild, or ward of whom the person is the
4 guardian, or from residing with any minor child, has been
5 explained to him or her and that he or she understands the
6 court order that provides that:

7 (1) Effective on the date of the court's order that the
8 defendant is barred from the following:

9 (A) living in the same dwelling unit with any minor
10 child of whom the defendant is a parent, grandparent,
11 or great-grandparent;

12 (B) visiting at any location, with any minor child
13 of whom the defendant is a parent, grandparent, or
14 great-grandparent or exercising any visitation rights
15 with any minor child of whom the defendant is the
16 parent, grandparent, or great-grandparent;

17 (C) living in the same dwelling unit with another
18 person and that other person's minor child;

19 (D) visiting, at any location, any minor child or
20 exercising any visitation rights with a minor child;

21 (E) serving as a guardian of the person, guardian
22 of the estate, or plenary guardian of a minor child;

23 (F) petitioning any court for the adoption of, the
24 temporary custody of, or visitation with any minor
25 child, including a minor child of whom the defendant is
26 a parent, grandparent, great-grandparent, stepparent,
27 or guardian; or

28 (G) serving as a "foster parent", as defined in the
29 Foster Parent Law, of any minor child.

30 (2) Nothing in this court order disturbs the obligation
31 of a person to pay child support, provide health insurance,
32 or to otherwise provide for a minor child of whom the
33 defendant is a parent.

1 (730 ILCS 150/5) (from Ch. 38, par. 225)

2 Sec. 5. Release of sex offender, as defined in Section 2 of
3 this Act, or sexual predator; duties of the Court.

4 (a) Any sex offender, as defined in Section 2 of this Act,
5 or sexual predator, as defined by this Article, who is released
6 on probation or discharged upon payment of a fine because of
7 the commission of one of the offenses defined in subsection (B)
8 of Section 2 of this Article, shall, prior to such release be
9 informed of his or her duty to register under this Article by
10 the Court in which he or she was convicted. The Court shall
11 also inform any person who must register that if he or she
12 establishes a residence outside of the State of Illinois, is
13 employed outside of the State of Illinois, or attends school
14 outside of the State of Illinois, he or she must register in
15 the new state within 5 days after establishing the residence,
16 beginning employment, or beginning school. The Court shall
17 require the person to read and sign such form as may be
18 required by the Department of State Police stating that the
19 duty to register and the procedure for registration has been
20 explained to him or her and that he or she understands the duty
21 to register and the procedure for registration. The Court shall
22 further advise the person in writing that the failure to
23 register or other violation of this Article shall result in
24 probation revocation. The Court shall obtain information about
25 where the person expects to reside, work, and attend school
26 upon his or her release, and shall report the information to
27 the Department of State Police. The Court shall give one copy
28 of the form to the person and retain the original in the court
29 records. The Department of State Police shall notify the law
30 enforcement agencies having jurisdiction where the person
31 expects to reside, work and attend school upon his or her
32 release.

33 (b) The court shall also require the person to read and
34 sign such form as may be required by the Department of State
35 Police stating that the court order that barred the person from
36 having custody or visitation with any minor child, stepchild,

1 grandchild, great-grandchild, or ward of whom the person is the
2 guardian of the person or from residing with any minor child,
3 has been explained to him or her and that he or she understands
4 the court order that provides that:

5 (1) Effective on the date of the court's order that the
6 defendant is barred from the following:

7 (A) living in the same dwelling unit with any minor
8 child of whom the defendant is a parent, grandparent,
9 or great-grandparent;

10 (B) visiting at any location, with any minor child
11 of whom the defendant is a parent, grandparent, or
12 great-grandparent or exercising any visitation rights
13 with any minor child of whom the defendant is the
14 parent, grandparent, or great-grandparent;

15 (C) living in the same dwelling unit with another
16 person and that other person's minor child;

17 (D) visiting, at any location, any minor child or
18 exercising any visitation rights with a minor child;

19 (E) serving as a guardian of the person, guardian
20 of the estate, or plenary guardian of a minor child;

21 (F) petitioning any court for the adoption of, the
22 temporary custody of, or visitation with any minor
23 child, including a minor child of whom the defendant is
24 a parent, grandparent, great-grandparent, stepparent,
25 or guardian; or

26 (G) serving as a "foster parent", as defined in the
27 Foster Parent Law, of any minor child.

