



Rep. John E. Bradley

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LRB095 11053 RLC 37636 a

1 AMENDMENT TO SENATE BILL 1397

2 AMENDMENT NO. _____. Amend Senate Bill 1397 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended, if and
5 only if Senate Bill 697 of the 95th General Assembly becomes
6 law in the form in which it passed both houses on June 6, 2007,
7 by changing Sections 11-9.3 and 11-9.4 as follows:

8 (720 ILCS 5/11-9.3)

9 Sec. 11-9.3. Presence within school zone by child sex
10 offenders prohibited.

11 (a) It is unlawful for a child sex offender to knowingly be
12 present in any school building, on real property comprising any
13 school, or in any conveyance owned, leased, or contracted by a
14 school to transport students to or from school or a school
15 related activity when persons under the age of 18 are present
16 in the building, on the grounds or in the conveyance, unless

1 the offender is a parent or guardian of a student attending the
2 school and the parent or guardian is: (i) attending a
3 conference at the school with school personnel to discuss the
4 progress of his or her child academically or socially, (ii)
5 participating in child review conferences in which evaluation
6 and placement decisions may be made with respect to his or her
7 child regarding special education services, or (iii) attending
8 conferences to discuss other student issues concerning his or
9 her child such as retention and promotion and notifies the
10 principal of the school of his or her presence at the school or
11 unless the offender has permission to be present from the
12 superintendent or the school board or in the case of a private
13 school from the principal. In the case of a public school, if
14 permission is granted, the superintendent or school board
15 president must inform the principal of the school where the sex
16 offender will be present. Notification includes the nature of
17 the sex offender's visit and the hours in which the sex
18 offender will be present in the school. The sex offender is
19 responsible for notifying the principal's office when he or she
20 arrives on school property and when he or she departs from
21 school property. If the sex offender is to be present in the
22 vicinity of children, the sex offender has the duty to remain
23 under the direct supervision of a school official. A child sex
24 offender who violates this provision is guilty of a Class 4
25 felony.

26 Nothing in this Section shall be construed to infringe upon

1 the constitutional right of a child sex offender to be present
2 in a school building that is used as a polling place for the
3 purpose of voting.

4 ~~(1) (Blank; or)~~

5 ~~(2) (Blank.)~~

6 (b) It is unlawful for a child sex offender to knowingly
7 loiter within 500 feet of a school building or real property
8 comprising any school while persons under the age of 18 are
9 present in the building or on the grounds, unless the offender
10 is a parent or guardian of a student attending the school and
11 the parent or guardian is: (i) attending a conference at the
12 school with school personnel to discuss the progress of his or
13 her child academically or socially, (ii) participating in child
14 review conferences in which evaluation and placement decisions
15 may be made with respect to his or her child regarding special
16 education services, or (iii) attending conferences to discuss
17 other student issues concerning his or her child such as
18 retention and promotion and notifies the principal of the
19 school of his or her presence at the school or has permission
20 to be present from the superintendent or the school board or in
21 the case of a private school from the principal. In the case of
22 a public school, if permission is granted, the superintendent
23 or school board president must inform the principal of the
24 school where the sex offender will be present. Notification
25 includes the nature of the sex offender's visit and the hours
26 in which the sex offender will be present in the school. The

1 sex offender is responsible for notifying the principal's
2 office when he or she arrives on school property and when he or
3 she departs from school property. If the sex offender is to be
4 present in the vicinity of children, the sex offender has the
5 duty to remain under the direct supervision of a school
6 official. A child sex offender who violates this provision is
7 guilty of a Class 4 felony.

8 ~~(1) (Blank; or)~~

9 ~~(2) (Blank.)~~

10 (b-5) It is unlawful for a child sex offender to knowingly
11 reside within 500 feet of a school building or the real
12 property comprising any school that persons under the age of 18
13 attend. Nothing in this subsection (b-5) prohibits a child sex
14 offender from residing within 500 feet of a school building or
15 the real property comprising any school that persons under 18
16 attend if the property is owned by the child sex offender and
17 was purchased before the effective date of this amendatory Act
18 of the 91st General Assembly.

19 (c) Definitions. In this Section:

20 (1) "Child sex offender" means any person who:

21 (i) has been charged under Illinois law, or any
22 substantially similar federal law or law of another
23 state, with a sex offense set forth in paragraph (2) of
24 this subsection (c) or the attempt to commit an
25 included sex offense, and:

26 (A) is convicted of such offense or an attempt

1 to commit such offense; or

2 (B) is found not guilty by reason of insanity
3 of such offense or an attempt to commit such
4 offense; or

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

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

15 (E) is found not guilty by reason of insanity
16 following a hearing conducted pursuant to a
17 federal law or the law of another state
18 substantially similar to subsection (c) of Section
19 104-25 of the Code of Criminal Procedure of 1963 of
20 such offense or of the attempted commission of such
21 offense; or

22 (F) is the subject of a finding not resulting
23 in an acquittal at a hearing conducted pursuant to
24 a federal law or the law of another state
25 substantially similar to subsection (a) of Section
26 104-25 of the Code of Criminal Procedure of 1963

1 for the alleged violation or attempted commission
2 of such offense; or

3 (ii) is certified as a sexually dangerous person
4 pursuant to the Illinois Sexually Dangerous Persons
5 Act, or any substantially similar federal law or the
6 law of another state, when any conduct giving rise to
7 such certification is committed or attempted against a
8 person less than 18 years of age; or

9 (iii) is subject to the provisions of Section 2 of
10 the Interstate Agreements on Sexually Dangerous
11 Persons Act.

12 Convictions that result from or are connected with the
13 same act, or result from offenses committed at the same
14 time, shall be counted for the purpose of this Section as
15 one conviction. Any conviction set aside pursuant to law is
16 not a conviction for purposes of this Section.

17 (2) Except as otherwise provided in paragraph (2.5),
18 "sex offense" means:

19 (i) A violation of any of the following Sections of
20 the Criminal Code of 1961: 10-7 (aiding and abetting
21 child abduction under Section 10-5(b)(10)),
22 10-5(b)(10) (child luring), 11-6 (indecent
23 solicitation of a child), 11-6.5 (indecent
24 solicitation of an adult), 11-9 (public indecency when
25 committed in a school, on the real property comprising
26 a school, or on a conveyance, owned, leased, or

1 contracted by a school to transport students to or from
2 school or a school related activity), 11-9.1 (sexual
3 exploitation of a child), 11-15.1 (soliciting for a
4 juvenile prostitute), 11-17.1 (keeping a place of
5 juvenile prostitution), 11-18.1 (patronizing a
6 juvenile prostitute), 11-19.1 (juvenile pimping),
7 11-19.2 (exploitation of a child), 11-20.1 (child
8 pornography), 11-20.3 (aggravated child pornography),
9 11-21 (harmful material), 12-14.1 (predatory criminal
10 sexual assault of a child), 12-33 (ritualized abuse of
11 a child), 11-20 (obscenity) (when that offense was
12 committed in any school, on real property comprising
13 any school, in any conveyance owned, leased, or
14 contracted by a school to transport students to or from
15 school or a school related activity). An attempt to
16 commit any of these offenses.

17 (ii) A violation of any of the following Sections
18 of the Criminal Code of 1961, when the victim is a
19 person under 18 years of age: 12-13 (criminal sexual
20 assault), 12-14 (aggravated criminal sexual assault),
21 12-15 (criminal sexual abuse), 12-16 (aggravated
22 criminal sexual abuse). An attempt to commit any of
23 these offenses.

24 (iii) A violation of any of the following Sections
25 of the Criminal Code of 1961, when the victim is a
26 person under 18 years of age and the defendant is not a

1 parent of the victim:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 An attempt to commit any of these offenses.

7 (iv) A violation of any former law of this State
8 substantially equivalent to any offense listed in
9 clause (2) (i) of subsection (c) of this Section.

10 (2.5) For the purposes of subsection (b-5) only, a sex
11 offense means:

12 (i) A violation of any of the following Sections of
13 the Criminal Code of 1961:

14 10-5(b)(10) (child luring), 10-7 (aiding and
15 abetting child abduction under Section
16 10-5(b)(10)), 11-6 (indecent solicitation of a
17 child), 11-6.5 (indecent solicitation of an
18 adult), 11-15.1 (soliciting for a juvenile
19 prostitute), 11-17.1 (keeping a place of juvenile
20 prostitution), 11-18.1 (patronizing a juvenile
21 prostitute), 11-19.1 (juvenile pimping), 11-19.2
22 (exploitation of a child), 11-20.1 (child
23 pornography), 11-20.3 (aggravated child
24 pornography), 12-14.1 (predatory criminal sexual
25 assault of a child), or 12-33 (ritualized abuse of
26 a child). An attempt to commit any of these

1 offenses.

2 (ii) A violation of any of the following Sections
3 of the Criminal Code of 1961, when the victim is a
4 person under 18 years of age: 12-13 (criminal sexual
5 assault), 12-14 (aggravated criminal sexual assault),
6 12-16 (aggravated criminal sexual abuse), and
7 subsection (a) of Section 12-15 (criminal sexual
8 abuse). An attempt to commit any of these offenses.

9 (iii) A violation of any of the following Sections
10 of the Criminal Code of 1961, when the victim is a
11 person under 18 years of age and the defendant is not a
12 parent of the victim:

13 10-1 (kidnapping),
14 10-2 (aggravated kidnapping),
15 10-3 (unlawful restraint),
16 10-3.1 (aggravated unlawful restraint).

17 An attempt to commit any of these offenses.

18 (iv) A violation of any former law of this State
19 substantially equivalent to any offense listed in this
20 paragraph (2.5) of this subsection.

21 (3) A conviction for an offense of federal law or the
22 law of another state that is substantially equivalent to
23 any offense listed in paragraph (2) of subsection (c) of
24 this Section shall constitute a conviction for the purpose
25 of this Article. A finding or adjudication as a sexually
26 dangerous person under any federal law or law of another

1 state that is substantially equivalent to the Sexually
2 Dangerous Persons Act shall constitute an adjudication for
3 the purposes of this Section.

4 (4) "School" means a public or private pre-school,
5 elementary, or secondary school.

6 (5) "Loiter" means:

7 (i) Standing, sitting idly, whether or not the
8 person is in a vehicle or remaining in or around school
9 property.

10 (ii) Standing, sitting idly, whether or not the
11 person is in a vehicle or remaining in or around school
12 property, for the purpose of committing or attempting
13 to commit a sex offense.

14 (iii) Entering or remaining in a building in or
15 around school property, other than the offender's
16 residence.

17 (6) "School official" means the principal, a teacher,
18 or any other certified employee of the school, the
19 superintendent of schools or a member of the school board.

20 (d) Sentence. A person who violates this Section is guilty
21 of a Class 4 felony.

22 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
23 94-170, eff. 7-11-05; revised 9-15-06.)

24 (720 ILCS 5/11-9.4)

25 Sec. 11-9.4. Approaching, contacting, residing, or

1 communicating with a child within certain places by child sex
2 offenders prohibited.

3 (a) It is unlawful for a child sex offender to knowingly be
4 present in any public park building or on real property
5 comprising any public park when persons under the age of 18 are
6 present in the building or on the grounds and to approach,
7 contact, or communicate with a child under 18 years of age,
8 unless the offender is a parent or guardian of a person under
9 18 years of age present in the building or on the grounds.

10 (b) It is unlawful for a child sex offender to knowingly
11 loiter on a public way within 500 feet of a public park
12 building or real property comprising any public park while
13 persons under the age of 18 are present in the building or on
14 the grounds and to approach, contact, or communicate with a
15 child under 18 years of age, unless the offender is a parent or
16 guardian of a person under 18 years of age present in the
17 building or on the grounds.

18 (b-5) It is unlawful for a child sex offender to knowingly
19 reside within 500 feet of a playground, child care institution,
20 day care center, part day child care facility, or a facility
21 providing programs or services exclusively directed toward
22 persons under 18 years of age. Nothing in this subsection (b-5)
23 prohibits a child sex offender from residing within 500 feet of
24 a playground or a facility providing programs or services
25 exclusively directed toward persons under 18 years of age if
26 the property is owned by the child sex offender and was

1 purchased before the effective date of this amendatory Act of
2 the 91st General Assembly. Nothing in this subsection (b-5)
3 prohibits a child sex offender from residing within 500 feet of
4 a child care institution, day care center, or part day child
5 care facility if the property is owned by the child sex
6 offender and was purchased before the effective date of this
7 amendatory Act of the 94th General Assembly.

8 (b-6) It is unlawful for a child sex offender to knowingly
9 reside within 500 feet of the victim of the sex offense.
10 Nothing in this subsection (b-6) prohibits a child sex offender
11 from residing within 500 feet of the victim if the property in
12 which the child sex offender resides is owned by the child sex
13 offender and was purchased before the effective date of this
14 amendatory Act of the 92nd General Assembly.

15 This subsection (b-6) does not apply if the victim of the
16 sex offense is 21 years of age or older.

17 (c) It is unlawful for a child sex offender to knowingly
18 operate, manage, be employed by, volunteer at, be associated
19 with, or knowingly be present at any: (i) facility providing
20 programs or services exclusively directed towards persons
21 under the age of 18; (ii) day care center; (iii) part day child
22 care facility; (iv) child care institution, or (v) school
23 providing before and after school programs for children under
24 18 years of age. This does not prohibit a child sex offender
25 from owning the real property upon which the programs or
26 services are offered or upon which the day care center, part

1 day child care facility, child care institution, or school
2 providing before and after school programs for children under
3 18 years of age is located, provided the child sex offender
4 refrains from being present on the premises for the hours
5 during which: (1) the programs or services are being offered or
6 (2) the day care center, part day child care facility, child
7 care institution, or school providing before and after school
8 programs for children under 18 years of age is operated.

