



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5796

Introduced 07/19/06, by Rep. Ronald A. Wait

#### SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 2605/2605-35

30 ILCS 105/5.663 new

325 ILCS 40/6

was 20 ILCS 2605/55a-3

from Ch. 23, par. 2256

Creates the Violent Offender Registration Law. Provides for the registration of a person who committed a violent crime as defined in the Rights of Crime Victims and Witnesses Act and who is not required to register under the Sex Offender Registration Act, the Arsonist Registration Act, or the Child Murderer and Violent Offender Against Youth Registration Act. Creates the Violent Offender Registration Fund in the State treasury. Provides that the Fund shall receive deposits of registration fees from violent offenders. Establishes various requirements for registration and provides penalties for those persons who violate registration requirements. Creates the Violent Offender Community Notification Law. Provides that the name, address, date of birth, and offense or adjudication for violent offenders required to register under the Violent Offender Registration Law shall be open to inspection by the public. Provides that the Department of State Police and any law enforcement agency may, in the Department's or agency's discretion, place this identifying information about violent offenders on the Internet or in other media. Amends various Acts to make conforming changes.

LRB094 21061 RLC 59388 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

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

4 ARTICLE 1.

5 Section 1-1. Short title. This Article 1 may be cited as  
6 the Violent Offender Registration Law, and references in this  
7 Article to "this Act" mean this Article.

8 Section 1-5. Definitions.

9 (a) As used in this Act, "violent offender" means any  
10 person who is:

11 (1) charged pursuant to Illinois law, or any  
12 substantially similar federal, Uniform Code of Military  
13 Justice, sister state, or foreign country law, with a  
14 violent crime set forth in subsection (b) of this Section  
15 or the attempt to commit an included violent crime, and:

16 (A) is convicted of such offense or an attempt to  
17 commit such offense; or

18 (B) is found not guilty by reason of insanity of  
19 such offense or an attempt to commit such offense; or

20 (C) is found not guilty by reason of insanity  
21 pursuant to subsection (c) of Section 104-25 of the  
22 Code of Criminal Procedure of 1963 of such offense or  
23 an attempt to commit such offense; or

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

29 (E) is found not guilty by reason of insanity  
30 following a hearing conducted pursuant to a federal,  
31 Uniform Code of Military Justice, sister state, or

1 foreign country law substantially similar to  
2 subsection (c) of Section 104-25 of the Code of  
3 Criminal Procedure of 1963 of such offense or of the  
4 attempted commission of such offense; or

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

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

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

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

1 original registration of 10 years from the date of conviction.

2 (b) As used in this Act, "violent crime" has the meaning  
3 ascribed to it in subsection (c) of Section 3 of the Rights of  
4 Crime Victims and Witnesses Act but excludes crimes for which  
5 the offender is required to register under: (1) the Sex  
6 Offender Registration Act, (2) the Arsonist Registration Act,  
7 or (3) the Child Murderer and Violent Offender Against Youth  
8 Registration Act.

9 (c) A conviction for an offense of federal law, Uniform  
10 Code of Military Justice, or the law of another state or a  
11 foreign country that is substantially equivalent to any offense  
12 described in subsection (b) of this Section shall constitute a  
13 conviction for the purpose of this Act.

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

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

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

35 (g) As used in this Act, "out-of-state employee" means any  
36 violent offender who works in Illinois, regardless of whether

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

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

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

13 Section 1-10. Duty to register.

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

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

33 (2) with the sheriff in the county in which he or she  
34 resides or is temporarily domiciled for a period of time of  
35 5 or more days in an unincorporated area or, if

1 incorporated, no police chief exists.

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

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

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

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

21 Any person who lacks a fixed residence must report weekly,  
22 in person, with the sheriff's office of the county in which he  
23 or she is located in an unincorporated area or, if  
24 incorporated, no police chief exists, or with the chief of  
25 police in the municipality in which he or she is located. The  
26 agency of jurisdiction shall document each weekly registration  
27 to include all the locations where the person has stayed during  
28 the past 7 days.

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

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 shall include current place of employment, school attended, and  
2 address in state of residence. The out-of-state student or  
3 out-of-state employee shall register:

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

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

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

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

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

28 (1) Except as provided in paragraph (3) of this  
29 subsection (c), any person who has not been notified of his  
30 or her responsibility to register shall be notified by a  
31 criminal justice entity of his or her responsibility to  
32 register. Upon notification the person must then register  
33 within 5 days of notification of his or her requirement to  
34 register. If notification is not made within the offender's  
35 10 year registration requirement, and the Department of  
36 State Police determines no evidence exists or indicates the

1 offender attempted to avoid registration, the offender  
2 will no longer be required to register under this Act.

