



Sen. Kwame Raoul

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LRB095 05377 RLC 34367 a

1 AMENDMENT TO SENATE BILL 121

2 AMENDMENT NO. _____. Amend Senate Bill 121 by replacing
3 everything after the enacting clause with the following:

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

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

3 (c) is found not guilty by reason of insanity
4 pursuant to Section 104-25(c) of the Code of Criminal
5 Procedure of 1963 of such offense or an attempt to
6 commit such offense; or

7 (d) is the subject of a finding not resulting in an
8 acquittal at a hearing conducted pursuant to Section
9 104-25(a) of the Code of Criminal Procedure of 1963 for
10 the alleged commission or attempted commission of such
11 offense; or

12 (e) is found not guilty by reason of insanity
13 following 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(c) of the Code of Criminal Procedure of 1963 of
17 such offense or of the attempted commission of such
18 offense; or

19 (f) is the subject of a finding not resulting in an
20 acquittal at a hearing conducted pursuant to a federal,
21 Uniform Code of Military Justice, sister state, or
22 foreign country law substantially similar to Section
23 104-25(a) of the Code of Criminal Procedure of 1963 for
24 the alleged violation or attempted commission of such
25 offense; or

26 (2) certified as a sexually dangerous person pursuant

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

4 (3) subject to the provisions of Section 2 of the
5 Interstate Agreements on Sexually Dangerous Persons Act;
6 or

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

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

24 Convictions that result from or are connected with the same
25 act, or result from offenses committed at the same time, shall
26 be counted for the purpose of this Article as one conviction.

1 Any conviction set aside pursuant to law is not a conviction
2 for purposes of this Article.

3 For purposes of this Section, "convicted" shall have the
4 same meaning as "adjudicated". ~~For the purposes of this~~
5 ~~Article, a person who is defined as a sex offender as a result~~
6 ~~of being adjudicated a juvenile delinquent under paragraph (5)~~
7 ~~of this subsection (A) upon attaining 17 years of age shall be~~
8 ~~considered as having committed the sex offense on or after the~~
9 ~~sex offender's 17th birthday. Registration of juveniles upon~~
10 ~~attaining 17 years of age shall not extend the original~~
11 ~~registration of 10 years from the date of conviction.~~

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

13 (1) A violation of any of the following Sections of the
14 Criminal Code of 1961:

15 11-20.1 (child pornography),
16 11-6 (indecent solicitation of a child),
17 11-9.1 (sexual exploitation of a child),
18 11-9.2 (custodial sexual misconduct),
19 11-9.5 (sexual misconduct with a person with a
20 disability),
21 11-15.1 (soliciting for a juvenile prostitute),
22 11-18.1 (patronizing a juvenile prostitute),
23 11-17.1 (keeping a place of juvenile
24 prostitution),
25 11-19.1 (juvenile pimping),
26 11-19.2 (exploitation of a child),

1 12-13 (criminal sexual assault),
2 12-14 (aggravated criminal sexual assault),
3 12-14.1 (predatory criminal sexual assault of a
4 child),
5 12-15 (criminal sexual abuse),
6 12-16 (aggravated criminal sexual abuse),
7 12-33 (ritualized abuse of a child).

8 An attempt to commit any of these offenses.

9 (1.5) A violation of any of the following Sections of
10 the Criminal Code of 1961, when the victim is a person
11 under 18 years of age, the defendant is not a parent of the
12 victim, the offense was sexually motivated as defined in
13 Section 10 of the Sex Offender Management Board Act, and
14 the offense was committed on or after January 1, 1996:

15 10-1 (kidnapping),
16 10-2 (aggravated kidnapping),
17 10-3 (unlawful restraint),
18 10-3.1 (aggravated unlawful restraint).

19 (1.6) First degree murder under Section 9-1 of the
20 Criminal Code of 1961, when the victim was a person under
21 18 years of age and the defendant was at least 17 years of
22 age at the time of the commission of the offense, provided
23 the offense was sexually motivated as defined in Section 10
24 of the Sex Offender Management Board Act.

25 (1.7) (Blank).

26 (1.8) A violation or attempted violation of Section

1 11-11 (sexual relations within families) of the Criminal
2 Code of 1961, and the offense was committed on or after
3 June 1, 1997.