9 (d) Definitions. In this Section:

10 (1) "Child sex offender" means any person who:

11 (i) has been charged under Illinois law, or any
12 substantially similar federal law or law of another
13 state, with a sex offense set forth in paragraph (2) of
14 this subsection (d) or the attempt to commit an
15 included sex offense, and:

16 (A) is convicted of such offense or an attempt
17 to commit such offense; or

18 (B) is found not guilty by reason of insanity
19 of such offense or an attempt to commit such
20 offense; or

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

25 (D) is the subject of a finding not resulting
26 in an acquittal at a hearing conducted pursuant to

1 subsection (a) of Section 104-25 of the Code of
2 Criminal Procedure of 1963 for the alleged
3 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
7 federal law or the law of another state
8 substantially similar to subsection (c) of Section
9 104-25 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
13 in an acquittal at a hearing conducted pursuant to
14 a federal law or the law of another state
15 substantially similar to subsection (a) of Section
16 104-25 of the Code of Criminal Procedure of 1963
17 for the alleged violation or attempted commission
18 of such offense; or

19 (ii) is certified as a sexually dangerous person
20 pursuant to the Illinois Sexually Dangerous Persons
21 Act, or any substantially similar federal law or the
22 law of another state, when any conduct giving rise to
23 such certification is committed or attempted against a
24 person less than 18 years of age; or

25 (iii) is subject to the provisions of Section 2 of
26 the Interstate Agreements on Sexually Dangerous

1 Persons Act.

2 Convictions that result from or are connected with the
3 same act, or result from offenses committed at the same
4 time, shall be counted for the purpose of this Section as
5 one conviction. Any conviction set aside pursuant to law is
6 not a conviction for purposes of this Section.

7 (2) Except as otherwise provided in paragraph (2.5),
8 "sex offense" means:

9 (i) A violation of any of the following Sections of
10 the Criminal Code of 1961: 10-7 (aiding and abetting
11 child abduction under Section 10-5(b)(10)),
12 10-5(b)(10) (child luring), 11-6 (indecent
13 solicitation of a child), 11-6.5 (indecent
14 solicitation of an adult), 11-9 (public indecency when
15 committed in a school, on the real property comprising
16 a school, on a conveyance owned, leased, or contracted
17 by a school to transport students to or from school or
18 a school related activity, or in a public park), 11-9.1
19 (sexual exploitation of a child), 11-15.1 (soliciting
20 for a juvenile prostitute), 11-17.1 (keeping a place of
21 juvenile prostitution), 11-18.1 (patronizing a
22 juvenile prostitute), 11-19.1 (juvenile pimping),
23 11-19.2 (exploitation of a child), 11-20.1 (child
24 pornography), 11-20.3 (aggravated child pornography),
25 11-21 (harmful material), 12-14.1 (predatory criminal
26 sexual assault of a child), 12-33 (ritualized abuse of

1 a child), 11-20 (obscenity) (when that offense was
2 committed in any school, on real property comprising
3 any school, on any conveyance owned, leased, or
4 contracted by a school to transport students to or from
5 school or a school related activity, or in a public
6 park). An attempt to commit any of these offenses.

7 (ii) A violation of any of the following Sections
8 of the Criminal Code of 1961, when the victim is a
9 person under 18 years of age: 12-13 (criminal sexual
10 assault), 12-14 (aggravated criminal sexual assault),
11 12-15 (criminal sexual abuse), 12-16 (aggravated
12 criminal sexual abuse). An attempt to commit any of
13 these offenses.

14 (iii) A violation of any of the following Sections
15 of the Criminal Code of 1961, when the victim is a
16 person under 18 years of age and the defendant is not a
17 parent of the victim:

18 10-1 (kidnapping),

19 10-2 (aggravated kidnapping),

20 10-3 (unlawful restraint),

21 10-3.1 (aggravated unlawful restraint).

22 An attempt to commit any of these offenses.

23 (iv) A violation of any former law of this State
24 substantially equivalent to any offense listed in
25 clause (2) (i) of this subsection (d).

26 (2.5) For the purposes of subsection (b-5) only, a sex

1 offense means:

2 (i) A violation of any of the following Sections of
3 the Criminal Code of 1961:

4 10-5(b)(10) (child luring), 10-7 (aiding and
5 abetting child abduction under Section
6 10-5(b)(10)), 11-6 (indecent solicitation of a
7 child), 11-6.5 (indecent solicitation of an
8 adult), 11-15.1 (soliciting for a juvenile
9 prostitute), 11-17.1 (keeping a place of juvenile
10 prostitution), 11-18.1 (patronizing a juvenile
11 prostitute), 11-19.1 (juvenile pimping), 11-19.2
12 (exploitation of a child), 11-20.1 (child
13 pornography), 11-20.3 (aggravated child
14 pornography), 12-14.1 (predatory criminal sexual
15 assault of a child), or 12-33 (ritualized abuse of
16 a child). An attempt to commit any of these
17 offenses.

18 (ii) A violation of any of the following Sections
19 of the Criminal Code of 1961, when the victim is a
20 person under 18 years of age: 12-13 (criminal sexual
21 assault), 12-14 (aggravated criminal sexual assault),
22 12-16 (aggravated criminal sexual abuse), and
23 subsection (a) of Section 12-15 (criminal sexual
24 abuse). An attempt to commit any of these offenses.

25 (iii) A violation of any of the following Sections
26 of the Criminal Code of 1961, when the victim is a

1 person under 18 years of age and the defendant is not a
2 parent of the victim:

3 10-1 (kidnapping),

4 10-2 (aggravated kidnapping),

5 10-3 (unlawful restraint),

6 10-3.1 (aggravated unlawful restraint).

7 An attempt to commit any of these offenses.

8 (iv) A violation of any former law of this State
9 substantially equivalent to any offense listed in this
10 paragraph (2.5) of this subsection.

11 (3) A conviction for an offense of federal law or the
12 law of another state that is substantially equivalent to
13 any offense listed in paragraph (2) of this subsection (d)
14 shall constitute a conviction for the purpose of this
15 Section. A finding or adjudication as a sexually dangerous
16 person under any federal law or law of another state that
17 is substantially equivalent to the Sexually Dangerous
18 Persons Act shall constitute an adjudication for the
19 purposes of this Section.

20 (4) "Public park" includes a park, forest preserve, or
21 conservation area under the jurisdiction of the State or a
22 unit of local government.

23 (5) "Facility providing programs or services directed
24 towards persons under the age of 18" means any facility
25 providing programs or services exclusively directed
26 towards persons under the age of 18.

1 (6) "Loiter" means:

2 (i) Standing, sitting idly, whether or not the
3 person is in a vehicle or remaining in or around public
4 park property.

5 (ii) Standing, sitting idly, whether or not the
6 person is in a vehicle or remaining in or around public
7 park property, for the purpose of committing or
8 attempting to commit a sex offense.

9 (7) "Playground" means a piece of land owned or
10 controlled by a unit of local government that is designated
11 by the unit of local government for use solely or primarily
12 for children's recreation.

13 (8) "Child care institution" has the meaning ascribed
14 to it in Section 2.06 of the Child Care Act of 1969.

15 (9) "Day care center" has the meaning ascribed to it in
16 Section 2.09 of the Child Care Act of 1969.

17 (10) "Part day child care facility" has the meaning
18 ascribed to it in Section 2.10 of the Child Care Act of
19 1969.

20 (e) Sentence. A person who violates this Section is guilty
21 of a Class 4 felony.

22 (Source: P.A. 94-925, eff. 6-26-06.)

23 Section 10. The Criminal Code of 1961 is amended by
24 changing Sections 11-19.2, 12-13, and 12-14.1 as follows:

1 (720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)

2 Sec. 11-19.2. Exploitation of a child.

3 (A) A person commits exploitation of a child when he or she
4 confines a child under the age of 16 or a severely or
5 profoundly mentally retarded person against his or her will by
6 the infliction or threat of imminent infliction of great bodily
7 harm, permanent disability or disfigurement or by
8 administering to the child or severely or profoundly mentally
9 retarded person without his or her consent or by threat or
10 deception and for other than medical purposes, any alcoholic
11 intoxicant or a drug as defined in the Illinois Controlled
12 Substances Act or the Cannabis Control Act or methamphetamine
13 as defined in the Methamphetamine Control and Community
14 Protection Act and:

15 (1) compels the child or severely or profoundly
16 mentally retarded person to become a prostitute; or

17 (2) arranges a situation in which the child or severely
18 or profoundly mentally retarded person may practice
19 prostitution; or

20 (3) receives any money, property, token, object, or
21 article or anything of value from the child or severely or
22 profoundly mentally retarded person knowing it was
23 obtained in whole or in part from the practice of
24 prostitution.

25 (B) For purposes of this Section, administering drugs, as
26 defined in subsection (A), or an alcoholic intoxicant to a

1 child under the age of 13 or a severely or profoundly mentally
2 retarded person shall be deemed to be without consent if such
3 administering is done without the consent of the parents or
4 legal guardian.

5 (C) Exploitation of a child is a Class X felony, for which
6 the person shall be sentenced to a term of imprisonment of not
7 less than 6 years and not more than 60 years.

8 (D) Any person convicted under this Section is subject to
9 the forfeiture provisions of Section 11-20.1A of this Act.

10 (Source: P.A. 94-556, eff. 9-11-05.)

11 (720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

12 Sec. 12-13. Criminal Sexual Assault.

13 (a) The accused commits criminal sexual assault if he or
14 she:

15 (1) commits an act of sexual penetration by the use of
16 force or threat of force; or

17 (2) commits an act of sexual penetration and the
18 accused knew that the victim was unable to understand the
19 nature of the act or was unable to give knowing consent; or

20 (3) commits an act of sexual penetration with a victim
21 who was under 18 years of age when the act was committed
22 and the accused was a family member; or

23 (4) commits an act of sexual penetration with a victim
24 who was at least 13 years of age but under 18 years of age
25 when the act was committed and the accused was 17 years of

1 age or over and held a position of trust, authority or
2 supervision in relation to the victim.

3 (b) Sentence.

4 (1) Criminal sexual assault is a Class 1 felony.

5 (2) A person who is convicted of the offense of
6 criminal sexual assault as defined in paragraph (a)(1) or
7 (a)(2) after having previously been convicted of the
8 offense of criminal sexual assault or the offense of
9 exploitation of a child, or who is convicted of the offense
10 of criminal sexual assault as defined in paragraph (a)(1)
11 or (a)(2) after having previously been convicted under the
12 laws of this State or any other state of an offense that is
13 substantially equivalent to the offense of criminal sexual
14 assault or to the offense of exploitation of a child,
15 commits a Class X felony for which the person shall be
16 sentenced to a term of imprisonment of not less than 30
17 years and not more than 60 years. The commission of the
18 second or subsequent offense is required to have been after
19 the initial conviction for this paragraph (2) to apply.

20 (3) A person who is convicted of the offense of
21 criminal sexual assault as defined in paragraph (a)(1) or
22 (a)(2) after having previously been convicted of the
23 offense of aggravated criminal sexual assault or the
24 offense of predatory criminal sexual assault of a child, or
25 who is convicted of the offense of criminal sexual assault
26 as defined in paragraph (a)(1) or (a)(2) after having

1 previously been convicted under the laws of this State or
2 any other state of an offense that is substantially
3 equivalent to the offense of aggravated criminal sexual
4 assault or the offense of criminal predatory sexual assault
5 shall be sentenced to a term of natural life imprisonment.
6 The commission of the second or subsequent offense is
7 required to have been after the initial conviction for this
8 paragraph (3) to apply.

9 (4) A second or subsequent conviction for a violation
10 of paragraph (a) (3) or (a) (4) or under any similar statute
11 of this State or any other state for any offense involving
12 criminal sexual assault that is substantially equivalent
13 to or more serious than the sexual assault prohibited under
14 paragraph (a) (3) or (a) (4) is a Class X felony.

15 (5) When a person has any such prior conviction, the
16 information or indictment charging that person shall state
17 such prior conviction so as to give notice of the State's
18 intention to treat the charge as a Class X felony. The fact
19 of such prior conviction is not an element of the offense
20 and may not be disclosed to the jury during trial unless
21 otherwise permitted by issues properly raised during such
22 trial.

23 (Source: P.A. 90-396, eff. 1-1-98.)

24 (720 ILCS 5/12-14.1)

25 Sec. 12-14.1. Predatory criminal sexual assault of a child.

1 (a) The accused commits predatory criminal sexual assault
2 of a child if:

3 (1) the accused was 17 years of age or over and commits
4 an act of sexual penetration with a victim who was under 13
5 years of age when the act was committed; or

6 (1.1) the accused was 17 years of age or over and,
7 while armed with a firearm, commits an act of sexual
8 penetration with a victim who was under 13 years of age
9 when the act was committed; or

10 (1.2) the accused was 17 years of age or over and
11 commits an act of sexual penetration with a victim who was
12 under 13 years of age when the act was committed and,
13 during the commission of the offense, the accused
14 personally discharged a firearm; or

15 (2) the accused was 17 years of age or over and commits
16 an act of sexual penetration with a victim who was under 13
17 years of age when the act was committed and the accused
18 caused great bodily harm to the victim that:

19 (A) resulted in permanent disability; or

20 (B) was life threatening; or

21 (3) the accused was 17 years of age or over and commits
22 an act of sexual penetration with a victim who was under 13
23 years of age when the act was committed and the accused
24 delivered (by injection, inhalation, ingestion, transfer
25 of possession, or any other means) to the victim without
26 his or her consent, or by threat or deception, and for

1 other than medical purposes, any controlled substance.

2 (b) Sentence.

