

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 Section 5. The Sex Offender Registration Act is amended by
5 changing Sections 2 and 3 and by adding Section 3-5 as follows:

6 (730 ILCS 150/2) (from Ch. 38, par. 222)

7 Sec. 2. Definitions.

8 (A) As used in this Article, "sex offender" means any
9 person who is:

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

15 (a) is convicted of such offense or an attempt to
16 commit such offense; or

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

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

23 (d) is the subject of a finding not resulting in an

1 acquittal at a hearing conducted pursuant to Section
2 104-25(a) of the Code of Criminal Procedure of 1963 for
3 the alleged commission or attempted commission of such
4 offense; or

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

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

19 (2) certified as a sexually dangerous person pursuant
20 to the Illinois Sexually Dangerous Persons Act, or any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law; or

23 (3) subject to the provisions of Section 2 of the
24 Interstate Agreements on Sexually Dangerous Persons Act;
25 or

26 (4) found to be a sexually violent person pursuant to

1 the Sexually Violent Persons Commitment Act or any
2 substantially similar federal, Uniform Code of Military
3 Justice, sister state, or foreign country law; or

4 (5) adjudicated a juvenile delinquent as the result of
5 committing or attempting to commit an act which, if
6 committed by an adult, would constitute any of the offenses
7 specified in item (B), (C), or (C-5) of this Section or a
8 violation of any substantially similar federal, Uniform
9 Code of Military Justice, sister state, or foreign country
10 law, or found guilty under Article V of the Juvenile Court
11 Act of 1987 of committing or attempting to commit an act
12 which, if committed by an adult, would constitute any of
13 the offenses specified in item (B), (C), or (C-5) of this
14 Section or a violation of any substantially similar
15 federal, Uniform Code of Military Justice, sister state, or
16 foreign country law.

17 Convictions that result from or are connected with the same
18 act, or result from offenses committed at the same time, shall
19 be counted for the purpose of this Article as one conviction.
20 Any conviction set aside pursuant to law is not a conviction
21 for purposes of this Article.

22 For purposes of this Section, "convicted" shall have the
23 same meaning as "adjudicated". ~~For the purposes of this~~
24 ~~Article, a person who is defined as a sex offender as a result~~
25 ~~of being adjudicated a juvenile delinquent under paragraph (5)~~
26 ~~of this subsection (A) upon attaining 17 years of age shall be~~

1 ~~considered as having committed the sex offense on or after the~~
2 ~~sex offender's 17th birthday. Registration of juveniles upon~~
3 ~~attaining 17 years of age shall not extend the original~~
4 ~~registration of 10 years from the date of conviction.~~

5 (B) As used in this Article, "sex offense" means:

6 (1) A violation of any of the following Sections of the
7 Criminal Code of 1961:

8 11-20.1 (child pornography),

9 11-6 (indecent solicitation of a child),

10 11-9.1 (sexual exploitation of a child),

11 11-9.2 (custodial sexual misconduct),

12 11-9.5 (sexual misconduct with a person with a
13 disability),

14 11-15.1 (soliciting for a juvenile prostitute),

15 11-18.1 (patronizing a juvenile prostitute),

16 11-17.1 (keeping a place of juvenile
17 prostitution),

18 11-19.1 (juvenile pimping),

19 11-19.2 (exploitation of a child),

20 12-13 (criminal sexual assault),

21 12-14 (aggravated criminal sexual assault),

22 12-14.1 (predatory criminal sexual assault of a
23 child),

24 12-15 (criminal sexual abuse),

25 12-16 (aggravated criminal sexual abuse),

26 12-33 (ritualized abuse of a child).

1 An attempt to commit any of these offenses.

2 (1.5) A violation of any of the following Sections of
3 the Criminal Code of 1961, when the victim is a person
4 under 18 years of age, the defendant is not a parent of the
5 victim, the offense was sexually motivated as defined in
6 Section 10 of the Sex Offender Management Board Act, and
7 the offense was committed on or after January 1, 1996:

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 (1.6) First degree murder under Section 9-1 of the
13 Criminal Code of 1961, when the victim was a person under
14 18 years of age and the defendant was at least 17 years of
15 age at the time of the commission of the offense, provided
16 the offense was sexually motivated as defined in Section 10
17 of the Sex Offender Management Board Act.

18 (1.7) (Blank).