4 (1.9) Child abduction under paragraph (10) of
5 subsection (b) of Section 10-5 of the Criminal Code of 1961
6 committed by luring or attempting to lure a child under the
7 age of 16 into a motor vehicle, building, house trailer, or
8 dwelling place without the consent of the parent or lawful
9 custodian of the child for other than a lawful purpose and
10 the offense was committed on or after January 1, 1998,
11 provided the offense was sexually motivated as defined in
12 Section 10 of the Sex Offender Management Board Act.

13 (1.10) A violation or attempted violation of any of the
14 following Sections of the Criminal Code of 1961 when the
15 offense was committed on or after July 1, 1999:

16 10-4 (forcible detention, if the victim is under 18
17 years of age), provided the offense was sexually
18 motivated as defined in Section 10 of the Sex Offender
19 Management Board Act,

20 11-6.5 (indecent solicitation of an adult),

21 11-15 (soliciting for a prostitute, if the victim
22 is under 18 years of age),

23 11-16 (pandering, if the victim is under 18 years
24 of age),

25 11-18 (patronizing a prostitute, if the victim is
26 under 18 years of age),

1 11-19 (pimping, if the victim is under 18 years of
2 age).

3 (1.11) A violation or attempted violation of any of the
4 following Sections of the Criminal Code of 1961 when the
5 offense was committed on or after August 22, 2002:

6 11-9 (public indecency for a third or subsequent
7 conviction).

8 (1.12) A violation or attempted violation of Section
9 5.1 of the Wrongs to Children Act (permitting sexual abuse)
10 when the offense was committed on or after August 22, 2002.

11 (2) A violation of any former law of this State
12 substantially equivalent to any offense listed in
13 subsection (B) of this Section.

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

26 (C-5) A person at least 17 years of age at the time of the

1 commission of the offense who is convicted of first degree
2 murder under Section 9-1 of the Criminal Code of 1961, against
3 a person under 18 years of age, shall be required to register
4 for natural life. A conviction for an offense of federal,
5 Uniform Code of Military Justice, sister state, or foreign
6 country law that is substantially equivalent to any offense
7 listed in subsection (C-5) of this Section shall constitute a
8 conviction for the purpose of this Article. This subsection
9 (C-5) applies to a person who committed the offense before June
10 1, 1996 only if the person is incarcerated in an Illinois
11 Department of Corrections facility on August 20, 2004 (the
12 effective date of Public Act 93-977).

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

25 (D-1) As used in this Article, "supervising officer" means
26 the assigned Illinois Department of Corrections parole agent or

1 county probation officer.

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

4 (1) Convicted for an offense of federal, Uniform Code
5 of Military Justice, sister state, or foreign country law
6 that is substantially equivalent to any offense listed in
7 subsection (E) of this Section shall constitute a
8 conviction for the purpose of this Article. Convicted of a
9 violation or attempted violation of any of the following
10 Sections of the Criminal Code of 1961, if the conviction
11 occurred after July 1, 1999:

12 11-17.1 (keeping a place of juvenile
13 prostitution),

14 11-19.1 (juvenile pimping),

15 11-19.2 (exploitation of a child),

16 11-20.1 (child pornography),

17 12-13 (criminal sexual assault),

18 12-14 (aggravated criminal sexual assault),

19 12-14.1 (predatory criminal sexual assault of a
20 child),

21 12-16 (aggravated criminal sexual abuse),

22 12-33 (ritualized abuse of a child); or

23 (2) (blank); or

24 (3) certified as a sexually dangerous person pursuant
25 to the Sexually Dangerous Persons Act or any substantially
26 similar federal, Uniform Code of Military Justice, sister

1 state, or foreign country law; or

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

6 (5) convicted of a second or subsequent offense which
7 requires registration pursuant to this Act. The conviction
8 for the second or subsequent offense must have occurred
9 after July 1, 1999. For purposes of this paragraph (5),
10 "convicted" shall include a conviction under any
11 substantially similar Illinois, federal, Uniform Code of
12 Military Justice, sister state, or foreign country law.

