



Sen. John J. Cullerton

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1 AMENDMENT TO SENATE BILL 3798

2 AMENDMENT NO. _____. Amend Senate Bill 3798 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Adam
5 Walsh Sex Offender Registration and Community Notification
6 Act.

7 Section 5. Definitions.

8 (a) "Jurisdiction" means any state, the District of
9 Columbia, the Commonwealth of Puerto Rico, Guam, American
10 Samoa, the Commonwealth of the Northern Mariana Islands, the
11 United States Virgin Islands, and any Indian tribe.

12 (b) "Sex offender" means any person who:

13 (1) Was registered under the Sex Offender Registration
14 Act or under a substantially similar law in another
15 jurisdiction on June 30, 2011 and who is not a juvenile sex
16 offender as defined in Section 2 of the Juvenile Sex

1 Offender Registration Act.

2 (2) Was required to register under the Child Murderer
3 and Violent Offender Against Youth Registration Act or
4 under a substantially similar law in another jurisdiction
5 on June 30, 2011, except persons required to register
6 exclusively for a conviction of Section 9-1 of the Criminal
7 Code of 1961 (child murder), and who is not a juvenile sex
8 offender as defined in Section 2 of the Juvenile Sex
9 Offender Registration Act.

10 (3) On or after July 1, 2011 is:

11 (A) Charged pursuant to Illinois law or any
12 substantially similar federal, Uniform Code of
13 Military Justice or foreign country law or a law of
14 another jurisdiction, with a sex offense as defined in
15 subsection (d) of this Section and:

16 (i) Is convicted of the offense, an attempt to
17 commit the offense, conspiracy to commit the
18 offense, or solicitation to commit the offense;

19 (ii) Receives a disposition of court
20 supervision, deferred sentence, deferred
21 adjudication, or a similar disposition for the
22 offense, an attempt to commit the offense,
23 conspiracy to commit the offense, and solicitation
24 to commit the offense;

25 (iii) Is found not guilty by reason of insanity
26 of the offense, an attempt to commit the offense,

1 conspiracy to commit the offense, and solicitation
2 to commit the offense;

3 (iv) Is found not guilty by reason of insanity
4 of the offense, an attempt to commit the offense,
5 conspiracy to commit the offense, and solicitation
6 to commit the offense pursuant to Section
7 104-25(c) of the Code of Criminal Procedure of
8 1963;

9 (v) Is the subject of a finding not resulting
10 in an acquittal for the alleged commission,
11 attempted commission, conspiracy to commit the
12 offense, and solicitation to commit the offense at
13 a hearing conducted pursuant to Section 104-25(a)
14 of the Code of Criminal Procedure of 1963;

15 (vi) Is found not guilty by reason of insanity
16 of the offense of the attempted commission of the
17 offense, of conspiracy to commit the offense, or of
18 solicitation to commit the offense following a
19 hearing conducted pursuant to a federal law,
20 Uniform Code of Military Justice law, or law of
21 another jurisdiction or foreign country that is
22 substantially similar to Section 104-25(c) of the
23 Code of Criminal Procedure of 1963;

24 (vii) Is the subject of a finding not resulting
25 in an acquittal for the alleged violation,
26 attempted commission of the offense, conspiracy to

1 commit the offense, or solicitation to commit the
2 offense at a hearing conducted pursuant to a
3 federal law, Uniform Code of Military Justice law,
4 or law of another jurisdiction or foreign country
5 that is substantially similar to Section 104-25(a)
6 of the Code of Criminal Procedure of 1963;

7 (viii) Certified as a sexually dangerous
8 person pursuant to the Sexually Dangerous Persons
9 Act, or any substantially similar federal, Uniform
10 Code of Military Justice, or foreign country law,
11 or a law of another jurisdiction;

12 (ix) Subject to the provisions of Section 2 of
13 the Interstate Agreements on Sexually Dangerous
14 Persons Act; or

15 (x) Found to be a sexually violent person
16 pursuant to the Sexually Violent Persons
17 Commitment Act or any substantially similar
18 federal, Uniform Code of Military Justice, or
19 foreign country law or law of another
20 jurisdiction.

21 (B) Released or discharged from any Illinois
22 Department of Corrections prison or facility, Illinois
23 Department of Human Services facility, county or
24 municipal jail or similar prison or facility in another
25 jurisdiction who on June 30, 2011:

26 (i) Had a duty to register upon his or her

1 release or discharge under the Sex Offender
2 Registration Act for a conviction of a sex offense;

3 (ii) Had a duty to register upon his or her
4 release or discharge under the Child Murderer and
5 Violent Offender Against Youth Registration Act
6 for a conviction of an offense, except persons
7 required to register exclusively for a conviction
8 of Section 9-1 of the Criminal Code of 1961 (child
9 murder); or

10 (iii) was incarcerated for a conviction of a
11 crime of violence as defined in Section 2 of the
12 Crime Victims Compensation Act and who has
13 previously been convicted of a sex offense as
14 defined in subsection (d) of this Section;

15 (C) On parole, mandatory supervised release,
16 probation, conditional discharge, or supervision for a
17 conviction of a crime of violence as defined in Section
18 2 of the Crime Victims Compensation Act and who has
19 previously been convicted of a sex offense as defined
20 in subsection (d) of this Section; or

21 (D) Convicted pursuant to Illinois law or any
22 substantially similar federal, Uniform Code of
23 Military Justice or foreign county law or a law of
24 another jurisdiction, with a crime of violence as
25 defined in Section 2 of the Crime Victims Compensation
26 Act and who has previously been convicted of a sex

1 offense as defined in subsection (d) of this Section.

2 (d) "Sex offense" means:

3 (1) A violation of, attempted violation of, conspiracy
4 to commit, or solicitation to commit any of the following
5 Sections of the Criminal Code of 1961:

6 (A) 9-1 (first degree murder) by a person over the
7 age of 16 at the time of the commission of the offense
8 against a person under the age of 18 provided the
9 offense was sexually motivated as defined in Section 10
10 of the Sex Offender Management Board Act.

11 (B) 10-1 (kidnapping), if the victim is under the
12 age of 18 and the accused is not a parent of the
13 victim.

14 (C) 10-2 (aggravated kidnapping), if the victim is
15 under the age of 18 and the accused is not a parent of
16 the victim.

17 (D) 10-3 (unlawful restraint), if the victim is
18 under the age of 18 and the accused is not a parent of
19 the victim.

20 (E) 10-3.1 (aggravated unlawful restraint), if the
21 victim is under the age of 18 and the accused is not a
22 parent of the victim.

23 (F) 10-4 (forcible detention) if the victim is
24 under 18 years of age.

25 (G) 10-5(b)(10) (child abduction).

26 (H) 10-5.1 (luring a minor), for a second or

1 subsequent adjudication or conviction.

2 (I) 11-6 (indecent solicitation of a child).

3 (J) 11-6.5 (indecent solicitation of an adult).

4 (K) 11-9 (public indecency), for a third or
5 subsequent adjudication or conviction.

6 (L) 11-9.1 (sexual exploitation of a child).

7 (M) 11-9.2 (custodial sexual misconduct).

8 (N) 11-9.5 (sexual misconduct with a person with a
9 disability).

10 (O) 11-11 (sexual relations within families).

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

13 (Q) 11-15.1 (soliciting for a juvenile
14 prostitute).

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

17 (S) 11-17.1 (keeping a place of juvenile
18 prostitution).

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

21 (U) 11-18.1 (patronizing a juvenile prostitute).

22 (V) 11-19 (pimping), if the victim is under 18
23 years of age.

24 (W) 11-19.1 (juvenile pimping).

25 (X) 11-19.2 (exploitation of a child).

26 (Y) 11-20.1 (child pornography).

- 1 (Z) 11-20.3 (aggravated child pornography).
2 (AA) 11-25 (grooming).
3 (BB) 11-26 (traveling to meet a minor).
4 (CC) 12-13 (criminal sexual assault).
5 (DD) 12-14 (aggravated criminal sexual assault).
6 (EE) 12-14.1 (predatory criminal sexual assault of
7 a child).
8 (FF) 12-15 (criminal sexual abuse).
9 (GG) 12-16 (aggravated criminal sexual abuse).
10 (HH) 12-33 (ritualized abuse of a child).
11 (II) 26-4 (unauthorized video recording and live
12 video transmission), if the victim is under the age of
13 18.
14 (2) A violation or attempted violation of Section 5.1
15 of the Wrongs to Children Act (permitting sexual abuse).
16 (3) A violation of any former law of this State
17 substantially equivalent to any offense in subsections
18 (f) (1) and (f) (2).
19 (4) A violation of any of the following Sections of
20 Title 18 of the U.S. Code:
21 (A) 1591 (sex trafficking of children).
22 (B) 1801 (video voyeurism of a minor).
23 (C) 2241 (aggravated sexual abuse).
24 (D) 2242 (sexual abuse).
25 (E) 2243 (sexual abuse of a minor or ward).
26 (F) 2244 (abusive sexual contact).

1 (G) 2245 (offenses resulting in death).

2 (H) 2251 (sexual exploitation of children).

3 (I) 2251A (selling or buying of children).

4 (J) 2252 (material involving the sexual
5 exploitation of minors).

6 (K) 2252A (material containing child pornography).

7 (L) 2252B (misleading domain names on the
8 Internet).

9 (M) 2252C (misleading words or digital images on
10 the Internet).

11 (N) 2260 (production of sexually explicit
12 depictions of a minor for import in to the United
13 States).

14 (O) 2421 (transportation of a minor for illegal
15 sexual activity).

16 (P) 2422 (coercion and enticement of a minor for
17 illegal sexual activity).

18 (Q) 2423 (transportation of minors for illegal
19 sexual activity, travel with the intent to engage in
20 illicit sexual conduct with a minor, engaging in
21 illicit sexual conduct in foreign places).

22 (R) 2424 (failure to file a factual statement about
23 alien individual).

24 (S) 2425 (transmitting information about a minor
25 to further criminal sexual conduct).

26 (5) A violation of any former federal law substantially

1 equivalent to any offense in subsection (f) (4) .

2 (6) A violation of any former or existing Illinois,
3 federal, Uniform Code of Military Justice law, or law of
4 another jurisdiction or foreign country substantially
5 equivalent to any offense in subsections (f) (1), (f) (2),
6 and (f) (4) .

7 (e) (1) "Convicted" means a person who has been subjected to
8 penal consequences based on a conviction for a sex offense or a
9 minor prosecuted and found guilty as an adult for a sex
10 offense.

11 (2) Convictions that result from or are connected with the
12 same act, or result from offenses committed at the same time,
13 shall be counted for the purpose of this Act as one conviction.

14 (3) Any conviction set aside pursuant to law is not a
15 conviction for purposes of this Act.

16 (4) A conviction under foreign law is not a conviction for
17 purposes of this Act unless it was obtained under the laws of
18 Canada, the United Kingdom, Australia, New Zealand, or under
19 the laws of any foreign country when the United States State
20 Department in its Country Reports on Human Rights Practices has
21 concluded that an independent judiciary generally or
22 vigorously enforced the right to a fair trial in that country
23 during the year in which the conviction occurred.

24 (f) "Registering law enforcement agency" means the Chief of
25 Police in the municipality in which the sex offender resides or
26 expects to reside (1) upon his or her discharge, parole or

1 release or (2) during the service of his or her period of court
2 supervision, sentence of probation or conditional discharge,
3 or the Sheriff of the county, in the event no Police Chief
4 exists or if the offender resides or intends to reside in an
5 unincorporated area. "Registering law enforcement agency" also
6 includes the location where an out-of-state student attends
7 school and where an out-of-state employee is employed.

8 (g) "Supervising officer" means the assigned Illinois
9 Department of Corrections parole agent or county probation
10 officer.

11 (h) "Out-of-state student" means any sex offender residing
12 in another jurisdiction who is enrolled in an Illinois school
13 on a full-time or part-time basis.

14 (i) "School" means any public or private educational
15 institution, including, but not limited to, any elementary or
16 secondary school, trade or professional institution, or
17 institution of higher education.

18 (j) "Out-of-state employee" means any sex offender
19 residing in another jurisdiction who is an employee in Illinois
20 for at least 10 consecutive days or an aggregate period of time
21 of 30 days or more during a calendar year. Persons who operate
22 motor vehicles in the State accrue one day of employment time
23 for any portion of a day spent in Illinois.

24 (k) "Employee" means a person who is self-employed or works
25 for any other entity, whether compensated or not.

26 (l) "Place of residence" means the place where a sex

1 offender primarily resides.

2 (m) "Internet protocol address" means the string of numbers
3 by which a location on the Internet is identified by routers or
4 other computers connected to the Internet.

5 (n) "Temporary domicile" means any and all places where the
6 sex offender resides for an aggregate period of time of 3 or
7 more days during any calendar year.

8 (o) "Child care facilities" has the meaning set forth in
9 the Child Care Act of 1969, but does not include licensed
10 foster homes.

11 (p) "Out-of-state sex offense" means any sex offender
12 convicted of a sex offense in another jurisdiction or foreign
13 county who resides or intends to reside in Illinois.

14 Section 10. Duty to Register.

15 (a) Any person registered under the Sex Offender
16 Registration Act on June 30, 2011 must report in person to his
17 or her registering law enforcement agency to verify and update
18 his or her registration as required by subsection (h) of this
19 Section.

20 (b) Any person registered under the Child Murderer and
21 Violent Offender Against Youth Registration Act on June 30,
22 2011, except persons required to register exclusively for a
23 conviction of Section 9-1 of the Criminal Code of 1961 (child
24 murder), must report in person to his or her registering law
25 enforcement agency to verify and update his or her registration

1 as required by subsection (h) of this Section.

2 (c) Any sex offender in the custody of the Department of
3 Corrections, or the Department of Human Services on July 1,
4 2011 must report in person to his or her registering law
5 enforcement agency to register as a sex offender within 3
6 calendar days of his or her discharge, parole, or release.

