



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0435

Introduced 1/26/2007, by Rep. Dennis M. Reboletti - Ronald A. Wait

SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 2605/2605-35

30 ILCS 105/5.675 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.

LRB095 03706 RLC 23733 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

1 an attempt to commit such offense; or

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

7 (E) is found not guilty by reason of insanity
8 following a hearing conducted pursuant to a federal,
9 Uniform Code of Military Justice, sister state, or
10 foreign country law substantially similar to
11 subsection (c) of Section 104-25 of the Code of
12 Criminal Procedure of 1963 of such offense or of the
13 attempted commission of such offense; or

14 (F) is the subject of a finding not resulting in an
15 acquittal at a hearing conducted pursuant to a federal,
16 Uniform Code of Military Justice, sister state, or
17 foreign country law substantially similar to
18 subsection (c) of Section 104-25 of the Code of
19 Criminal Procedure of 1963 for the alleged violation or
20 attempted commission of such offense; or

21 (2) adjudicated a juvenile delinquent as the result of
22 committing or attempting to commit an act which, if
23 committed by an adult, would constitute any of the offenses
24 specified in subsection (b) of this Section or a violation
25 of any substantially similar federal, Uniform Code of
26 Military Justice, sister state, or foreign country law, or

1 found guilty under Article V of the Juvenile Court Act of
2 1987 of committing or attempting to commit an act which, if
3 committed by an adult, would constitute any of the offenses
4 specified in subsection (b) of this Section or a violation
5 of any substantially similar federal, Uniform Code of
6 Military Justice, sister state, or foreign country law.

7 Convictions that result from or are connected with the same
8 act, or result from offenses committed at the same time, shall
9 be counted for the purpose of this Act as one conviction. Any
10 conviction set aside pursuant to law is not a conviction for
11 purposes of this Act.

12 For purposes of this Section, "convicted" has the same
13 meaning as "adjudicated". For the purposes of this Act, a
14 person who is defined as a violent offender as a result of
15 being adjudicated a juvenile delinquent under paragraph (2) of
16 this subsection (a) upon attaining 17 years of age shall be
17 considered as having committed the violent crime on or after
18 the 17th birthday of the violent offender. Registration of
19 juveniles upon attaining 17 years of age shall not extend the
20 original registration of 10 years from the date of conviction.

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

1 Registration Act.

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

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

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

22 (f) As used in this Act, "out-of-state student" means any
23 violent offender who is enrolled in Illinois, on a full-time or
24 part-time basis, in any public or private educational
25 institution, including, but not limited to, any secondary
26 school, trade or professional institution, or institution of

1 higher learning.

2 (g) As used in this Act, "out-of-state employee" means any
3 violent offender who works in Illinois, regardless of whether
4 the individual receives payment for services performed, for a
5 period of time of 10 or more days or for an aggregate period of
6 time of 30 or more days during any calendar year. Persons who
7 operate motor vehicles in the State accrue one day of
8 employment time for any portion of a day spent in Illinois.

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

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

16 Section 1-10. Duty to register.

17 (a) A violent offender shall, within the time period
18 prescribed in subsections (b) and (c), register in person and
19 provide accurate information as required by the Department of
20 State Police. Such information shall include a current
21 photograph, current address, current place of employment, the
22 employer's telephone number, school attended, extensions of
23 the time period for registering as provided in this Act and, if
24 an extension was granted, the reason why the extension was
25 granted and the date the violent offender was notified of the

1 extension. A person who has been adjudicated a juvenile
2 delinquent for an act which, if committed by an adult, would be
3 a violent crime shall register as an adult violent offender
4 within 10 days after attaining 17 years of age. The violent
5 offender shall register:

6 (1) with the chief of police in the municipality in
7 which he or she resides or is temporarily domiciled for a
8 period of time of 5 or more days, unless the municipality
9 is the City of Chicago, in which case he or she shall
10 register at the Chicago Police Department Headquarters; or

11 (2) with the sheriff in the county in which he or she
12 resides or is temporarily domiciled for a period of time of
13 5 or more days in an unincorporated area or, if
14 incorporated, no police chief exists.

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

17 (i) with the chief of police in the municipality in
18 which he or she is employed at or attends an institution of
19 higher education, unless the municipality is the City of
20 Chicago, in which case he or she shall register at the
21 Chicago Police Department Headquarters; or

22 (ii) with the sheriff in the county in which he or she
23 is employed or attends an institution of higher education
24 located in an unincorporated area, or if incorporated, no
25 police chief exists.