3 (1) A person convicted of a violation of subsection
4 (a)(1) commits a Class X felony, for which the person shall
5 be sentenced to a term of imprisonment of not less than 6
6 years and not more than 60 years. A person convicted of a
7 violation of subsection (a)(1.1) commits a Class X felony
8 for which 15 years shall be added to the term of
9 imprisonment imposed by the court. A person convicted of a
10 violation of subsection (a)(1.2) commits a Class X felony
11 for which 20 years shall be added to the term of
12 imprisonment imposed by the court. A person convicted of a
13 violation of subsection (a)(2) commits a Class X felony for
14 which the person shall be sentenced to a term of
15 imprisonment of not less than 50 years or up to a term of
16 natural life imprisonment.

17 (1.1) A person convicted of a violation of subsection
18 (a)(3) commits a Class X felony for which the person shall
19 be sentenced to a term of imprisonment of not less than 50
20 years and not more than 60 years.

21 (1.2) A person convicted of predatory criminal sexual
22 assault of a child committed against 2 or more persons
23 regardless of whether the offenses occurred as the result
24 of the same act or of several related or unrelated acts
25 shall be sentenced to a term of natural life imprisonment.

26 (2) A person who is convicted of a second or subsequent

1 offense of predatory criminal sexual assault of a child, or
2 who is convicted of the offense of predatory criminal
3 sexual assault of a child after having previously been
4 convicted of the offense of criminal sexual assault or the
5 offense of aggravated criminal sexual assault, or who is
6 convicted of the offense of predatory criminal sexual
7 assault of a child after having previously been convicted
8 under the laws of this State or any other state of an
9 offense that is substantially equivalent to the offense of
10 predatory criminal sexual assault of a child, the offense
11 of aggravated criminal sexual assault or the offense of
12 criminal sexual assault, shall be sentenced to a term of
13 natural life imprisonment. The commission of the second or
14 subsequent offense is required to have been after the
15 initial conviction for this paragraph (2) to apply.

16 (Source: P.A. 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; 92-16,
17 eff. 6-28-01.)

18 Section 15. The Methamphetamine Precursor Control Act is
19 amended by changing Sections 10, 25, 40, 45, and 55 and by
20 adding Sections 36, 37, 38, 39, and 39.5 as follows:

21 (720 ILCS 648/10)

22 Sec. 10. Definitions. In this Act:

23 "Administer" or "administration" has the meaning provided
24 in Section 102 of the Illinois Controlled Substances Act.

1 "Agent" has the meaning provided in Section 102 of the
2 Illinois Controlled Substances Act.

3 "Authorized representative" means an employee or agent of a
4 qualified outside entity who has been authorized in writing by
5 his or her agency or office to receive confidential information
6 from the database associated with the Williamson County Pilot
7 Program.

8 "Central Repository" means the entity chosen by the
9 Williamson County Pilot Program Authority to handle electronic
10 transaction records as described in Sections 36, 37, 38, 39,
11 and 39.5 of this Act.

12 "Convenience package" means any package that contains 360
13 milligrams or less of ephedrine or pseudoephedrine, their salts
14 or optical isomers, or salts of optical isomers in liquid or
15 liquid-filled capsule form.

16 "Covered pharmacy" means any pharmacy that distributes any
17 amount of targeted methamphetamine precursor and that is
18 physically located in any of the following Illinois counties:
19 Franklin, Jackson, Johnson, Saline, Union, or Williamson.

20 "Deliver" has the meaning provided in Section 102 of the
21 Illinois Controlled Substances Act.

22 "Dispense" has the meaning provided in Section 102 of the
23 Illinois Controlled Substances Act.

24 "Distribute" has the meaning provided in Section 102 of the
25 Illinois Controlled Substances Act.

26 "Electronic transaction record" means, with respect to the

1 distribution of a targeted methamphetamine precursor by a
2 pharmacy to a recipient under Section 25 of this Act, an
3 electronic record that includes: the name and address of the
4 recipient; date and time of the transaction; brand and product
5 name and total quantity distributed of ephedrine or
6 pseudoephedrine, their salts, or optical isomers, or salts of
7 optical isomers; identification type and identification number
8 of the identification presented by the recipient; and the name
9 and address of the pharmacy.

10 "Identification information" means identification type and
11 identification number.

12 "Identification number" means the number that appears on
13 the identification furnished by the recipient of a targeted
14 methamphetamine precursor.

15 "Identification type" means the type of identification
16 furnished by the recipient of a targeted methamphetamine
17 precursor such as, by way of example only, an Illinois driver's
18 license or United States passport.

19 "List I chemical" has the meaning provided in 21 U.S.C.
20 Section 802.

21 "Methamphetamine precursor" has the meaning provided in
22 Section 10 of the Methamphetamine Control and Community
23 Protection Act.

24 "Methamphetamine Precursor Violation Alert" means a notice
25 sent by the Pilot Program Authority to pharmacies, retail
26 distributors, or law enforcement authorities as described in

1 subsection (h) of Section 39.5 of this Act.

2 "Non-covered pharmacy" means any pharmacy that is not a
3 covered pharmacy.

4 "Package" means an item packaged and marked for retail sale
5 that is not designed to be further broken down or subdivided
6 for the purpose of retail sale.

7 "Pharmacist" has the meaning provided in Section 102 of the
8 Illinois Controlled Substances Act.

9 "Pharmacy" has the meaning provided in Section 102 of the
10 Illinois Controlled Substances Act.

11 "Practitioner" has the meaning provided in Section 102 of
12 the Illinois Controlled Substances Act.

13 "Prescriber" has the meaning provided in Section 102 of the
14 Illinois Controlled Substances Act.

15 "Prescription" has the meaning provided in Section 102 of
16 the Illinois Controlled Substances Act.

17 "Qualified outside entity" means a law enforcement agency
18 or prosecutor's office with authority to identify,
19 investigate, or prosecute violations of this Act or any other
20 State or federal law or rule involving a methamphetamine
21 precursor, methamphetamine, or any other controlled substance,
22 or a public entity that operates a methamphetamine precursor
23 tracking program similar in purpose to the Williamson County
24 Pilot Program.

25 "Readily retrievable" has the meaning provided in 21 C.F.R.
26 part 1300.

1 "Recipient" means a person purchasing, receiving, or
2 otherwise acquiring a targeted methamphetamine precursor from
3 a pharmacy in Illinois, as described in Section 25 of this Act.

4 "Reporting start date" means the date on which covered
5 pharmacies begin transmitting electronic transaction records
6 and exempt pharmacies begin sending handwritten logs, as
7 described in subsection (b) of Section 39 of this Act.

8 "Retail distributor" means a grocery store, general
9 merchandise store, drug store, other merchandise store, or
10 other entity or person whose activities as a distributor
11 relating to drug products containing targeted methamphetamine
12 precursor are limited exclusively or almost exclusively to
13 sales for personal use by an ultimate user, both in number of
14 sales and volume of sales, either directly to walk-in customers
15 or in face-to-face transactions by direct sales.

16 "Sales employee" means any employee or agent, other than a
17 pharmacist or pharmacy technician ~~who works exclusively or~~
18 ~~almost exclusively behind a pharmacy counter,~~ who at any time
19 (a) operates a cash register at which convenience targeted
20 packages may be sold, (b) stocks shelves containing convenience
21 ~~targeted~~ packages, or (c) trains or supervises any other
22 employee or agent who engages in any of the preceding
23 activities.

24 "Single retail transaction" means a sale by a retail
25 distributor to a specific customer at a specific time.

26 "Targeted methamphetamine precursor" means any compound,

1 mixture, or preparation that contains any detectable quantity
2 of ephedrine or pseudoephedrine, their salts or optical
3 isomers, or salts of optical isomers.

4 "Targeted package" means a package, including a
5 convenience package, containing any amount of targeted
6 methamphetamine precursor.

7 "Ultimate user" has the meaning provided in Section 102 of
8 the Illinois Controlled Substances Act.

9 "Williamson County Pilot Program" or "Pilot Program" means
10 the program described in Sections 36, 37, 38, 39, and 39.5 of
11 this Act.

12 "Williamson County Pilot Program Authority" or "Pilot
13 Program Authority" means the Williamson County Sheriff's
14 Office or its employees or agents.

15 "Voluntary participant" means any pharmacy that, although
16 not required by law to do so, participates in the Williamson
17 County Pilot Program.

18 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)

19 (720 ILCS 648/25)

20 Sec. 25. Pharmacies.

21 (a) No targeted methamphetamine precursor may be knowingly
22 distributed through a pharmacy, including a pharmacy located
23 within, owned by, operated by, or associated with a retail
24 distributor unless all terms of this Section are satisfied.

25 (b) Any targeted methamphetamine precursor other than a

1 convenience package or a liquid, including but not limited to
2 any targeted methamphetamine precursor in liquid-filled
3 capsules, shall: be packaged in blister packs, with each
4 blister containing not more than 2 dosage units, or when the
5 use of blister packs is technically infeasible, in unit dose
6 packets. Each targeted package shall contain no more than 3,000
7 milligrams of ephedrine or pseudoephedrine, their salts or
8 optical isomers, or salts of optical isomers.

9 (c) The targeted methamphetamine precursor shall be stored
10 behind the pharmacy counter and distributed by a pharmacist or
11 pharmacy technician licensed under the Pharmacy Practice Act of
12 1987.

13 (d) Any retail distributor operating a pharmacy, and any
14 pharmacist or pharmacy technician involved in the transaction
15 or transactions, shall ensure that any person purchasing,
16 receiving, or otherwise acquiring the targeted methamphetamine
17 precursor complies with subsection (a) of Section 20 of this
18 Act.

19 (e) Any retail distributor operating a pharmacy, and any
20 pharmacist or pharmacy technician involved in the transaction
21 or transactions, shall verify that:

22 (1) The person purchasing, receiving, or otherwise
23 acquiring the targeted methamphetamine precursor is 18
24 years of age or older and resembles the photograph of the
25 person on the government-issued identification presented
26 by the person; and

1 (2) The name entered into the log referred to in
2 subsection (a) of Section 20 of this Act corresponds to the
3 name on the government-issued identification presented by
4 the person.

5 (f) The logs referred to in subsection (a) of Section 20 of
6 this Act shall be kept confidential, maintained for not less
7 than 2 years, and made available for inspection and copying by
8 any law enforcement officer upon request of that officer. These
9 logs may be kept in an electronic format if they include all
10 the information specified in subsection (a) of Section 20 of
11 this Act in a manner that is readily retrievable and
12 reproducible in hard-copy format. Pharmacies covered by the
13 Williamson County Pilot Program described in Sections 36, 37,
14 38, 39, and 39.5 of this Act are required to transmit
15 electronic transaction records or handwritten logs to the Pilot
16 Program Authority in the manner described in those Sections.

17 (g) No retail distributor operating a pharmacy, and no
18 pharmacist or pharmacy technician, shall knowingly distribute
19 any targeted methamphetamine precursor to any person under 18
20 years of age.

21 (h) No retail distributor operating a pharmacy, and no
22 pharmacist or pharmacy technician, shall knowingly distribute
23 to a single person more than 2 targeted packages in a single
24 retail transaction.

25 (i) No retail distributor operating a pharmacy, and no
26 pharmacist or pharmacy technician, shall knowingly distribute

1 to a single person in any 30-day period products containing
2 more than a total of 7,500 milligrams of ephedrine or
3 pseudoephedrine, their salts or optical isomers, or salts of
4 optical isomers.

5 (j) A pharmacist or pharmacy technician may distribute a
6 targeted methamphetamine precursor to a person who is without a
7 form of identification specified in paragraph (1) of subsection
8 (a) of Section 20 of this Act only if all other provisions of
9 this Act are followed and either:

10 (1) the person presents a driver's license issued
11 without a photograph by the State of Illinois pursuant to
12 the Illinois Administrative Code, Title 92, Section
13 1030.90(b)(1) or 1030.90(b)(2); or

14 (2) the person is known to the pharmacist or pharmacy
15 technician, the person presents some form of
16 identification, and the pharmacist or pharmacy technician
17 reasonably believes that the targeted methamphetamine
18 precursor will be used for a legitimate medical purpose and
19 not to manufacture methamphetamine.

20 (k) When a pharmacist or pharmacy technician distributes a
21 targeted methamphetamine precursor to a person according to the
22 procedures set forth in this Act, and the pharmacist or
23 pharmacy technician does not have access to a working cash
24 register at the pharmacy counter, the pharmacist or pharmacy
25 technician may instruct the person to pay for the targeted
26 methamphetamine precursor at a cash register located elsewhere

1 in the retail establishment, whether that register is operated
2 by a pharmacist, pharmacy technician, or other employee or
3 agent of the retail establishment.

4 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)

5 (720 ILCS 648/36 new)

6 Sec. 36. Williamson County Pilot Program; general
7 provisions.

8 (a) Purposes. The purposes of this Section are: to
9 establish a pilot program based in Williamson County to track
10 purchases of targeted methamphetamine precursors at multiple
11 locations; to identify persons obtaining or distributing
12 targeted methamphetamine precursors for the likely purpose of
13 manufacturing methamphetamine; to starve methamphetamine
14 manufacturers of the methamphetamine precursors they need to
15 make methamphetamine; to locate and shut down methamphetamine
16 laboratories; and ultimately to reduce the harm that
17 methamphetamine manufacturing and manufacturers are inflicting
18 on individuals, families, communities, first responders, the
19 economy, and the environment in Illinois and beyond. In
20 authorizing this pilot program, the General Assembly
21 recognizes that, although this Act has significantly reduced
22 the number of methamphetamine laboratories in Illinois, some
23 persons continue to violate the Act, evade detection, and
24 support the manufacture of methamphetamine by obtaining
25 targeted methamphetamine precursor at multiple locations. The

1 General Assembly further recognizes that putting an end to this
2 practice and others like it will require an effort to track
3 purchases of targeted methamphetamine precursor across
4 multiple locations, and that a pilot program based in
5 Williamson County will advance this important goal.

6 (b) Structure.

