



Sen. Don Harmon

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09400SB1328sam002

LRB094 05671 RLC 44452 a

1 AMENDMENT TO SENATE BILL 1328

2 AMENDMENT NO. _____. Amend Senate Bill 1328 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Sex Offender Registration Act is amended by
5 adding Section 3-5 as follows:

6 (730 ILCS 150/3-5 new)

7 Sec. 3-5. Application of Act to adjudicated juvenile
8 delinquents.

9 (a) A court shall order that an adjudicated juvenile
10 delinquent, who is at least 13 years old but less than 17 years
11 old and meets the definition of sex offender as set forth in
12 paragraph (5) of subsection (A) of Section 2 of this Act,
13 register for a 5 year term from the date of adjudication or
14 release from the Illinois Department of Corrections, whichever
15 is later.

16 (b) Once an adjudicated juvenile delinquent is ordered to
17 register as a sex offender, the adjudicated juvenile delinquent
18 shall be subject to the registration requirements set forth in
19 Sections 3, 6, 6-5, 8, 8-5, and 10 for the term of his or her
20 registration.

21 (c) In all cases involving adjudicated juvenile
22 delinquents who are 12 years old or younger and who meet the
23 definition of sex offender as set forth in paragraph (5) of
24 subsection (A) of Section 2 of this Act, the court may

1 determine whether to order registration, and if so, the
2 duration of the registration, not exceeding that set forth in
3 subsection (a). To determine whether to order registration, the
4 court shall consider the following factors:

5 (1) the report regarding the adjudicated juvenile
6 delinquent's risk assessment prepared for purposes of
7 sentencing;

8 (2) the adjudicated juvenile delinquent's level of
9 planning and participation in the offense;

10 (3) the sex offender history of the adjudicated
11 juvenile delinquent, including whether the adjudicated
12 juvenile delinquent has been adjudicated delinquent for
13 prior sexually-motivated offenses;

14 (4) the possibility that facilities or programs
15 available to the court will contribute to the
16 rehabilitation of the adjudicated juvenile delinquent
17 prior to the expiration of the court's jurisdiction;

18 (5) the ages of the adjudicated juvenile delinquent and
19 the victim;

20 (6) the relationship of the adjudicated juvenile
21 delinquent to the victim;

22 (7) the proposed placement alternatives for the
23 adjudicated juvenile delinquent;

24 (8) information related to the adjudicated juvenile
25 delinquent's mental, physical, educational, and social
26 history;

27 (9) victim impact statements; and

28 (10) any other factors deemed relevant by the court.

29 (d) Ninety days prior to the completion of an adjudicated
30 juvenile delinquent's term of registration, whether ordered
31 pursuant to subsection (a) or (c) of this Section, the clerk of
32 the court shall provide notice to the parties of a hearing
33 regarding status of registration. Prior to the registration
34 status hearing, the State's Attorney may petition for the

1 continuation of the term of registration.

2 (e) At the registration status hearing, if the State's
3 Attorney fails to file a petition for continuation of term of
4 registration, or if the court determines, based upon the
5 factors set forth in subsection (f), that the registrant no
6 longer poses a serious risk to the community, registration
7 shall be terminated. At the registration status hearing, both
8 parties may present evidence about whether the registrant poses
9 a risk to the community. Upon the State's presentation of clear
10 and convincing evidence that the registrant poses a serious
11 risk to the community, the court may extend registration and
12 determine which, if any, conditions of registration shall
13 apply.

14 (f) To determine whether a registrant poses a serious risk
15 to the community as required by subsection (e), the court shall
16 consider the following factors:

17 (1) a risk assessment performed by an evaluator
18 approved by the Sex Offender Management Board;

19 (2) the sex offender history of the adjudicated
20 juvenile delinquent;

21 (3) evidence of the adjudicated juvenile delinquent's
22 rehabilitation;

23 (4) the age of the adjudicated juvenile delinquent at
24 the time of the offense;

25 (5) information related to the adjudicated juvenile
26 delinquent's mental, physical, educational, and social
27 history; and

28 (6) any other factors deemed relevant by the court.

29 (g) At the hearing set forth in subsections (d) and (e), a
30 registrant shall be represented by counsel and may present a
31 risk assessment conducted by an evaluator who is a licensed
32 psychiatrist, psychologist, or other mental health
33 professional, and who has demonstrated clinical experience in
34 juvenile sex offender treatment.

1 (h) After a registrant completes the term of his or her
2 registration, his or her name, address, and all other
3 identifying information shall be removed from all State and
4 local registries.

5 (i) An adjudicated juvenile delinquent shall not be
6 considered a sexual predator, as defined in subsection (E) of
7 Section 2 of this Act, for the purposes of mandatory
8 registration for the term of natural life as set forth in
9 Section 7 of this Act.

10 (j) This Section applies retroactively to cases in which
11 adjudicated juvenile delinquents who registered or were
12 required to register before the effective date of this
13 amendatory Act of the 94th General Assembly. Within 90 days
14 after the effective date of this amendatory Act, the clerk's
15 office shall send notice to registrants affected by this
16 Section notifying them of a registration status hearing
17 pursuant to subsections (d) through (f) of this Section.

18 (k) This Section does not apply to minors prosecuted under
19 the criminal laws as adults.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.".