19 (1.8) A violation or attempted violation of Section
20 11-11 (sexual relations within families) of the Criminal
21 Code of 1961, and the offense was committed on or after
22 June 1, 1997.

23 (1.9) Child abduction under paragraph (10) of
24 subsection (b) of Section 10-5 of the Criminal Code of 1961
25 committed by luring or attempting to lure a child under the
26 age of 16 into a motor vehicle, building, house trailer, or

1 dwelling place without the consent of the parent or lawful
2 custodian of the child for other than a lawful purpose and
3 the offense was committed on or after January 1, 1998,
4 provided the offense was sexually motivated as defined in
5 Section 10 of the Sex Offender Management Board Act.

6 (1.10) A violation or attempted violation of any of the
7 following Sections of the Criminal Code of 1961 when the
8 offense was committed on or after July 1, 1999:

9 10-4 (forcible detention, if the victim is under 18
10 years of age), provided the offense was sexually
11 motivated as defined in Section 10 of the Sex Offender
12 Management Board Act,

13 11-6.5 (indecent solicitation of an adult),

14 11-15 (soliciting for a prostitute, if the victim
15 is under 18 years of age),

16 11-16 (pandering, if the victim is under 18 years
17 of age),

18 11-18 (patronizing a prostitute, if the victim is
19 under 18 years of age),

20 11-19 (pimping, if the victim is under 18 years of
21 age).

22 (1.11) A violation or attempted violation of any of the
23 following Sections of the Criminal Code of 1961 when the
24 offense was committed on or after August 22, 2002:

25 11-9 (public indecency for a third or subsequent
26 conviction).

1 (1.12) A violation or attempted violation of Section
2 5.1 of the Wrongs to Children Act (permitting sexual abuse)
3 when the offense was committed on or after August 22, 2002.

4 (2) A violation of any former law of this State
5 substantially equivalent to any offense listed in
6 subsection (B) of this Section.

7 (C) A conviction for an offense of federal law, Uniform
8 Code of Military Justice, or the law of another state or a
9 foreign country that is substantially equivalent to any offense
10 listed in subsections (B), (C), and (E) of this Section shall
11 constitute a conviction for the purpose of this Article. A
12 finding or adjudication as a sexually dangerous person or a
13 sexually violent person under any federal law, Uniform Code of
14 Military Justice, or the law of another state or foreign
15 country that is substantially equivalent to the Sexually
16 Dangerous Persons Act or the Sexually Violent Persons
17 Commitment Act shall constitute an adjudication for the
18 purposes of this Article.

19 (C-5) A person at least 17 years of age at the time of the
20 commission of the offense who is convicted of first degree
21 murder under Section 9-1 of the Criminal Code of 1961, against
22 a person under 18 years of age, shall be required to register
23 for natural life. A conviction for an offense of federal,
24 Uniform Code of Military Justice, sister state, or foreign
25 country law that is substantially equivalent to any offense
26 listed in subsection (C-5) of this Section shall constitute a

1 conviction for the purpose of this Article. This subsection
2 (C-5) applies to a person who committed the offense before June
3 1, 1996 only if the person is incarcerated in an Illinois
4 Department of Corrections facility on August 20, 2004 (the
5 effective date of Public Act 93-977).

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

18 (D-1) As used in this Article, "supervising officer" means
19 the assigned Illinois Department of Corrections parole agent or
20 county probation officer.

21 (E) As used in this Article, "sexual predator" means any
22 person who, after July 1, 1999, is:

23 (1) Convicted for an offense of federal, Uniform Code
24 of Military Justice, sister state, or foreign country law
25 that is substantially equivalent to any offense listed in
26 subsection (E) of this Section shall constitute a

1 conviction for the purpose of this Article. Convicted of a
2 violation or attempted violation of any of the following
3 Sections of the Criminal Code of 1961, if the conviction
4 occurred after July 1, 1999:

5 11-17.1 (keeping a place of juvenile
6 prostitution),

7 11-19.1 (juvenile pimping),

8 11-19.2 (exploitation of a child),

9 11-20.1 (child pornography),

10 12-13 (criminal sexual assault),

11 12-14 (aggravated criminal sexual assault),

12 12-14.1 (predatory criminal sexual assault of a
13 child),

14 12-16 (aggravated criminal sexual abuse),

15 12-33 (ritualized abuse of a child); or

16 (2) (blank); or

17 (3) certified as a sexually dangerous person pursuant
18 to the Sexually Dangerous Persons Act or any substantially
19 similar federal, Uniform Code of Military Justice, sister
20 state, or foreign country law; or

