



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB3016

Introduced 1/20/2006, by Sen. Kirk W. Dillard - John O. Jones - Dan Cronin - Christine Radogno - Dale E. Risinger, et al.

#### SYNOPSIS AS INTRODUCED:

730 ILCS 150/3	from Ch. 38, par. 223
730 ILCS 150/6	from Ch. 38, par. 226
730 ILCS 152/115	
730 ILCS 152/120	

Amends the Sex Offender Registration Act. Requires that the information submitted by the sex offender at the time of registration shall include whether the victim and the sex offender knew each other at the time of the commission of the offense, county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, and any distinguishing marks located on the body of the sex offender. Requires sex offenders who were required to register annually to register every 90 days. Amends the Sex Offender and Child Murderer Community Notification Law. Provides that the Department of State Police must make the information contained in the Statewide Sex Offender Database searchable by a 5-mile radius from the sex offender's home or school attended. Requires a principal or teacher of a public or private elementary or secondary school to notify the parents of children attending the school during school registration or during parent-teacher conferences that information about sex offenders is available to the public as provided in the Act.

LRB094 18938 RLC 54389 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning sex offenders.

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

4 Section 5. The Sex Offender Registration Act is amended by  
5 changing Sections 3 and 6 as follows:

6 (730 ILCS 150/3) (from Ch. 38, par. 223)

7 Sec. 3. Duty to register.

8 (a) A sex offender, as defined in Section 2 of this Act, or  
9 sexual predator shall, within the time period prescribed in  
10 subsections (b) and (c), register in person and provide  
11 accurate information as required by the Department of State  
12 Police. Such information shall include a current photograph,  
13 current address, current place of employment, the employer's  
14 telephone number, school attended, extensions of the time  
15 period for registering as provided in this Article and, if an  
16 extension was granted, the reason why the extension was granted  
17 and the date the sex offender was notified of the extension.  
18 The information shall also include whether the victim and the  
19 sex offender knew each other at the time of the commission of  
20 the offense, county of conviction, license plate numbers for  
21 every vehicle registered in the name of the sex offender, and  
22 any distinguishing marks located on the body of the sex  
23 offender. A person who has been adjudicated a juvenile  
24 delinquent for an act which, if committed by an adult, would be  
25 a sex offense shall register as an adult sex offender within 10  
26 days after attaining 17 years of age. The sex offender or  
27 sexual predator 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

1           (2) with the sheriff in the county in which he or she  
2           resides or is temporarily domiciled for a period of time of  
3           5 or more days in an unincorporated area or, if  
4           incorporated, no police chief exists.

5           If the sex offender or sexual predator is employed at or  
6           attends an institution of higher education, he or she shall  
7           register:

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

13          (ii) with the sheriff in the county in which he or she  
14          is employed or attends an institution of higher education  
15          located in an unincorporated area, or if incorporated, no  
16          police chief exists.

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

25          Any person who lacks a fixed residence must report weekly,  
26          in person, with the sheriff's office of the county in which he  
27          or she is located in an unincorporated area, or with the chief  
28          of police in the municipality in which he or she is located.  
29          The agency of jurisdiction will document each weekly  
30          registration to include all the locations where the person has  
31          stayed during the past 7 days.

32          The sex offender or sexual predator shall provide accurate  
33          information as required by the Department of State Police. That  
34          information shall include the sex offender's or sexual  
35          predator's current place of employment.

36          (a-5) An out-of-state student or out-of-state employee

1 shall, within 5 days after beginning school or employment in  
2 this State, register in person and provide accurate information  
3 as required by the Department of State Police. Such information  
4 will include current place of employment, school attended, and  
5 address in state of residence. The out-of-state student or  
6 out-of-state employee shall register:

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

14 (2) with the sheriff in the county in which he or she  
15 attends school or is employed for a period of time of 5 or  
16 more days or for an aggregate period of time of more than  
17 30 days during any calendar year in an unincorporated area  
18 or, if incorporated, no police chief exists.

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

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

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

32 (1) Any person registered under the Habitual Child Sex  
33 Offender Registration Act or the Child Sex Offender  
34 Registration Act prior to January 1, 1996, shall be deemed  
35 initially registered as of January 1, 1996; however, this  
36 shall not be construed to extend the duration of

1 registration set forth in Section 7.