7 (1) There is established a pilot program based in
8 Williamson County, known as the Williamson County Pilot
9 Program or Pilot Program, to track purchases of targeted
10 methamphetamine precursor across multiple locations for
11 the purposes stated in subsection (a) of this Section.

12 (2) The Pilot Program shall be operated by the
13 Williamson County Sheriff's Office, also known as the
14 Williamson County Pilot Program Authority or the Pilot
15 Program Authority, in accordance with the provisions of
16 Sections 36, 37, 38, 39, and 39.5 of this Act.

17 (3) The Pilot Program Authority shall designate a
18 Central Repository for the collection of required
19 information, and the Central Repository shall operate
20 according to the provisions of Sections 36, 37, 38, 39, and
21 39.5 of this Act.

22 (4) Every covered pharmacy shall participate in the
23 Pilot Program, and any non-covered pharmacy may
24 participate on a voluntary basis and be known as a
25 voluntary participant.

26 (c) Transmission of electronic transaction records. Except

1 as provided in Section 39:

2 (1) Each time a covered pharmacy distributes a targeted
3 methamphetamine precursor to a recipient under Section 25
4 of this Act, the covered pharmacy shall transmit an
5 electronic transaction record to the Central Repository.

6 (2) Each covered pharmacy shall elect to transmit
7 electronic transaction records either through the secure
8 website described in Section 37 of this Act or through
9 weekly electronic transfers as described in Section 38 of
10 this Act.

11 (d) Operation and Timeline for implementation.

12 (1) Except as stated in this subsection, this
13 amendatory Act of the 95th General Assembly shall be
14 operational upon becoming law.

15 (2) Covered pharmacies are not required to transmit any
16 electronic transaction records and exempt pharmacies are
17 not required to send any handwritten logs to the Central
18 Repository until the reporting start date set by the Pilot
19 Program Authority.

20 (3) The Pilot Program Authority shall announce the
21 "reporting start date" within 90 days of the date this
22 legislation is signed into law.

23 (4) The reporting start date shall be no sooner than 90
24 days after the date on which the Pilot Program Authority
25 announces the reporting start date.

26 (5) Starting on the reporting start date, and

1 continuing for a period of one year thereafter, covered
2 pharmacies shall transmit electronic transaction records
3 as described in Sections 37 and 38 of this Act, and exempt
4 pharmacies shall send handwritten logs as described in
5 Section 39 of this Act.

6 (6) Nothing in this Act shall preclude covered
7 pharmacies and exempt pharmacies from voluntarily
8 participating in the Pilot Program before the start date or
9 continuing to participate in the Pilot Program after one
10 year after the reporting start date.

11 (e) Funding. Funding for the Pilot Program shall be
12 provided by the Williamson County Pilot Program Authority,
13 drawing upon federal grant money and other available sources.
14 If funding is delayed, curtailed, or otherwise unavailable, the
15 Pilot Program Authority may delay implementation of the Pilot
16 Program, reduce the number of counties covered by the Pilot
17 Program, or end the Pilot Program early. If any such change
18 becomes necessary, the Pilot Program Authority shall inform
19 every covered pharmacy in writing.

20 (f) Training. The Pilot Program Authority shall provide,
21 free of charge, training and assistance to any pharmacy playing
22 any role in the Pilot Program.

23 (g) Relationship between the Williamson County Pilot
24 Program and other laws and rules. Nothing in Sections 36, 37,
25 38, 39, and 39.5 of this Act shall supersede, nullify, or
26 diminish the force of any requirement stated in any other

1 Section of this Act or in any other State or federal law or
2 rule.

3 (720 ILCS 648/37 new)

4 Sec. 37. Williamson County Pilot Program; secure website.

5 (a) Transmission of electronic transaction records through
6 a secure website; in general.

7 (1) The Pilot Program Authority shall establish a
8 secure website for the transmission of electronic
9 transaction records and electronic signatures and make it
10 available free of charge to any covered pharmacy that
11 elects to use it.

12 (2) The secure website shall enable any covered
13 pharmacy to transmit to the Central Repository an
14 electronic transaction record and an electronic signature
15 each time the pharmacy distributes a targeted
16 methamphetamine precursor to a recipient under Section 25
17 of this Act.

18 (3) If the secure website becomes unavailable to a
19 covered pharmacy, the covered pharmacy may, during the
20 period in which the secure website is not available,
21 continue to distribute targeted methamphetamine precursor
22 without using the secure website if, during this period,
23 the covered pharmacy maintains and transmits handwritten
24 logs as described in subsection (b) of Section 39 of this
25 Act.

1 (b) Assistance to covered pharmacies using the secure
2 website.

3 (1) The purpose of this subsection is to ensure that
4 participation in the Pilot Program does not impose
5 substantial costs on covered pharmacies that elect to
6 transmit electronic transaction records to the Central
7 Repository by means of the secure website.

8 (2) If a covered pharmacy that elects to transmit
9 electronic transaction records by means of the secure
10 website does not have computer hardware or software or
11 related equipment sufficient to make use of the secure
12 website, then the covered pharmacy may obtain and install
13 such hardware or software or related equipment at its own
14 cost, or it may request assistance from the Pilot Program
15 Authority, or some combination of the 2.

16 (3) If a covered pharmacy requests such assistance,
17 then the Pilot Program Authority shall, free of charge,
18 provide and install any computer hardware or software or
19 related equipment needed.

20 (4) Nothing in this subsection shall preclude the Pilot
21 Program Authority from providing additional or other
22 assistance to any pharmacy or retail distributor.

23 (c) Any covered pharmacy that elects to transmit electronic
24 transaction records by means of the secure website described in
25 this Section may use the secure website as its exclusive means
26 of complying with subsections (d) and (f) of Section 25 of this

1 Act, provided that, along with each electronic transaction
2 record, the pharmacy also transmits an electronically-captured
3 signature of the recipient of the targeted methamphetamine
4 precursor. To facilitate this option, the Pilot Program shall
5 do the following:

6 (1) The Pilot Program Authority shall provide to any
7 covered pharmacy that requests it an electronic signature
8 pad or other means of electronic signature capture.

9 (2) The Pilot Program Authority shall provide the
10 covered pharmacy with an official letter indicating that:

11 (A) The covered pharmacy in question is
12 participating in the Williamson County Pilot Program
13 for a specified period of time.

14 (B) During the specified period of time, the Pilot
15 Program Authority has assumed responsibility for
16 maintaining the logs described in subsection (f) of
17 Section 25 of this Act.

18 (C) Any law enforcement officer seeking to inspect
19 or copy the covered pharmacy's logs should direct the
20 request to the Pilot Program Authority through means
21 described in the letter.

22 (720 ILCS 648/38 new)

23 Sec. 38. Williamson County Pilot Program; weekly
24 electronic transfer.

25 (a) Weekly electronic transfer; in general.

1 (1) Any covered pharmacy may elect not to use the
2 secure website but instead to transmit electronic
3 transaction records by means of weekly electronic
4 transfers as described in this Section.

5 (2) Any covered pharmacy electing to transmit
6 electronic transaction records by means of weekly
7 electronic transfers shall transmit the records by means of
8 a computer diskette, a magnetic tape, or an electronic
9 device compatible with the receiving device of the Central
10 Repository.

11 (b) Weekly electronic transfer; timing.

12 (1) Any covered pharmacy electing to transmit
13 electronic transaction records by means of weekly
14 electronic transfers shall select a standard weeklong
15 reporting period such as, by way of example only, the 7-day
16 period that begins immediately after midnight Monday
17 morning and lasts until immediately before midnight the
18 next Sunday night.

19 (2) Electronic transaction records for transactions
20 occurring during the standard weeklong reporting period
21 selected by the pharmacy shall be transmitted to the
22 Central Repository no later than 24 hours after each
23 standard weeklong reporting period ends.

24 (3) Electronic transaction records may be delivered to
25 the Central Repository in person, by messenger, through the
26 United States Postal Service, over the Internet, or by

1 other reasonably reliable and prompt means.

2 (4) Although electronic transaction records shall be
3 transmitted to the Central Repository no later than one day
4 after the end of a weeklong reporting period, it is not
5 required that the electronic transaction records be
6 received by that deadline.

7 (c) Weekly electronic transfer; form of data. Each
8 electronic transaction record transmitted shall contain the
9 following information in the form described:

10 (1) The recipient's (A) first name, (B) last name, (C)
11 street address, and (D) zip code, in the 4 separate data
12 fields listed (A) through (D).

13 (2) The (A) date and (B) time of the transaction, in
14 the 2 separate data fields listed (A) and (B).

15 (3) One of the following:

16 (A) The (1) brand and product name and (2) total
17 quantity in milligrams distributed of ephedrine or
18 pseudoephedrine, their salts, or optical isomers, or
19 salts of optical isomers, in the 2 separate data fields
20 listed (1) and (2);

21 (B) The National Drug Code (NDC) number
22 corresponding to the product distributed, from which
23 may be determined the brand and product name and total
24 quantity distributed of ephedrine or pseudoephedrine,
25 their salts, or optical isomers, or salts of optical
26 isomers; or

1 (C) A company-specific code, akin to the National
2 Drug Code, from which may be determined the brand and
3 product name and total quantity distributed of
4 ephedrine or pseudoephedrine, their salts, or optical
5 isomers, or salts of optical isomers, along with
6 information sufficient to translate any
7 company-specific codes into the brand and product name
8 and total quantity distributed of ephedrine or
9 pseudoephedrine, their salts, or optical isomers, or
10 salts of optical isomers.

11 (4) One of the following:

12 (A) The identification type presented by the
13 recipient; or

14 (B) A code for the identification type presented by
15 the recipient, along with information sufficient to
16 translate any such code into the actual identification
17 type presented by the recipient.

18 (5) The identification number presented by the
19 recipient.

20 (6) One of the following:

21 (A) The (1) name, (2) street address, and (3) zip
22 code of the covered pharmacy, in 3 separate data fields
23 (1) through (3);

24 (B) The Drug Enforcement Administration (DEA)
25 number of the individual covered pharmacy, from which
26 may be determined the name, street address, and zip

1 code of the covered pharmacy; or

2 (C) A company-specific code, akin to the Drug
3 Enforcement Administration number, from which may be
4 determined the name, street address, and zip code of
5 the covered pharmacy, along with information
6 sufficient to translate any company-specific codes
7 into the name, street address, and zip code of the
8 covered pharmacy.

9 (720 ILCS 648/39 new)

10 Sec. 39. Williamson County Pilot Program; exempt
11 pharmacies.

12 (a) When a covered pharmacy is exempt. A covered pharmacy
13 is exempt from the requirement that it transmit electronic
14 transaction records to the Central Repository through the
15 secure website described in Section 37 or weekly electronic
16 transfers described in Section 38 of this Act if all of the
17 following conditions are satisfied:

18 (1) The covered pharmacy:

19 (A) Submits to the Pilot Program Authority a
20 written request for such an exemption;

21 (B) Has complied with Section 25 of this Act by
22 maintaining handwritten rather than electronic logs
23 during the 60-day period preceding the date the written
24 request is transmitted;

25 (C) Has not sold more than 20 targeted packages in

1 any 7-day period during the 60-day period preceding the
2 date the written request is transmitted; and

3 (D) Provides, along with the written request,
4 copies of handwritten logs covering the 60-day period
5 preceding the written request; and

6 (2) The Pilot Program Authority:

7 (A) Reviews the written request;

8 (B) Verifies that the covered pharmacy has
9 complied with Section 25 of this Act by maintaining
10 handwritten rather than electronic logs during the
11 60-day period preceding the date the written request is
12 transmitted;

13 (C) Verifies that the covered pharmacy has not sold
14 more than 20 targeted packages in any 7-day period
15 during the 60-day period preceding the date the written
16 request is transmitted; and

17 (D) Sends the covered pharmacy a letter stating
18 that the covered pharmacy is exempt from the
19 requirement that it transmit electronic transaction
20 records to the Central Repository.

21 (b) Obligations of an exempt pharmacy.

22 (1) A pharmacy that is exempt from the requirement that
23 it transmit electronic transaction records to the Central
24 Repository shall instead transmit copies, and retain the
25 originals, of handwritten logs.

26 (2) An exempt covered pharmacy shall transmit copies of

1 handwritten logs to the Central Repository in person, by
2 facsimile, through the United States Postal Service, or by
3 other reasonably reliable and prompt means.

4 (3) An exempt covered pharmacy shall transmit copies of
5 handwritten logs on a weekly basis as described in
6 subsection (b) of Section 38 of this Act.

7 (720 ILCS 648/39.5 new)

8 Sec. 39.5. Williamson County Pilot Program;
9 confidentiality of records.

10 (a) The Pilot Program Authority shall delete each
11 electronic transaction record and handwritten log entry 24
12 months after the date of the transaction it describes.

13 (b) The Pilot Program Authority and Central Repository
14 shall carry out a program to protect the confidentiality of
15 electronic transaction records and handwritten log entries
16 transmitted pursuant to Sections 36, 37, 38, and 39 of this
17 Act. The Pilot Program Authority and Central Repository shall
18 ensure that this information remains completely confidential
19 except as specifically provided in subsections (c) through (i)
20 of this Section. Except as provided in subsections (c) through
21 (i) of this Section, this information is strictly prohibited
22 from disclosure.

23 (c) Any employee or agent of the Central Repository may
24 have access to electronic transaction records and handwritten
25 log entries solely for the purpose of receiving, processing,

1 storing or analyzing this information.

2 (d) Any employee or agent of the Pilot Program Authority
3 may have access to electronic transaction records or
4 handwritten log entries solely for the purpose of identifying,
5 investigating, or prosecuting violations of this Act or any
6 other State or federal law or rule involving a methamphetamine
7 precursor, methamphetamine, or any other controlled substance.