21 (4) found to be a sexually violent person pursuant to
22 the Sexually Violent Persons Commitment Act or any
23 substantially similar federal, Uniform Code of Military
24 Justice, sister state, or foreign country law; or

25 (5) convicted of a second or subsequent offense which
26 requires registration pursuant to this Act. The conviction

1 for the second or subsequent offense must have occurred
2 after July 1, 1999. For purposes of this paragraph (5),
3 "convicted" shall include a conviction under any
4 substantially similar Illinois, federal, Uniform Code of
5 Military Justice, sister state, or foreign country law.

6 (F) As used in this Article, "out-of-state student" means
7 any sex offender, as defined in this Section, or sexual
8 predator who is enrolled in Illinois, on a full-time or
9 part-time basis, in any public or private educational
10 institution, including, but not limited to, any secondary
11 school, trade or professional institution, or institution of
12 higher learning.

13 (G) As used in this Article, "out-of-state employee" means
14 any sex offender, as defined in this Section, or sexual
15 predator who works in Illinois, regardless of whether the
16 individual receives payment for services performed, for a
17 period of time of 10 or more days or for an aggregate period of
18 time of 30 or more days during any calendar year. Persons who
19 operate motor vehicles in the State accrue one day of
20 employment time for any portion of a day spent in Illinois.

21 (H) As used in this Article, "school" means any public or
22 private educational institution, including, but not limited
23 to, any elementary or secondary school, trade or professional
24 institution, or institution of higher education.

25 (I) As used in this Article, "fixed residence" means any
26 and all places that a sex offender resides for an aggregate

1 period of time of 5 or more days in a calendar year.

2 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
3 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06;
4 94-1053, eff. 7-24-06; revised 8-3-06.)

5 (730 ILCS 150/3) (from Ch. 38, par. 223)

6 Sec. 3. Duty to register.

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

1 ~~of age.~~ The sex offender or sexual predator shall register:

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

7 (2) with the sheriff in the county in which he or she
8 resides or is temporarily domiciled for a period of time of
9 5 or more days in an unincorporated area or, if
10 incorporated, no police chief exists.

11 If the sex offender or sexual predator is employed at or
12 attends an institution of higher education, he or she shall
13 register:

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

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

23 For purposes of this Article, the place of residence or
24 temporary domicile is defined as any and all places where the
25 sex offender resides for an aggregate period of time of 5 or
26 more days during any calendar year. Any person required to

1 register under this Article who lacks a fixed address or
2 temporary domicile must notify, in person, the agency of
3 jurisdiction of his or her last known address within 5 days
4 after ceasing to have a fixed residence.

5 Any person who lacks a fixed residence must report weekly,
6 in person, with the sheriff's office of the county in which he
7 or she is located in an unincorporated area, or with the chief
8 of police in the municipality in which he or she is located.
9 The agency of jurisdiction will document each weekly
10 registration to include all the locations where the person has
11 stayed during the past 7 days.

12 The sex offender or sexual predator shall provide accurate
13 information as required by the Department of State Police. That
14 information shall include the sex offender's or sexual
15 predator's current place of employment.

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

23 (1) with the chief of police in the municipality in
24 which he or she attends school or is employed for a period
25 of time of 5 or more days or for an aggregate period of
26 time of more than 30 days during any calendar year, unless

1 the municipality is the City of Chicago, in which case he
2 or she shall register at the Chicago Police Department
3 Headquarters; or

4 (2) with the sheriff in the county in which he or she
5 attends school or is employed for a period of time of 5 or
6 more days or for an aggregate period of time of more than
7 30 days during any calendar year in an unincorporated area
8 or, if incorporated, no police chief exists.

9 The out-of-state student or out-of-state employee shall
10 provide accurate information as required by the Department of
11 State Police. That information shall include the out-of-state
12 student's current place of school attendance or the
13 out-of-state employee's current place of employment.

14 (b) Any sex offender, as defined in Section 2 of this Act,
15 or sexual predator, regardless of any initial, prior, or other
16 registration, shall, within 5 days of beginning school, or
17 establishing a residence, place of employment, or temporary
18 domicile in any county, register in person as set forth in
19 subsection (a) or (a-5).