13 (F) As used in this Article, "out-of-state student" means
14 any sex offender, as defined in this Section, or sexual
15 predator who is enrolled in Illinois, on a full-time or
16 part-time basis, in any public or private educational
17 institution, including, but not limited to, any secondary
18 school, trade or professional institution, or institution of
19 higher learning.

20 (G) As used in this Article, "out-of-state employee" means
21 any sex offender, as defined in this Section, or sexual
22 predator who works in Illinois, regardless of whether the
23 individual receives payment for services performed, for a
24 period of time of 10 or more days or for an aggregate period of
25 time of 30 or more days during any calendar year. Persons who
26 operate motor vehicles in the State accrue one day of

1 employment time for any portion of a day spent in Illinois.

2 (H) As used in this Article, "school" means any public or
3 private educational institution, including, but not limited
4 to, any elementary or secondary school, trade or professional
5 institution, or institution of higher education.

6 (I) As used in this Article, "fixed residence" means any
7 and all places that a sex offender resides for an aggregate
8 period of time of 5 or more days in a calendar year.

9 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
10 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06;
11 94-1053, eff. 7-24-06; revised 8-3-06.)

12 (730 ILCS 150/3) (from Ch. 38, par. 223)

13 Sec. 3. Duty to register.

14 (a) A sex offender, as defined in Section 2 of this Act, or
15 sexual predator shall, within the time period prescribed in
16 subsections (b) and (c), register in person and provide
17 accurate information as required by the Department of State
18 Police. Such information shall include a current photograph,
19 current address, current place of employment, the employer's
20 telephone number, school attended, extensions of the time
21 period for registering as provided in this Article and, if an
22 extension was granted, the reason why the extension was granted
23 and the date the sex offender was notified of the extension.
24 The information shall also include the county of conviction,
25 license plate numbers for every vehicle registered in the name

1 of the sex offender, the age of the sex offender at the time of
2 the commission of the offense, the age of the victim at the
3 time of the commission of the offense, and any distinguishing
4 marks located on the body of the sex offender. ~~A person who has~~
5 ~~been adjudicated a juvenile delinquent for an act which, if~~
6 ~~committed by an adult, would be a sex offense shall register as~~
7 ~~an adult sex offender within 10 days after attaining 17 years~~
8 ~~of age.~~ The sex offender or sexual predator shall register:

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

14 (2) with the sheriff in the county in which he or she
15 resides or is temporarily domiciled for a period of time of
16 5 or more days in an unincorporated area or, if
17 incorporated, no police chief exists.

18 If the sex offender or sexual predator is employed at or
19 attends an institution of higher education, he or she shall
20 register:

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

26 (ii) with the sheriff in the county in which he or she

1 is employed or attends an institution of higher education
2 located in an unincorporated area, or if incorporated, no
3 police chief exists.

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

12 Any person who lacks a fixed residence must report weekly,
13 in person, with the sheriff's office of the county in which he
14 or she is located in an unincorporated area, or with the chief
15 of police in the municipality in which he or she is located.
16 The agency of jurisdiction will document each weekly
17 registration to include all the locations where the person has
18 stayed during the past 7 days.

19 The sex offender or sexual predator shall provide accurate
20 information as required by the Department of State Police. That
21 information shall include the sex offender's or sexual
22 predator's current place of employment.

23 (a-5) An out-of-state student or out-of-state employee
24 shall, within 5 days after beginning school or employment in
25 this State, register in person and provide accurate information
26 as required by the Department of State Police. Such information

1 will include current place of employment, school attended, and
2 address in state of residence. The out-of-state student or
3 out-of-state employee shall register:

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

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

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

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

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

3 (1) Any person registered under the Habitual Child Sex
4 Offender Registration Act or the Child Sex Offender
5 Registration Act prior to January 1, 1996, shall be deemed
6 initially registered as of January 1, 1996; however, this
7 shall not be construed to extend the duration of
8 registration set forth in Section 7.

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

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

24 (3) Except as provided in subsection (c)(4), any person
25 convicted on or after January 1, 1996, shall register in
26 person within 5 days after the entry of the sentencing

1 order based upon his or her conviction.

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

7 (5) The person shall provide positive identification
8 and documentation that substantiates proof of residence at
9 the registering address.