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

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

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

16 (5) The person shall pay a \$20 initial registration fee  
17 and a \$10 annual renewal fee. The fees shall be deposited  
18 into the Violent Offender Registration Fund. The law  
19 enforcement agency having jurisdiction may waive the  
20 registration fee if it determines that the person is  
21 indigent and unable to pay the registration fee.

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

29 Section 1-15. Discharge of violent offender from  
30 Department of Corrections facility or other penal institution.  
31 Any violent offender who is discharged, paroled, or released  
32 from a Department of Corrections facility, a facility where  
33 such person was placed by the Department of Corrections or  
34 another penal institution, and whose liability for  
35 registration has not terminated under Section 1-40 shall, prior



1 to discharge, parole, or release from the facility or  
2 institution, be informed of his or her duty to register in  
3 person within 5 days of release by the facility or institution  
4 in which he or she was confined. The facility or institution  
5 shall also inform any person who must register that if he or  
6 she establishes a residence outside of the State of Illinois,  
7 is employed outside of the State of Illinois, or attends school  
8 outside of the State of Illinois, he or she must register in  
9 the new state within 5 days after establishing the residence,  
10 beginning employment, or beginning school.

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

33 Section 1-20. Release of violent offender; duties of the  
34 Court. Any violent offender who is released on probation or  
35 discharged upon payment of a fine because of the commission of

1 one of the offenses defined in subsection (b) of Section 1-5 of  
2 this Act shall, prior to such release, be informed of his or  
3 her duty to register under this Act by the Court in which he or  
4 she was convicted. The Court shall also inform any person who  
5 must register that if he or she establishes a residence outside  
6 of the State of Illinois, is employed outside of the State of  
7 Illinois, or attends school outside of the State of Illinois,  
8 he or she must register in the new state within 5 days after  
9 establishing the residence, beginning employment, or beginning  
10 school. The Court shall require the person to read and sign  
11 such form as may be required by the Department of State Police  
12 stating that the duty to register and the procedure for  
13 registration has been explained to him or her and that he or  
14 she understands the duty to register and the procedure for  
15 registration. The Court shall further advise the person in  
16 writing that the failure to register or other violation of this  
17 Act shall result in probation revocation. The Court shall  
18 obtain information about where the person expects to reside,  
19 work, and attend school upon his or her release, and shall  
20 report the information to the Department of State Police. The  
21 Court shall give one copy of the form to the person and retain  
22 the original in the court records. The Department of State  
23 Police shall notify the law enforcement agencies having  
24 jurisdiction where the person expects to reside, work and  
25 attend school upon his or her release.

26 Section 1-25. Discharge of violent offender from a hospital  
27 or other treatment facility. Any violent offender who is  
28 discharged or released from a hospital or other treatment  
29 facility where he or she was confined shall be informed by the  
30 hospital or treatment facility in which he or she was confined,  
31 prior to discharge or release from the hospital or treatment  
32 facility, of his or her duty to register under this Act.

33 The facility shall require the person to read and sign such  
34 form as may be required by the Department of State Police  
35 stating that the duty to register and the procedure for

1 registration have been explained to him or her and that he or  
2 she understands the duty to register and the procedure for  
3 registration. The facility shall give one copy of the form to  
4 the person, retain one copy for its records, and forward the  
5 original to the Department of State Police. The facility shall  
6 obtain information about where the person expects to reside,  
7 work, and attend school upon his or her discharge, parole, or  
8 release and shall report the information to the Department of  
9 State Police within 3 days. The facility or institution shall  
10 also inform any person who must register that if he or she  
11 establishes a residence outside of the State of Illinois, is  
12 employed outside of the State of Illinois, or attends school  
13 outside of the State of Illinois, he or she must register in  
14 the new state within 5 days after establishing the residence,  
15 beginning school, or beginning employment. The Department of  
16 State Police shall notify the law enforcement agencies having  
17 jurisdiction where the person expects to reside, work, and  
18 attend school upon his or her release.

19 Section 1-30. Duty to report; change of address, school, or  
20 employment; duty to inform. Any violent offender who is  
21 required to register under this Act shall report in person to  
22 the appropriate law enforcement agency with whom he or she last  
23 registered within one year from the date of last registration  
24 and every year thereafter and at such other times at the  
25 request of the law enforcement agency not to exceed 4 times a  
26 year. If any person required to register under this Act lacks a  
27 fixed residence or temporary domicile, he or she must notify,  
28 in person, the agency of jurisdiction of his or her last known  
29 address within 5 days after ceasing to have a fixed residence  
30 and if the offender leaves the last jurisdiction of residence,  
31 he or she must, within 48 hours after leaving, register in  
32 person with the new agency of jurisdiction. If any other person  
33 required to register under this Act changes his or her  
34 residence address, place of employment, or school, he or she  
35 shall report in person to the law enforcement agency with whom

1 he or she last registered of his or her new address, change in  
2 employment, or school and register, in person, with the  
3 appropriate law enforcement agency within the time period  
4 specified in Section 1-10. The law enforcement agency shall,  
5 within 3 days of the reporting in person by the person required  
6 to register under this Act, notify the Department of State  
7 Police of the new place of residence, change in employment, or  
8 school.