7 (d) Any sex offender convicted on or after July 1, 2011
8 must report in person to his or her registering law enforcement
9 agency to register as a sex offender within 3 calendar days of
10 his or her:

11 (1) discharge, parole, or release; or

12 (2) disposition or sentence of probation, conditional
13 discharge, or court supervision.

14 (e) Any out-of-state sex offender must report in person to
15 his or her registering law enforcement agency to register as a
16 sex offender within 3 calendar days of establishing in Illinois a
17 place of residence.

18 (f) Any out-of-state student must report in person to his
19 or her registering law enforcement agency to register as a sex
20 offender within 3 calendar days of beginning or terminating
21 school in Illinois.

22 (g) Any out-of-state employee must report in person to his
23 or her registering law enforcement agency to register as a sex
24 offender within 3 calendar days of beginning or terminating
25 employment in Illinois.

26 (h) Any person required to register under this Act must

1 report in person to his or her registering law enforcement
2 agency to verify and update his or her registration as a sex
3 offender every three months.

4 (1) If the month of the sex offender's date of birth
5 listed on the notification form is:

6 (A) January, he or she must report to his or her
7 registering law enforcement agency during the months
8 of January, April, July, and October to verify his or
9 her registration.

10 (B) February, he or she must report to his or her
11 registering law enforcement agency during the months
12 of February, May, August, and November to verify his or
13 her registration.

14 (C) March, he or she must report to his or her
15 registering law enforcement agency during the months
16 of March, June, September, and December to verify his
17 or her registration.

18 (D) April, he or she must report to his or her
19 registering law enforcement agency during the months
20 of April, July, October, and January to verify his or
21 her registration.

22 (E) May, he or she must report to his or her
23 registering law enforcement agency during the months
24 of May, August, November, and February to verify his or
25 her registration.

26 (F) June, he or she must report to his or her

1 registering law enforcement agency during the months
2 of June, September, December, and March to verify his
3 or her registration.

4 (G) July, he or she must report to his or her
5 registering law enforcement agency during the months
6 of July, October, January, and April to verify his or
7 her registration.

8 (H) August, he or she must report to his or her
9 registering law enforcement agency during the months
10 of August, November, February, and May to verify his or
11 her registration.

12 (I) September, he or she must report to his or her
13 registering law enforcement agency during the months
14 of September, December, March, and June to verify his
15 or her registration.

16 (J) October, he or she must report to his or her
17 registering law enforcement agency during the months
18 of October, January, April, and July to verify his or
19 her registration.

20 (K) November, he or she must report to his or her
21 registering law enforcement agency during the months
22 of November, February, May, and August to verify his or
23 her registration.

24 (L) December, he or she must report to his or her
25 registering law enforcement agency during the months
26 of December, March, June, and September to verify his

1 or her registration.

2 (i) (1) Any person required to register under this Act must
3 report in person to his or her registering law enforcement
4 agency to update his or her registration within 3 calendar days
5 of ceasing to have a place of residence or establishing or
6 changing his or her place residence, temporary domicile, place
7 of employment, or school. If the sex offender will be
8 establishing a temporary domicile in another jurisdiction, the
9 registering law enforcement agency must notify that
10 jurisdiction.

11 (2) Any person required to register under this Act must
12 inform his or her registering law enforcement agency of changes
13 to any of the following, in the form and manner prescribed by
14 the registering agency, including in person, by phone, or by
15 mail, within 3 calendar days of the change being made:

16 (A) email addresses;

17 (B) instant messaging identities, chat room
18 identities, and Internet communications identities; and

19 (C) vehicle information.

20 (3) Updating registration information under this Section
21 shall not constitute verification of registration as required
22 by subsection (h) of this Section unless the sex offender
23 reports in person to update his or her registration during a
24 month he or she is also required to verify his or her
25 registration pursuant to subsection (h).

26 (j) Any sex offender who lacks a place of residence must

1 report in person to his or her registering law enforcement
2 agency every 7 days to report all locations where he or she
3 stayed during the past 7 days.

4 (k) (1) Any person required to register under this Act who
5 intends to establish a place of residence or employment in
6 another jurisdiction must report this information in person to
7 his or her registering law enforcement agency at least 3
8 calendar days before establishing the place of residence or
9 employment.

10 (2) The registering law enforcement agency must forward
11 this information to the Department of State Police within 3
12 calendar days in the form and manner prescribed by State
13 Police.

14 (3) The Department of State Police must forward this
15 information to the out-of-state registering law enforcement
16 agency within 3 calendar days.

17 (1) Penalty.

18 (1) A violation of this Section is a Class 3 felony.

19 (2) A violation of this Section after a prior
20 conviction for a violation of any Section under this Act is
21 a Class 2 felony.

22 (3) Any person convicted for a violation of this
23 Section shall be required to serve a minimum period of 7
24 days confinement in the local county jail.

25 (4) The sentencing Court shall impose a mandatory
26 minimum fine of \$500 for each conviction for a violation of

1 this Section.

2 (5) Any sex offender who violates any provision of this
3 Act may be arrested and tried in any Illinois county where
4 he or she can be located or in the county in which he or she
5 was released or discharged from an Illinois Department of
6 Corrections prison or facility, an Illinois Department of
7 Human Services facility, or a county or municipal jail. The
8 local police department or sheriff's office is not required
9 to determine whether the person is living within its
10 jurisdiction.

11 Section 15. Notification of duty to register.

12 (a) A person must be notified of his or her duty to
13 register as a sex offender under this Act by:

14 (1) the facility or institution in which he or she was
15 confined before discharge, parole or mandatory supervised
16 release from a Department of Corrections facility, a
17 facility where such person was placed by the Department of
18 Corrections, a county or municipal jail, or another penal
19 institution;

20 (2) the Court in which he or she was convicted or
21 adjudicated before being released on probation, discharge
22 upon payment of a fine, or released into the custody of the
23 county, the Department of Corrections, or the Department of
24 Human Services;

25 (3) the hospital or treatment facility in which he or

1 she was confined before he or she is discharged or
2 conditionally released; or

3 (4) the supervising officer of a sex offender who on
4 July 1, 2011 is on parole, mandatory supervised release,
5 probation, conditional discharge, or supervision for a for
6 a conviction of a crime of violence as defined in Section 2
7 of the Crime Victims Compensation Act.

8 (b) Notification must be provided in writing to the sex
9 offender and must inform him or her:

10 (1) of his or her duty to report in person to his or
11 her registering law enforcement agency to register as a sex
12 offender within 3 calendar days of discharge, parole,
13 release on probation, mandatory supervised release or
14 conditional release. Sex Offenders who are on parole,
15 mandatory supervised release, probation, conditional
16 discharge, or supervision for a conviction of a crime of
17 violence as defined in Section 2 of the Crime Victims
18 Compensation Act have a duty to report in person to his or
19 her registering law enforcement agency to register within 3
20 calendar days of receiving notification from his or her
21 supervising officer;

22 (2) that if he or she establishes a residence outside
23 of the State of Illinois, is employed outside of the State
24 of Illinois, or attends school outside of the State of
25 Illinois, he or she must register in the new state within 3
26 calendar days after establishing residence, beginning

1 employment, or beginning school; and

2 (3) that violation of this Act shall result in
3 revocation of probation, parole, mandatory supervised
4 release or conditional release.

5 (c)(1) In the form and manner prescribed by the Department
6 of State Police, the institution, facility, court, or hospital
7 providing notice must:

8 (A) Obtain information about where the person expects
9 to reside, work, and attend school upon his or her
10 discharge, parole, release on probation, mandatory
11 supervised release or conditional release; and

12 (B) Require the sex offender to read and sign the
13 registration form stating that the duty to register and the
14 procedure for registration has been explained to him or her
15 and that he or she understands the duty and procedure.

16 (2) Distribution of registration form.

17 (A) The institution, facility, court, or hospital
18 providing notice must:

19 (i) Retain the original form for its records;

20 (ii) Give a copy of the form to the person; and

21 (iii) Forward a copy of the form to the Department
22 of State Police within 3 calendar days.

23 (B) A Department of Corrections facility must also
24 forward a copy of the form to the registering law
25 enforcement agency where the person expects to reside upon
26 his or her discharge, parole, or mandatory supervised

1 release.

2 (C) The Department of State Police must notify the
3 registering law enforcement agency where the person
4 expects to reside upon his or her discharge or conditional
5 release from the court, hospital or treatment facility.

6 (d) Any person who has not been notified of his or her duty
7 to register shall be notified by a criminal justice entity of
8 his or her responsibility to register. The person must report
9 in person to his or her registering law enforcement agency to
10 register as a sex offender within 3 calendar days of
11 notification of his or her duty to register.

12 Section 20. Duration of duty to registration.

13 (a) A person who has been adjudicated to be sexually
14 dangerous pursuant to the Sexually Dangerous Persons Act and is
15 conditionally released or found to no longer be sexually
16 dangerous must register for the period of his or her natural
17 life.

18 (b) A person who has been found to be sexually violent
19 pursuant to the Sexually Violent Persons Commitment Act and is
20 conditionally released or found to no longer be sexually
21 violent must register for the period of his or her natural
22 life.

23 (c) Any sex offender, as defined in Section 5 of this Act,
24 who was registered under the Sex Offender Registration Act on
25 June 30, 2011 must register for a period of his or her natural

1 life.

2 (d) Any sex offender, as defined in Section 5 of this Act,
3 who was registered under the Child Murderer and Violent
4 Offender Against Youth Registration Act on June 30, 2011,
5 except persons required to register exclusively for a
6 conviction of Section 9-1 of the Criminal Code of 1961 (child
7 murder), must register for a period of his or her natural life.

8 (e) Any person incarcerated or detained in any Illinois
9 Department of Corrections prison or facility, Illinois
10 Department of Human Services facility, county or municipal jail
11 or similar prison or facility for a conviction of a sex offense
12 on June 30, 2011 must register for a period of his or her
13 natural life.

14 (f) A person convicted of any sex offense in Illinois on or
15 after July 1, 2011 must register for a period of his or her
16 natural life.

17 (g) Any out-of-state sex offender must register for his or
18 her natural life.

19 Section 30. Registration requirements.

20 (a) The Department of State Police Statewide Sex Offender
21 Database must include all of the following information in an
22 electronic format for each registered sex offender:

23 (1) Names, including:

24 (A) primary, given name;

25 (B) nicknames, aliases, or pseudonyms; and

1 (C) ethnic or Tribal names by which he or she is
2 commonly known.

3 (2) Date of birth, including:

4 (A) actual date of birth; and

5 (B) any alias dates of birth used.

6 (3) Social Security Numbers, including:

7 (A) valid Social Security Number; and

8 (B) alias Social Security Numbers.

9 (4) Addresses, including:

10 (A) place of residence; and

11 (B) any addresses provided pursuant to subsection
12 (j) of Section 10.

13 (5) Temporary domicile information, including:

14 (A) address of temporary domicile; and

15 (B) dates of temporary domicile.

16 (6) Phone numbers, including:

17 (A) land line telephone numbers;

18 (B) cellular telephone numbers; and

19 (C) voice over Internet Protocol numbers.

20 (7) Internet Identifiers, including:

21 (A) For all sex offenders:

22 (i) new or changed email addresses;

23 (ii) all new or changed instant messaging
24 identities;

25 (iii) all new or changed chat room identities;

26 (iv) all other new or changed Internet

1 communications identities that the sex offender
2 uses or plans to use;

3 (v) all new or changed Uniform Resource
4 Locators (URLs) registered or used by the sex
5 offender; and

6 (vi) all new or changed blogs and other
7 Internet sites maintained by the sex offender or to
8 which the sex offender has uploaded any content or
9 posted any messages or information.

10 (B) For sex offenders convicted under Section
11 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code
12 of 1961, all Internet protocol (IP) addresses:

13 (i) in his or her residence;

14 (ii) registered in his or her name;

15 (iii) accessible at his or her place of
16 employment; and

17 (iv) otherwise under his or her control or
18 custody.

19 (8) Vehicle information for any land vehicle,
20 aircraft, or watercraft owned or operated by the sex
21 offender for personal or work use, including the:

22 (A) license plate number;

23 (B) registration number or identifier;

24 (C) physical description; and

25 (D) address where vehicle is permanently or
26 frequently kept.

- 1 (9) School information, including:
- 2 (A) name of school where the sex offender is or
- 3 will be a student;
- 4 (B) address of school; and
- 5 (C) telephone number of school.
- 6 (10) Employment information, including:
- 7 (A) name of employer where the sex offender is or
- 8 will be an employee;
- 9 (B) address of employer; and
- 10 (C) telephone number of employer.
- 11 (11) Physical description, including:
- 12 (A) a general description of physical appearance
- 13 or characteristics; and
- 14 (B) any identifying marks such as scars or tattoos.
- 15 (12) Photograph updated each time the sex offender
- 16 verifies his or her registration information unless his or
- 17 her appearance has not changed significantly.
- 18 (13) Fingerprints.
- 19 (14) Palm prints, subject to the appropriation of
- 20 funding by the General Assembly.
- 21 (15) Status of required DNA specimen pursuant to
- 22 Section 5-4-3 of the Code of Criminal Procedure of 1963.
- 23 (16) Criminal history, including:
- 24 (A) date of all arrests;
- 25 (B) date of all convictions;
- 26 (C) status of parole, probation, and supervised

1 release;

2 (D) registration status; and

3 (E) outstanding arrest warrants.

4 (17) Statutory text of the offense for which the sex
5 offender is required to register.

6 (18) Age of the sex offender at the time of the
7 commission of the offense or offenses for which he or she
8 is required to register.

9 (19) Age of the victim or victims at the time of the
10 commission of the offense or offenses for which the sex
11 offender is required to register.

12 (20) A copy of a valid driver's license, state-issued
13 identification card, or Tribal identification card.

14 (21) A copy of any license that permits the sex
15 offender to engage in an occupation or carry out a trade or
16 business or the license identification number.

17 (22) A copy of any valid passport issued to the sex
18 offender or passport identification number.

19 (23) A copy of any immigration documents pertaining to
20 the sex offender's legal status.