8 (e) The Pilot Program Authority may release electronic
9 transaction records or handwritten log entries to the
10 authorized representative of a qualified outside entity only if
11 all of the following conditions are satisfied:

12 (1) The Pilot Program Authority verifies that the
13 entity receiving electronic transaction records or
14 handwritten log entries is a qualified outside entity as
15 defined in this Act.

16 (2) The Pilot Program Authority verifies that the
17 person receiving electronic transaction records or
18 handwritten log entries is an authorized representative,
19 as defined in this Act, of the qualified outside entity.

20 (3) The qualified outside entity agrees in writing, or
21 has previously agreed in writing, that it will use
22 electronic transaction records and handwritten log entries
23 solely for the purpose of identifying, investigating, or
24 prosecuting violations of this Act or any other State or
25 federal law or rule involving a methamphetamine precursor,
26 methamphetamine, or any other controlled substance.

1 (4) The qualified outside entity does not have a
2 history known to the Pilot Program Authority of violating
3 this agreement or similar agreements or of breaching the
4 confidentiality of sensitive information.

5 (f) The Pilot Program Authority may release to a particular
6 covered pharmacy or voluntary participant any electronic
7 transaction records or handwritten log entries previously
8 submitted by that particular covered pharmacy or voluntary
9 participant.

10 (g) The Pilot Program Authority may release to a particular
11 recipient any electronic transaction records clearly relating
12 to that recipient, upon sufficient proof of identity.

13 (h) The Pilot Program Authority may distribute
14 Methamphetamine Precursor Violation Alerts only if all of the
15 following conditions are satisfied:

16 (1) The Pilot Program Authority has reason to believe
17 that one or more recipients have violated or are violating
18 this Act or any other State or federal law or rule
19 involving a methamphetamine precursor, methamphetamine, or
20 any other controlled substance.

21 (2) Based on this information, the Pilot Program
22 Authority distributes a Methamphetamine Precursor
23 Violation Alert that may contain any of the following
24 confidential information:

25 (A) With respect to any recipient whom it is
26 believed has violated, has attempted to violate, or is

1 violating this Act or any other State or federal law or
2 rule involving a methamphetamine precursor,
3 methamphetamine, or any other controlled substance:

4 (i) Any name he or she has used to purchase or
5 attempt to purchase methamphetamine precursor;

6 (ii) Any address he or she has listed when
7 purchasing or attempting to purchase any targeted
8 methamphetamine precursor; and

9 (iii) Any identification information he or she
10 has used to purchase or attempt to purchase
11 methamphetamine precursor.

12 (B) With respect to any transaction in which the
13 recipient is believed to have purchased
14 methamphetamine precursor:

15 (i) The date and time of the transaction or
16 attempt;

17 (ii) The city or town and state in which the
18 transaction or attempt occurred; and

19 (iii) The total quantity received of ephedrine
20 or pseudoephedrine, their salts, or optical
21 isomers, or salts of optical isomers.

22 (3) Methamphetamine Precursor Violation Alerts shall
23 not include, with respect of any transaction in which the
24 recipient is believed to have purchased or attempted to
25 purchase methamphetamine precursor:

26 (A) The name or street address of the pharmacy

1 where the transaction or attempt took place, other than
2 the city or town and state where the pharmacy is
3 located; or

4 (B) The brand and product name of the item
5 received.

6 (4) Methamphetamine Precursor Violation Alerts may be
7 distributed to pharmacies, retail distributors, and law
8 enforcement agencies. When such alerts are distributed to
9 law enforcement agencies, it shall not be necessary to
10 follow the procedures described in subsection (d) of this
11 Section.

12 (5) When distributing Methamphetamine Precursor
13 Violation Alerts, the Pilot Program Authority shall
14 instruct those receiving the alerts that they are intended
15 only for pharmacies, retail distributors, and law
16 enforcement authorities, and that such alerts should
17 otherwise be kept confidential.

18 (i) The Pilot Program Authority may release general
19 statistical information to any person or entity provided that
20 the statistics do not include any information that identifies
21 any individual recipient or pharmacy by name, address,
22 identification number, Drug Enforcement Administration number,
23 or other means.

24 (720 ILCS 648/40)

25 Sec. 40. Penalties.

1 (a) Violations of subsection (b) of Section 20 of this Act.

2 (1) Any person who knowingly purchases, receives, or
3 otherwise acquires, within any 30-day period, products
4 containing more than a total of 7,500 milligrams of
5 ephedrine or pseudoephedrine, their salts or optical
6 isomers, or salts of optical isomers in violation of
7 subsection (b) of Section 20 of this Act is subject to the
8 following penalties:

9 (A) More than 7,500 milligrams but less than 15,000
10 milligrams, Class B misdemeanor;

11 (B) 15,000 or more but less than 22,500 milligrams,
12 Class A misdemeanor;

13 (C) 22,500 or more but less than 30,000 milligrams,
14 Class 4 felony;

15 (D) 30,000 or more but less than 37,500 milligrams,
16 Class 3 felony;

17 (E) 37,500 or more but less than 45,000 milligrams,
18 Class 2 felony;

19 (F) 45,000 or more milligrams, Class 1 felony.

20 (2) Any person who knowingly purchases, receives, or
21 otherwise acquires, within any 30-day period, products
22 containing more than a total of 7,500 milligrams of
23 ephedrine or pseudoephedrine, their salts or optical
24 isomers, or salts of optical isomers in violation of
25 subsection (b) of Section 20 of this Act, and who has
26 previously been convicted of any methamphetamine-related

1 offense under any State or federal law, is subject to the
2 following penalties:

3 (A) More than 7,500 milligrams but less than 15,000
4 milligrams, Class A misdemeanor;

5 (B) 15,000 or more but less than 22,500 milligrams,
6 Class 4 felony;

7 (C) 22,500 or more but less than 30,000 milligrams,
8 Class 3 felony;

9 (D) 30,000 or more but less than 37,500 milligrams,
10 Class 2 felony;

11 (E) 37,500 or more milligrams, Class 1 felony.

12 (3) Any person who knowingly purchases, receives, or
13 otherwise acquires, within any 30-day period, products
14 containing more than a total of 7,500 milligrams of
15 ephedrine or pseudoephedrine, their salts or optical
16 isomers, or salts of optical isomers in violation of
17 subsection (b) of Section 20 of this Act, and who has
18 previously been convicted 2 or more times of any
19 methamphetamine-related offense under State or federal
20 law, is subject to the following penalties:

21 (A) More than 7,500 milligrams but less than 15,000
22 milligrams, Class 4 felony;

23 (B) 15,000 or more but less than 22,500 milligrams,
24 Class 3 felony;

25 (C) 22,500 or more but less than 30,000 milligrams,
26 Class 2 felony;

1 (D) 30,000 or more milligrams, Class 1 felony.

2 (b) Violations of Section 15, 20, 25, 30, or 35 of this
3 Act, other than violations of subsection (b) of Section 20 of
4 this Act.

5 (1) ~~(a)~~ Any pharmacy or retail distributor that
6 violates Section 15, 20, 25, 30, or 35 of this Act, other
7 than subsection (b) of Section 20 of this Act, ~~this Act~~ is
8 guilty of a petty offense and subject to a fine of \$500 for
9 a first offense; and \$1,000 for a second offense occurring
10 at the same retail location as and within 3 years of the
11 prior offense. A pharmacy or retail distributor that
12 violates this Act is guilty of a business offense and
13 subject to a fine of \$5,000 for a third or subsequent
14 offense occurring at the same retail location as and within
15 3 years of the prior offenses.

16 (2) ~~(b)~~ An employee or agent of a pharmacy or retail
17 distributor who violates Section 15, 20, 25, 30, or 35 of
18 this Act, other than subsection (b) of Section 20 of this
19 Act, ~~this Act~~ is guilty of a Class A misdemeanor for a
20 first offense, a Class 4 felony for a second offense, and a
21 Class 1 felony for a third or subsequent offense.

22 (3) ~~(c)~~ Any other person who violates Section 15, 20,
23 25, 30, or 35 of this Act, other than subsection (b) of
24 Section 20 of this Act, ~~this Act~~ is guilty of a Class B
25 misdemeanor for a first offense, a Class A misdemeanor for
26 a second offense, and a Class 4 felony for a third or

1 subsequent offense.

2 (c) Any pharmacy or retail distributor that violates
3 Section 36, 37, 38, 39, or 39.5 of this Act is guilty of a petty
4 offense and subject to a fine of \$100 for a first offense, \$250
5 for a second offense, or \$500 for a third or subsequent
6 offense.

7 (d) Any person that violates Section 39.5 of this Act is
8 guilty of a Class B misdemeanor for a first offense, a Class A
9 misdemeanor for a second offense, and a Class 4 felony for a
10 third offense.

11 (Source: P.A. 94-694, eff. 1-15-06.)

12 (720 ILCS 648/45)

13 Sec. 45. Immunity from civil liability. In the event that
14 any agent or employee of a pharmacy or retail distributor
15 reports to any law enforcement officer or agency any suspicious
16 activity concerning a targeted methamphetamine precursor or
17 other methamphetamine ingredient or ingredients, or
18 participates in the Williamson County Pilot Program as provided
19 in Sections 36, 37, 38, 39, and 39.5 of this Act, the agent or
20 employee and the pharmacy or retail distributor itself are
21 immune from civil liability based on allegations of defamation,
22 libel, slander, false arrest, or malicious prosecution, or
23 similar allegations, except in cases of willful or wanton
24 misconduct.

25 (Source: P.A. 94-694, eff. 1-15-06.)

1 (720 ILCS 648/55)

2 Sec. 55. Preemption and home rule powers.

3 (a) Except as provided in subsection (b) of this Section
4 and in Sections 36, 37, 38, 39, and 39.5 of this Act, a county
5 or municipality, including a home rule unit, may regulate the
6 sale of targeted methamphetamine precursor and targeted
7 packages in a manner that is not more or less restrictive than
8 the regulation by the State under this Act. This Section is a
9 limitation under subsection (i) of Section 6 of Article VII of
10 the Illinois Constitution on the concurrent exercise by home
11 rule units of the powers and functions exercised by the State.

12 (b) Any regulation of the sale of targeted methamphetamine
13 precursor and targeted packages by a home rule unit that took
14 effect on or before May 1, 2004, is exempt from the provisions
15 of subsection (a) of this Section.

16 (Source: P.A. 94-694, eff. 1-15-06.)

17 Section 20. The Unified Code of Corrections is amended by
18 changing Sections 3-3-7, 3-6-3, and 5-8A-6 and by adding
19 Section 3-19-15 as follows:

20 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

21 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
22 Release.

23 (a) The conditions of parole or mandatory supervised

1 release shall be such as the Prisoner Review Board deems
2 necessary to assist the subject in leading a law-abiding life.
3 The conditions of every parole and mandatory supervised release
4 are that the subject:

5 (1) not violate any criminal statute of any
6 jurisdiction during the parole or release term;

7 (2) refrain from possessing a firearm or other
8 dangerous weapon;

9 (3) report to an agent of the Department of
10 Corrections;

11 (4) permit the agent to visit him or her at his or her
12 home, employment, or elsewhere to the extent necessary for
13 the agent to discharge his or her duties;

14 (5) attend or reside in a facility established for the
15 instruction or residence of persons on parole or mandatory
16 supervised release;

17 (6) secure permission before visiting or writing a
18 committed person in an Illinois Department of Corrections
19 facility;

20 (7) report all arrests to an agent of the Department of
21 Corrections as soon as permitted by the arresting authority
22 but in no event later than 24 hours after release from
23 custody;

24 (7.5) if convicted of a sex offense as defined in the
25 Sex Offender Management Board Act, the individual shall
26 undergo and successfully complete sex offender treatment

1 conducted in conformance with the standards developed by
2 the Sex Offender Management Board Act by a treatment
3 provider approved by the Board;

4 (7.6) if convicted of a sex offense as defined in the
5 Sex Offender Management Board Act, refrain from residing at
6 the same address or in the same condominium unit or
7 apartment unit or in the same condominium complex or
8 apartment complex with another person he or she knows or
9 reasonably should know is a convicted sex offender or has
10 been placed on supervision for a sex offense; the
11 provisions of this paragraph do not apply to a person
12 convicted of a sex offense who is placed in a Department of
13 Corrections licensed transitional housing facility for sex
14 offenders, or is in any facility operated or licensed by
15 the Department of Children and Family Services or by the
16 Department of Human Services, or is in any licensed medical
17 facility;

18 (7.7) if convicted for an offense that would qualify
19 the accused as a sexual predator under the Sex Offender
20 Registration Act on or after the effective date of this
21 amendatory Act of the 94th General Assembly, wear an
22 approved electronic monitoring device as defined in
23 Section 5-8A-2 for the duration of the person's parole,
24 mandatory supervised release term, or extended mandatory
25 supervised release term, ~~provided funding is appropriated~~
26 ~~by the General Assembly;~~

1 (7.8) if convicted for an offense that would qualify
2 the accused as a sex offender or sexual predator under the
3 Sex Offender Registration Act on or after the effective
4 date of this amendatory Act of the 95th General Assembly,
5 not possess prescription drugs for erectile dysfunction;

6 (8) obtain permission of an agent of the Department of
7 Corrections before leaving the State of Illinois;

8 (9) obtain permission of an agent of the Department of
9 Corrections before changing his or her residence or
10 employment;

11 (10) consent to a search of his or her person,
12 property, or residence under his or her control;

13 (11) refrain from the use or possession of narcotics or
14 other controlled substances in any form, or both, or any
15 paraphernalia related to those substances and submit to a
16 urinalysis test as instructed by a parole agent of the
17 Department of Corrections;

18 (12) not frequent places where controlled substances
19 are illegally sold, used, distributed, or administered;

20 (13) not knowingly associate with other persons on
21 parole or mandatory supervised release without prior
22 written permission of his or her parole agent and not
23 associate with persons who are members of an organized gang
24 as that term is defined in the Illinois Streetgang
25 Terrorism Omnibus Prevention Act;

26 (14) provide true and accurate information, as it

1 relates to his or her adjustment in the community while on
2 parole or mandatory supervised release or to his or her
3 conduct while incarcerated, in response to inquiries by his
4 or her parole agent or of the Department of Corrections;

5 (15) follow any specific instructions provided by the
6 parole agent that are consistent with furthering
7 conditions set and approved by the Prisoner Review Board or
8 by law, exclusive of placement on electronic detention, to
9 achieve the goals and objectives of his or her parole or
10 mandatory supervised release or to protect the public.
11 These instructions by the parole agent may be modified at
12 any time, as the agent deems appropriate; and

13 (16) if convicted of a sex offense as defined in
14 subsection (a-5) of Section 3-1-2 of this Code, unless the
15 offender is a parent or guardian of the person under 18
16 years of age present in the home and no non-familial minors
17 are present, not participate in a holiday event involving
18 children under 18 years of age, such as distributing candy
19 or other items to children on Halloween, wearing a Santa
20 Claus costume on or preceding Christmas, being employed as
21 a department store Santa Claus, or wearing an Easter Bunny
22 costume on or preceding Easter.