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

6 (2.5) Except as provided in subsection (c) (4), any  
7 person who has not been notified of his or her  
8 responsibility to register shall be notified by a criminal  
9 justice entity of his or her responsibility to register.  
10 Upon notification the person must then register within 5  
11 days of notification of his or her requirement to register.  
12 If notification is not made within the offender's 10 year  
13 registration requirement, and the Department of State  
14 Police determines no evidence exists or indicates the  
15 offender attempted to avoid registration, the offender  
16 will no longer be required to register under this Act.

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

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

26 (5) The person shall provide positive identification  
27 and documentation that substantiates proof of residence at  
28 the registering address.

29 (6) The person shall pay a \$20 initial registration fee  
30 and a \$10 annual renewal fee. The fees shall be used by the  
31 registering agency for official purposes. The agency shall  
32 establish procedures to document receipt and use of the  
33 funds. The law enforcement agency having jurisdiction may  
34 waive the registration fee if it determines that the person  
35 is indigent and unable to pay the registration fee. Ten  
36 dollars for the initial registration fee and \$5 of the

1 annual renewal fee shall be used by the registering agency  
2 for official purposes. Ten dollars of the initial  
3 registration fee and \$5 of the annual fee shall be  
4 deposited into the Sex Offender Management Board Fund under  
5 Section 19 of the Sex Offender Management Board Act. Money  
6 deposited into the Sex Offender Management Board Fund shall  
7 be administered by the Sex Offender Management Board and  
8 shall be used to fund practices endorsed or required by the  
9 Sex Offender Management Board Act including but not limited  
10 to sex offenders evaluation, treatment, or monitoring  
11 programs that are or may be developed, as well as for  
12 administrative costs, including staff, incurred by the  
13 Board.

14 (d) Within 5 days after obtaining or changing employment  
15 and, if employed on January 1, 2000, within 5 days after that  
16 date, a person required to register under this Section must  
17 report, in person to the law enforcement agency having  
18 jurisdiction, the business name and address where he or she is  
19 employed. If the person has multiple businesses or work  
20 locations, every business and work location must be reported to  
21 the law enforcement agency having jurisdiction.

22 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;  
23 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

24 (730 ILCS 150/6) (from Ch. 38, par. 226)

25 Sec. 6. Duty to report; change of address, school, or  
26 employment; duty to inform. A person who has been adjudicated  
27 to be sexually dangerous or is a sexually violent person and is  
28 later released, or found to be no longer sexually dangerous or  
29 no longer a sexually violent person and discharged, or  
30 convicted of a violation of this Act after July 1, 2005, shall  
31 report in person to the law enforcement agency with whom he or  
32 she last registered no later than 90 days after the date of his  
33 or her last registration and every 90 days thereafter and at  
34 such other times at the request of the law enforcement agency  
35 not to exceed 4 times a year. Any person who lacks a fixed

1 residence must report weekly, in person, to the appropriate law  
2 enforcement agency where the sex offender is located. Any other  
3 person who is required to register under this Article shall  
4 report in person to the appropriate law enforcement agency with  
5 whom he or she last registered within 90 days ~~one year~~ from the  
6 date of last registration and every 90 days ~~year~~ thereafter and  
7 at such other times at the request of the law enforcement  
8 agency not to exceed 4 times a year. If any person required to  
9 register under this Article lacks a fixed residence or  
10 temporary domicile, he or she must notify, in person, the  
11 agency of jurisdiction of his or her last known address within  
12 5 days after ceasing to have a fixed residence and if the  
13 offender leaves the last jurisdiction of residence, he or she,  
14 must within 48 hours after leaving register in person with the  
15 new agency of jurisdiction. If any other person required to  
16 register under this Article changes his or her residence  
17 address, place of employment, or school, he or she shall report  
18 in person to ~~5~~ the law enforcement agency with whom he or she  
19 last registered of his or her new address, change in  
20 employment, or school and register, in person, with the  
21 appropriate law enforcement agency within the time period  
22 specified in Section 3. The law enforcement agency shall,  
23 within 3 days of the reporting in person by the person required  
24 to register under this Article, notify the Department of State  
25 Police of the new place of residence, change in employment, or  
26 school.