21 (24) Any other information required by the Department
22 of State Police or the United States Department of Justice.

23 (b) (1) At the request of the registering law enforcement
24 agency, a sex offender shall accurately provide any of the
25 information required in subsection (a) of this Section when he
26 or she reports to verify and update his or her registration as

1 required in subsection (h) of Section 10.

2 (2) Penalty.

3 (A) Any person who is required to register under this
4 Act who knowingly or willfully gives information required
5 by this Section that is false is guilty of a Class 3
6 felony.

7 (B) A violation of this Section after a prior
8 conviction for a violation of any Section under this Act is
9 a Class 2 felony.

10 (C) Any person convicted for a violation of this
11 Section shall be required to serve a minimum period of 7
12 days confinement in the local county jail.

13 (D) The sentencing Court shall impose a mandatory
14 minimum fine of \$500 for each conviction for a violation of
15 this Section.

16 (E) Any sex offender who violates any provision of this
17 Act may be arrested and tried in any Illinois county where
18 he or she can be located or in the county in which he or she
19 was released or discharged from an Illinois Department of
20 Corrections prison or facility, an Illinois Department of
21 Human Services facility, or a municipal or county jail. The
22 local police department or sheriff's office is not required
23 to determine whether the person is living within its
24 jurisdiction.

25 (c) If the sex offender is a child sex offender as defined
26 in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961, he or

1 she shall also sign a statement that he or she understands that
2 he or she may not reside within 500 feet of a school,
3 playground, child care institution, day care center, part day
4 child care facility, or a facility providing services directed
5 exclusively toward persons under 18 years of age unless the sex
6 offender meets specified exemptions.

7 (d) Within 3 calendar days of a sex offender reporting to
8 his or her registering law enforcement agency, the registering
9 law enforcement agency must:

10 (1) Forward any required information to the Department
11 of State Police in the form and manner prescribed by the
12 Department;

13 (2) Enter the information into the Law Enforcement
14 Agencies Data System (LEADS) as provided in Sections 6 and
15 7 of the Intergovernmental Missing Child Recovery Act of
16 1984; and

17 (3) Forward to the Attorney General a copy of the
18 registration form for each sex offender convicted under
19 Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal
20 Code of 1961.

21 (e) The Department of State Police, upon receiving
22 registration information about a sex offender from a
23 registering law enforcement agency must within 3 calendar days:

24 (1) Update the Public Adam Walsh Sex Offender Registry
25 Website;

26 (2) Send the information to the National Sex Offender

1 Registry; and

2 (3) Forward the information to any other jurisdiction
3 where the sex offender currently or intends to reside, be
4 employed, or attend school.

5 Section 35. Verification of registration information.

6 (a) (1) Each registering law enforcement agency must
7 physically verify the residential address of each sex offender
8 required to register with their agency at least once per year.
9 The verification must be documented in LEADS in the form and
10 manner prescribed by the Department of State Police.

11 (2) Each registering law enforcement agency must verify any
12 employment or school address of each sex offender required to
13 register with their agency at least once per year. Verification
14 may occur in any manner chosen by the registering law
15 enforcement agency including but not limited to a physical
16 check of the premises or a review of pay stubs or school report
17 cards. The verification must be documented in LEADS in the form
18 and manner prescribed by the Department of State Police.

19 (b) Each registering law enforcement agency may verify the
20 Internet Protocol address of any sex offender required to
21 register with their agency by physically accessing the sex
22 offender's computer. A copy of any verification must be sent to
23 the Attorney General for entrance in the Illinois Cyber-crimes
24 Location Database pursuant to Section 5-4-3.2 of the Unified
25 Code of Corrections.

1 (c) The supervising officer shall, within 15 days of
2 sentencing to probation or release from an Illinois Department
3 of Corrections facility, contact the registering law
4 enforcement agency in which the sex offender designated as his
5 or her intended residence and verify compliance with the
6 requirements of this Act. Revocation proceedings shall be
7 immediately commenced against a sex offender on probation,
8 parole, or mandatory supervised release who fails to comply
9 with the requirements of this Act.

10 (d) Each registering law enforcement agency must verify
11 that each sex offender registered with their agency has a DNA
12 specimen contained in the Combined DNA Index System (CODIS). If
13 a sex offender has not provided a specimen, the registering law
14 enforcement agency must collect the sample and submit it to the
15 Department of State Police, Division of Forensic Services for
16 analysis and categorizing into genetic marker groupings.

17 Section 40. Non-compliant sex offenders.

18 (a) If the registering law enforcement agency determines a
19 sex offender to be non-compliant with the registration
20 requirements under this Act, the agency shall:

21 (1) Update LEADS to reflect the sex offender's
22 non-complaint status;

23 (2) Notify the Department of State Police within 3
24 calendar days of determining a sex offender is
25 non-compliant;

1 (3) Make reasonable efforts to locate the
2 non-complaint sex offender; and

3 (4) If unsuccessful in locating the non-complaint sex
4 offender, attempt to secure an arrest warrant based on his
5 or her failure to comply with requirements of this Act and
6 enter the sex offender into the National Crime Information
7 Center Wanted Person File.

8 (b) The Department of State Police must, within 3 calendar
9 days of receiving notice of a non-complaint sex offender:

10 (1) Ensure that the sex offender's status in LEADS is
11 updated to reflect his or her non-compliant status;

12 (2) Provide notice to the United States Marshals
13 Service of the sex offender's non-compliance and any
14 identifying information as may be requested by the United
15 States Marshals Service;

16 (3) Provide assistance to Illinois law enforcement
17 agencies to locate and apprehend the sex offender;

18 (4) Update the Public Adam Walsh Sex Offender Registry
19 regarding sex offenders; and

20 (5) Send updated information to the National Sex
21 Offender Registry regarding sex offenders.

22 (c) If the Department of State Police receives notice from
23 another jurisdiction that a sex offender intends to reside, be
24 employed, or attend school in Illinois and that offender fails
25 to register as required in this Act, the Department of State
26 Police must inform the jurisdiction that provided the

1 notification that the sex offender failed to appear for
2 registration.

3 Section 45. Fees. The sex offender must pay a \$20 initial
4 registration fee and a \$10 annual renewal fee. The registering
5 law enforcement agency must establish procedures to document
6 receipt and use of the funds and may waive the registration fee
7 if it determines that the sex offender is indigent and unable
8 to pay the registration fee. \$10 of the initial registration
9 fee and \$5 of the annual renewal fee shall be used by the
10 registering law enforcement agency for official purposes. \$10
11 of the initial registration fee and \$5 of the annual fee shall
12 be deposited into the Sex Offender Management Board Fund under
13 Section 19 of the Sex Offender Management Board Act. Money
14 deposited into the Sex Offender Management Board Fund shall be
15 administered by the Sex Offender Management Board and shall be
16 used to fund practices endorsed or required by the Sex Offender
17 Management Board Act including but not limited to sex offenders
18 evaluation, treatment, or monitoring programs that are or may
19 be developed, as well as for administrative costs, including
20 staff, incurred by the Board.

21 Section 50. Additional penalties.

22 (a) Any person who is required to register under this Act
23 who seeks to change his or her name under Article XXI of the
24 Code of Civil Procedure is guilty of a Class 3 felony.

1 (b) (1) Any person, not covered by privilege under Part 8 of
2 Article VIII of the Code of Civil Procedure or the Illinois
3 Supreme Court's Rules of Professional Conduct, who has reason
4 to believe that a sex offender is not complying, or has not
5 complied, with the requirements of this Act and who, with the
6 intent to assist the sex offender in eluding a law enforcement
7 agency that is seeking to find the sex offender to question the
8 sex offender about, or to arrest the sex offender for, his or
9 her non-compliance with the requirements of this Act is guilty
10 of a Class 3 felony if he or she:

11 (A) Provides false information to the registering law
12 enforcement agency about the sex offender's noncompliance
13 with the requirements of this Act, and, if known, the
14 whereabouts of the sex offender;

15 (B) Harbors, or attempts to harbor, or assists another
16 person in harboring or attempting to harbor, the sex
17 offender; or

18 (C) Conceals or attempts to conceal, or assists another
19 person in concealing or attempting to conceal, the sex
20 offender.

21 (2) This subsection does not apply if the sex offender is
22 incarcerated in, detained in or is in the custody of a State
23 correctional facility, a private correctional facility, a
24 county or municipal jail, a State mental health facility or a
25 State treatment and detention facility, or a federal
26 correctional facility.

1 Section 55. Public Adam Walsh Sex Offender Registry
2 Website.

3 (a) The Department of State Police must maintain and update
4 regularly a Public Adam Walsh Sex Offender Registry Website.
5 The Department of State Police must not include any information
6 about a juvenile sex offender.

7 (b) (1) The Public Adam Walsh Sex Offender Registry Website
8 must include all of the following information about every
9 registered sex offender:

10 (A) Name, including all aliases.

11 (B) Current photograph.

12 (C) Place of residence.

13 (D) Physical description.

14 (E) License plate number and vehicle description of any
15 vehicle which the sex offender owns or operates.

16 (F) Offense for which the sex offender is required to
17 register.

18 (G) Any other sex offense for which the sex offender
19 has been convicted.

20 (H) The status of the sex offender's compliance with
21 his or her duty to register.

22 (I) Any other information deemed relevant by the
23 Department of State Police or the United States Department
24 of Justice.

25 (2) The Department of State Police must not include any of

1 the following information about sex offenders on the Public
2 Adam Walsh Sex Offender Registry Website:

3 (A) Any arrests that did not result in a conviction or
4 adjudication.

5 (B) Social Security numbers.

6 (C) Travel and immigration documentation numbers.

7 (D) The identity of any victim.

8 (E) Any Internet identifiers provided under
9 subdivision (a) (7) of Section 30 of this Act.

10 (c) The Public Adam Walsh Sex Offender Registry Website
11 must include all of the following:

12 (1) Links to sex offender safety and education
13 resources.

14 (2) Statement of penalty for unlawful use of the
15 information provided on the website.

16 (3) A procedure to correct erroneous information
17 posted on the website.

18 (4) An ability to search by:

19 (A) name;

20 (B) county;

21 (C) city or town;

22 (D) zip code;

23 (E) via a mapping system which identifies every
24 registered sex offender living within a geographic
25 radius of an identified address; and

26 (5) Any other information deemed relevant by the

1 Department of State Police or the United States Department
2 of Justice.

3 Section 60. Electronic notification system.

4 (a) The Department of State Police must establish and
5 maintain an electronic notification system for the purpose of
6 community notification pursuant to Section 65 of this Act.

7 (b) The Department of State Police may require that a
8 person who seeks access to the electronic notification system
9 submit biographical information about the entity or individual
10 requesting the information before permitting access to the sex
11 offender information.

12 (c) The Department of State Police must promulgate rules in
13 accordance with the Illinois Administrative Procedure Act to
14 implement this Section and those rules must include procedures
15 to ensure that the information in the system is accurate and to
16 verify accuracy of the biographical information submitted by
17 and individuals.

18 (d) Any entity or individual that cannot access an
19 electronic notification system may receive sex offender
20 information from the local registering law enforcement agency.

21 Section 65. Community notification.

22 (a) (1) The Department of State Police must disclose via an
23 electronic notification system the following information
24 regarding sex offenders registered under this Act to the

1 individuals and entities listed in paragraph (a)(2) of this
2 Section:

3 (A) Name;

4 (B) Address;

5 (C) Date of birth;

6 (D) Place of employment;

7 (E) School attended;

8 (F) All e-mail addresses, instant messaging
9 identities, chat room identities, other Internet
10 communications identities, all Uniform Resource Locators
11 (URLs) registered or used by the sex offender, all blogs
12 and other Internet sites maintained by the sex offender or
13 to which the sex offender has uploaded any content or
14 posted any messages or information;

15 (G) The offense for which the sex offender is required
16 to register;

17 (H) County of conviction;

18 (I) License plate numbers and vehicle description for
19 every vehicle the sex offender owns or operates;

20 (J) The age of the sex offender at the time of the
21 commission of the offense for which he or she is
22 registered;

23 (K) The age of the victim at the time of the commission
24 of the offense for which the sex offender is registered;

25 (L) Any distinguishing marks located on the body of the
26 sex offender; and

1 (M) Any other information deemed relevant by the
2 Department of State Police.

3 (2) (A) The boards of institutions of higher education or
4 other appropriate administrative offices of each non-public
5 institution of higher education located in the county where the
6 sex offender is required to register, resides, is employed, or
7 is attending an institution of higher education.

8 (B) School boards of public school districts and the
9 principal or other appropriate administrative officer of each
10 nonpublic school located in the county where the sex offender
11 is required to register or is employed.

12 (C) Child care facilities located in the county where the
13 sex offender is required to register or is employed.

14 (D) Libraries located in the county where the sex offender
15 is required to register or is employed.

16 (E) Public libraries located in the county where the sex
17 offender is required to register or is employed.

18 (F) Public housing agencies located in the county where the
19 sex offender is required to register or is employed.

20 (G) The Illinois Department of Children and Family
21 Services.

22 (H) Social service agencies providing services to minors
23 located in the county where the sex offender is required to
24 register or is employed.

25 (I) Volunteer organizations providing services to minors
26 located in the county where the sex offender is required to

1 register or is employed.

2 (J) A victim of a sex offense residing in the county where
3 the sex offender is required to register or is employed, who is
4 not otherwise required to be notified under Section 4.5 of the
5 Rights of Crime Victims and Witnesses Act or Section 75 of the
6 Sexually Violent Persons Commitment Act. For purposes of this
7 Section, "victim of a sex offense" means:

8 (i) the victim of the sex offense; or

9 (ii) a single representative who may be the spouse,
10 parent, child, or sibling of a person killed during the
11 course of a sex offense perpetrated against the person
12 killed or the spouse, parent, child, or sibling of any
13 victim of a sex offense who is physically or mentally
14 incapable of comprehending or requesting notice.

