

July 30, 2010

To the Honorable Members of the
Illinois Senate,
96th General Assembly:

In accordance with Article IV, Section 9(e) of the Illinois Constitution, I hereby return Senate Bill 3084 with specific recommendations for change.

Senate Bill 3084 requires all persons who have committed what is now considered to be a sex crime to register on the Illinois Sex Offender Registry, no matter when the offense occurred. Because the registry was not created until 1996, many individuals who have committed heinous crimes were never required to register or obey the restrictions that accompany being a sex offender. Senate Bill 3084 seeks to rectify this problem, and I applaud the sponsors' intention in undertaking this task.

I believe it is imperative to make sure that all offenders who should be registered as a sex offender do so. When the registry was first created in 1996, the Illinois State Police retroactively checked records for the preceding 10 years. As a result, this legislation addresses those who committed offenses at least 24 years ago. This undertaking will require precision and accuracy and the legislation must be sufficiently clear for it to be done properly. Additionally, Illinois is in the process of complying with the Federally-enacted Adam Walsh Act. Among other things, the Adam Walsh Act requires law enforcement to check an individual's record for retroactive sex offender registration only after that person is convicted of a felony. My recommendations below ensures that our State is compliant with this federal law.

The sponsors of this legislation have worked hard to protect the people of our State. I commend them for doing so and share their goal. Accordingly, I am pleased to honor their request for this amendatory veto and look forward to working with them in the future on this very important issue.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return Senate Bill 3084, entitled "AN ACT concerning sex offenders." with the following specific recommendations for change:

on page 10, line 2, by replacing "law; or" with "law; ~~or~~"; and

on page 10, by replacing line 5 with the following:

"1961; or

(7) required to register in another State due to a conviction, adjudication or other action of any court triggering an obligation to register as a sex offender, sexual predator, or substantially similar status under the laws of that State."; and

on page 16, by replacing lines 5 through 17 with:

"(2.1) A sex offender, as defined in Section 2 of this Act, or sexual predator who was not required to register under this Act before the effective date of this amendatory Act of the 96th General Assembly now has a duty to register. Any sex offender who on or after July 1, 2011 is on parole, mandatory supervised release, probation, or conditional discharge for a conviction for any felony offense or for a conviction for any misdemeanor offense under the Criminal Code of 1961 shall be notified of his or her duty to register as a sex offender by his or her supervising officer or as otherwise provided in Section 5 of this Act. The court or supervising officer shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration have been explained to him or her and that he or she understands the duty to register and the procedure for registration. He or she shall register in person within 3 days after notification by his or her supervising officer or the court as provided in Section 6 of this Act. Any person unable to comply with the registration requirements of this amendatory Act of the 96th General Assembly because he or she is confined, institutionalized, or imprisoned in Illinois on or after the effective date of this amendatory Act of the 96th General Assembly shall register in person within 3 days after discharge, parole, or release."; and

on page 22, by replacing line 16 with "shall register for a period of 10 years after conviction or adjudication"; and

on page 22, line 17, by deleting "date of this amendatory Act of the 96th General Assembly"; and

on page 22, by replacing line 21 with "this provision shall only revive the period of"; and

on page 22, by replacing line 25 with "Act of the 96th General Assembly if he or she is convicted of any felony offense, or convicted of any misdemeanor offense under the Criminal Code of 1961 as amended, after July 1st 2011. A person who becomes subject"; and

on page 24, by replacing line 3 with "parole, a conviction reviving registration, or other circumstances that do not relate to the"; and

on page 24, line 26, by deleting "upon"; and

on page 25, by replacing line 1 with "July 1, 2011".

With these changes, Senate Bill 3084 will have my approval. I respectfully request your concurrence.

Sincerely,

Pat Quinn
Governor