28 (2) Nothing in this court order disturbs the obligation
29 of a person to pay child support, provide health insurance,
30 or to otherwise provide for a minor child of whom the
31 defendant is a parent.

32 (Source: P.A. 94-168, eff. 1-1-06.)

33 Section 35. The Adoption Act is amended by changing
34 Sections 1 and 2 as follows:

1 (750 ILCS 50/1) (from Ch. 40, par. 1501)

2 Sec. 1. Definitions. When used in this Act, unless the
3 context otherwise requires:

4 A. "Child" means a person under legal age subject to
5 adoption under this Act.

6 B. "Related child" means a child subject to adoption where
7 either or both of the adopting parents stands in any of the
8 following relationships to the child by blood or marriage:
9 parent, grand-parent, brother, sister, step-parent,
10 step-grandparent, step-brother, step-sister, uncle, aunt,
11 great-uncle, great-aunt, or cousin of first degree. A child
12 whose parent has executed a final irrevocable consent to
13 adoption or a final irrevocable surrender for purposes of
14 adoption, or whose parent has had his or her parental rights
15 terminated, is not a related child to that person, unless the
16 consent is determined to be void or is void pursuant to
17 subsection O of Section 10.

18 C. "Agency" for the purpose of this Act means a public
19 child welfare agency or a licensed child welfare agency.

20 D. "Unfit person" means any person whom the court shall
21 find to be unfit to have a child, without regard to the
22 likelihood that the child will be placed for adoption. The
23 grounds of unfitness are any one or more of the following,
24 except that a person shall not be considered an unfit person
25 for the sole reason that the person has relinquished a child in
26 accordance with the Abandoned Newborn Infant Protection Act:

27 (a) Abandonment of the child.

28 (a-1) Abandonment of a newborn infant in a hospital.

29 (a-2) Abandonment of a newborn infant in any setting
30 where the evidence suggests that the parent intended to
31 relinquish his or her parental rights.

32 (b) Failure to maintain a reasonable degree of
33 interest, concern or responsibility as to the child's
34 welfare.

35 (c) Desertion of the child for more than 3 months next
36 preceding the commencement of the Adoption proceeding.

1 (d) Substantial neglect of the child if continuous or
2 repeated.

3 (d-1) Substantial neglect, if continuous or repeated,
4 of any child residing in the household which resulted in
5 the death of that child.

6 (e) Extreme or repeated cruelty to the child.

7 (f) Two or more findings of physical abuse to any
8 children under Section 4-8 of the Juvenile Court Act or
9 Section 2-21 of the Juvenile Court Act of 1987, the most
10 recent of which was determined by the juvenile court
11 hearing the matter to be supported by clear and convincing
12 evidence; a criminal conviction or a finding of not guilty
13 by reason of insanity resulting from the death of any child
14 by physical child abuse; or a finding of physical child
15 abuse resulting from the death of any child under Section
16 4-8 of the Juvenile Court Act or Section 2-21 of the
17 Juvenile Court Act of 1987.

18 (g) Failure to protect the child from conditions within
19 his environment injurious to the child's welfare.

20 (h) Other neglect of, or misconduct toward the child;
21 provided that in making a finding of unfitness the court
22 hearing the adoption proceeding shall not be bound by any
23 previous finding, order or judgment affecting or
24 determining the rights of the parents toward the child
25 sought to be adopted in any other proceeding except such
26 proceedings terminating parental rights as shall be had
27 under either this Act, the Juvenile Court Act or the
28 Juvenile Court Act of 1987.

29 (i) Depravity. Conviction of any one of the following
30 crimes shall create a presumption that a parent is depraved
31 which can be overcome only by clear and convincing
32 evidence: (1) first degree murder in violation of paragraph
33 1 or 2 of subsection (a) of Section 9-1 of the Criminal
34 Code of 1961 or conviction of second degree murder in
35 violation of subsection (a) of Section 9-2 of the Criminal
36 Code of 1961 of a parent of the child to be adopted; (2)

1 first degree murder or second degree murder of any child in
2 violation of the Criminal Code of 1961; (3) attempt or
3 conspiracy to commit first degree murder or second degree
4 murder of any child in violation of the Criminal Code of
5 1961; (4) solicitation to commit murder of any child,
6 solicitation to commit murder of any child for hire, or
7 solicitation to commit second degree murder of any child in
8 violation of the Criminal Code of 1961; or (5) aggravated
9 criminal sexual assault in violation of Section
10 12-14(b) (1) of the Criminal Code of 1961.