26 For purposes of this Act, the place of residence or

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

8 Any person who lacks a fixed residence must report weekly,
9 in person, with the sheriff's office of the county in which he
10 or she is located in an unincorporated area or, if
11 incorporated, no police chief exists, or with the chief of
12 police in the municipality in which he or she is located. The
13 agency of jurisdiction shall document each weekly registration
14 to include all the locations where the person has stayed during
15 the past 7 days.

16 The violent offender shall provide accurate information as
17 required by the Department of State Police. That information
18 shall include the current place of employment of the violent
19 offender.

20 (a-5) An out-of-state student or out-of-state employee
21 shall, within 5 days after beginning school or employment in
22 this State, register in person and provide accurate information
23 as required by the Department of State Police. Such information
24 shall include current place of employment, school attended, and
25 address in state of residence. The out-of-state student or
26 out-of-state employee shall register:

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

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

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

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

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

25 (1) Except as provided in paragraph (3) of this
26 subsection (c), any person who has not been notified of his

1 or her responsibility to register shall be notified by a
2 criminal justice entity of his or her responsibility to
3 register. Upon notification the person must then register
4 within 5 days of notification of his or her requirement to
5 register. If notification is not made within the offender's
6 10 year registration requirement, and the Department of
7 State Police determines no evidence exists or indicates the
8 offender attempted to avoid registration, the offender
9 will no longer be required to register under this Act.

10 (2) Except as provided in paragraph (3) of this
11 subsection (c), any person convicted on or after the
12 effective date of this Act shall register in person within
13 5 days after the entry of the sentencing order based upon
14 his or her conviction.

15 (3) Any person unable to comply with the registration
16 requirements of this Act because he or she is confined,
17 institutionalized, or imprisoned in Illinois on or after
18 the effective date of this Act shall register in person
19 within 5 days of discharge, parole, or release.

20 (4) The person shall provide positive identification
21 and documentation that substantiates proof of residence at
22 the registering address.

23 (5) The person shall pay a \$20 initial registration fee
24 and a \$10 annual renewal fee. The fees shall be deposited
25 into the Violent Offender Registration Fund. The law
26 enforcement agency having jurisdiction may waive the

1 registration fee if it determines that the person is
2 indigent and unable to pay the registration fee.

3 (d) Within 5 days after obtaining or changing employment, a
4 person required to register under this Section must report, in
5 person to the law enforcement agency having jurisdiction, the
6 business name and address where he or she is employed. If the
7 person has multiple businesses or work locations, every
8 business and work location must be reported to the law
9 enforcement agency having jurisdiction.

10 Section 1-15. Discharge of violent offender from
11 Department of Corrections facility or other penal institution.
12 Any violent offender who is discharged, paroled, or released
13 from a Department of Corrections facility, a facility where
14 such person was placed by the Department of Corrections or
15 another penal institution, and whose liability for
16 registration has not terminated under Section 1-40 shall, prior
17 to discharge, parole, or release from the facility or
18 institution, be informed of his or her duty to register in
19 person within 5 days of release by the facility or institution
20 in which he or she was confined. The facility or institution
21 shall also inform any person who must register that if he or
22 she establishes a residence outside of the State of Illinois,
23 is employed outside of the State of Illinois, or attends school
24 outside of the State of Illinois, he or she must register in
25 the new state within 5 days after establishing the residence,

1 beginning employment, or beginning school.

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

24 Section 1-20. Release of violent offender; duties of the
25 Court. Any violent offender who is released on probation or

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

1 Section 1-25. Discharge of violent offender from a hospital
2 or other treatment facility. Any violent offender who is
3 discharged or released from a hospital or other treatment
4 facility where he or she was confined shall be informed by the
5 hospital or treatment facility in which he or she was confined,
6 prior to discharge or release from the hospital or treatment
7 facility, of his or her duty to register under this Act.

8 The facility shall require the person to read and sign such
9 form as may be required by the Department of State Police
10 stating that the duty to register and the procedure for
11 registration have been explained to him or her and that he or
12 she understands the duty to register and the procedure for
13 registration. The facility shall give one copy of the form to
14 the person, retain one copy for its records, and forward the
15 original to the Department of State Police. The facility shall
16 obtain information about where the person expects to reside,
17 work, and attend school upon his or her discharge, parole, or
18 release and shall report the information to the Department of
19 State Police within 3 days. The facility or institution shall
20 also inform any person who must register that if he or she
21 establishes a residence outside of the State of Illinois, is
22 employed outside of the State of Illinois, or attends school
23 outside of the State of Illinois, he or she must register in
24 the new state within 5 days after establishing the residence,
25 beginning school, or beginning employment. The Department of

1 State Police shall notify the law enforcement agencies having
2 jurisdiction where the person expects to reside, work, and
3 attend school upon his or her release.