23 (b) The Board may in addition to other conditions require
24 that the subject:

25 (1) work or pursue a course of study or vocational
26 training;

1 (2) undergo medical or psychiatric treatment, or
2 treatment for drug addiction or alcoholism;

3 (3) attend or reside in a facility established for the
4 instruction or residence of persons on probation or parole;

5 (4) support his dependents;

6 (5) (blank);

7 (6) (blank);

8 (7) comply with the terms and conditions of an order of
9 protection issued pursuant to the Illinois Domestic
10 Violence Act of 1986, enacted by the 84th General Assembly,
11 or an order of protection issued by the court of another
12 state, tribe, or United States territory; and

13 (8) in addition, if a minor:

14 (i) reside with his parents or in a foster home;

15 (ii) attend school;

16 (iii) attend a non-residential program for youth;

17 or

18 (iv) contribute to his own support at home or in a
19 foster home.

20 (b-1) In addition to the conditions set forth in
21 subsections (a) and (b), persons required to register as sex
22 offenders pursuant to the Sex Offender Registration Act, upon
23 release from the custody of the Illinois Department of
24 Corrections, may be required by the Board to comply with the
25 following specific conditions of release:

26 (1) reside only at a Department approved location;

1 (2) comply with all requirements of the Sex Offender
2 Registration Act;

3 (3) notify third parties of the risks that may be
4 occasioned by his or her criminal record;

5 (4) obtain the approval of an agent of the Department
6 of Corrections prior to accepting employment or pursuing a
7 course of study or vocational training and notify the
8 Department prior to any change in employment, study, or
9 training;

10 (5) not be employed or participate in any volunteer
11 activity that involves contact with children, except under
12 circumstances approved in advance and in writing by an
13 agent of the Department of Corrections;

14 (6) be electronically monitored for a minimum of 12
15 months from the date of release as determined by the Board;

16 (7) refrain from entering into a designated geographic
17 area except upon terms approved in advance by an agent of
18 the Department of Corrections. The terms may include
19 consideration of the purpose of the entry, the time of day,
20 and others accompanying the person;

21 (8) refrain from having any contact, including written
22 or oral communications, directly or indirectly, personally
23 or by telephone, letter, or through a third party with
24 certain specified persons including, but not limited to,
25 the victim or the victim's family without the prior written
26 approval of an agent of the Department of Corrections;

1 (9) refrain from all contact, directly or indirectly,
2 personally, by telephone, letter, or through a third party,
3 with minor children without prior identification and
4 approval of an agent of the Department of Corrections;

5 (10) neither possess or have under his or her control
6 any material that is sexually oriented, sexually
7 stimulating, or that shows male or female sex organs or any
8 pictures depicting children under 18 years of age nude or
9 any written or audio material describing sexual
10 intercourse or that depicts or alludes to sexual activity,
11 including but not limited to visual, auditory, telephonic,
12 or electronic media, or any matter obtained through access
13 to any computer or material linked to computer access use;

14 (11) not patronize any business providing sexually
15 stimulating or sexually oriented entertainment nor utilize
16 "900" or adult telephone numbers;

17 (12) not reside near, visit, or be in or about parks,
18 schools, day care centers, swimming pools, beaches,
19 theaters, or any other places where minor children
20 congregate without advance approval of an agent of the
21 Department of Corrections and immediately report any
22 incidental contact with minor children to the Department;

23 (13) not possess or have under his or her control
24 certain specified items of contraband related to the
25 incidence of sexually offending as determined by an agent
26 of the Department of Corrections;

1 (14) may be required to provide a written daily log of
2 activities if directed by an agent of the Department of
3 Corrections;

4 (15) comply with all other special conditions that the
5 Department may impose that restrict the person from
6 high-risk situations and limit access to potential
7 victims; ~~-~~

8 (16) take an annual polygraph exam;

9 (17) maintain a log of his or her travel; or

10 (18) obtain prior approval of his or her parole officer
11 before driving alone in a motor vehicle.

12 (c) The conditions under which the parole or mandatory
13 supervised release is to be served shall be communicated to the
14 person in writing prior to his release, and he shall sign the
15 same before release. A signed copy of these conditions,
16 including a copy of an order of protection where one had been
17 issued by the criminal court, shall be retained by the person
18 and another copy forwarded to the officer in charge of his
19 supervision.

20 (d) After a hearing under Section 3-3-9, the Prisoner
21 Review Board may modify or enlarge the conditions of parole or
22 mandatory supervised release.

23 (e) The Department shall inform all offenders committed to
24 the Department of the optional services available to them upon
25 release and shall assist inmates in availing themselves of such
26 optional services upon their release on a voluntary basis.

1 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
2 eff. 7-11-05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)

3 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
4 Sec. 3-6-3. Rules and Regulations for Early Release.

5 (a) (1) The Department of Corrections shall prescribe
6 rules and regulations for the early release on account of
7 good conduct of persons committed to the Department which
8 shall be subject to review by the Prisoner Review Board.

9 (2) The rules and regulations on early release shall
10 provide, with respect to offenses listed in clause (i),
11 (ii), or (iii) of this paragraph (2) committed on or after
12 June 19, 1998 or with respect to the offense listed in
13 clause (iv) of this paragraph (2) committed on or after
14 June 23, 2005 (the effective date of Public Act 94-71) or
15 with respect to the offense of being an armed habitual
16 criminal committed on or after August 2, 2005 (the
17 effective date of Public Act 94-398), the following:

18 (i) that a prisoner who is serving a term of
19 imprisonment for first degree murder or for the offense
20 of terrorism shall receive no good conduct credit and
21 shall serve the entire sentence imposed by the court;

22 (ii) that a prisoner serving a sentence for attempt
23 to commit first degree murder, solicitation of murder,
24 solicitation of murder for hire, intentional homicide
25 of an unborn child, predatory criminal sexual assault

1 of a child, aggravated criminal sexual assault,
2 criminal sexual assault, aggravated kidnapping,
3 aggravated battery with a firearm, heinous battery,
4 being an armed habitual criminal, aggravated battery
5 of a senior citizen, or aggravated battery of a child
6 shall receive no more than 4.5 days of good conduct
7 credit for each month of his or her sentence of
8 imprisonment;

9 (iii) that a prisoner serving a sentence for home
10 invasion, armed robbery, aggravated vehicular
11 hijacking, aggravated discharge of a firearm, or armed
12 violence with a category I weapon or category II
13 weapon, when the court has made and entered a finding,
14 pursuant to subsection (c-1) of Section 5-4-1 of this
15 Code, that the conduct leading to conviction for the
16 enumerated offense resulted in great bodily harm to a
17 victim, shall receive no more than 4.5 days of good
18 conduct credit for each month of his or her sentence of
19 imprisonment; and

20 (iv) that a prisoner serving a sentence for
21 aggravated discharge of a firearm, whether or not the
22 conduct leading to conviction for the offense resulted
23 in great bodily harm to the victim, shall receive no
24 more than 4.5 days of good conduct credit for each
25 month of his or her sentence of imprisonment.

26 (2.1) For all offenses, other than those enumerated in

1 subdivision (a) (2) (i), (ii), or (iii) committed on or after
2 June 19, 1998 or subdivision (a) (2) (iv) committed on or
3 after June 23, 2005 (the effective date of Public Act
4 94-71), and other than the offense of reckless homicide as
5 defined in subsection (e) of Section 9-3 of the Criminal
6 Code of 1961 committed on or after January 1, 1999, or
7 aggravated driving under the influence of alcohol, other
8 drug or drugs, or intoxicating compound or compounds, or
9 any combination thereof as defined in subparagraph (F) of
10 paragraph (1) of subsection (d) of Section 11-501 of the
11 Illinois Vehicle Code, the rules and regulations shall
12 provide that a prisoner who is serving a term of
13 imprisonment shall receive one day of good conduct credit
14 for each day of his or her sentence of imprisonment or
15 recommitment under Section 3-3-9. Each day of good conduct
16 credit shall reduce by one day the prisoner's period of
17 imprisonment or recommitment under Section 3-3-9.

18 (2.2) A prisoner serving a term of natural life
19 imprisonment or a prisoner who has been sentenced to death
20 shall receive no good conduct credit.

21 (2.3) The rules and regulations on early release shall
22 provide that a prisoner who is serving a sentence for
23 reckless homicide as defined in subsection (e) of Section
24 9-3 of the Criminal Code of 1961 committed on or after
25 January 1, 1999, or aggravated driving under the influence
26 of alcohol, other drug or drugs, or intoxicating compound

1 or compounds, or any combination thereof as defined in
2 subparagraph (F) of paragraph (1) of subsection (d) of
3 Section 11-501 of the Illinois Vehicle Code, shall receive
4 no more than 4.5 days of good conduct credit for each month
5 of his or her sentence of imprisonment.

6 (2.4) The rules and regulations on early release shall
7 provide with respect to the offenses of aggravated battery
8 with a machine gun or a firearm equipped with any device or
9 attachment designed or used for silencing the report of a
10 firearm or aggravated discharge of a machine gun or a
11 firearm equipped with any device or attachment designed or
12 used for silencing the report of a firearm, committed on or
13 after July 15, 1999 (the effective date of Public Act
14 91-121), that a prisoner serving a sentence for any of
15 these offenses shall receive no more than 4.5 days of good
16 conduct credit for each month of his or her sentence of
17 imprisonment.

18 (2.5) The rules and regulations on early release shall
19 provide that a prisoner who is serving a sentence for
20 aggravated arson committed on or after July 27, 2001 (the
21 effective date of Public Act 92-176) shall receive no more
22 than 4.5 days of good conduct credit for each month of his
23 or her sentence of imprisonment.

24 (3) The rules and regulations shall also provide that
25 the Director may award up to 180 days additional good
26 conduct credit for meritorious service in specific

1 instances as the Director deems proper; except that no more
2 than 90 days of good conduct credit for meritorious service
3 shall be awarded to any prisoner who is serving a sentence
4 for conviction of first degree murder, reckless homicide
5 while under the influence of alcohol or any other drug, or
6 aggravated driving under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or
8 any combination thereof as defined in subparagraph (F) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
11 predatory criminal sexual assault of a child, aggravated
12 criminal sexual assault, criminal sexual assault, deviate
13 sexual assault, aggravated criminal sexual abuse,
14 aggravated indecent liberties with a child, indecent
15 liberties with a child, child pornography, heinous
16 battery, aggravated battery of a spouse, aggravated
17 battery of a spouse with a firearm, stalking, aggravated
18 stalking, aggravated battery of a child, endangering the
19 life or health of a child, cruelty to a child, or narcotic
20 racketeering. Notwithstanding the foregoing, good conduct
21 credit for meritorious service shall not be awarded on a
22 sentence of imprisonment imposed for conviction of: (i) one
23 of the offenses enumerated in subdivision (a)(2)(i), (ii),
24 or (iii) when the offense is committed on or after June 19,
25 1998 or subdivision (a)(2)(iv) when the offense is
26 committed on or after June 23, 2005 (the effective date of

1 Public Act 94-71), (ii) reckless homicide as defined in
2 subsection (e) of Section 9-3 of the Criminal Code of 1961
3 when the offense is committed on or after January 1, 1999,
4 or aggravated driving under the influence of alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or
6 any combination thereof as defined in subparagraph (F) of
7 paragraph (1) of subsection (d) of Section 11-501 of the
8 Illinois Vehicle Code, (iii) one of the offenses enumerated
9 in subdivision (a) (2.4) when the offense is committed on or
10 after July 15, 1999 (the effective date of Public Act
11 91-121), or (iv) aggravated arson when the offense is
12 committed on or after July 27, 2001 (the effective date of
13 Public Act 92-176).