11 There is a rebuttable presumption that a parent is
12 deprived if the parent has been criminally convicted of at
13 least 3 felonies under the laws of this State or any other
14 state, or under federal law, or the criminal laws of any
15 United States territory; and at least one of these
16 convictions took place within 5 years of the filing of the
17 petition or motion seeking termination of parental rights.

18 There is a rebuttable presumption that a parent is
19 deprived if that parent has been criminally convicted of
20 either first or second degree murder of any person as
21 defined in the Criminal Code of 1961 within 10 years of the
22 filing date of the petition or motion to terminate parental
23 rights.

24 (j) Open and notorious adultery or fornication.

25 (j-1) (Blank).

26 (k) Habitual drunkenness or addiction to drugs, other
27 than those prescribed by a physician, for at least one year
28 immediately prior to the commencement of the unfitness
29 proceeding.

30 There is a rebuttable presumption that a parent is
31 unfit under this subsection with respect to any child to
32 which that parent gives birth where there is a confirmed
33 test result that at birth the child's blood, urine, or
34 meconium contained any amount of a controlled substance as
35 defined in subsection (f) of Section 102 of the Illinois
36 Controlled Substances Act or metabolites of such

1 substances, the presence of which in the newborn infant was
2 not the result of medical treatment administered to the
3 mother or the newborn infant; and the biological mother of
4 this child is the biological mother of at least one other
5 child who was adjudicated a neglected minor under
6 subsection (c) of Section 2-3 of the Juvenile Court Act of
7 1987.

8 (l) Failure to demonstrate a reasonable degree of
9 interest, concern or responsibility as to the welfare of a
10 new born child during the first 30 days after its birth.

11 (m) Failure by a parent (i) to make reasonable efforts
12 to correct the conditions that were the basis for the
13 removal of the child from the parent, or (ii) to make
14 reasonable progress toward the return of the child to the
15 parent within 9 months after an adjudication of neglected
16 or abused minor under Section 2-3 of the Juvenile Court Act
17 of 1987 or dependent minor under Section 2-4 of that Act,
18 or (iii) to make reasonable progress toward the return of
19 the child to the parent during any 9-month period after the
20 end of the initial 9-month period following the
21 adjudication of neglected or abused minor under Section 2-3
22 of the Juvenile Court Act of 1987 or dependent minor under
23 Section 2-4 of that Act. If a service plan has been
24 established as required under Section 8.2 of the Abused and
25 Neglected Child Reporting Act to correct the conditions
26 that were the basis for the removal of the child from the
27 parent and if those services were available, then, for
28 purposes of this Act, "failure to make reasonable progress
29 toward the return of the child to the parent" includes (I)
30 the parent's failure to substantially fulfill his or her
31 obligations under the service plan and correct the
32 conditions that brought the child into care within 9 months
33 after the adjudication under Section 2-3 or 2-4 of the
34 Juvenile Court Act of 1987 and (II) the parent's failure to
35 substantially fulfill his or her obligations under the
36 service plan and correct the conditions that brought the

1 child into care during any 9-month period after the end of
2 the initial 9-month period following the adjudication
3 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
4 Notwithstanding any other provision, when a petition or
5 motion seeks to terminate parental rights on the basis of
6 item (iii) of this subsection (m), the petitioner shall
7 file with the court and serve on the parties a pleading
8 that specifies the 9-month period or periods relied on. The
9 pleading shall be filed and served on the parties no later
10 than 3 weeks before the date set by the court for closure
11 of discovery, and the allegations in the pleading shall be
12 treated as incorporated into the petition or motion.
13 Failure of a respondent to file a written denial of the
14 allegations in the pleading shall not be treated as an
15 admission that the allegations are true.

16 (m-1) Pursuant to the Juvenile Court Act of 1987, a
17 child has been in foster care for 15 months out of any 22
18 month period which begins on or after the effective date of
19 this amendatory Act of 1998 unless the child's parent can
20 prove by a preponderance of the evidence that it is more
21 likely than not that it will be in the best interests of
22 the child to be returned to the parent within 6 months of
23 the date on which a petition for termination of parental
24 rights is filed under the Juvenile Court Act of 1987. The
25 15 month time limit is tolled during any period for which
26 there is a court finding that the appointed custodian or
27 guardian failed to make reasonable efforts to reunify the
28 child with his or her family, provided that (i) the finding
29 of no reasonable efforts is made within 60 days of the
30 period when reasonable efforts were not made or (ii) the
31 parent filed a motion requesting a finding of no reasonable
32 efforts within 60 days of the period when reasonable
33 efforts were not made. For purposes of this subdivision
34 (m-1), the date of entering foster care is the earlier of:
35 (i) the date of a judicial finding at an adjudicatory
36 hearing that the child is an abused, neglected, or

1 dependent minor; or (ii) 60 days after the date on which
2 the child is removed from his or her parent, guardian, or
3 legal custodian.