15 (3) Any entity or individual that cannot access an
16 electronic notification system may receive sex offender
17 information from the local registering law enforcement agency.

18 (b) The Department of State Police may disclose via an
19 electronic notification system the following information
20 regarding a sex offender required to register under this Act to
21 the general public whenever he or she begins residing within a
22 certain Zip Code or geographic radius of an identified address:

23 (1) Name;

24 (2) Address;

25 (3) Date of birth;

26 (4) The offense for which the sex offender is required

1 to register;

2 (5) County of conviction;

3 (6) License plate numbers and vehicle description for
4 every vehicle the sex offender owns or operates;

5 (7) The age of the sex offender at the time of the
6 commission of the offense for which he or she is
7 registered;

8 (8) The age of the victim at the time of the commission
9 of the offense for which the sex offender is registered;

10 (9) Any distinguishing marks located on the body of the
11 sex offender; and

12 (10) Any other information deemed relevant by the
13 Department of State Police.

14 (c)(1) The following information regarding sex offenders
15 registered under this Act must be open to inspection by the
16 public as provided in paragraph (2) of this subsection.

17 (A) Name;

18 (B) Address;

19 (C) Date of birth;

20 (D) E-mail addresses, instant messaging
21 identities, chat room identities, other Internet
22 communications identities, all Uniform Resource
23 Locators (URLs) registered or used by the sex offender,
24 all blogs and other Internet sites maintained by the
25 sex offender or to which the sex offender has uploaded
26 any content or posted any messages or information;

1 (E) The offense for which the sex offender is
2 required to register;

3 (F) County of conviction;

4 (G) License plate numbers and vehicle description
5 for every vehicle the sex offender owns or operates;

6 (H) The age of the sex offender at the time of the
7 commission of the offense for which he or she is
8 registered;

9 (I) The age of the victim at the time of the
10 commission of the offense for which the sex offender is
11 registered;

12 (J) Any distinguishing marks located on the body of
13 the sex offender; and

14 (K) Any other information deemed relevant by the
15 Department of State Police.

16 (2) (A) Every registering law enforcement agency shall make
17 available at its headquarters the information listed in
18 paragraph (1) of this subsection regarding all sex offenders
19 who are registered with the agency.

20 (B) This information must be made available for public
21 inspection to any person, no later than 3 business days from
22 the date of the request. The request must be made in person, in
23 writing, or by telephone.

24 (C) Availability must include giving the inquirer access to
25 a facility where the information may be copied. A registering
26 law enforcement agency may charge a fee, but the fee may not

1 exceed the actual costs of copying the information. An inquirer
2 must be allowed to copy this information in his or her own
3 handwriting.

4 (D) A registering law enforcement agency must allow access
5 to the information during normal public working hours.

6 (d) (1) The Department of State Police and any registering
7 law enforcement agency may in its discretion disclose the
8 following information to any person likely to encounter a sex
9 offender to protect public safety:

10 (A) Name;

11 (B) Address;

12 (C) Date of birth;

13 (D) E-mail addresses, instant messaging identities,
14 chat room identities, and other Internet communications
15 identities, all Uniform Resource Locators (URLs)
16 registered or used by the sex offender, and all blogs and
17 other Internet sites maintained by the sex offender to
18 which he or she has uploaded any content or posted any
19 messages or information;

20 (E) The offense for which he or she must register for;

21 (F) Adjudication as a sexually dangerous person;

22 (G) Photograph or other such information that will help
23 identify the sex offender;

24 (H) Employment information;

25 (I) School information; and

26 (J) Any other information deemed relevant by the

1 Department of State Police.

2 (2) The Department of State Police and any registering law
3 enforcement agency may in its discretion place the information
4 specified in paragraph (1) of this subsection on the Internet
5 or in other media.

6 (3) A registering law enforcement agency shall provide a
7 copy of the sex offender registration form to only the
8 principal or chief administrative officer of the school and any
9 guidance counselor designated by him or her that a sex offender
10 attends. The registration form shall be kept separately from
11 any and all school records maintained on behalf of the sex
12 offender.

13 (e) A registering law enforcement agency may publish the
14 photographs of any sex offender who are required to register
15 under this Act in its municipality or county in a newspaper or
16 magazine of general circulation in the municipality or county
17 or may disseminate the photographs of those sex offenders on
18 the Internet or on television.

19 (f) A registering law enforcement agency may provide to the
20 public a special alert list warning parents to be aware that
21 sex offenders may attempt to contact children during holidays
22 involving children, such as Halloween, Christmas, and Easter
23 and to inform parents that information containing the names and
24 addresses of registered sex offenders and are accessible on the
25 Internet by means of a hyperlink labeled "Sex Offender
26 Information" on the Department of State Police's website and

1 are available for public inspection at the agency's
2 headquarters.

3 (g) Notwithstanding any other provision of law to the
4 contrary, any person who provides or fails to provide
5 information relevant to the procedures set forth in this
6 Section shall not be liable in any civil or criminal action.
7 This immunity extends to the secondary release of any of this
8 information legally obtained in conjunction with procedures
9 set forth in this Section.

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

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

20 Section 70. Statewide Missing Sex Offender Database.

21 (a) The Department of State Police shall establish and
22 maintain a Statewide Missing Sex Offender Database for the
23 purpose of identifying missing sex offenders and making that
24 information available to the persons specified in subdivision
25 (a) (2) of Section 65 of this Act. The Database shall be created

1 from the Law Enforcement Agencies Data System (LEADS)
2 established under Section 6 of the Intergovernmental Missing
3 Child Recovery Act of 1984. The Department of State Police
4 shall examine its LEADS database to identify sex offenders who
5 have not complied with the provisions of this Act or whose
6 address cannot be verified under Section 35 of this Act and
7 shall add all the information, including photographs if
8 available, on those missing sex offenders and to the Statewide
9 Sex Offender Database.

10 (b) The Department of State Police must make the
11 information contained in the Statewide Missing Sex Offender
12 Database accessible on the Internet by means of a hyperlink
13 labeled "Missing Sex Offender Information" on the Department's
14 World Wide Web home page and on the Attorney General's I-SORT
15 page. The Department of State Police must update that
16 information as it deems necessary.

17 (c) The Department of State Police may require that a
18 person who seeks access to the missing sex offender information
19 submit biographical information about himself or herself
20 before permitting access to the missing sex offender
21 information. The Department of State Police must promulgate
22 rules in accordance with the Illinois Administrative Procedure
23 Act to implement this subsection (b) and those rules must
24 include procedures to ensure that the information in the
25 database is accurate.

1 Section 75. Training for registering law enforcement
2 agencies. The Department of State Police, Sex Offender
3 Registration Adam Walsh Unit, must develop and conduct training
4 to educate all those entities involved in the Sex Offender
5 Registration Program and the Missing Sex Offender Registration
6 Program.

7 Section 80. Sex offender registration fund. There is
8 created the Sex Offender Registration Fund. Moneys in the Fund
9 shall be used to cover costs incurred by the criminal justice
10 system to administer this Act. The Department of State Police
11 shall establish and promulgate rules and procedures regarding
12 the administration of this Fund. Fifty percent of the moneys in
13 the Fund shall be allocated by the Department for sheriffs'
14 offices and police departments. The remaining moneys in the
15 Fund shall be allocated to the Illinois State Police Sex
16 Offender Registration Unit for education and administration of
17 the Act.

18 Section 85. Access to State of Illinois databases. The
19 Department of State Police shall have access to State of
20 Illinois databases containing information that may help in the
21 identification or location of persons required to register
22 under this Act, including, but not limited to, information
23 obtained in the course of administering the Unemployment
24 Insurance Act. Interagency agreements shall be implemented,

1 consistent with security and procedures established by the
2 State agency and consistent with the laws governing the
3 confidentiality of the information in the databases.
4 Information shall be used only for administration of this Act.

5 Section 800. The Election Code is amended by changing
6 Sections 13-4 and 14-1 as follows:

7 (10 ILCS 5/13-4) (from Ch. 46, par. 13-4)

8 Sec. 13-4. Qualifications.

9 (a) All persons elected or chosen judge of election must:

10 (1) be citizens of the United States and entitled to vote at
11 the next election, except as provided in subsection (b) or (c);
12 (2) be of good repute and character and not subject to the
13 registration requirement of the Adam Walsh Sex Offender
14 Registration and Community Notification Act ~~Sex Offender~~
15 ~~Registration Act~~; (3) be able to speak, read and write the
16 English language; (4) be skilled in the four fundamental rules
17 of arithmetic; (5) be of good understanding and capable; (6)
18 not be candidates for any office at the election and not be
19 elected committeemen; and (7) reside in the precinct in which
20 they are selected to act, except that in each precinct, not
21 more than one judge of each party may be appointed from outside
22 such precinct. Any judge selected to serve in any precinct in
23 which he is not entitled to vote must reside within and be
24 entitled to vote elsewhere within the county which encompasses

1 the precinct in which such judge is appointed, except as
2 provided in subsection (b) or (c). Such judge must meet the
3 other qualifications of this Section.

4 (b) An election authority may establish a program to permit
5 a person who is not entitled to vote to be appointed as an
6 election judge if, as of the date of the election at which the
7 person serves as a judge, he or she:

8 (1) is a U.S. citizen;

9 (2) is a junior or senior in good standing enrolled in
10 a public or private secondary school;

11 (3) has a cumulative grade point average equivalent to
12 at least 3.0 on a 4.0 scale;

13 (4) has the written approval of the principal of the
14 secondary school he or she attends at the time of
15 appointment;

16 (5) has the written approval of his or her parent or
17 legal guardian;

18 (6) has satisfactorily completed the training course
19 for judges of election described in Sections 13-2.1 and
20 13-2.2; and

21 (7) meets all other qualifications for appointment and
22 service as an election judge.

23 No more than one election judge qualifying under this
24 subsection may serve per political party per precinct. Prior to
25 appointment, a judge qualifying under this subsection must
26 certify in writing to the election authority the political

1 party the judge chooses to affiliate with.

2 Students appointed as election judges under this
3 subsection shall not be counted as absent from school on the
4 day they serve as judges.

5 (c) An election authority may establish a program to permit
6 a person who is not entitled to vote in that precinct or county
7 to be appointed as an election judge if, as of the date of the
8 election at which the person serves as a judge, he or she:

9 (1) is a U.S. citizen;

10 (2) is currently enrolled in a community college, as
11 defined in the Public Community College Act, or a public or
12 private Illinois university or college;

13 (3) has a cumulative grade point average equivalent to
14 at least 3.0 on a 4.0 scale;

15 (4) has satisfactorily completed the training course
16 for judges of election described in Sections 13-2.1 and
17 13-2.2; and

18 (5) meets all other qualifications for appointment and
19 service as an election judge.

20 No more than one election judge qualifying under this
21 subsection may serve per political party per precinct. Prior to
22 appointment, a judge qualifying under this subsection must
23 certify in writing to the election authority the political
24 party the judge chooses to affiliate with.

25 Students appointed as election judges under this
26 subsection shall not be counted as absent from school on the

1 day they serve as judges.

2 (Source: P.A. 95-699, eff. 11-9-07; 95-818, eff. 1-1-09;
3 96-328, eff. 8-11-09.)

4 (10 ILCS 5/14-1) (from Ch. 46, par. 14-1)

5 Sec. 14-1. (a) The board of election commissioners
6 established or existing under Article 6 shall, at the time and
7 in the manner provided in Section 14-3.1, select and choose 5
8 persons, men or women, as judges of election for each precinct
9 in such city, village or incorporated town.

10 Where neither voting machines nor electronic, mechanical
11 or electric voting systems are used, the board of election
12 commissioners may, for any precinct with respect to which the
13 board considers such action necessary or desirable in view of
14 the number of voters, and shall for general elections for any
15 precinct containing more than 600 registered voters, appoint in
16 addition to the 5 judges of election a team of 5 tally judges.
17 In such precincts the judges of election shall preside over the
18 election during the hours the polls are open, and the tally
19 judges, with the assistance of the holdover judges designated
20 pursuant to Section 14-5.2, shall count the vote after the
21 closing of the polls. The tally judges shall possess the same
22 qualifications and shall be appointed in the same manner and
23 with the same division between political parties as is provided
24 for judges of election. The foregoing provisions relating to
25 the appointment of tally judges are inapplicable in counties

1 with a population of 1,000,000 or more.

2 (b) To qualify as judges the persons must:

3 (1) be citizens of the United States;

4 (2) be of good repute and character and not subject to
5 the registration requirement of the Adam Walsh Sex Offender
6 Registration and Community Notification Act ~~Sex Offender~~
7 ~~Registration Act~~;

8 (3) be able to speak, read and write the English
9 language;

10 (4) be skilled in the 4 fundamental rules of
11 arithmetic;

12 (5) be of good understanding and capable;

13 (6) not be candidates for any office at the election
14 and not be elected committeemen;

15 (7) reside and be entitled to vote in the precinct in
16 which they are selected to serve, except that in each
17 precinct not more than one judge of each party may be
18 appointed from outside such precinct. Any judge so
19 appointed to serve in any precinct in which he is not
20 entitled to vote must be entitled to vote elsewhere within
21 the county which encompasses the precinct in which such
22 judge is appointed and such judge must otherwise meet the
23 qualifications of this Section, except as provided in
24 subsection (c) or (c-5).

25 (c) An election authority may establish a program to permit
26 a person who is not entitled to vote to be appointed as an

1 election judge if, as of the date of the election at which the
2 person serves as a judge, he or she:

3 (1) is a U.S. citizen;

4 (2) is a junior or senior in good standing enrolled in
5 a public or private secondary school;

6 (3) has a cumulative grade point average equivalent to
7 at least 3.0 on a 4.0 scale;

8 (4) has the written approval of the principal of the
9 secondary school he or she attends at the time of
10 appointment;

11 (5) has the written approval of his or her parent or
12 legal guardian;

13 (6) has satisfactorily completed the training course
14 for judges of election described in Sections 13-2.1,
15 13-2.2, and 14-4.1; and

16 (7) meets all other qualifications for appointment and
17 service as an election judge.