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

23 Section 1-35. Out-of-State employee or student; duty to  
24 report change. Every out-of-state student or out-of-state  
25 employee must notify the agency having jurisdiction of any  
26 change of employment or change of educational status, in  
27 writing, within 5 days of the change. The law enforcement  
28 agency shall, within 3 days after receiving the notice, enter  
29 the appropriate changes into LEADS.

30 Section 1-40. Duration of registration. Any person who is  
31 required to register under this Act shall be required to  
32 register for a period of 10 years after conviction or  
33 adjudication if not confined to a penal institution, hospital,  
34 or any other institution or facility, and if confined, for a

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

33 Section 1-45. Registration requirements. Registration as  
34 required by this Act shall consist of a statement in writing  
35 signed by the person giving the information that is required by

1 the Department of State Police, which may include the  
2 fingerprints and must include a current photograph of the  
3 person, to be updated annually. The registration information  
4 must include whether the person is a violent offender. Within 3  
5 days, the registering law enforcement agency shall forward any  
6 required information to the Department of State Police. The  
7 registering law enforcement agency shall enter the information  
8 into the Law Enforcement Agencies Data System (LEADS) as  
9 provided in Sections 6 and 7 of the Intergovernmental Missing  
10 Child Recovery Act of 1984.

11 Section 1-50. Verification requirements.

12 (a) The agency having jurisdiction shall verify the address  
13 of violent offenders required to register with their agency at  
14 least once per year. The verification must be documented in  
15 LEADS in the form and manner required by the Department of  
16 State Police.

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

26 Section 1-55. Public inspection of registration data.  
27 Except as provided in the Violent Offender Community  
28 Notification Law, the statements or any other information  
29 required by this Act shall not be open to inspection by the  
30 public, or by any person other than by a law enforcement  
31 officer or other individual as may be authorized by law and  
32 shall include law enforcement agencies of this State, any other  
33 state, or of the federal government. Similar information may be  
34 requested from any law enforcement agency of another state or

1 of the federal government for purposes of this Act. It is a  
2 Class B misdemeanor to permit the unauthorized release of any  
3 information required by this Act.

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

25 Section 1-65. Violent Offender Registration Fund. There is  
26 created the Violent Offender Registration Fund. Moneys in the  
27 Fund shall be used to cover costs incurred by the criminal  
28 justice system to administer this Act. The Department of State  
29 Police shall establish and promulgate rules and procedures  
30 regarding the administration of this Fund. Fifty percent of the  
31 moneys in the Fund shall be allocated by the Department for  
32 sheriffs' offices and police departments. The remaining moneys  
33 in the Fund shall be allocated to the Illinois State Police for  
34 education and administration of this Act.





1 update that information as it deems necessary.

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

10 (c) The Department of State Police must develop and conduct  
11 training to educate all those entities involved in the Violent  
12 Offender Registration Program.

13 (d) The Department of State Police shall commence the  
14 duties prescribed in the Violent Offender Registration Law  
15 within 12 months after the effective date of this Act.

16 Section 5-10. List of violent offenders. The Department of  
17 State Police shall promulgate rules to develop a list of  
18 violent offenders covered by this Act.

19 Section 5-15. Community notification of violent offenders.

20 (a) The Department of State Police and any law enforcement  
21 agency may disclose, in the Department's or agency's  
22 discretion, the following information to any person likely to  
23 encounter a violent offender:

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

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

26 (3) The offender's photograph or other such  
27 information that will help identify the violent offender.

28 (4) Offender employment information, to protect public  
29 safety.

30 (b) The name, address, date of birth, and offense or  
31 adjudication for violent offenders required to register under  
32 Section 1-10 of the Violent Offender Registration Law shall be  
33 open to inspection by the public as provided in this Section.  
34 Every municipal police department shall make available at its

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

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

31 Section 5-20. Notification regarding juvenile offenders.

32 (a) The Department of State Police and any law enforcement  
33 agency having jurisdiction may, in the Department's or agency's  
34 discretion, only provide the information specified in  
35 subsection (a) of Section 5-15, with respect to an adjudicated

1 juvenile delinquent, to any person when that person's safety  
2 may be compromised for some reason related to the juvenile  
3 violent offender.