4 (n) Evidence of intent to forgo his or her parental
5 rights, whether or not the child is a ward of the court,
6 (1) as manifested by his or her failure for a period of 12
7 months: (i) to visit the child, (ii) to communicate with
8 the child or agency, although able to do so and not
9 prevented from doing so by an agency or by court order, or
10 (iii) to maintain contact with or plan for the future of
11 the child, although physically able to do so, or (2) as
12 manifested by the father's failure, where he and the mother
13 of the child were unmarried to each other at the time of
14 the child's birth, (i) to commence legal proceedings to
15 establish his paternity under the Illinois Parentage Act of
16 1984 or the law of the jurisdiction of the child's birth
17 within 30 days of being informed, pursuant to Section 12a
18 of this Act, that he is the father or the likely father of
19 the child or, after being so informed where the child is
20 not yet born, within 30 days of the child's birth, or (ii)
21 to make a good faith effort to pay a reasonable amount of
22 the expenses related to the birth of the child and to
23 provide a reasonable amount for the financial support of
24 the child, the court to consider in its determination all
25 relevant circumstances, including the financial condition
26 of both parents; provided that the ground for termination
27 provided in this subparagraph (n)(2)(ii) shall only be
28 available where the petition is brought by the mother or
29 the husband of the mother.

30 Contact or communication by a parent with his or her
31 child that does not demonstrate affection and concern does
32 not constitute reasonable contact and planning under
33 subdivision (n). In the absence of evidence to the
34 contrary, the ability to visit, communicate, maintain
35 contact, pay expenses and plan for the future shall be
36 presumed. The subjective intent of the parent, whether

1 expressed or otherwise, unsupported by evidence of the
2 foregoing parental acts manifesting that intent, shall not
3 preclude a determination that the parent has intended to
4 forgo his or her parental rights. In making this
5 determination, the court may consider but shall not require
6 a showing of diligent efforts by an authorized agency to
7 encourage the parent to perform the acts specified in
8 subdivision (n).

9 It shall be an affirmative defense to any allegation
10 under paragraph (2) of this subsection that the father's
11 failure was due to circumstances beyond his control or to
12 impediments created by the mother or any other person
13 having legal custody. Proof of that fact need only be by a
14 preponderance of the evidence.

15 (o) Repeated or continuous failure by the parents,
16 although physically and financially able, to provide the
17 child with adequate food, clothing, or shelter.

18 (p) Inability to discharge parental responsibilities
19 supported by competent evidence from a psychiatrist,
20 licensed clinical social worker, or clinical psychologist
21 of mental impairment, mental illness or mental retardation
22 as defined in Section 1-116 of the Mental Health and
23 Developmental Disabilities Code, or developmental
24 disability as defined in Section 1-106 of that Code, and
25 there is sufficient justification to believe that the
26 inability to discharge parental responsibilities shall
27 extend beyond a reasonable time period. However, this
28 subdivision (p) shall not be construed so as to permit a
29 licensed clinical social worker to conduct any medical
30 diagnosis to determine mental illness or mental
31 impairment.

32 (q) The parent has been criminally convicted of
33 aggravated battery, heinous battery, or attempted murder
34 of any child.

35 (r) The child is in the temporary custody or
36 guardianship of the Department of Children and Family

1 Services, the parent is incarcerated as a result of
2 criminal conviction at the time the petition or motion for
3 termination of parental rights is filed, prior to
4 incarceration the parent had little or no contact with the
5 child or provided little or no support for the child, and
6 the parent's incarceration will prevent the parent from
7 discharging his or her parental responsibilities for the
8 child for a period in excess of 2 years after the filing of
9 the petition or motion for termination of parental rights.

10 (s) The child is in the temporary custody or
11 guardianship of the Department of Children and Family
12 Services, the parent is incarcerated at the time the
13 petition or motion for termination of parental rights is
14 filed, the parent has been repeatedly incarcerated as a
15 result of criminal convictions, and the parent's repeated
16 incarceration has prevented the parent from discharging
17 his or her parental responsibilities for the child.