4 Section 1-30. Duty to report; change of address, school, or
5 employment; duty to inform. Any violent offender who is
6 required to register under this Act shall report in person to
7 the appropriate law enforcement agency with whom he or she last
8 registered within one year from the date of last registration
9 and every year thereafter and at such other times at the
10 request of the law enforcement agency not to exceed 4 times a
11 year. If any person required to register under this Act lacks a
12 fixed residence or temporary domicile, he or she must notify,
13 in person, the agency of jurisdiction of his or her last known
14 address within 5 days after ceasing to have a fixed residence
15 and if the offender leaves the last jurisdiction of residence,
16 he or she must, within 48 hours after leaving, register in
17 person with the new agency of jurisdiction. If any other person
18 required to register under this Act changes his or her
19 residence address, place of employment, or school, he or she
20 shall report in person to the law enforcement agency with whom
21 he or she last registered of his or her new address, change in
22 employment, or school and register, in person, with the
23 appropriate law enforcement agency within the time period
24 specified in Section 1-10. The law enforcement agency shall,
25 within 3 days of the reporting in person by the person required

1 to register under this Act, notify the Department of State
2 Police of the new place of residence, change in employment, or
3 school.

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

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

1 Section 1-40. Duration of registration. Any person who is
2 required to register under this Act shall be required to
3 register for a period of 10 years after conviction or
4 adjudication if not confined to a penal institution, hospital,
5 or any other institution or facility, and if confined, for a
6 period of 10 years after parole, discharge, or release from any
7 such facility. A violent offender who is allowed to leave a
8 county, State, or federal facility for the purposes of work
9 release, education, or overnight visitations shall be required
10 to register within 5 days of beginning such a program.
11 Liability for registration terminates at the expiration of 10
12 years from the date of conviction or adjudication if not
13 confined to a penal institution, hospital or any other
14 institution or facility and if confined, at the expiration of
15 10 years from the date of parole, discharge, or release from
16 any such facility, providing such person does not, during that
17 period, again become liable to register under the provisions of
18 this Act. Reconfinement due to a violation of parole or other
19 circumstances that relates to the original conviction or
20 adjudication shall extend the period of registration to 10
21 years after final parole, discharge, or release. The Director
22 of State Police, consistent with administrative rules, shall
23 extend for 10 years the registration period of any violent
24 offender who fails to comply with the provisions of this Act.
25 The registration period for any violent offender who fails to
26 comply with any provision of the Act shall extend the period of

1 registration by 10 years beginning from the first date of
2 registration after the violation. If the registration period is
3 extended, the Department of State Police shall send a
4 registered letter to the law enforcement agency where the
5 violent offender resides within 3 days after the extension of
6 the registration period. The violent offender shall report to
7 that law enforcement agency and sign for that letter. One copy
8 of that letter shall be kept on file with the law enforcement
9 agency of the jurisdiction where the violent offender resides
10 and one copy shall be returned to the Department of State
11 Police.

12 Section 1-45. Registration requirements. Registration as
13 required by this Act shall consist of a statement in writing
14 signed by the person giving the information that is required by
15 the Department of State Police, which may include the
16 fingerprints and must include a current photograph of the
17 person, to be updated annually. The registration information
18 must include whether the person is a violent offender. Within 3
19 days, the registering law enforcement agency shall forward any
20 required information to the Department of State Police. The
21 registering law enforcement agency shall enter the information
22 into the Law Enforcement Agencies Data System (LEADS) as
23 provided in Sections 6 and 7 of the Intergovernmental Missing
24 Child Recovery Act of 1984.

1 Section 1-50. Verification requirements.

2 (a) The agency having jurisdiction shall verify the address
3 of violent offenders required to register with their agency at
4 least once per year. The verification must be documented in
5 LEADS in the form and manner required by the Department of
6 State Police.

7 (b) The supervising officer shall, within 15 days of
8 sentencing to probation or release from an Illinois Department
9 of Corrections facility, contact the law enforcement agency in
10 the jurisdiction which the violent offender designated as his
11 or her intended residence and verify compliance with the
12 requirements of this Act. Revocation proceedings shall be
13 immediately commenced against a violent offender on probation,
14 parole, or mandatory supervised release who fails to comply
15 with the requirements of this Act.