14 (4) The rules and regulations shall also provide that
15 the good conduct credit accumulated and retained under
16 paragraph (2.1) of subsection (a) of this Section by any
17 inmate during specific periods of time in which such inmate
18 is engaged full-time in substance abuse programs,
19 correctional industry assignments, or educational programs
20 provided by the Department under this paragraph (4) and
21 satisfactorily completes the assigned program as
22 determined by the standards of the Department, shall be
23 multiplied by a factor of 1.25 for program participation
24 before August 11, 1993 and 1.50 for program participation
25 on or after that date. However, no inmate shall be eligible
26 for the additional good conduct credit under this paragraph

1 (4) or (4.1) of this subsection (a) while assigned to a
2 boot camp or electronic detention, or if convicted of an
3 offense enumerated in subdivision (a)(2)(i), (ii), or
4 (iii) of this Section that is committed on or after June
5 19, 1998 or subdivision (a)(2)(iv) of this Section that is
6 committed on or after June 23, 2005 (the effective date of
7 Public Act 94-71), or if convicted of reckless homicide as
8 defined in subsection (e) of Section 9-3 of the Criminal
9 Code of 1961 if the offense is committed on or after
10 January 1, 1999, or aggravated driving under the influence
11 of alcohol, other drug or drugs, or intoxicating compound
12 or compounds, or any combination thereof as defined in
13 subparagraph (F) of paragraph (1) of subsection (d) of
14 Section 11-501 of the Illinois Vehicle Code, or if
15 convicted of an offense enumerated in paragraph (a)(2.4) of
16 this Section that is committed on or after July 15, 1999
17 (the effective date of Public Act 91-121), or first degree
18 murder, a Class X felony, criminal sexual assault, felony
19 criminal sexual abuse, aggravated criminal sexual abuse,
20 aggravated battery with a firearm, or any predecessor or
21 successor offenses with the same or substantially the same
22 elements, or any inchoate offenses relating to the
23 foregoing offenses. No inmate shall be eligible for the
24 additional good conduct credit under this paragraph (4) who
25 (i) has previously received increased good conduct credit
26 under this paragraph (4) and has subsequently been

1 convicted of a felony, or (ii) has previously served more
2 than one prior sentence of imprisonment for a felony in an
3 adult correctional facility.

4 Educational, vocational, substance abuse and
5 correctional industry programs under which good conduct
6 credit may be increased under this paragraph (4) and
7 paragraph (4.1) of this subsection (a) shall be evaluated
8 by the Department on the basis of documented standards. The
9 Department shall report the results of these evaluations to
10 the Governor and the General Assembly by September 30th of
11 each year. The reports shall include data relating to the
12 recidivism rate among program participants.

13 Availability of these programs shall be subject to the
14 limits of fiscal resources appropriated by the General
15 Assembly for these purposes. Eligible inmates who are
16 denied immediate admission shall be placed on a waiting
17 list under criteria established by the Department. The
18 inability of any inmate to become engaged in any such
19 programs by reason of insufficient program resources or for
20 any other reason established under the rules and
21 regulations of the Department shall not be deemed a cause
22 of action under which the Department or any employee or
23 agent of the Department shall be liable for damages to the
24 inmate.

25 (4.1) The rules and regulations shall also provide that
26 an additional 60 days of good conduct credit shall be

1 awarded to any prisoner who passes the high school level
2 Test of General Educational Development (GED) while the
3 prisoner is incarcerated. The good conduct credit awarded
4 under this paragraph (4.1) shall be in addition to, and
5 shall not affect, the award of good conduct under any other
6 paragraph of this Section, but shall also be pursuant to
7 the guidelines and restrictions set forth in paragraph (4)
8 of subsection (a) of this Section. The good conduct credit
9 provided for in this paragraph shall be available only to
10 those prisoners who have not previously earned a high
11 school diploma or a GED. If, after an award of the GED good
12 conduct credit has been made and the Department determines
13 that the prisoner was not eligible, then the award shall be
14 revoked.

15 (4.5) The rules and regulations on early release shall
16 also provide that when the court's sentencing order
17 recommends a prisoner for substance abuse treatment and the
18 crime was committed on or after September 1, 2003 (the
19 effective date of Public Act 93-354), the prisoner shall
20 receive no good conduct credit awarded under clause (3) of
21 this subsection (a) unless he or she participates in and
22 completes a substance abuse treatment program. The
23 Director may waive the requirement to participate in or
24 complete a substance abuse treatment program and award the
25 good conduct credit in specific instances if the prisoner
26 is not a good candidate for a substance abuse treatment

1 program for medical, programming, or operational reasons.
2 Availability of substance abuse treatment shall be subject
3 to the limits of fiscal resources appropriated by the
4 General Assembly for these purposes. If treatment is not
5 available and the requirement to participate and complete
6 the treatment has not been waived by the Director, the
7 prisoner shall be placed on a waiting list under criteria
8 established by the Department. The Director may allow a
9 prisoner placed on a waiting list to participate in and
10 complete a substance abuse education class or attend
11 substance abuse self-help meetings in lieu of a substance
12 abuse treatment program. A prisoner on a waiting list who
13 is not placed in a substance abuse program prior to release
14 may be eligible for a waiver and receive good conduct
15 credit under clause (3) of this subsection (a) at the
16 discretion of the Director.

17 (4.6) The rules and regulations on early release shall
18 also provide that a prisoner who has been convicted of a
19 sex offense as defined in Section 2 of the Sex Offender
20 Registration Act shall receive no good conduct credit
21 unless he or she either has successfully completed or is
22 participating in sex offender treatment as defined by the
23 Sex Offender Management Board. However, prisoners who are
24 waiting to receive such treatment, but who are unable to do
25 so due solely to the lack of resources on the part of the
26 Department, may, at the Director's sole discretion, be

1 awarded good conduct credit at such rate as the Director
2 shall determine.

3 (5) Whenever the Department is to release any inmate
4 earlier than it otherwise would because of a grant of good
5 conduct credit for meritorious service given at any time
6 during the term, the Department shall give reasonable
7 advance notice of the impending release to the State's
8 Attorney of the county where the prosecution of the inmate
9 took place.

10 (b) Whenever a person is or has been committed under
11 several convictions, with separate sentences, the sentences
12 shall be construed under Section 5-8-4 in granting and
13 forfeiting of good time.

14 (c) The Department shall prescribe rules and regulations
15 for revoking good conduct credit, or suspending or reducing the
16 rate of accumulation of good conduct credit for specific rule
17 violations, during imprisonment. These rules and regulations
18 shall provide that no inmate may be penalized more than one
19 year of good conduct credit for any one infraction.

20 When the Department seeks to revoke, suspend or reduce the
21 rate of accumulation of any good conduct credits for an alleged
22 infraction of its rules, it shall bring charges therefor
23 against the prisoner sought to be so deprived of good conduct
24 credits before the Prisoner Review Board as provided in
25 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
26 amount of credit at issue exceeds 30 days or when during any 12

1 month period, the cumulative amount of credit revoked exceeds
2 30 days except where the infraction is committed or discovered
3 within 60 days of scheduled release. In those cases, the
4 Department of Corrections may revoke up to 30 days of good
5 conduct credit. The Board may subsequently approve the
6 revocation of additional good conduct credit, if the Department
7 seeks to revoke good conduct credit in excess of 30 days.
8 However, the Board shall not be empowered to review the
9 Department's decision with respect to the loss of 30 days of
10 good conduct credit within any calendar year for any prisoner
11 or to increase any penalty beyond the length requested by the
12 Department.

13 The Director of the Department of Corrections, in
14 appropriate cases, may restore up to 30 days good conduct
15 credits which have been revoked, suspended or reduced. Any
16 restoration of good conduct credits in excess of 30 days shall
17 be subject to review by the Prisoner Review Board. However, the
18 Board may not restore good conduct credit in excess of the
19 amount requested by the Director.

20 Nothing contained in this Section shall prohibit the
21 Prisoner Review Board from ordering, pursuant to Section
22 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
23 sentence imposed by the court that was not served due to the
24 accumulation of good conduct credit.

25 (d) If a lawsuit is filed by a prisoner in an Illinois or
26 federal court against the State, the Department of Corrections,

1 or the Prisoner Review Board, or against any of their officers
2 or employees, and the court makes a specific finding that a
3 pleading, motion, or other paper filed by the prisoner is
4 frivolous, the Department of Corrections shall conduct a
5 hearing to revoke up to 180 days of good conduct credit by
6 bringing charges against the prisoner sought to be deprived of
7 the good conduct credits before the Prisoner Review Board as
8 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
9 If the prisoner has not accumulated 180 days of good conduct
10 credit at the time of the finding, then the Prisoner Review
11 Board may revoke all good conduct credit accumulated by the
12 prisoner.

13 For purposes of this subsection (d):

14 (1) "Frivolous" means that a pleading, motion, or other
15 filing which purports to be a legal document filed by a
16 prisoner in his or her lawsuit meets any or all of the
17 following criteria:

18 (A) it lacks an arguable basis either in law or in
19 fact;

20 (B) it is being presented for any improper purpose,
21 such as to harass or to cause unnecessary delay or
22 needless increase in the cost of litigation;

23 (C) the claims, defenses, and other legal
24 contentions therein are not warranted by existing law
25 or by a nonfrivolous argument for the extension,
26 modification, or reversal of existing law or the

1 establishment of new law;

2 (D) the allegations and other factual contentions
3 do not have evidentiary support or, if specifically so
4 identified, are not likely to have evidentiary support
5 after a reasonable opportunity for further
6 investigation or discovery; or

7 (E) the denials of factual contentions are not
8 warranted on the evidence, or if specifically so
9 identified, are not reasonably based on a lack of
10 information or belief.

11 (2) "Lawsuit" means a petition for post-conviction
12 relief under Article 122 of the Code of Criminal Procedure
13 of 1963, a motion pursuant to Section 116-3 of the Code of
14 Criminal Procedure of 1963, a habeas corpus action under
15 Article X of the Code of Civil Procedure or under federal
16 law (28 U.S.C. 2254), a petition for claim under the Court
17 of Claims Act or an action under the federal Civil Rights
18 Act (42 U.S.C. 1983).

19 (e) Nothing in Public Act 90-592 or 90-593 affects the
20 validity of Public Act 89-404.

21 (Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71,
22 eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398,
23 eff. 8-2-05; 94-491, eff. 8-8-05; 94-744, eff. 5-8-06.)

24 (730 ILCS 5/3-19-15 new)

25 Sec. 3-19-15. Task Force on Transitional Housing for Sex

1 Offenders.

2 (a) There is created the Task Force on Transitional Housing
3 Facilities for Sex Offenders. The Task Force shall be composed
4 of the following members:

5 (1) Two members from the Department of Corrections
6 appointed by the Director of Corrections;

7 (2) Two members from the Prisoner Review Board
8 appointed by that Board;

9 (3) Two members of the Senate appointed by the
10 President of the Senate;

11 (4) Two members of the Senate appointed by the Minority
12 Leader of the Senate;

13 (5) Two members of the House of Representatives
14 appointed by the Speaker of the House of Representatives;

15 (6) Two members of the House of Representatives
16 appointed by the Minority Leader of the House of
17 Representatives; and

18 (7) Two members of the Governor's Office appointed by
19 the Governor.

20 (b) The Task Force shall study the implementation, cost,
21 placement, and effectiveness of transitional housing
22 facilities for sex offenders released from facilities of the
23 Department of Corrections.

24 (c) The members of the Task Force shall receive no
25 compensation for their services as members of the Task Force
26 but may be reimbursed for their actual expenses incurred in

1 servicing on the Task Force from appropriations made to them for
2 such purpose.

3 (730 ILCS 5/5-8A-6)

4 Sec. 5-8A-6. Electronic monitoring of certain sex
5 offenders. For a sexual predator subject to electronic home
6 monitoring under paragraph (7.7) of subsection (a) of Section
7 3-3-7, the Department of Corrections must use a system that
8 actively monitors and identifies the offender's current
9 location and timely reports or records the offender's presence
10 and that alerts the Department of the offender's presence
11 within a prohibited area described in Sections 11-9.3 and
12 11-9.4 of the Criminal Code of 1961, in a court order, or as a
13 condition of the offender's parole, mandatory supervised
14 release, or extended mandatory supervised release and the
15 offender's departure from specified geographic limitations. To
16 the extent that he or she is able to do so, which the
17 Department of Corrections by rule shall determine, the offender
18 must pay for the cost of the electronic home monitoring ~~7~~
19 ~~provided funding is appropriated by the General Assembly for~~
20 ~~this purpose.~~

21 (Source: P.A. 94-988, eff. 1-1-07.)

22 Section 25. The Sex Offender Registration Act is amended by
23 changing Sections 3, 4, 5, 5-5, 6, 6-5, and 7 as follows:

1 (730 ILCS 150/3) (from Ch. 38, par. 223)

2 Sec. 3. Duty to register.

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

23 (1) with the chief of police in the municipality in
24 which he or she resides or is temporarily domiciled for a
25 period of time of 5 or more days, unless the municipality
26 is the City of Chicago, in which case he or she shall

1 register at the Chicago Police Department Headquarters; or

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

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

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

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

18 For purposes of this Article, the place of residence or
19 temporary domicile is defined as any and all places where the
20 sex offender resides for an aggregate period of time of 5 or
21 more days during any calendar year. Any person required to
22 register under this Article who lacks a fixed address or
23 temporary domicile must notify, in person, the agency of
24 jurisdiction of his or her last known address within 3 days ~~5~~
25 ~~days~~ after ceasing to have a fixed residence.

26 Any person who lacks a fixed residence must report weekly,

1 in person, with the sheriff's office of the county in which he
2 or she is located in an unincorporated area, or with the chief
3 of police in the municipality in which he or she is located.
4 The agency of jurisdiction will document each weekly
5 registration to include all the locations where the person has
6 stayed during the past 7 days.

7 The sex offender or sexual predator shall provide accurate
8 information as required by the Department of State Police. That
9 information shall include the sex offender's or sexual
10 predator's current place of employment.

11 (a-5) An out-of-state student or out-of-state employee
12 shall, within 3 days ~~5 days~~ after beginning school or
13 employment in this State, register in person and provide
14 accurate information as required by the Department of State
15 Police. Such information will include current place of
16 employment, school attended, and address in state of residence.
17 The out-of-state student or out-of-state employee shall
18 register:

19 (1) with the chief of police in the municipality in
20 which he or she attends school or is employed for a period
21 of time of 5 or more days or for an aggregate period of
22 time of more than 30 days during any calendar year, unless
23 the municipality is the City of Chicago, in which case he
24 or she shall register at the Chicago Police Department
25 Headquarters; or

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

1 attends school or is employed for a period of time of 5 or
2 more days or for an aggregate period of time of more than
3 30 days during any calendar year in an unincorporated area
4 or, if incorporated, no police chief exists.