18 No more than one election judge qualifying under this
19 subsection may serve per political party per precinct. Prior to
20 appointment, a judge qualifying under this subsection must
21 certify in writing to the election authority the political
22 party the judge chooses to affiliate with.

23 Students appointed as election judges under this
24 subsection shall not be counted as absent from school on the
25 day they serve as judges.

26 (c-5) An election authority may establish a program to

1 permit a person who is not entitled to vote in that precinct or
2 county to be appointed as an election judge if, as of the date
3 of the election at which the person serves as a judge, he or
4 she:

5 (1) is a U.S. citizen;

6 (2) is currently enrolled in a community college, as
7 defined in the Public Community College Act, or a public or
8 private Illinois university or college;

9 (3) has a cumulative grade point average equivalent to
10 at least 3.0 on a 4.0 scale;

11 (4) has satisfactorily completed the training course
12 for judges of election described in Sections 13-2.1,
13 13-2.2, and 14-4.1; and

14 (5) meets all other qualifications for appointment and
15 service as an election judge.

16 No more than one election judge qualifying under this
17 subsection may serve per political party per precinct. Prior to
18 appointment, a judge qualifying under this subsection must
19 certify in writing to the election authority the political
20 party the judge chooses to affiliate with.

21 Students appointed as election judges under this
22 subsection shall not be counted as absent from school on the
23 day they serve as judges.

24 (d) The board of election commissioners may select 2
25 additional judges of election, one from each of the major
26 political parties, for each 200 voters in excess of 600 in any

1 precinct having more than 600 voters as authorized by Section
2 11--3. These additional judges must meet the qualifications
3 prescribed in this Section.

4 (Source: P.A. 95-699, eff. 11-9-07; 95-818, eff. 1-1-09;
5 96-328, eff. 8-11-09.)

6 Section 805. The Illinois Identification Card Act is
7 amended by changing Section 9 as follows:

8 (15 ILCS 335/9) (from Ch. 124, par. 29)

9 Sec. 9. Renewal.

10 (a) Any person having a valid identification card which
11 expires on his or her 21st birthday, or which expires 3 months
12 after his or her 21st birthday, may not apply for renewal of
13 his or her existing identification card. A subsequent
14 application filed by persons under this subsection, on or after
15 their 21st birthday, shall be considered an application for a
16 new card under Section 5 of this Act.

17 (b) Any person having a valid identification card, except
18 those under subsection (a), may apply for a one-time renewal,
19 in a manner prescribed by the Secretary of State, within 30
20 days after the expiration of the identification card. A
21 subsequent application filed by that person shall be considered
22 an application for a new card under Section 5 of this Act. Any
23 identification card renewed under this subsection shall be
24 valid for 5 years after the expiration date of the

1 identification card as originally issued under Section 5 of
2 this Act. The Secretary of State, in his or her discretion, may
3 provide that applications for the one-time renewal under this
4 subsection (b) may be made by telephone, mail, or the Internet,
5 subject to any eligibility criteria and other requirements that
6 the Secretary of State deems appropriate.

7 (c) Notwithstanding any other provision of this Act to the
8 contrary, a person convicted of a sex offense as defined in
9 Section 5 2 of the Adam Walsh Sex Offender Registration and
10 Community Notification Act ~~Sex Offender Registration Act~~ may
11 not renew his or her Illinois Identification Card or Illinois
12 Disabled Person Identification Card by telephone, mail, or the
13 Internet.

14 (Source: P.A. 95-779, eff. 1-1-09.)

15 Section 810. The Department of State Police Law of the
16 Civil Administrative Code of Illinois is amended by changing
17 Sections 2605-35 as follows:

18 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

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

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

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

1 1975.

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

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

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

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

17 (6) Investigate recipients and providers under the
18 Illinois Public Aid Code and any personnel involved in the
19 administration of the Code who are suspected of any
20 violation of the Code pertaining to fraud in the
21 administration, receipt, or provision of assistance and
22 pertaining to any violation of criminal law; and exercise
23 the functions required under Section 2605-220 in the
24 conduct of those investigations.

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

26 (8) Exercise the powers and perform the duties that

1 have been vested in the Department by the Adam Walsh Sex
2 Offender Registration and Community Notification Act ~~Sex~~
3 ~~Offender Registration Act and the Sex Offender Community~~
4 ~~Notification Law~~; and promulgate reasonable rules and
5 regulations necessitated thereby.

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

9 (b) There is hereby established in the Division of
10 Operations the Office of Coordination of Gang Prevention,
11 hereafter referred to as the Office.

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

23 The Office shall establish mobile units of trained
24 personnel to respond to gang activities.

25 The Office shall also consult with and use the services of
26 religious leaders and other celebrities to assist in gang

1 control activities.

2 The Office may sponsor seminars, conferences, or any other
3 educational activity to assist communities in their gang crime
4 control activities.

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

6 Section 815. The Criminal Identification Act is amended by
7 changing Sections 5.2 and 8 as follows:

8 (20 ILCS 2630/5.2)

9 Sec. 5.2. Expungement and sealing.

10 (a) General Provisions.

11 (1) Definitions. In this Act, words and phrases have
12 the meanings set forth in this subsection, except when a
13 particular context clearly requires a different meaning.

14 (A) The following terms shall have the meanings
15 ascribed to them in the Unified Code of Corrections,
16 730 ILCS 5/5-1-2 through 5/5-1-22:

17 (i) Business Offense (730 ILCS 5/5-1-2),

18 (ii) Charge (730 ILCS 5/5-1-3),

19 (iii) Court (730 ILCS 5/5-1-6),

20 (iv) Defendant (730 ILCS 5/5-1-7),

21 (v) Felony (730 ILCS 5/5-1-9),

22 (vi) Imprisonment (730 ILCS 5/5-1-10),

23 (vii) Judgment (730 ILCS 5/5-1-12),

24 (viii) Misdemeanor (730 ILCS 5/5-1-14),

- 1 (ix) Offense (730 ILCS 5/5-1-15),
2 (x) Parole (730 ILCS 5/5-1-16),
3 (xi) Petty Offense (730 ILCS 5/5-1-17),
4 (xii) Probation (730 ILCS 5/5-1-18),
5 (xiii) Sentence (730 ILCS 5/5-1-19),
6 (xiv) Supervision (730 ILCS 5/5-1-21), and
7 (xv) Victim (730 ILCS 5/5-1-22).

8 (B) As used in this Section, "charge not initiated
9 by arrest" means a charge (as defined by 730 ILCS
10 5/5-1-3) brought against a defendant where the
11 defendant is not arrested prior to or as a direct
12 result of the charge.

13 (C) "Conviction" means a judgment of conviction or
14 sentence entered upon a plea of guilty or upon a
15 verdict or finding of guilty of an offense, rendered by
16 a legally constituted jury or by a court of competent
17 jurisdiction authorized to try the case without a jury.
18 An order of supervision successfully completed by the
19 petitioner is not a conviction. An order of qualified
20 probation (as defined in subsection (a)(1)(J))
21 successfully completed by the petitioner is not a
22 conviction. An order of supervision or an order of
23 qualified probation that is terminated
24 unsatisfactorily is a conviction, unless the
25 unsatisfactory termination is reversed, vacated, or
26 modified and the judgment of conviction, if any, is

1 reversed or vacated.

2 (D) "Criminal offense" means a petty offense,
3 business offense, misdemeanor, felony, or municipal
4 ordinance violation (as defined in subsection
5 (a)(1)(H)). As used in this Section, a minor traffic
6 offense (as defined in subsection (a)(1)(G)) shall not
7 be considered a criminal offense.

8 (E) "Expunge" means to physically destroy the
9 records or return them to the petitioner and to
10 obliterate the petitioner's name from any official
11 index or public record, or both. Nothing in this Act
12 shall require the physical destruction of the circuit
13 court file, but such records relating to arrests or
14 charges, or both, ordered expunged shall be impounded
15 as required by subsections (d)(9)(A)(ii) and
16 (d)(9)(B)(ii).

17 (F) As used in this Section, "last sentence" means
18 the sentence, order of supervision, or order of
19 qualified probation (as defined by subsection
20 (a)(1)(J)), for a criminal offense (as defined by
21 subsection (a)(1)(D)) that terminates last in time in
22 any jurisdiction, regardless of whether the petitioner
23 has included the criminal offense for which the
24 sentence or order of supervision or qualified
25 probation was imposed in his or her petition. If
26 multiple sentences, orders of supervision, or orders

1 of qualified probation terminate on the same day and
2 are last in time, they shall be collectively considered
3 the "last sentence" regardless of whether they were
4 ordered to run concurrently.

5 (G) "Minor traffic offense" means a petty offense,
6 business offense, or Class C misdemeanor under the
7 Illinois Vehicle Code or a similar provision of a
8 municipal or local ordinance.

9 (H) "Municipal ordinance violation" means an
10 offense defined by a municipal or local ordinance that
11 is criminal in nature and with which the petitioner was
12 charged or for which the petitioner was arrested and
13 released without charging.

14 (I) "Petitioner" means an adult or a minor
15 prosecuted as an adult who has applied for relief under
16 this Section.

17 (J) "Qualified probation" means an order of
18 probation under Section 10 of the Cannabis Control Act,
19 Section 410 of the Illinois Controlled Substances Act,
20 Section 70 of the Methamphetamine Control and
21 Community Protection Act, Section 12-4.3(b)(1) and (2)
22 of the Criminal Code of 1961 (as those provisions
23 existed before their deletion by Public Act 89-313),
24 Section 10-102 of the Illinois Alcoholism and Other
25 Drug Dependency Act, Section 40-10 of the Alcoholism
26 and Other Drug Abuse and Dependency Act, or Section 10

1 of the Steroid Control Act. For the purpose of this
2 Section, "successful completion" of an order of
3 qualified probation under Section 10-102 of the
4 Illinois Alcoholism and Other Drug Dependency Act and
5 Section 40-10 of the Alcoholism and Other Drug Abuse
6 and Dependency Act means that the probation was
7 terminated satisfactorily and the judgment of
8 conviction was vacated.

9 (K) "Seal" means to physically and electronically
10 maintain the records, unless the records would
11 otherwise be destroyed due to age, but to make the
12 records unavailable without a court order, subject to
13 the exceptions in Sections 12 and 13 of this Act. The
14 petitioner's name shall also be obliterated from the
15 official index required to be kept by the circuit court
16 clerk under Section 16 of the Clerks of Courts Act, but
17 any index issued by the circuit court clerk before the
18 entry of the order to seal shall not be affected.

19 (L) "Sexual offense committed against a minor"
20 includes but is not limited to the offenses of indecent
21 solicitation of a child or criminal sexual abuse when
22 the victim of such offense is under 18 years of age.

23 (M) "Terminate" as it relates to a sentence or
24 order of supervision or qualified probation includes
25 either satisfactory or unsatisfactory termination of
26 the sentence, unless otherwise specified in this

1 Section.

2 (2) Minor Traffic Offenses. Orders of supervision or
3 convictions for minor traffic offenses shall not affect a
4 petitioner's eligibility to expunge or seal records
5 pursuant to this Section.

6 (3) Exclusions. Except as otherwise provided in
7 subsections (b) (5), (b) (6), and (e) of this Section, the
8 court shall not order:

9 (A) the sealing or expungement of the records of
10 arrests or charges not initiated by arrest that result
11 in an order of supervision for or conviction of: (i)
12 any sexual offense committed against a minor; (ii)
13 Section 11-501 of the Illinois Vehicle Code or a
14 similar provision of a local ordinance; or (iii)
15 Section 11-503 of the Illinois Vehicle Code or a
16 similar provision of a local ordinance.

17 (B) the sealing or expungement of records of minor
18 traffic offenses (as defined in subsection (a) (1) (G)),
19 unless the petitioner was arrested and released
20 without charging.

21 (C) the sealing of the records of arrests or
22 charges not initiated by arrest which result in an
23 order of supervision, an order of qualified probation
24 (as defined in subsection (a) (1) (J)), or a conviction
25 for the following offenses:

26 (i) offenses included in Article 11 of the

1 Criminal Code of 1961 or a similar provision of a
2 local ordinance, except Section 11-14 of the
3 Criminal Code of 1961 or a similar provision of a
4 local ordinance;

5 (ii) Section 12-15, 12-30, or 26-5 of the
6 Criminal Code of 1961 or a similar provision of a
7 local ordinance;

8 (iii) offenses defined as "crimes of violence"
9 in Section 2 of the Crime Victims Compensation Act
10 or a similar provision of a local ordinance;

11 (iv) offenses which are Class A misdemeanors
12 under the Humane Care for Animals Act; or

13 (v) any offense or attempted offense that
14 would subject a person to registration under the
15 Adam Walsh Sex Offender Registration and Community
16 Notification Act ~~Sex Offender Registration Act~~.

17 (D) the sealing of the records of an arrest which
18 results in the petitioner being charged with a felony
19 offense or records of a charge not initiated by arrest
20 for a felony offense, regardless of the disposition,
21 unless:

22 (i) the charge is amended to a misdemeanor and
23 is otherwise eligible to be sealed pursuant to
24 subsection (c);

25 (ii) the charge results in first offender
26 probation as set forth in subsection (c) (2) (E); or

1 (iii) the charge is for a Class 4 felony
2 offense listed in subsection (c)(2)(F) or the
3 charge is amended to a Class 4 felony offense
4 listed in subsection (c)(2)(F). Records of arrests
5 which result in the petitioner being charged with a
6 Class 4 felony offense listed in subsection
7 (c)(2)(F), records of charges not initiated by
8 arrest for Class 4 felony offenses listed in
9 subsection (c)(2)(F), and records of charges
10 amended to a Class 4 felony offense listed in
11 (c)(2)(F) may be sealed, regardless of the
12 disposition, subject to any waiting periods set
13 forth in subsection (c)(3).

14 (b) Expungement.