16 Section 1-55. Public inspection of registration data.
17 Except as provided in the Violent Offender Community
18 Notification Law, the statements or any other information
19 required by this Act shall not be open to inspection by the
20 public, or by any person other than by a law enforcement
21 officer or other individual as may be authorized by law and
22 shall include law enforcement agencies of this State, any other
23 state, or of the federal government. Similar information may be
24 requested from any law enforcement agency of another state or
25 of the federal government for purposes of this Act. It is a

1 Class B misdemeanor to permit the unauthorized release of any
2 information required by this Act.

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

24 Section 1-65. Violent Offender Registration Fund. There is

1 created the Violent Offender Registration Fund. Moneys in the
2 Fund shall be used to cover costs incurred by the criminal
3 justice system to administer this Act. The Department of State
4 Police shall establish and promulgate rules and procedures
5 regarding the administration of this Fund. Fifty percent of the
6 moneys in the Fund shall be allocated by the Department for
7 sheriffs' offices and police departments. The remaining moneys
8 in the Fund shall be allocated to the Illinois State Police for
9 education and administration of this Act.

10 Section 1-70. Access to State of Illinois databases. The
11 Department of State Police shall have access to State of
12 Illinois databases containing information that may help in the
13 identification or location of persons required to register
14 under this Act. Interagency agreements shall be implemented,
15 consistent with security and procedures established by the
16 State agency and consistent with the laws governing the
17 confidentiality of the information in the databases.
18 Information shall be used only for administration of this Act.

19

ARTICLE 5

20 Section 5-1. Short title. This Article 5 may be cited as
21 the Violent Offender Community Notification Law, and
22 references in this Article to "this Act" mean this Article.

1 Section 5-5. Statewide Violent Offender Database.

2 (a) The Department of State Police shall establish and
3 maintain a Statewide Violent Offender Database for the purpose
4 of identifying violent offenders and making that information
5 available to the persons specified in Section 5-15. The
6 Database shall be created from the Law Enforcement Agencies
7 Data System (LEADS) established under Section 6 of the
8 Intergovernmental Missing Child Recovery Act of 1984. The
9 Department of State Police shall examine its LEADS database for
10 persons registered as violent offenders under this Act and
11 shall identify those who are violent offenders and shall add
12 all the information, including photographs if available, on
13 those violent offenders to the Statewide Violent Offender
14 Database.

15 (b) The Department of State Police must make the
16 information contained in the Statewide Violent Offender
17 Database accessible on the Internet by means of a hyperlink
18 labeled "Violent Offender Information" on the Department's
19 World Wide Web home page. The Department of State Police must
20 update that information as it deems necessary.

21 The Department of State Police may require that a person
22 who seeks access to the violent offender information submit
23 biographical information about himself or herself before
24 permitting access to the violent offender information. The
25 Department of State Police must promulgate rules in accordance
26 with the Illinois Administrative Procedure Act to implement

1 this subsection (b) and those rules must include procedures to
2 ensure that the information in the database is accurate.

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

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

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

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

13 (a) The Department of State Police and any law enforcement
14 agency may disclose, in the Department's or agency's
15 discretion, the following information to any person likely to
16 encounter a violent offender:

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

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

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

21 (4) Offender employment information, to protect public
22 safety.

23 (b) The name, address, date of birth, and offense or
24 adjudication for violent offenders required to register under

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

1 on television. The law enforcement agency may make available
2 the information on all violent offenders residing within any
3 county.

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

8 Section 5-20. Notification regarding juvenile offenders.

9 (a) The Department of State Police and any law enforcement
10 agency having jurisdiction may, in the Department's or agency's
11 discretion, only provide the information specified in
12 subsection (a) of Section 5-15, with respect to an adjudicated
13 juvenile delinquent, to any person when that person's safety
14 may be compromised for some reason related to the juvenile
15 violent offender.

16 (b) The local law enforcement agency having jurisdiction to
17 register the juvenile violent offender shall ascertain from the
18 juvenile violent offender whether the juvenile violent
19 offender is enrolled in school; and if so, shall provide a copy
20 of the Violent Offender Registration form only to the principal
21 or chief administrative officer of the school and any guidance
22 counselor designated by him or her. The registration form shall
23 be kept separately from any and all school records maintained
24 on behalf of the juvenile violent offender.

1

ARTICLE 105

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

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

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

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

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

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

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

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(4) Cooperate with the police of cities, villages, and incorporated towns and with the police officers of any county in enforcing the laws of the State and in making arrests and recovering property.