27 If any person required to register under this Article  
28 intends to establish a residence or employment outside of the  
29 State of Illinois, at least 10 days before establishing that  
30 residence or employment, he or she shall report in person to  
31 the law enforcement agency with which he or she last registered  
32 of his or her out-of-state intended residence or employment.  
33 The law enforcement agency with which such person last  
34 registered shall, within 3 days after the reporting in person  
35 of the person required to register under this Article of an  
36 address or employment change, notify the Department of State

1 Police. The Department of State Police shall forward such  
2 information to the out-of-state law enforcement agency having  
3 jurisdiction in the form and manner prescribed by the  
4 Department of State Police.

5 (Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06;  
6 94-168, eff. 1-1-06; revised 8-19-05.)

7 Section 10. The Sex Offender and Child Murderer Community  
8 Notification Law is amended by changing Sections 115 and 120 as  
9 follows:

10 (730 ILCS 152/115)

11 Sec. 115. Sex offender database.

12 (a) The Department of State Police shall establish and  
13 maintain a Statewide Sex Offender Database for the purpose of  
14 identifying sex offenders and making that information  
15 available to the persons specified in Sections 120 and 125 of  
16 this Law. The Database shall be created from the Law  
17 Enforcement Agencies Data System (LEADS) established under  
18 Section 6 of the Intergovernmental Missing Child Recovery Act  
19 of 1984. The Department of State Police shall examine its LEADS  
20 database for persons registered as sex offenders under the Sex  
21 Offender Registration Act and shall identify those who are sex  
22 offenders and shall add all the information, including  
23 photographs if available, on those sex offenders to the  
24 Statewide Sex Offender Database.

25 (b) The Department of State Police must make the  
26 information contained in the Statewide Sex Offender Database  
27 accessible on the Internet by means of a hyperlink labeled "Sex  
28 Offender Information" on the Department's World Wide Web home  
29 page. The Department must make the information contained in the  
30 Statewide Sex Offender Database searchable by a 5-mile radius  
31 from the sex offender's home or school attended. The Department  
32 of State Police must update that information as it deems  
33 necessary.

34 The Department of State Police may require that a person



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

8 (c) The Department of State Police, Sex Offender  
9 Registration Unit, must develop and conduct training to educate  
10 all those entities involved in the Sex Offender Registration  
11 Program.

12 (Source: P.A. 93-979, eff. 8-20-04.)

13 (730 ILCS 152/120)

14 Sec. 120. Community notification of sex offenders.

15 (a) The sheriff of the county, except Cook County, shall  
16 disclose to the following the name, address, date of birth,  
17 place of employment, school attended, and offense or  
18 adjudication of all sex offenders required to register under  
19 Section 3 of the Sex Offender Registration Act:

20 (1) The boards of institutions of higher education or  
21 other appropriate administrative offices of each  
22 non-public institution of higher education located in the  
23 county where the sex offender is required to register,  
24 resides, is employed, or is attending an institution of  
25 higher education; and

26 (2) School boards of public school districts and the  
27 principal or other appropriate administrative officer of  
28 each nonpublic school located in the county where the sex  
29 offender is required to register or is employed; and

30 (3) Child care facilities located in the county where  
31 the sex offender is required to register or is employed.

32 (a-2) The sheriff of Cook County shall disclose to the  
33 following the name, address, date of birth, place of  
34 employment, school attended, and offense or adjudication of all  
35 sex offenders required to register under Section 3 of the Sex

1 Offender Registration Act:

2 (1) School boards of public school districts and the  
3 principal or other appropriate administrative officer of  
4 each nonpublic school located within the region of Cook  
5 County, as those public school districts and nonpublic  
6 schools are identified in LEADS, other than the City of  
7 Chicago, where the sex offender is required to register or  
8 is employed; and

9 (2) Child care facilities located within the region of  
10 Cook County, as those child care facilities are identified  
11 in LEADS, other than the City of Chicago, where the sex  
12 offender is required to register or is employed; and

13 (3) The boards of institutions of higher education or  
14 other appropriate administrative offices of each  
15 non-public institution of higher education located in the  
16 county, other than the City of Chicago, where the sex  
17 offender is required to register, resides, is employed, or  
18 attending an institution of higher education.