15 (1) A petitioner may petition the circuit court to
16 expunge the records of his or her arrests and charges not
17 initiated by arrest when:

18 (A) He or she has never been convicted of a
19 criminal offense; and

20 (B) Each arrest or charge not initiated by arrest
21 sought to be expunged resulted in: (i) acquittal,
22 dismissal, or the petitioner's release without
23 charging, unless excluded by subsection (a)(3)(B);
24 (ii) a conviction which was vacated or reversed, unless
25 excluded by subsection (a)(3)(B); (iii) an order of
26 supervision and such supervision was successfully

1 completed by the petitioner, unless excluded by
2 subsection (a) (3) (A) or (a) (3) (B); or (iv) an order of
3 qualified probation (as defined in subsection
4 (a) (1) (J)) and such probation was successfully
5 completed by the petitioner.

6 (2) Time frame for filing a petition to expunge.

7 (A) When the arrest or charge not initiated by
8 arrest sought to be expunged resulted in an acquittal,
9 dismissal, the petitioner's release without charging,
10 or the reversal or vacation of a conviction, there is
11 no waiting period to petition for the expungement of
12 such records.

13 (B) When the arrest or charge not initiated by
14 arrest sought to be expunged resulted in an order of
15 supervision, successfully completed by the petitioner,
16 the following time frames will apply:

17 (i) Those arrests or charges that resulted in
18 orders of supervision under Section 3-707, 3-708,
19 3-710, or 5-401.3 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance, or under
21 Section 12-3.2, 12-15 or 16A-3 of the Criminal Code
22 of 1961, shall not be eligible for expungement
23 until 5 years have passed following the
24 satisfactory termination of the supervision.

25 (ii) Those arrests or charges that resulted in
26 orders of supervision for any other offenses shall

1 not be eligible for expungement until 2 years have
2 passed following the satisfactory termination of
3 the supervision.

4 (C) When the arrest or charge not initiated by
5 arrest sought to be expunged resulted in an order of
6 qualified probation, successfully completed by the
7 petitioner, such records shall not be eligible for
8 expungement until 5 years have passed following the
9 satisfactory termination of the probation.

10 (3) Those records maintained by the Department for
11 persons arrested prior to their 17th birthday shall be
12 expunged as provided in Section 5-915 of the Juvenile Court
13 Act of 1987.

14 (4) Whenever a person has been arrested for or
15 convicted of any offense, in the name of a person whose
16 identity he or she has stolen or otherwise come into
17 possession of, the aggrieved person from whom the identity
18 was stolen or otherwise obtained without authorization,
19 upon learning of the person having been arrested using his
20 or her identity, may, upon verified petition to the chief
21 judge of the circuit wherein the arrest was made, have a
22 court order entered nunc pro tunc by the Chief Judge to
23 correct the arrest record, conviction record, if any, and
24 all official records of the arresting authority, the
25 Department, other criminal justice agencies, the
26 prosecutor, and the trial court concerning such arrest, if

1 any, by removing his or her name from all such records in
2 connection with the arrest and conviction, if any, and by
3 inserting in the records the name of the offender, if known
4 or ascertainable, in lieu of the aggrieved's name. The
5 records of the circuit court clerk shall be sealed until
6 further order of the court upon good cause shown and the
7 name of the aggrieved person obliterated on the official
8 index required to be kept by the circuit court clerk under
9 Section 16 of the Clerks of Courts Act, but the order shall
10 not affect any index issued by the circuit court clerk
11 before the entry of the order. Nothing in this Section
12 shall limit the Department of State Police or other
13 criminal justice agencies or prosecutors from listing
14 under an offender's name the false names he or she has
15 used.

16 (5) Whenever a person has been convicted of criminal
17 sexual assault, aggravated criminal sexual assault,
18 predatory criminal sexual assault of a child, criminal
19 sexual abuse, or aggravated criminal sexual abuse, the
20 victim of that offense may request that the State's
21 Attorney of the county in which the conviction occurred
22 file a verified petition with the presiding trial judge at
23 the petitioner's trial to have a court order entered to
24 seal the records of the circuit court clerk in connection
25 with the proceedings of the trial court concerning that
26 offense. However, the records of the arresting authority

1 and the Department of State Police concerning the offense
2 shall not be sealed. The court, upon good cause shown,
3 shall make the records of the circuit court clerk in
4 connection with the proceedings of the trial court
5 concerning the offense available for public inspection.

6 (6) If a conviction has been set aside on direct review
7 or on collateral attack and the court determines by clear
8 and convincing evidence that the petitioner was factually
9 innocent of the charge, the court shall enter an
10 expungement order as provided in subsection (b) of Section
11 5-5-4 of the Unified Code of Corrections.

12 (7) Nothing in this Section shall prevent the
13 Department of State Police from maintaining all records of
14 any person who is admitted to probation upon terms and
15 conditions and who fulfills those terms and conditions
16 pursuant to Section 10 of the Cannabis Control Act, Section
17 410 of the Illinois Controlled Substances Act, Section 70
18 of the Methamphetamine Control and Community Protection
19 Act, Section 12-4.3 of the Criminal Code of 1961, Section
20 10-102 of the Illinois Alcoholism and Other Drug Dependency
21 Act, Section 40-10 of the Alcoholism and Other Drug Abuse
22 and Dependency Act, or Section 10 of the Steroid Control
23 Act.

24 (c) Sealing.

25 (1) Applicability. Notwithstanding any other provision
26 of this Act to the contrary, and cumulative with any rights

1 to expungement of criminal records, this subsection
2 authorizes the sealing of criminal records of adults and of
3 minors prosecuted as adults.

4 (2) Eligible Records. The following records may be
5 sealed:

6 (A) All arrests resulting in release without
7 charging;

8 (B) Arrests or charges not initiated by arrest
9 resulting in acquittal, dismissal, or conviction when
10 the conviction was reversed or vacated, except as
11 excluded by subsection (a) (3) (B) or (a) (3) (D);

12 (C) Arrests or charges not initiated by arrest
13 resulting in orders of supervision successfully
14 completed by the petitioner, unless excluded by
15 subsection (a) (3);

16 (D) Arrests or charges not initiated by arrest
17 resulting in convictions unless excluded by subsection
18 (a) (3);

19 (E) Arrests or charges not initiated by arrest
20 resulting in orders of first offender probation under
21 Section 10 of the Cannabis Control Act, Section 410 of
22 the Illinois Controlled Substances Act, or Section 70
23 of the Methamphetamine Control and Community
24 Protection Act; and

25 (F) Arrests or charges not initiated by arrest
26 resulting in Class 4 felony convictions for the

1 following offenses:

2 (i) Section 11-14 of the Criminal Code of 1961;

3 (ii) Section 4 of the Cannabis Control Act;

4 (iii) Section 402 of the Illinois Controlled
5 Substances Act;

6 (iv) the Methamphetamine Precursor Control
7 Act; and

8 (v) the Steroid Control Act.

9 (3) When Records Are Eligible to Be Sealed. Records
10 identified as eligible under subsection (c)(2) may be
11 sealed as follows:

12 (A) Records identified as eligible under
13 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
14 time.

15 (B) Records identified as eligible under
16 subsection (c)(2)(C) may be sealed (i) 3 years after
17 the termination of petitioner's last sentence (as
18 defined in subsection (a)(1)(F)) if the petitioner has
19 never been convicted of a criminal offense (as defined
20 in subsection (a)(1)(D)); or (ii) 4 years after the
21 termination of the petitioner's last sentence (as
22 defined in subsection (a)(1)(F)) if the petitioner has
23 ever been convicted of a criminal offense (as defined
24 in subsection (a)(1)(D)).

25 (C) Records identified as eligible under
26 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be

1 sealed 4 years after the termination of the
2 petitioner's last sentence (as defined in subsection
3 (a) (1) (F)).

4 (4) Subsequent felony convictions. A person may not
5 have subsequent felony conviction records sealed as
6 provided in this subsection (c) if he or she is convicted
7 of any felony offense after the date of the sealing of
8 prior felony convictions as provided in this subsection
9 (c). The court may, upon conviction for a subsequent felony
10 offense, order the unsealing of prior felony conviction
11 records previously ordered sealed by the court.

12 (5) Notice of eligibility for sealing. Upon entry of a
13 disposition for an eligible record under this subsection
14 (c), the petitioner shall be informed by the court of the
15 right to have the records sealed and the procedures for the
16 sealing of the records.

17 (d) Procedure. The following procedures apply to
18 expungement under subsections (b) and (e), and sealing under
19 subsection (c):

20 (1) Filing the petition. Upon becoming eligible to
21 petition for the expungement or sealing of records under
22 this Section, the petitioner shall file a petition
23 requesting the expungement or sealing of records with the
24 clerk of the court where the arrests occurred or the
25 charges were brought, or both. If arrests occurred or
26 charges were brought in multiple jurisdictions, a petition

1 must be filed in each such jurisdiction. The petitioner
2 shall pay the applicable fee, if not waived.

3 (2) Contents of petition. The petition shall be
4 verified and shall contain the petitioner's name, date of
5 birth, current address and, for each arrest or charge not
6 initiated by arrest sought to be sealed or expunged, the
7 case number, the date of arrest (if any), the identity of
8 the arresting authority, and such other information as the
9 court may require. During the pendency of the proceeding,
10 the petitioner shall promptly notify the circuit court
11 clerk of any change of his or her address.

12 (3) Drug test. The petitioner must attach to the
13 petition proof that the petitioner has passed a test taken
14 within 30 days before the filing of the petition showing
15 the absence within his or her body of all illegal
16 substances as defined by the Illinois Controlled
17 Substances Act, the Methamphetamine Control and Community
18 Protection Act, and the Cannabis Control Act if he or she
19 is petitioning to seal felony records pursuant to clause
20 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is
21 petitioning to expunge felony records of a qualified
22 probation pursuant to clause (b) (1) (B) (iv).

23 (4) Service of petition. The circuit court clerk shall
24 promptly serve a copy of the petition on the State's
25 Attorney or prosecutor charged with the duty of prosecuting
26 the offense, the Department of State Police, the arresting

1 agency and the chief legal officer of the unit of local
2 government effecting the arrest.

3 (5) Objections.

4 (A) Any party entitled to notice of the petition
5 may file an objection to the petition. All objections
6 shall be in writing, shall be filed with the circuit
7 court clerk, and shall state with specificity the basis
8 of the objection.

9 (B) Objections to a petition to expunge or seal
10 must be filed within 60 days of the date of service of
11 the petition.

12 (6) Entry of order.

13 (A) The Chief Judge of the circuit wherein the
14 charge was brought, any judge of that circuit
15 designated by the Chief Judge, or in counties of less
16 than 3,000,000 inhabitants, the presiding trial judge
17 at the petitioner's trial, if any, shall rule on the
18 petition to expunge or seal as set forth in this
19 subsection (d) (6).

20 (B) Unless the State's Attorney or prosecutor, the
21 Department of State Police, the arresting agency, or
22 the chief legal officer files an objection to the
23 petition to expunge or seal within 60 days from the
24 date of service of the petition, the court shall enter
25 an order granting or denying the petition.

26 (7) Hearings. If an objection is filed, the court shall

1 set a date for a hearing and notify the petitioner and all
2 parties entitled to notice of the petition of the hearing
3 date at least 30 days prior to the hearing, and shall hear
4 evidence on whether the petition should or should not be
5 granted, and shall grant or deny the petition to expunge or
6 seal the records based on the evidence presented at the
7 hearing.

8 (8) Service of order. After entering an order to
9 expunge or seal records, the court must provide copies of
10 the order to the Department, in a form and manner
11 prescribed by the Department, to the petitioner, to the
12 State's Attorney or prosecutor charged with the duty of
13 prosecuting the offense, to the arresting agency, to the
14 chief legal officer of the unit of local government
15 effecting the arrest, and to such other criminal justice
16 agencies as may be ordered by the court.

17 (9) Effect of order.

18 (A) Upon entry of an order to expunge records
19 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

20 (i) the records shall be expunged (as defined
21 in subsection (a) (1) (E)) by the arresting agency,
22 the Department, and any other agency as ordered by
23 the court, within 60 days of the date of service of
24 the order, unless a motion to vacate, modify, or
25 reconsider the order is filed pursuant to
26 paragraph (12) of subsection (d) of this Section;

1 (ii) the records of the circuit court clerk
2 shall be impounded until further order of the court
3 upon good cause shown and the name of the
4 petitioner obliterated on the official index
5 required to be kept by the circuit court clerk
6 under Section 16 of the Clerks of Courts Act, but
7 the order shall not affect any index issued by the
8 circuit court clerk before the entry of the order;
9 and

10 (iii) in response to an inquiry for expunged
11 records, the court, the Department, or the agency
12 receiving such inquiry, shall reply as it does in
13 response to inquiries when no records ever
14 existed.

15 (B) Upon entry of an order to expunge records
16 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

17 (i) the records shall be expunged (as defined
18 in subsection (a) (1) (E)) by the arresting agency
19 and any other agency as ordered by the court,
20 within 60 days of the date of service of the order,
21 unless a motion to vacate, modify, or reconsider
22 the order is filed pursuant to paragraph (12) of
23 subsection (d) of this Section;

24 (ii) the records of the circuit court clerk
25 shall be impounded until further order of the court
26 upon good cause shown and the name of the

1 petitioner obliterated on the official index
2 required to be kept by the circuit court clerk
3 under Section 16 of the Clerks of Courts Act, but
4 the order shall not affect any index issued by the
5 circuit court clerk before the entry of the order;

6 (iii) the records shall be impounded by the
7 Department within 60 days of the date of service of
8 the order as ordered by the court, unless a motion
9 to vacate, modify, or reconsider the order is filed
10 pursuant to paragraph (12) of subsection (d) of
11 this Section;

12 (iv) records impounded by the Department may
13 be disseminated by the Department only to the
14 arresting authority, the State's Attorney, and the
15 court upon a later arrest for the same or a similar
16 offense or for the purpose of sentencing for any
17 subsequent felony, and to the Department of
18 Corrections upon conviction for any offense; and

19 (v) in response to an inquiry for such records
20 from anyone not authorized by law to access such
21 records the court, the Department, or the agency
22 receiving such inquiry shall reply as it does in
23 response to inquiries when no records ever
24 existed.