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

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

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

13 (8) Exercise the powers and perform the duties that
14 have been vested in the Department by the Sex Offender
15 Registration Act and the Sex Offender Community
16 Notification Law; and promulgate reasonable rules and
17 regulations necessitated thereby.

18 (8.5) Exercise the powers and perform the duties that
19 have been vested in the Department by the Violent Offender
20 Registration Law and the Violent Offender Community
21 Notification Law; and promulgate reasonable rules and
22 regulations necessitated thereby.

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

26 (b) There is hereby established in the Division of

1 Operations the Office of Coordination of Gang Prevention,
2 hereafter referred to as the Office.

3 The Office shall consult with units of local government and
4 school districts to assist them in gang control activities and
5 to administer a system of grants to units of local government
6 and school districts that, upon application, have demonstrated
7 a workable plan to reduce gang activity in their area. The
8 grants shall not include reimbursement for personnel, nor shall
9 they exceed 75% of the total request by any applicant. The
10 grants may be calculated on a proportional basis, determined by
11 funds available to the Department for this purpose. The
12 Department has the authority to promulgate appropriate rules
13 and regulations to administer this program.

14 The Office shall establish mobile units of trained
15 personnel to respond to gang activities.

16 The Office shall also consult with and use the services of
17 religious leaders and other celebrities to assist in gang
18 control activities.

19 The Office may sponsor seminars, conferences, or any other
20 educational activity to assist communities in their gang crime
21 control activities.

22 (Source: P.A. 94-945, eff. 6-27-06.)

23 Section 105-10. The State Finance Act is amended by adding
24 Section 5.675 as follows:

1 (30 ILCS 105/5.675 new)

2 Sec. 5.675. The Violent Offender Registration Fund.

3 Section 105-15. The Intergovernmental Missing Child
4 Recovery Act of 1984 is amended by changing Section 6 as
5 follows:

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

7 Sec. 6. The Department shall:

8 (a) Establish and maintain a statewide Law Enforcement
9 Agencies Data System (LEADS) for the purpose of effecting an
10 immediate law enforcement response to reports of missing
11 children. The Department shall implement an automated data
12 exchange system to compile, to maintain and to make available
13 for dissemination to Illinois and out-of-State law enforcement
14 agencies, data which can assist appropriate agencies in
15 recovering missing children.

16 (b) Establish contacts and exchange information regarding
17 lost, missing or runaway children with nationally recognized
18 "missing person and runaway" service organizations and monitor
19 national research and publicize important developments.

20 (c) Provide a uniform reporting format for the entry of
21 pertinent information regarding reports of missing children
22 into LEADS.

23 (d) Develop and implement a policy whereby a statewide or
24 regional alert would be used in situations relating to the

1 disappearances of children, based on criteria and in a format
2 established by the Department. Such a format shall include, but
3 not be limited to, the age and physical description of the
4 missing child and the suspected circumstances of the
5 disappearance.

6 (e) Notify all law enforcement agencies that reports of
7 missing persons shall be entered as soon as the minimum level
8 of data specified by the Department is available to the
9 reporting agency and that no waiting period for entry of such
10 data exists.

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

14 (g) Compile and retain information regarding missing
15 children in a separate data file, in a manner that allows such
16 information to be used by law enforcement and other agencies
17 deemed appropriate by the Director, for investigative
18 purposes. Such files shall be updated to reflect and include
19 information relating to the disposition of the case.

20 (h) Compile and maintain an historic data repository
21 relating to missing children in order (1) to develop and
22 improve techniques utilized by law enforcement agencies when
23 responding to reports of missing children and (2) to provide a
24 factual and statistical base for research that would address
25 the problem of missing children.

26 (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

1 agencies, or law enforcement agencies of this or any other
2 state or of the federal government.

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

11 (l) Provide for the entry into LEADS of the names and
12 addresses of violent offenders against youth as defined in the
13 Child Murderer and Violent Offender Against Youth Registration
14 Act who are required to register under that Act. The
15 information shall be immediately accessible to law enforcement
16 agencies and peace officers of this State or any other state or
17 of the federal government. Similar information may be requested
18 from any other state or of the federal government for purposes
19 of this Act.

20 (m) Provide for the entry into LEADS of the names and
21 addresses of violent offenders as defined in the Violent
22 Offender Registration Law who are required to register under
23 that Act. The information shall be immediately accessible to
24 law enforcement agencies and peace officers of this State or
25 any other state or of the federal government. Similar
26 information may be requested from any other state or of the

1 federal government for purposes of this Act.

2 (Source: P.A. 94-945, eff. 6-27-06.)