18 (t) A finding that at birth the child's blood, urine,
19 or meconium contained any amount of a controlled substance
20 as defined in subsection (f) of Section 102 of the Illinois
21 Controlled Substances Act, or a metabolite of a controlled
22 substance, with the exception of controlled substances or
23 metabolites of such substances, the presence of which in
24 the newborn infant was the result of medical treatment
25 administered to the mother or the newborn infant, and that
26 the biological mother of this child is the biological
27 mother of at least one other child who was adjudicated a
28 neglected minor under subsection (c) of Section 2-3 of the
29 Juvenile Court Act of 1987, after which the biological
30 mother had the opportunity to enroll in and participate in
31 a clinically appropriate substance abuse counseling,
32 treatment, and rehabilitation program.

33 (u) The parent is a sex offender or sexual predator as
34 those terms are defined in the Sex Offenders Registration Act.

35 E. "Parent" means the father or mother of a lawful child of
36 the parties or child born out of wedlock. For the purpose of

1 this Act, a person who has executed a final and irrevocable
2 consent to adoption or a final and irrevocable surrender for
3 purposes of adoption, or whose parental rights have been
4 terminated by a court, is not a parent of the child who was the
5 subject of the consent or surrender, unless the consent is void
6 pursuant to subsection O of Section 10.

7 F. A person is available for adoption when the person is:

8 (a) a child who has been surrendered for adoption to an
9 agency and to whose adoption the agency has thereafter
10 consented;

11 (b) a child to whose adoption a person authorized by
12 law, other than his parents, has consented, or to whose
13 adoption no consent is required pursuant to Section 8 of
14 this Act;

15 (c) a child who is in the custody of persons who intend
16 to adopt him through placement made by his parents;

17 (c-1) a child for whom a parent has signed a specific
18 consent pursuant to subsection O of Section 10;

19 (d) an adult who meets the conditions set forth in
20 Section 3 of this Act; or

21 (e) a child who has been relinquished as defined in
22 Section 10 of the Abandoned Newborn Infant Protection Act.

23 A person who would otherwise be available for adoption
24 shall not be deemed unavailable for adoption solely by reason
25 of his or her death.

26 G. The singular includes the plural and the plural includes
27 the singular and the "male" includes the "female", as the
28 context of this Act may require.

29 H. "Adoption disruption" occurs when an adoptive placement
30 does not prove successful and it becomes necessary for the
31 child to be removed from placement before the adoption is
32 finalized.

33 I. "Foreign placing agency" is an agency or individual
34 operating in a country or territory outside the United States
35 that is authorized by its country to place children for
36 adoption either directly with families in the United States or

1 through United States based international agencies.

2 J. "Immediate relatives" means the biological parents, the
3 parents of the biological parents and siblings of the
4 biological parents.

5 K. "Intercountry adoption" is a process by which a child
6 from a country other than the United States is adopted.

7 L. "Intercountry Adoption Coordinator" is a staff person of
8 the Department of Children and Family Services appointed by the
9 Director to coordinate the provision of services by the public
10 and private sector to prospective parents of foreign-born
11 children.

12 M. "Interstate Compact on the Placement of Children" is a
13 law enacted by most states for the purpose of establishing
14 uniform procedures for handling the interstate placement of
15 children in foster homes, adoptive homes, or other child care
16 facilities.

17 N. "Non-Compact state" means a state that has not enacted
18 the Interstate Compact on the Placement of Children.

19 O. "Preadoption requirements" are any conditions
20 established by the laws or regulations of the Federal
21 Government or of each state that must be met prior to the
22 placement of a child in an adoptive home.

23 P. "Abused child" means a child whose parent or immediate
24 family member, or any person responsible for the child's
25 welfare, or any individual residing in the same home as the
26 child, or a paramour of the child's parent:

27 (a) inflicts, causes to be inflicted, or allows to be
28 inflicted upon the child physical injury, by other than
29 accidental means, that causes death, disfigurement,
30 impairment of physical or emotional health, or loss or
31 impairment of any bodily function;

32 (b) creates a substantial risk of physical injury to
33 the child by other than accidental means which would be
34 likely to cause death, disfigurement, impairment of
35 physical or emotional health, or loss or impairment of any
36 bodily function;

1 (c) commits or allows to be committed any sex offense
2 against the child, as sex offenses are defined in the
3 Criminal Code of 1961 and extending those definitions of
4 sex offenses to include children under 18 years of age;

5 (d) commits or allows to be committed an act or acts of
6 torture upon the child; or

7 (e) inflicts excessive corporal punishment.