10 (6) The person shall pay a \$20 initial registration fee
11 and a \$10 annual renewal fee. The fees shall be used by the
12 registering agency for official purposes. The agency shall
13 establish procedures to document receipt and use of the
14 funds. The law enforcement agency having jurisdiction may
15 waive the registration fee if it determines that the person
16 is indigent and unable to pay the registration fee. Ten
17 dollars for the initial registration fee and \$5 of the
18 annual renewal fee shall be used by the registering agency
19 for official purposes. Ten dollars of the initial
20 registration fee and \$5 of the annual fee shall be
21 deposited into the Sex Offender Management Board Fund under
22 Section 19 of the Sex Offender Management Board Act. Money
23 deposited into the Sex Offender Management Board Fund shall
24 be administered by the Sex Offender Management Board and
25 shall be used to fund practices endorsed or required by the
26 Sex Offender Management Board Act including but not limited

1 to sex offenders evaluation, treatment, or monitoring
2 programs that are or may be developed, as well as for
3 administrative costs, including staff, incurred by the
4 Board.

5 (d) Within 5 days after obtaining or changing employment
6 and, if employed on January 1, 2000, within 5 days after that
7 date, a person required to register under this Section must
8 report, in person to the law enforcement agency having
9 jurisdiction, the business name and address where he or she is
10 employed. If the person has multiple businesses or work
11 locations, every business and work location must be reported to
12 the law enforcement agency having jurisdiction.

13 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;
14 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

15 (730 ILCS 150/3-5 new)

16 Sec. 3-5. Application of Act to adjudicated juvenile
17 delinquents.

18 (a) In all cases involving an adjudicated juvenile
19 delinquent who meets the definition of sex offender as set
20 forth in paragraph (5) of subsection (A) of Section 2 of this
21 Act, the court shall order the minor to register as a sex
22 offender.

23 (b) Once an adjudicated juvenile delinquent is ordered to
24 register as a sex offender, the adjudicated juvenile delinquent
25 shall be subject to the registration requirements set forth in

1 Sections 3, 6, 6-5, 8, 8-5, and 10 for the term of his or her
2 registration.

3 (c) For a minor adjudicated delinquent for an offense
4 which, if charged as an adult, would be a felony, no less than
5 5 years after registration ordered pursuant to subsection (a)
6 of this Section, the minor may petition for the termination of
7 the term of registration. For a minor adjudicated delinquent
8 for an offense which, if charged as an adult, would be a
9 misdemeanor, no less than 2 years after registration ordered
10 pursuant to subsection (a) of this Section, the minor may
11 petition for termination of the term of registration.

12 (d) The court may upon a hearing on the petition for
13 termination of registration, terminate registration if the
14 court finds that the registrant poses no risk to the community
15 by a preponderance of the evidence based upon the factors set
16 forth in subsection (e).

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

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

22 (2) the sex offender history of the adjudicated
23 juvenile delinquent;

24 (3) evidence of the adjudicated juvenile delinquent's
25 rehabilitation;

26 (4) the age of the adjudicated juvenile delinquent at

1 the time of the offense;

2 (5) information related to the adjudicated juvenile
3 delinquent's mental, physical, educational, and social
4 history;

5 (6) victim impact statements; and

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

7 (f) At the hearing set forth in subsections (c) and (d), a
8 registrant shall be represented by counsel and may present a
9 risk assessment conducted by an evaluator who is a licensed
10 psychiatrist, psychologist, or other mental health
11 professional, and who has demonstrated clinical experience in
12 juvenile sex offender treatment.

13 (g) After a registrant completes the term of his or her
14 registration, his or her name, address, and all other
15 identifying information shall be removed from all State and
16 local registries.

17 (h) This Section applies retroactively to cases in which
18 adjudicated juvenile delinquents who registered or were
19 required to register before the effective date of this
20 amendatory Act of the 95th General Assembly. On or after the
21 effective date of this amendatory Act of the 95th General
22 Assembly, a person adjudicated delinquent before the effective
23 date of this amendatory Act of the 95th General Assembly may
24 request a hearing regarding status of registration by filing a
25 Petition Requesting Registration Status with the clerk of the
26 court. Upon receipt of the Petition Requesting Registration

1 Status, the clerk of the court shall provide notice to the
2 parties and set the Petition for hearing pursuant to
3 subsections (c) through (e) of this Section.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".