19 (a-3) The Chicago Police Department shall disclose to the  
20 following the name, address, date of birth, place of  
21 employment, school attended, and offense or adjudication of all  
22 sex offenders required to register under Section 3 of the Sex  
23 Offender Registration Act:

24 (1) School boards of public school districts and the  
25 principal or other appropriate administrative officer of  
26 each nonpublic school located in the police district where  
27 the sex offender is required to register or is employed if  
28 the offender is required to register or is employed in the  
29 City of Chicago; and

30 (2) Child care facilities located in the police  
31 district where the sex offender is required to register or  
32 is employed if the offender is required to register or is  
33 employed in the City of Chicago; and

34 (3) The boards of institutions of higher education or  
35 other appropriate administrative offices of each  
36 non-public institution of higher education located in the

1 police district where the sex offender is required to  
2 register, resides, is employed, or attending an  
3 institution of higher education in the City of Chicago.

4 (a-4) The Department of State Police shall provide a list  
5 of sex offenders required to register to the Illinois  
6 Department of Children and Family Services.

7 (b) The Department of State Police and any law enforcement  
8 agency may disclose, in the Department's or agency's  
9 discretion, the following information to any person likely to  
10 encounter a sex offender, or sexual predator:

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

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

13 (3) Adjudication as a sexually dangerous person.

14 (4) The offender's photograph or other such  
15 information that will help identify the sex offender.

16 (5) Offender employment information, to protect public  
17 safety.

18 (c) The name, address, date of birth, ~~and~~ offense or  
19 adjudication, whether the victim and the sex offender knew each  
20 other at the time of the commission of the offense, county of  
21 conviction, license plate numbers for every vehicle registered  
22 in the name of the sex offender, and any distinguishing marks  
23 located on the body of the sex offender for sex offenders  
24 required to register under Section 3 of the Sex Offender  
25 Registration Act shall be open to inspection by the public as  
26 provided in this Section. Every municipal police department  
27 shall make available at its headquarters the information on all  
28 sex offenders who are required to register in the municipality  
29 under the Sex Offender Registration Act. The sheriff shall also  
30 make available at his or her headquarters the information on  
31 all sex offenders who are required to register under that Act  
32 and who live in unincorporated areas of the county. Sex  
33 offender information must be made available for public  
34 inspection to any person, no later than 72 hours or 3 business  
35 days from the date of the request. The request must be made in  
36 person, in writing, or by telephone. Availability must include

1 giving the inquirer access to a facility where the information  
2 may be copied. A department or sheriff may charge a fee, but  
3 the fee may not exceed the actual costs of copying the  
4 information. An inquirer must be allowed to copy this  
5 information in his or her own handwriting. A department or  
6 sheriff must allow access to the information during normal  
7 public working hours. The sheriff or a municipal police  
8 department may publish the photographs of sex offenders where  
9 any victim was 13 years of age or younger and who are required  
10 to register in the municipality or county under the Sex  
11 Offender Registration Act in a newspaper or magazine of general  
12 circulation in the municipality or county or may disseminate  
13 the photographs of those sex offenders on the Internet or on  
14 television. The law enforcement agency may make available the  
15 information on all sex offenders residing within any county.

16 (d) The Department of State Police and any law enforcement  
17 agency having jurisdiction may, in the Department's or agency's  
18 discretion, place the information specified in subsection (b)  
19 on the Internet or in other media.

20 (e) (Blank).

21 (f) The administrator of a transitional housing facility  
22 for sex offenders shall comply with the notification procedures  
23 established in paragraph (4) of subsection (b) of Section  
24 3-17-5 of the Unified Code of Corrections.

25 (g) A principal or teacher of a public or private  
26 elementary or secondary school shall notify the parents of  
27 children attending the school during school registration or  
28 during parent-teacher conferences that information about sex  
29 offenders is available to the public as provided in this Act.

30 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;  
31 revised 8-19-05.)