8 Q. "Neglected child" means any child whose parent or other
9 person responsible for the child's welfare withholds or denies
10 nourishment or medically indicated treatment including food or
11 care denied solely on the basis of the present or anticipated
12 mental or physical impairment as determined by a physician
13 acting alone or in consultation with other physicians or
14 otherwise does not provide the proper or necessary support,
15 education as required by law, or medical or other remedial care
16 recognized under State law as necessary for a child's
17 well-being, or other care necessary for his or her well-being,
18 including adequate food, clothing and shelter; or who is
19 abandoned by his or her parents or other person responsible for
20 the child's welfare.

21 A child shall not be considered neglected or abused for the
22 sole reason that the child's parent or other person responsible
23 for his or her welfare depends upon spiritual means through
24 prayer alone for the treatment or cure of disease or remedial
25 care as provided under Section 4 of the Abused and Neglected
26 Child Reporting Act. A child shall not be considered neglected
27 or abused for the sole reason that the child's parent or other
28 person responsible for the child's welfare failed to vaccinate,
29 delayed vaccination, or refused vaccination for the child due
30 to a waiver on religious or medical grounds as permitted by
31 law.

32 R. "Putative father" means a man who may be a child's
33 father, but who (1) is not married to the child's mother on or
34 before the date that the child was or is to be born and (2) has
35 not established paternity of the child in a court proceeding
36 before the filing of a petition for the adoption of the child.

1 The term includes a male who is less than 18 years of age.
2 "Putative father" does not mean a man who is the child's father
3 as a result of criminal sexual abuse or assault as defined
4 under Article 12 of the Criminal Code of 1961.

5 S. "Standby adoption" means an adoption in which a parent
6 consents to custody and termination of parental rights to
7 become effective upon the occurrence of a future event, which
8 is either the death of the parent or the request of the parent
9 for the entry of a final judgment of adoption.

10 T. (Blank).

11 (Source: P.A. 93-732, eff. 1-1-05; 94-229, eff. 1-1-06; 94-563,
12 eff. 1-1-06; revised 8-23-05.)

13 (750 ILCS 50/2) (from Ch. 40, par. 1502)

14 Sec. 2. Who may adopt a child.

15 A. Any of the following persons, who is under no legal
16 disability (except the minority specified in sub-paragraph (b))
17 and who has resided in the State of Illinois continuously for a
18 period of at least 6 months immediately preceding the
19 commencement of an adoption proceeding, or any member of the
20 armed forces of the United States who has been domiciled in the
21 State of Illinois for 90 days, may institute such proceeding:

22 (a) A reputable person of legal age and of either sex,
23 provided that if such person is married and has not been living
24 separate and apart from his or her spouse for 12 months or
25 longer, his or her spouse shall be a party to the adoption
26 proceeding, including a husband or wife desiring to adopt a
27 child of the other spouse, in all of which cases the adoption
28 shall be by both spouses jointly;

29 (b) A minor, by leave of court upon good cause shown.

30 B. The residence requirement specified in paragraph A of
31 this Section shall not apply to an adoption of a related child
32 or to an adoption of a child placed by an agency.

33 (c) Notwithstanding any other provision of this Act, no
34 person who is a sex offender or sexual predator, as those terms
35 are defined in the Sex Offender Registration Act, may adopt a

1 child. The Protection of Children Related to Sex Offenders Act
2 applies to adoptions under this Act and prohibits any sex
3 offender or sexual predator, as those terms are defined in the
4 Sex Offender Registration Act, from adopting a child. If any
5 person who is a sex offender or a sexual predator, as those
6 terms are defined in the Sex Offender Registration Act, has
7 adopted a child or is in any part of the process of the
8 adoption of a child, the person shall be immediately ineligible
9 to adopt a child, notwithstanding any other provision of this
10 Act to the contrary. Any person who has adopted a child who is
11 a sex offender or sexual predator, as those terms are defined
12 in the Sex Offender Registration Act, shall continue to have
13 the obligation to support a child who is a minor, but that
14 person may not reside with, have custody of, or have any
15 visitation rights with the minor child.

16 (Source: P.A. 90-608, eff. 6-30-98.)