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

13 ARTICLE 105

14 Section 105-5. The Department of State Police Law of the  
15 Civil Administrative Code of Illinois is amended by changing  
16 Section 2605-35 as follows:

17 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

18 Sec. 2605-35. Division of Operations (formerly Criminal  
19 Investigation).

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

22 (1) Exercise the rights, powers, and duties vested by  
23 law in the Department by the Illinois Horse Racing Act of  
24 1975.

25 (2) Investigate the origins, activities, personnel,  
26 and incidents of crime and enforce the criminal laws of  
27 this State related thereto.

28 (3) Enforce all laws regulating the production, sale,  
29 prescribing, manufacturing, administering, transporting,  
30 having in possession, dispensing, delivering,  
31 distributing, or use of controlled substances and  
32 cannabis.

33 (4) Cooperate with the police of cities, villages, and

1 incorporated towns and with the police officers of any  
2 county in enforcing the laws of the State and in making  
3 arrests and recovering property.

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

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

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

16 (8) Exercise the powers and perform the duties that  
17 have been vested in the Department by the Sex Offender  
18 Registration Act and the Sex Offender ~~and Child Murderer~~  
19 Community Notification Law; and promulgate reasonable  
20 rules and regulations necessitated thereby.

21 (8.5) Exercise the powers and perform the duties that  
22 have been vested in the Department by the Violent Offender  
23 Registration Law and the Violent Offender Community  
24 Notification Law; and promulgate reasonable rules and  
25 regulations necessitated thereby.

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

29 (b) There is hereby established in the Division of  
30 Operations the Office of Coordination of Gang Prevention,  
31 hereafter referred to as the Office.

32 The Office shall consult with units of local government and  
33 school districts to assist them in gang control activities and  
34 to administer a system of grants to units of local government  
35 and school districts that, upon application, have demonstrated  
36 a workable plan to reduce gang activity in their area. The

1 grants shall not include reimbursement for personnel, nor shall  
2 they exceed 75% of the total request by any applicant. The  
3 grants may be calculated on a proportional basis, determined by  
4 funds available to the Department for this purpose. The  
5 Department has the authority to promulgate appropriate rules  
6 and regulations to administer this program.

7 The Office shall establish mobile units of trained  
8 personnel to respond to gang activities.

9 The Office shall also consult with and use the services of  
10 religious leaders and other celebrities to assist in gang  
11 control activities.

12 The Office may sponsor seminars, conferences, or any other  
13 educational activity to assist communities in their gang crime  
14 control activities.

15 (Source: P.A. 90-193, eff. 7-24-97; 91-239, eff. 1-1-00;  
16 91-760, eff. 1-1-01.)

17 Section 105-10. The State Finance Act is amended by adding  
18 Section 5.663 as follows:

19 (30 ILCS 105/5.663 new)

20 Sec. 5.663. The Violent Offender Registration Fund.

21 Section 105-15. The Intergovernmental Missing Child  
22 Recovery Act of 1984 is amended by changing Section 6 as  
23 follows:

24 (325 ILCS 40/6) (from Ch. 23, par. 2256)

25 Sec. 6. The Department shall:

26 (a) Establish and maintain a statewide Law Enforcement  
27 Agencies Data System (LEADS) for the purpose of effecting an  
28 immediate law enforcement response to reports of missing  
29 children. The Department shall implement an automated data  
30 exchange system to compile, to maintain and to make available  
31 for dissemination to Illinois and out-of-State law enforcement  
32 agencies, data which can assist appropriate agencies in

1 recovering missing children.

2 (b) Establish contacts and exchange information regarding  
3 lost, missing or runaway children with nationally recognized  
4 "missing person and runaway" service organizations and monitor  
5 national research and publicize important developments.

6 (c) Provide a uniform reporting format for the entry of  
7 pertinent information regarding reports of missing children  
8 into LEADS.

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

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

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

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

30 (h) Compile and maintain an historic data repository  
31 relating to missing children in order (1) to develop and  
32 improve techniques utilized by law enforcement agencies when  
33 responding to reports of missing children and (2) to provide a  
34 factual and statistical base for research that would address  
35 the problem of missing children.

36 (i) Create a quality control program to monitor timeliness

1 of entries of missing children reports into LEADS and conduct  
2 performance audits of all entering agencies.

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

29 (k) Provide for the entry into LEADS of the names and  
30 addresses of sex offenders as defined in the Sex Offender  
31 Registration Act who are required to register under that Act.  
32 The information shall be immediately accessible to law  
33 enforcement agencies and peace officers of this State or any  
34 other state or of the federal government. Similar information  
35 may be requested from any other state or of the federal  
36 government for purposes of this Act.

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

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