5 The out-of-state student or out-of-state employee shall
6 provide accurate information as required by the Department of
7 State Police. That information shall include the out-of-state
8 student's current place of school attendance or the
9 out-of-state employee's current place of employment.

10 (b) Any sex offender, as defined in Section 2 of this Act,
11 or sexual predator, regardless of any initial, prior, or other
12 registration, shall, within 3 days ~~5 days~~ of beginning school,
13 or establishing a residence, place of employment, or temporary
14 domicile in any county, register in person as set forth in
15 subsection (a) or (a-5).

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

18 (1) Any person registered under the Habitual Child Sex
19 Offender Registration Act or the Child Sex Offender
20 Registration Act prior to January 1, 1996, shall be deemed
21 initially registered as of January 1, 1996; however, this
22 shall not be construed to extend the duration of
23 registration set forth in Section 7.

24 (2) Except as provided in subsection (c)(4), any person
25 convicted or adjudicated prior to January 1, 1996, whose
26 liability for registration under Section 7 has not expired,

1 shall register in person prior to January 31, 1996.

2 (2.5) Except as provided in subsection (c)(4), any
3 person who has not been notified of his or her
4 responsibility to register shall be notified by a criminal
5 justice entity of his or her responsibility to register.
6 Upon notification the person must then register within 3
7 days ~~5 days~~ of notification of his or her requirement to
8 register. If notification is not made within the offender's
9 10 year registration requirement, and the Department of
10 State Police determines no evidence exists or indicates the
11 offender attempted to avoid registration, the offender
12 will no longer be required to register under this Act.

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

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

22 (5) The person shall provide positive identification
23 and documentation that substantiates proof of residence at
24 the registering address.

25 (6) The person shall pay a \$20 initial registration fee
26 and a \$10 annual renewal fee. The fees shall be used by the

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

20 (d) Within 3 days ~~5 days~~ after obtaining or changing
21 employment and, if employed on January 1, 2000, within 5 days
22 after that date, a person required to register under this
23 Section must report, in person to the law enforcement agency
24 having jurisdiction, the business name and address where he or
25 she is employed. If the person has multiple businesses or work
26 locations, every business and work location must be reported to

1 the law enforcement agency having jurisdiction.

2 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;
3 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

4 (730 ILCS 150/4) (from Ch. 38, par. 224)

5 Sec. 4. Discharge of sex offender, as defined in Section 2
6 of this Act, or sexual predator from Department of Corrections
7 facility or other penal institution; duties of official in
8 charge. Any sex offender, as defined in Section 2 of this Act,
9 or sexual predator, as defined by this Article, who is
10 discharged, paroled or released from a Department of
11 Corrections facility, a facility where such person was placed
12 by the Department of Corrections or another penal institution,
13 and whose liability for registration has not terminated under
14 Section 7 shall, prior to discharge, parole or release from the
15 facility or institution, be informed of his or her duty to
16 register in person within 3 days ~~5 days~~ of release by the
17 facility or institution in which he or she was confined. The
18 facility or institution shall also inform any person who must
19 register that if he or she establishes a residence outside of
20 the State of Illinois, is employed outside of the State of
21 Illinois, or attends school outside of the State of Illinois,
22 he or she must register in the new state within 3 days ~~5 days~~
23 after establishing the residence, beginning employment, or
24 beginning school.

25 The facility shall require the person to read and sign such

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

22 (Source: P.A. 94-168, eff. 1-1-06.)

23 (730 ILCS 150/5) (from Ch. 38, par. 225)

24 Sec. 5. Release of sex offender, as defined in Section 2 of
25 this Act, or sexual predator; duties of the Court. Any sex

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

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

4 (Source: P.A. 94-168, eff. 1-1-06.)

5 (730 ILCS 150/5-5)

6 Sec. 5-5. Discharge of sex offender or sexual predator from
7 a hospital or other treatment facility; duties of the official
8 in charge. Any sex offender, as defined in Section 2 of this
9 Act, or sexual predator, as defined in this Article, who is
10 discharged or released from a hospital or other treatment
11 facility where he or she was confined shall be informed by the
12 hospital or treatment facility in which he or she was confined,
13 prior to discharge or release from the hospital or treatment
14 facility, of his or her duty to register under this Article.

15 The facility shall require the person to read and sign such
16 form as may be required by the Department of State Police
17 stating that the duty to register and the procedure for
18 registration has been explained to him or her and that he or
19 she understands the duty to register and the procedure for
20 registration. The facility shall give one copy of the form to
21 the person, retain one copy for their records, and forward the
22 original to the Department of State Police. The facility shall
23 obtain information about where the person expects to reside,
24 work, and attend school upon his or her discharge, parole, or
25 release and shall report the information to the Department of

1 State Police within 3 days. The facility or institution shall
2 also inform any person who must register that if he or she
3 establishes a residence outside of the State of Illinois, is
4 employed outside of the State of Illinois, or attends school
5 outside of the State of Illinois, he or she must register in
6 the new state within 3 days ~~5 days~~ after establishing the
7 residence, beginning school, or beginning employment. The
8 Department of State Police shall notify the law enforcement
9 agencies having jurisdiction where the person expects to
10 reside, work, and attend school upon his or her release.

11 (Source: P.A. 94-168, eff. 1-1-06.)

12 (730 ILCS 150/6) (from Ch. 38, par. 226)

13 Sec. 6. Duty to report; change of address, school, or
14 employment; duty to inform. A person who has been adjudicated
15 to be sexually dangerous or is a sexually violent person and is
16 later released, or found to be no longer sexually dangerous or
17 no longer a sexually violent person and discharged, or
18 convicted of a violation of this Act after July 1, 2005, shall
19 report in person to the law enforcement agency with whom he or
20 she last registered no later than 90 days after the date of his
21 or her last registration and every 90 days thereafter and at
22 such other times at the request of the law enforcement agency
23 not to exceed 4 times a year. Any person who lacks a fixed
24 residence must report weekly, in person, to the appropriate law
25 enforcement agency where the sex offender is located. Any other

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

25 If any person required to register under this Article
26 intends to establish a residence or employment outside of the

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

13 (Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06;
14 94-168, eff. 1-1-06; revised 8-19-05.)

15 (730 ILCS 150/6-5)

16 Sec. 6-5. Out-of-State employee or student; duty to report
17 change. Every out-of-state student or out-of-state employee
18 must notify the agency having jurisdiction of any change of
19 employment or change of educational status, in writing, within
20 3 days ~~5 days~~ of the change. The law enforcement agency shall,
21 within 3 days after receiving the notice, enter the appropriate
22 changes into LEADS.

23 (Source: P.A. 94-168, eff. 1-1-06.)

24 (730 ILCS 150/7) (from Ch. 38, par. 227)

1 Sec. 7. Duration of registration. A person who has been
2 adjudicated to be sexually dangerous and is later released or
3 found to be no longer sexually dangerous and discharged, shall
4 register for the period of his or her natural life. A sexually
5 violent person or sexual predator shall register for the period
6 of his or her natural life after conviction or adjudication if
7 not confined to a penal institution, hospital, or other
8 institution or facility, and if confined, for the period of his
9 or her natural life after parole, discharge, or release from
10 any such facility. Any other person who is required to register
11 under this Article shall be required to register for a period
12 of 10 years after conviction or adjudication if not confined to
13 a penal institution, hospital or any other institution or
14 facility, and if confined, for a period of 10 years after
15 parole, discharge or release from any such facility. A sex
16 offender who is allowed to leave a county, State, or federal
17 facility for the purposes of work release, education, or
18 overnight visitations shall be required to register within 3
19 days ~~5 days~~ of beginning such a program. Liability for
20 registration terminates at the expiration of 10 years from the
21 date of conviction or adjudication if not confined to a penal
22 institution, hospital or any other institution or facility and
23 if confined, at the expiration of 10 years from the date of
24 parole, discharge or release from any such facility, providing
25 such person does not, during that period, again become liable
26 to register under the provisions of this Article. Reconfinement

1 due to a violation of parole or other circumstances that
2 relates to the original conviction or adjudication shall extend
3 the period of registration to 10 years after final parole,
4 discharge, or release. The Director of State Police, consistent
5 with administrative rules, shall extend for 10 years the
6 registration period of any sex offender, as defined in Section
7 2 of this Act, who fails to comply with the provisions of this
8 Article. The registration period for any sex offender who fails
9 to comply with any provision of the Act shall extend the period
10 of registration by 10 years beginning from the first date of
11 registration after the violation. If the registration period is
12 extended, the Department of State Police shall send a
13 registered letter to the law enforcement agency where the sex
14 offender resides within 3 days after the extension of the
15 registration period. The sex offender shall report to that law
16 enforcement agency and sign for that letter. One copy of that
17 letter shall be kept on file with the law enforcement agency of
18 the jurisdiction where the sex offender resides and one copy
19 shall be returned to the Department of State Police.

20 (Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06;
21 94-168, eff. 1-1-06; revised 8-19-05.)

22 Section 30. The Sex Offender Community Notification Law is
23 amended by changing Section 120 as follows:

24 (730 ILCS 152/120)

1 Sec. 120. Community notification of sex offenders.

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

7 (1) The boards of institutions of higher education or
8 other appropriate administrative offices of each
9 non-public institution of higher education located in the
10 county where the sex offender is required to register,
11 resides, is employed, or is attending an institution of
12 higher education; ~~and~~

13 (2) School boards of public school districts and the
14 principal or other appropriate administrative officer of
15 each nonpublic school located in the county where the sex
16 offender is required to register or is employed; ~~and~~

17 (3) Child care facilities located in the county where
18 the sex offender is required to register or is employed; ~~and~~

19 (4) Public libraries located in the county where the
20 sex offender is required to register or is employed;

21 (5) Public housing agencies located in the county where
22 the sex offender is required to register or is employed;

23 (6) The Illinois Department of Children and Family
24 Services;

25 (7) Social service agencies providing services to
26 minors located in the county where the sex offender is

1 required to register or is employed; and

2 (8) Volunteer organizations providing services to
3 minors located in the county where the sex offender is
4 required to register or is employed.

5 (a-2) The sheriff of Cook County shall disclose to the
6 following the name, address, date of birth, place of
7 employment, school attended, and offense or adjudication of all
8 sex offenders required to register under Section 3 of the Sex
9 Offender Registration Act:

10 (1) School boards of public school districts and the
11 principal or other appropriate administrative officer of
12 each nonpublic school located within the region of Cook
13 County, as those public school districts and nonpublic
14 schools are identified in LEADS, other than the City of
15 Chicago, where the sex offender is required to register or
16 is employed; ~~and~~

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

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

1 (4) Public libraries located in the county, other than
2 the City of Chicago, where the sex offender is required to
3 register, resides, is employed, or attending an
4 institution of higher education;

5 (5) Public housing agencies located in the county,
6 other than the City of Chicago, where the sex offender is
7 required to register, resides, is employed, or attending an
8 institution of higher education;

9 (6) The Illinois Department of Children and Family
10 Services;

11 (7) Social service agencies providing services to
12 minors located in the county, other than the City of
13 Chicago, where the sex offender is required to register,
14 resides, is employed, or attending an institution of higher
15 education; and

16 (8) Volunteer organizations providing services to
17 minors located in the county, other than the City of
18 Chicago, where the sex offender is required to register,
19 resides, is employed, or attending an institution of higher
20 education.

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

26 (1) School boards of public school districts and the

1 principal or other appropriate administrative officer of
2 each nonpublic school located in the police district where
3 the sex offender is required to register or is employed if
4 the offender is required to register or is employed in the
5 City of Chicago; ~~and~~

6 (2) Child care facilities located in the police
7 district where the sex offender is required to register or
8 is employed if the offender is required to register or is
9 employed in the City of Chicago; ~~and~~

10 (3) The boards of institutions of higher education or
11 other appropriate administrative offices of each
12 non-public institution of higher education located in the
13 police district where the sex offender is required to
14 register, resides, is employed, or attending an
15 institution of higher education in the City of Chicago; ~~and~~

16 (4) Public libraries located in the police district
17 where the sex offender is required to register, resides, is
18 employed, or attending an institution of higher education
19 in the City of Chicago;

20 (5) Public housing agencies located in the police
21 district where the sex offender is required to register,
22 resides, is employed, or attending an institution of higher
23 education in the City of Chicago;

24 (6) The Illinois Department of Children and Family
25 Services;

26 (7) Social service agencies providing services to

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

5 (8) Volunteer organizations providing services to
6 minors located in the police district where the sex
7 offender is required to register, resides, is employed, or
8 attending an institution of higher education in the City of
9 Chicago.

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

13 (b) 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 sex offender, or sexual predator:

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

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

19 (3) Adjudication as a sexually dangerous person.

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

22 (5) Offender employment information, to protect public
23 safety.

24 (c) The name, address, date of birth, offense or
25 adjudication, the county of conviction, license plate numbers
26 for every vehicle registered in the name of the sex offender,

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

1 to register in the municipality or county under the Sex
2 Offender Registration Act in a newspaper or magazine of general
3 circulation in the municipality or county or may disseminate
4 the photographs of those sex offenders on the Internet or on
5 television. The law enforcement agency may make available the
6 information on all sex offenders residing within any county.

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

11 (e) (Blank).

12 (f) The administrator of a transitional housing facility
13 for sex offenders shall comply with the notification procedures
14 established in paragraph (4) of subsection (b) of Section
15 3-17-5 of the Unified Code of Corrections.

16 (g) A principal or teacher of a public or private
17 elementary or secondary school shall notify the parents of
18 children attending the school during school registration or
19 during parent-teacher conferences that information about sex
20 offenders is available to the public as provided in this Act.

21 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;
22 94-994, eff. 1-1-07.)".