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

22 (1) Any person registered under the Habitual Child Sex
23 Offender Registration Act or the Child Sex Offender
24 Registration Act prior to January 1, 1996, shall be deemed
25 initially registered as of January 1, 1996; however, this
26 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

1 and documentation that substantiates proof of residence at
2 the registering address.

3 (6) The person shall pay a \$20 initial registration fee
4 and a \$10 annual renewal fee. The fees shall be used by the
5 registering agency for official purposes. The agency shall
6 establish procedures to document receipt and use of the
7 funds. The law enforcement agency having jurisdiction may
8 waive the registration fee if it determines that the person
9 is indigent and unable to pay the registration fee. Ten
10 dollars for the initial registration fee and \$5 of the
11 annual renewal fee shall be used by the registering agency
12 for official purposes. Ten dollars of the initial
13 registration fee and \$5 of the annual fee shall be
14 deposited into the Sex Offender Management Board Fund under
15 Section 19 of the Sex Offender Management Board Act. Money
16 deposited into the Sex Offender Management Board Fund shall
17 be administered by the Sex Offender Management Board and
18 shall be used to fund practices endorsed or required by the
19 Sex Offender Management Board Act including but not limited
20 to sex offenders evaluation, treatment, or monitoring
21 programs that are or may be developed, as well as for
22 administrative costs, including staff, incurred by the
23 Board.

24 (d) Within 5 days after obtaining or changing employment
25 and, if employed on January 1, 2000, within 5 days after that
26 date, a person required to register under this Section must

1 report, in person to the law enforcement agency having
2 jurisdiction, the business name and address where he or she is
3 employed. If the person has multiple businesses or work
4 locations, every business and work location must be reported to
5 the law enforcement agency having jurisdiction.

6 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;
7 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

8 (730 ILCS 150/3-5 new)

9 Sec. 3-5. Application of Act to adjudicated juvenile
10 delinquents.

11 (a) In all cases involving an adjudicated juvenile
12 delinquent who meets the definition of sex offender as set
13 forth in paragraph (5) of subsection (A) of Section 2 of this
14 Act, the court shall order the minor to register as a sex
15 offender.

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) For a minor adjudicated delinquent for an offense
22 which, if charged as an adult, would be a felony, no less than
23 5 years after registration ordered pursuant to subsection (a)
24 of this Section, the minor may petition for the termination of
25 the term of registration. For a minor adjudicated delinquent

1 for an offense which, if charged as an adult, would be a
2 misdemeanor, no less than 2 years after registration ordered
3 pursuant to subsection (a) of this Section, the minor may
4 petition for termination of the term of registration.

5 (d) The court may upon a hearing on the petition for
6 termination of registration, terminate registration if the
7 court finds that the registrant poses no risk to the community
8 by a preponderance of the evidence based upon the factors set
9 forth in subsection (e).

10 (e) To determine whether a registrant poses a risk to the
11 community as required by subsection (d), the court shall
12 consider the following factors:

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

15 (2) the sex offender history of the adjudicated
16 juvenile delinquent;

17 (3) evidence of the adjudicated juvenile delinquent's
18 rehabilitation;

19 (4) the age of the adjudicated juvenile delinquent at
20 the time of the offense;

21 (5) information related to the adjudicated juvenile
22 delinquent's mental, physical, educational, and social
23 history;

24 (6) victim impact statements; and

25 (7) any other factors deemed relevant by the court.

26 (f) At the hearing set forth in subsections (c) and (d), a

1 registrant shall be represented by counsel and may present a
2 risk assessment conducted by an evaluator who is a licensed
3 psychiatrist, psychologist, or other mental health
4 professional, and who has demonstrated clinical experience in
5 juvenile sex offender treatment.

6 (g) After a registrant completes the term of his or her
7 registration, his or her name, address, and all other
8 identifying information shall be removed from all State and
9 local registries.

10 (h) 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 95th General Assembly. On or after the
14 effective date of this amendatory Act of the 95th General
15 Assembly, a person adjudicated delinquent before the effective
16 date of this amendatory Act of the 95th General Assembly may
17 request a hearing regarding status of registration by filing a
18 Petition Requesting Registration Status with the clerk of the
19 court. Upon receipt of the Petition Requesting Registration
20 Status, the clerk of the court shall provide notice to the
21 parties and set the Petition for hearing pursuant to
22 subsections (c) through (e) of this Section.

23 (i) This Section does not apply to minors prosecuted under
24 the criminal laws as adults.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.