25 (C) Upon entry of an order to seal records under
26 subsection (c), the arresting agency, any other agency

1 as ordered by the court, the Department, and the court
2 shall seal the records (as defined in subsection
3 (a)(1)(K)). In response to an inquiry for such records
4 from anyone not authorized by law to access such
5 records the court, the Department, or the agency
6 receiving such inquiry shall reply as it does in
7 response to inquiries when no records ever existed.

8 (10) Fees. The Department may charge the petitioner a
9 fee equivalent to the cost of processing any order to
10 expunge or seal records. Notwithstanding any provision of
11 the Clerks of Courts Act to the contrary, the circuit court
12 clerk may charge a fee equivalent to the cost associated
13 with the sealing or expungement of records by the circuit
14 court clerk. From the total filing fee collected for the
15 petition to seal or expunge, the circuit court clerk shall
16 deposit \$10 into the Circuit Court Clerk Operation and
17 Administrative Fund, to be used to offset the costs
18 incurred by the circuit court clerk in performing the
19 additional duties required to serve the petition to seal or
20 expunge on all parties. The circuit court clerk shall
21 collect and forward the Department of State Police portion
22 of the fee to the Department and it shall be deposited in
23 the State Police Services Fund.

24 (11) Final Order. No court order issued under the
25 expungement or sealing provisions of this Section shall
26 become final for purposes of appeal until 30 days after

1 service of the order on the petitioner and all parties
2 entitled to notice of the petition.

3 (12) Motion to Vacate, Modify, or Reconsider. The
4 petitioner or any party entitled to notice may file a
5 motion to vacate, modify, or reconsider the order granting
6 or denying the petition to expunge or seal within 60 days
7 of service of the order.

8 (e) Whenever a person who has been convicted of an offense
9 is granted a pardon by the Governor which specifically
10 authorizes expungement, he or she may, upon verified petition
11 to the Chief Judge of the circuit where the person had been
12 convicted, any judge of the circuit designated by the Chief
13 Judge, or in counties of less than 3,000,000 inhabitants, the
14 presiding trial judge at the defendant's trial, have a court
15 order entered expunging the record of arrest from the official
16 records of the arresting authority and order that the records
17 of the circuit court clerk and the Department be sealed until
18 further order of the court upon good cause shown or as
19 otherwise provided herein, and the name of the defendant
20 obliterated from the official index requested to be kept by the
21 circuit court clerk under Section 16 of the Clerks of Courts
22 Act in connection with the arrest and conviction for the
23 offense for which he or she had been pardoned but the order
24 shall not affect any index issued by the circuit court clerk
25 before the entry of the order. All records sealed by the
26 Department may be disseminated by the Department only as

1 required by law or to the arresting authority, the State's
2 Attorney, and the court upon a later arrest for the same or
3 similar offense or for the purpose of sentencing for any
4 subsequent felony. Upon conviction for any subsequent offense,
5 the Department of Corrections shall have access to all sealed
6 records of the Department pertaining to that individual. Upon
7 entry of the order of expungement, the circuit court clerk
8 shall promptly mail a copy of the order to the person who was
9 pardoned.

10 (f) Subject to available funding, the Illinois Department
11 of Corrections shall conduct a study of the impact of sealing,
12 especially on employment and recidivism rates, utilizing a
13 random sample of those who apply for the sealing of their
14 criminal records under Public Act 93-211. At the request of the
15 Illinois Department of Corrections, records of the Illinois
16 Department of Employment Security shall be utilized as
17 appropriate to assist in the study. The study shall not
18 disclose any data in a manner that would allow the
19 identification of any particular individual or employing unit.
20 The study shall be made available to the General Assembly no
21 later than September 1, 2010.

22 (Source: P.A. 96-409, eff. 1-1-10.)

23 (20 ILCS 2630/8) (from Ch. 38, par. 206-8)

24 Sec. 8. Crime statistics; sex offenders.

25 (a) The Department shall be a central repository and

1 custodian of crime statistics for the State and it shall have
2 all power incident thereto to carry out the purposes of this
3 Act, including the power to demand and receive cooperation in
4 the submission of crime statistics from all units of
5 government. On an annual basis, the Illinois Criminal Justice
6 Information Authority shall make available compilations
7 published by the Authority of crime statistics required to be
8 reported by each policing body of the State, the clerks of the
9 circuit court of each county, the Illinois Department of
10 Corrections, the Sheriff of each county, and the State's
11 Attorney of each county, including, but not limited to,
12 criminal arrest, charge and disposition information.

13 (b) The Department shall develop information relating to
14 the number of sex offenders ~~and sexual predators~~ as defined in
15 Section 5 2 of the Adam Walsh Sex Offender Registration and
16 Community Notification Act ~~Sex Offender Registration Act~~ who
17 are placed on parole, mandatory supervised release, or extended
18 mandatory supervised release and who are subject to electronic
19 monitoring.

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

21 Section 820. The Sex Offender Management Board Act is
22 amended by changing Sections 10 and 15 as follows:

23 (20 ILCS 4026/10)

24 Sec. 10. Definitions. In this Act, unless the context

1 otherwise requires:

2 (a) "Board" means the Sex Offender Management Board created
3 in Section 15.

4 (b) "Sex offender" means any person who is convicted or
5 found delinquent in the State of Illinois, or under any
6 substantially similar federal law or law of another state, of
7 any sex offense or attempt of a sex offense as defined in
8 subsection (c) of this Section, or any former statute of this
9 State that defined a felony sex offense, or who has been
10 certified as a sexually dangerous person under the Sexually
11 Dangerous Persons Act or declared a sexually violent person
12 under the Sexually Violent Persons Commitment Act, or any
13 substantially similar federal law or law of another state.

14 (c) "Sex offense" has the meaning ascribed to it in Section
15 5 of the Adam Walsh Sex Offender Registration and Community
16 Notification Act. "Sex offense" also means any felony offense
17 under Illinois law that is sexually motivated as defined in
18 this Section. ~~means any felony or misdemeanor offense described~~
19 ~~in this subsection (c) as follows:~~

20 ~~(1) Indecent solicitation of a child, in violation of~~
21 ~~Section 11-6 of the Criminal Code of 1961;~~

22 ~~(2) Indecent solicitation of an adult, in violation of~~
23 ~~Section 11-6.5 of the Criminal Code of 1961;~~

24 ~~(3) Public indecency, in violation of Section 11-9 of~~
25 ~~the Criminal Code of 1961;~~

26 ~~(4) Sexual exploitation of a child, in violation of~~

1 ~~Section 11-9.1 of the Criminal Code of 1961;~~

2 ~~(5) Sexual relations within families, in violation of~~
3 ~~Section 11-11 of the Criminal Code of 1961;~~

4 ~~(6) Soliciting for a juvenile prostitute, in violation~~
5 ~~of Section 11-15.1 of the Criminal Code of 1961;~~

6 ~~(7) Keeping a place of juvenile prostitution, in~~
7 ~~violation of Section 11-17.1 of the Criminal Code of 1961;~~

8 ~~(8) Patronizing a juvenile prostitute, in violation of~~
9 ~~Section 11-18.1 of the Criminal Code of 1961;~~

10 ~~(9) Juvenile pimping, in violation of Section 11-19.1~~
11 ~~of the Criminal Code of 1961;~~

12 ~~(10) Exploitation of a child, in violation of Section~~
13 ~~11-19.2 of the Criminal Code of 1961;~~

14 ~~(11) Child pornography, in violation of Section~~
15 ~~11-20.1 of the Criminal Code of 1961;~~

16 ~~(12) Harmful material, in violation of Section 11-21 of~~
17 ~~the Criminal Code of 1961;~~

18 ~~(13) Criminal sexual assault, in violation of Section~~
19 ~~12-13 of the Criminal Code of 1961;~~

20 ~~(14) Aggravated criminal sexual assault, in violation~~
21 ~~of Section 12-14 of the Criminal Code of 1961;~~

22 ~~(15) Predatory criminal sexual assault of a child, in~~
23 ~~violation of Section 12-14.1 of the Criminal Code of 1961;~~

24 ~~(16) Criminal sexual abuse, in violation of Section~~
25 ~~12-15 of the Criminal Code of 1961;~~

26 ~~(17) Aggravated criminal sexual abuse, in violation of~~

1 ~~Section 12-16 of the Criminal Code of 1961;~~

2 ~~(18) Ritualized abuse of a child, in violation of~~
3 ~~Section 12-33 of the Criminal Code of 1961;~~

4 ~~(19) An attempt to commit any of the offenses~~
5 ~~enumerated in this subsection (c); or~~

6 ~~(20) Any felony offense under Illinois law that is~~
7 ~~sexually motivated.~~

8 (d) "Management" means counseling, monitoring, and
9 supervision of any sex offender that conforms to the standards
10 created by the Board under Section 15.

11 (e) "Sexually motivated" means one or more of the facts of
12 the underlying offense indicates conduct that is of a sexual
13 nature or that shows an intent to engage in behavior of a
14 sexual nature.

15 (Source: P.A. 93-616, eff. 1-1-04.)

16 (20 ILCS 4026/15)

17 Sec. 15. Sex Offender Management Board; creation; duties.

18 (a) There is created the Sex Offender Management Board,
19 which shall consist of 24 members. The membership of the Board
20 shall consist of the following persons:

21 (1) Two members appointed by the Governor representing
22 the judiciary, one representing juvenile court matters and
23 one representing adult criminal court matters;

24 (2) One member appointed by the Governor representing
25 Probation Services;

1 (3) One member appointed by the Governor representing
2 the Department of Corrections;

3 (4) One member appointed by the Governor representing
4 the Department of Human Services;

5 (5) One member appointed by the Governor representing
6 the Illinois State Police;

7 (6) One member appointed by the Governor representing
8 the Department of Children and Family Services;

9 (7) One member appointed by the Attorney General
10 representing the Office of the Attorney General;

11 (8) Two members appointed by the Attorney General who
12 are licensed mental health professionals with documented
13 expertise in the treatment of sex offenders;

14 (9) Two members appointed by the Attorney General who
15 are State's Attorneys or assistant State's Attorneys, one
16 representing juvenile court matters and one representing
17 felony court matters;

18 (10) One member being the Cook County State's Attorney
19 or his or her designee;

20 (11) One member being the Director of the State's
21 Attorneys Appellate Prosecutor or his or her designee;

22 (12) One member being the Cook County Public Defender
23 or his or her designee;

24 (13) Two members appointed by the Governor who are
25 representatives of law enforcement, one juvenile officer
26 and one sex crime investigator;

1 (14) Two members appointed by the Attorney General who
2 are recognized experts in the field of sexual assault and
3 who can represent sexual assault victims and victims'
4 rights organizations;

5 (15) One member being the State Appellate Defender or
6 his or her designee;

7 (16) One member being the President of the Illinois
8 Polygraph Society or his or her designee;

9 (17) One member being the Executive Director of the
10 Criminal Justice Information Authority or his or her
11 designee;

12 (18) One member being the President of the Illinois
13 Chapter of the Association for the Treatment of Sexual
14 Abusers or his or her designee; and

15 (19) One member representing the Illinois Principal
16 Association.

17 (b) The Governor and the Attorney General shall appoint a
18 presiding officer for the Board from among the board members
19 appointed under subsection (a) of this Section, which presiding
20 officer shall serve at the pleasure of the Governor and the
21 Attorney General.

22 (c) Each member of the Board shall demonstrate substantial
23 expertise and experience in the field of sexual assault.

24 (d) (1) Any member of the Board created in subsection (a)
25 of this Section who is appointed under paragraphs (1) through
26 (7) of subsection (a) of this Section shall serve at the

1 pleasure of the official who appointed that member, for a term
2 of 5 years and may be reappointed. The members shall serve
3 without additional compensation.

4 (2) Any member of the Board created in subsection (a) of
5 this Section who is appointed under paragraphs (8) through (14)
6 of subsection (a) of this Section shall serve for a term of 5
7 years and may be reappointed. The members shall serve without
8 compensation.

9 (3) The travel costs associated with membership on the
10 Board created in subsection (a) of this Section will be
11 reimbursed subject to availability of funds.

12 (e) The first meeting of this Board shall be held within 45
13 days of the effective date of this Act.

14 (f) The Board shall carry out the following duties:

15 (1) Not later than December 31, 2001, the Board shall
16 develop and prescribe separate standardized procedures for
17 the evaluation and identification of the offender and
18 recommend behavior management, monitoring, and treatment
19 based upon the knowledge that sex offenders are extremely
20 habituated and that there is no known cure for the
21 propensity to commit sex abuse. The Board shall develop and
22 implement measures of success based upon a no-cure policy
23 for intervention. The Board shall develop and implement
24 methods of intervention for sex offenders which have as a
25 priority the physical and psychological safety of victims
26 and potential victims and which are appropriate to the

1 needs of the particular offender, so long as there is no
2 reduction of the safety of victims and potential victims.

3 (2) Not later than December 31, 2001, the Board shall
4 develop separate guidelines and standards for a system of
5 programs for the evaluation and treatment of both juvenile
6 and adult sex offenders which shall be utilized by
7 offenders who are placed on probation, committed to the
8 Department of Corrections or Department of Human Services,
9 or placed on mandatory supervised release or parole. The
10 programs developed under this paragraph (f) shall be as
11 flexible as possible so that the programs may be utilized
12 by each offender to prevent the offender from harming
13 victims and potential victims. The programs shall be
14 structured in such a manner that the programs provide a
15 continuing monitoring process as well as a continuum of
16 counseling programs for each offender as that offender
17 proceeds through the justice system. Also, the programs
18 shall be developed in such a manner that, to the extent
19 possible, the programs may be accessed by all offenders in
20 the justice system.

