



Sen. Don Harmon

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09400SB2873sam001

LRB094 17314 RLC 55740 a

1 AMENDMENT TO SENATE BILL 2873

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2873 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Sexually Violent Persons Commitment Act is  
5 amended by changing Section 15 and by adding Section 9 as  
6 follows:

7 (725 ILCS 207/9 new)

8 Sec. 9. Sexually violent person review; written  
9 notification to State's Attorney. The Illinois Department of  
10 Corrections, not later than 6 months prior to the anticipated  
11 release from imprisonment or the anticipated entry into  
12 mandatory supervised release of a person who has been convicted  
13 or adjudicated delinquent of a sexually violent offense, shall  
14 send written notice to the State's Attorney in the county in  
15 which the person was convicted or adjudicated delinquent of the  
16 sexually violent offense informing the State's Attorney of the  
17 person's anticipated release date and that the person will be  
18 considered for commitment under this Act prior to that release  
19 date.

20 (725 ILCS 207/15)

21 Sec. 15. Sexually violent person petition; contents;  
22 filing.

23 (a) A petition alleging that a person is a sexually violent

1 person may be filed by:

2 (1) The Attorney General, at the request of the agency  
3 with jurisdiction over the person, as defined in subsection  
4 (a) of Section 10 of this Act, or on his or her own motion.  
5 If the Attorney General, after consulting with and advising  
6 the State's Attorney of the county referenced in paragraph  
7 (a)(2) of this Section, decides to file a petition under  
8 this Section, he or she shall file the petition before the  
9 date of the release or discharge of the person or within 30  
10 days of placement onto parole or mandatory supervised  
11 release for an offense enumerated in paragraph (e) of  
12 Section 5 of this Act.

13 (2) If the Attorney General does not file a petition  
14 under this Section, the State's Attorney of the county in  
15 which the person was convicted of a sexually violent  
16 offense, adjudicated delinquent for a sexually violent  
17 offense or found not guilty of or not responsible for a  
18 sexually violent offense by reason of insanity, mental  
19 disease, or mental defect may file a petition.

20 (3) The Attorney General and the State's Attorney  
21 referenced in paragraph (a)(2) of this Section jointly.

22 (b) A petition filed under this Section shall allege that  
23 all of the following apply to the person alleged to be a  
24 sexually violent person:

25 (1) The person satisfies any of the following criteria:

26 (A) The person has been convicted of a sexually  
27 violent offense;

28 (B) The person has been found delinquent for a  
29 sexually violent offense; or

30 (C) The person has been found not guilty of a  
31 sexually violent offense by reason of insanity, mental  
32 disease, or mental defect.

33 (2) (Blank).

34 (3) (Blank).

1 (4) The person has a mental disorder.

2 (5) The person is dangerous to others because the  
3 person's mental disorder creates a substantial probability  
4 that he or she will engage in acts of sexual violence.

5 (b-5) The petition must be filed no ~~:(1) No~~ more than 90  
6 days before discharge or entry into mandatory supervised  
7 release from a Department of Corrections correctional facility  
8 for a sentence that was imposed upon a conviction for a  
9 sexually violent offense. ~~, or for a sentence that is being~~  
10 ~~served concurrently or consecutively with a sexually violent~~  
11 ~~offense, and no more than 30 days after the person's entry into~~  
12 ~~parole or mandatory supervised release; or~~

13 ~~(2) No more than 90 days before discharge or release:~~

14 ~~(A) from a Department of Juvenile Justice juvenile~~  
15 ~~correctional facility if the person was placed in the~~  
16 ~~facility for being adjudicated delinquent under~~  
17 ~~Section 5-20 of the Juvenile Court Act of 1987 or found~~  
18 ~~guilty under Section 5-620 of that Act on the basis of~~  
19 ~~a sexually violent offense; or~~

20 ~~(B) from a commitment order that was entered as a~~  
21 ~~result of a sexually violent offense.~~

22 (b-6) A person convicted of a sexually violent offense  
23 remains eligible for commitment as a sexually violent person  
24 pursuant to this Act under the following circumstances: (1) the  
25 person is in custody for a sentence that is being served  
26 concurrently or consecutively with a sexually violent offense;  
27 (2) the person returns to the custody of the Illinois  
28 Department of Corrections for any reason during the term of  
29 parole or mandatory supervised release being served for a  
30 sexually violent offense; or (3) the person is convicted or  
31 adjudicated delinquent for any offense committed during the  
32 term of parole or mandatory supervised release being served for  
33 a sexually violent offense, regardless of whether that  
34 conviction or adjudication was for a sexually violent offense.

1 (c) A petition filed under this Section shall state with  
2 particularity essential facts to establish probable cause to  
3 believe the person is a sexually violent person. If the  
4 petition alleges that a sexually violent offense or act that is  
5 a basis for the allegation under paragraph (b)(1) of this  
6 Section was an act that was sexually motivated as provided  
7 under paragraph (e)(2) of Section 5 of this Act, the petition  
8 shall state the grounds on which the offense or act is alleged  
9 to be sexually motivated.

10 (d) A petition under this Section shall be filed in either  
11 of the following:

12 (1) The circuit court for the county in which the  
13 person was convicted of a sexually violent offense,  
14 adjudicated delinquent for a sexually violent offense or  
15 found not guilty of a sexually violent offense by reason of  
16 insanity, mental disease or mental defect.

17 (2) The circuit court for the county in which the  
18 person is in custody under a sentence, a placement to a  
19 Department of Corrections correctional facility or a  
20 Department of Juvenile Justice juvenile correctional  
21 facility, or a commitment order.

22 (e) The filing of a petition under this Act shall toll the  
23 running of the term of parole or mandatory supervised release  
24 until:

25 (1) dismissal of the petition filed under this Act;

26 (2) a finding by a judge or jury that the respondent is  
27 not a sexually violent person; or

28 (3) the sexually violent person is conditionally  
29 released or discharged under Section 60 or 65 of this Act.

30 (Source: P.A. 94-696, eff. 6-1-06.)".