21 (3) There is established the Sex Offender Management
22 Board Fund in the State Treasury into which funds received
23 under any provision of law or from public or private
24 sources shall be deposited, and from which funds shall be
25 appropriated for the purposes set forth in Section 19 of
26 this Act, Section 5-6-3 of the Unified Code of Corrections,

1 and Section 45 of the Adam Walsh Sex Offender Registration
2 and Community Notification Act ~~Section 3 of the Sex~~
3 ~~Offender Registration Act~~, and the remainder shall be
4 appropriated to the Sex Offender Management Board for
5 planning and research.

6 (4) The Board shall develop and prescribe a plan to
7 research and analyze the effectiveness of the evaluation,
8 identification, and counseling procedures and programs
9 developed under this Act. The Board shall also develop and
10 prescribe a system for implementation of the guidelines and
11 standards developed under paragraph (2) of this subsection
12 (f) and for tracking offenders who have been subjected to
13 evaluation, identification, and treatment under this Act.
14 In addition, the Board shall develop a system for
15 monitoring offender behaviors and offender adherence to
16 prescribed behavioral changes. The results of the tracking
17 and behavioral monitoring shall be a part of any analysis
18 made under this paragraph (4).

19 (5) The Board shall grant or deny Petitions Requesting
20 Termination of Registration Status from sex offenders
21 petitioning under subsection (b) of Section 25 of the Adam
22 Walsh Sex Offender Registration and Community Notification
23 Act.

24 (g) The Board may promulgate rules as are necessary to
25 carry out the duties of the Board.

26 (h) The Board and the individual members of the Board shall

1 be immune from any liability, whether civil or criminal, for
2 the good faith performance of the duties of the Board as
3 specified in this Section.

4 (Source: P.A. 93-616, eff. 1-1-04.)

5 Section 825. The State Finance Act is amended by changing
6 Section 5.669 as follows:

7 (30 ILCS 105/5.669)

8 Sec. 5.669. The Child Murderer ~~and Violent Offender Against~~
9 ~~Youth~~ Registration Fund.

10 (Source: P.A. 94-945, eff. 6-27-06; 95-331, eff. 8-21-07.)

11 Section 830. The Interstate Agreements on Sexually
12 Dangerous Persons Act is amended by changing Section 2 as
13 follows:

14 (45 ILCS 20/2)

15 Sec. 2. Sexually dangerous persons; residency
16 restrictions.

17 (a) No person on conditional release as a sexually
18 dangerous person may have his or her residence transferred to
19 Illinois under this Compact unless he or she:

20 (1) Complies with the registration requirements
21 imposed by the Adam Walsh Sex Offender Registration and
22 Community Notification Act ~~Sex Offender Registration Act~~

1 within the times prescribed and with law enforcement
2 agencies designated under that Act;

3 (2) Complies with the requirements of paragraph (a) (5)
4 of Section 5-4-3 of the Unified Code of Corrections
5 relating to the submission of blood specimens for genetic
6 marker grouping by persons seeking transfer to or residency
7 in Illinois; and

8 (3) Signs a written form approved by the Department of
9 Corrections which, at a minimum, includes the substance of
10 this Section, or a summary of it, and an acknowledgement
11 that he or she agrees to abide by the conditions set forth
12 in that document and this Section.

13 (Source: P.A. 89-8, eff. 1-1-96.)

14 Section 835. The School Code is amended by changing
15 Sections 2-3.25o, 10-21.9, and 34-18.5 as follows:

16 (105 ILCS 5/2-3.25o)

17 Sec. 2-3.25o. Registration and recognition of non-public
18 elementary and secondary schools.

19 (a) Findings. The General Assembly finds and declares (i)
20 that the Constitution of the State of Illinois provides that a
21 "fundamental goal of the People of the State is the educational
22 development of all persons to the limits of their capacities"
23 and (ii) that the educational development of every school
24 student serves the public purposes of the State. In order to

1 ensure that all Illinois students and teachers have the
2 opportunity to enroll and work in State-approved educational
3 institutions and programs, the State Board of Education shall
4 provide for the voluntary registration and recognition of
5 non-public elementary and secondary schools.

6 (b) Registration. All non-public elementary and secondary
7 schools in the State of Illinois may voluntarily register with
8 the State Board of Education on an annual basis. Registration
9 shall be completed in conformance with procedures prescribed by
10 the State Board of Education. Information required for
11 registration shall include assurances of compliance (i) with
12 federal and State laws regarding health examination and
13 immunization, attendance, length of term, and
14 nondiscrimination and (ii) with applicable fire and health
15 safety requirements.

16 (c) Recognition. All non-public elementary and secondary
17 schools in the State of Illinois may voluntarily seek the
18 status of "Non-public School Recognition" from the State Board
19 of Education. This status may be obtained by compliance with
20 administrative guidelines and review procedures as prescribed
21 by the State Board of Education. The guidelines and procedures
22 must recognize that some of the aims and the financial bases of
23 non-public schools are different from public schools and will
24 not be identical to those for public schools, nor will they be
25 more burdensome. The guidelines and procedures must also
26 recognize the diversity of non-public schools and shall not

1 impinge upon the noneducational relationships between those
2 schools and their clientele.

3 (c-5) Prohibition against recognition. A non-public
4 elementary or secondary school may not obtain "Non-public
5 School Recognition" status unless the school requires all
6 certified and non-certified applicants for employment with the
7 school, after July 1, 2007, to authorize a fingerprint-based
8 criminal history records check as a condition of employment to
9 determine if such applicants have been convicted of any of the
10 enumerated criminal or drug offenses set forth in Section
11 21-23a of this Code or have been convicted, within 7 years of
12 the application for employment, of any other felony under the
13 laws of this State or of any offense committed or attempted in
14 any other state or against the laws of the United States that,
15 if committed or attempted in this State, would have been
16 punishable as a felony under the laws of this State.

17 Authorization for the check shall be furnished by the
18 applicant to the school, except that if the applicant is a
19 substitute teacher seeking employment in more than one
20 non-public school, a teacher seeking concurrent part-time
21 employment positions with more than one non-public school (as a
22 reading specialist, special education teacher, or otherwise),
23 or an educational support personnel employee seeking
24 employment positions with more than one non-public school, then
25 only one of the non-public schools employing the individual
26 shall request the authorization. Upon receipt of this

1 authorization, the non-public school shall submit the
2 applicant's name, sex, race, date of birth, social security
3 number, fingerprint images, and other identifiers, as
4 prescribed by the Department of State Police, to the Department
5 of State Police.

6 The Department of State Police and Federal Bureau of
7 Investigation shall furnish, pursuant to a fingerprint-based
8 criminal history records check, records of convictions,
9 forever and hereafter, until expunged, to the president or
10 principal of the non-public school that requested the check.
11 The Department of State Police shall charge that school a fee
12 for conducting such check, which fee must be deposited into the
13 State Police Services Fund and must not exceed the cost of the
14 inquiry. Subject to appropriations for these purposes, the
15 State Superintendent of Education shall reimburse non-public
16 schools for fees paid to obtain criminal history records checks
17 under this Section.

18 A non-public school may not obtain recognition status
19 unless the school also performs a check of the Statewide Sex
20 Offender Database, as authorized by the Adam Walsh Sex Offender
21 Registration and Community Notification Act ~~Sex Offender~~
22 ~~Community Notification Law~~, for each applicant for employment,
23 after July 1, 2007, to determine whether the applicant has been
24 adjudicated a sex offender.

25 Any information concerning the record of convictions
26 obtained by a non-public school's president or principal under

1 this Section is confidential and may be disseminated only to
2 the governing body of the non-public school or any other person
3 necessary to the decision of hiring the applicant for
4 employment. A copy of the record of convictions obtained from
5 the Department of State Police shall be provided to the
6 applicant for employment. Upon a check of the Statewide Sex
7 Offender Database, the non-public school shall notify the
8 applicant as to whether or not the applicant has been
9 identified in the Sex Offender Database as a sex offender. Any
10 information concerning the records of conviction obtained by
11 the non-public school's president or principal under this
12 Section for a substitute teacher seeking employment in more
13 than one non-public school, a teacher seeking concurrent
14 part-time employment positions with more than one non-public
15 school (as a reading specialist, special education teacher, or
16 otherwise), or an educational support personnel employee
17 seeking employment positions with more than one non-public
18 school may be shared with another non-public school's principal
19 or president to which the applicant seeks employment. Any
20 person who releases any criminal history record information
21 concerning an applicant for employment is guilty of a Class A
22 misdemeanor and may be subject to prosecution under federal
23 law, unless the release of such information is authorized by
24 this Section.

25 No non-public school may obtain recognition status that
26 knowingly employs a person, hired after July 1, 2007, for whom

1 a Department of State Police and Federal Bureau of
2 Investigation fingerprint-based criminal history records check
3 and a Statewide Sex Offender Database check has not been
4 initiated or who has been convicted of any offense enumerated
5 in Section 21-23a of this Code or any offense committed or
6 attempted in any other state or against the laws of the United
7 States that, if committed or attempted in this State, would
8 have been punishable as one or more of those offenses. No
9 non-public school may obtain recognition status under this
10 Section that knowingly employs a person who has been found to
11 be the perpetrator of sexual or physical abuse of a minor under
12 18 years of age pursuant to proceedings under Article II of the
13 Juvenile Court Act of 1987.

14 In order to obtain recognition status under this Section, a
15 non-public school must require compliance with the provisions
16 of this subsection (c-5) from all employees of persons or firms
17 holding contracts with the school, including, but not limited
18 to, food service workers, school bus drivers, and other
19 transportation employees, who have direct, daily contact with
20 pupils. Any information concerning the records of conviction or
21 identification as a sex offender of any such employee obtained
22 by the non-public school principal or president must be
23 promptly reported to the school's governing body.

24 (d) Public purposes. The provisions of this Section are in
25 the public interest, for the public benefit, and serve secular
26 public purposes.

1 (e) Definition. For purposes of this Section, a non-public
2 school means any non-profit, non-home-based, and non-public
3 elementary or secondary school that is in compliance with Title
4 VI of the Civil Rights Act of 1964 and attendance at which
5 satisfies the requirements of Section 26-1 of this Code.

6 (Source: P.A. 95-351, eff. 8-23-07; 96-431, eff. 8-13-09.)

7 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

8 Sec. 10-21.9. Criminal history records checks and checks of
9 the Statewide Sex Offender Database and Statewide Child
10 Murderer and Violent Offender Against Youth Database.

11 (a) Certified and noncertified applicants for employment
12 with a school district, except school bus driver applicants,
13 are required as a condition of employment to authorize a
14 fingerprint-based criminal history records check to determine
15 if such applicants have been convicted of any of the enumerated
16 criminal or drug offenses in subsection (c) of this Section or
17 have been convicted, within 7 years of the application for
18 employment with the school district, of any other felony under
19 the laws of this State or of any offense committed or attempted
20 in any other state or against the laws of the United States
21 that, if committed or attempted in this State, would have been
22 punishable as a felony under the laws of this State.
23 Authorization for the check shall be furnished by the applicant
24 to the school district, except that if the applicant is a
25 substitute teacher seeking employment in more than one school

1 district, a teacher seeking concurrent part-time employment
2 positions with more than one school district (as a reading
3 specialist, special education teacher or otherwise), or an
4 educational support personnel employee seeking employment
5 positions with more than one district, any such district may
6 require the applicant to furnish authorization for the check to
7 the regional superintendent of the educational service region
8 in which are located the school districts in which the
9 applicant is seeking employment as a substitute or concurrent
10 part-time teacher or concurrent educational support personnel
11 employee. Upon receipt of this authorization, the school
12 district or the appropriate regional superintendent, as the
13 case may be, shall submit the applicant's name, sex, race, date
14 of birth, social security number, fingerprint images, and other
15 identifiers, as prescribed by the Department of State Police,
16 to the Department. The regional superintendent submitting the
17 requisite information to the Department of State Police shall
18 promptly notify the school districts in which the applicant is
19 seeking employment as a substitute or concurrent part-time
20 teacher or concurrent educational support personnel employee
21 that the check of the applicant has been requested. The
22 Department of State Police and the Federal Bureau of
23 Investigation shall furnish, pursuant to a fingerprint-based
24 criminal history records check, records of convictions, until
25 expunged, to the president of the school board for the school
26 district that requested the check, or to the regional

1 superintendent who requested the check. The Department shall
2 charge the school district or the appropriate regional
3 superintendent a fee for conducting such check, which fee shall
4 be deposited in the State Police Services Fund and shall not
5 exceed the cost of the inquiry; and the applicant shall not be
6 charged a fee for such check by the school district or by the
7 regional superintendent. Subject to appropriations for these
8 purposes, the State Superintendent of Education shall
9 reimburse school districts and regional superintendents for
10 fees paid to obtain criminal history records checks under this
11 Section.

12 (a-5) The school district or regional superintendent shall
13 further perform a check of the Statewide Sex Offender Database,
14 as authorized by the Adam Walsh Sex Offender Registration and
15 Community Notification Act ~~Sex Offender Community Notification~~
16 ~~Law~~, for each applicant.

17 (a-6) The school district or regional superintendent shall
18 further perform a check of the Statewide Child Murderer and
19 Violent Offender Against Youth Database, as authorized by the
20 Child Murderer ~~and Violent Offender Against Youth~~ Community
21 Notification Law, for each applicant.

22 (b) Any information concerning the record of convictions
23 obtained by the president of the school board or the regional
24 superintendent shall be confidential and may only be
25 transmitted to the superintendent of the school district or his
26 designee, the appropriate regional superintendent if the check

1 was requested by the school district, the presidents of the
2 appropriate school boards if the check was requested from the
3 Department of State Police by the regional superintendent, the
4 State Superintendent of Education, the State Teacher
5 Certification Board or any other person necessary to the
6 decision of hiring the applicant for employment. A copy of the
7 record of convictions obtained from the Department of State
8 Police shall be provided to the applicant for employment. Upon
9 the check of the Statewide Sex Offender Database, the school
10 district or regional superintendent shall notify an applicant
11 as to whether or not the applicant has been identified in the
12 Database as a sex offender. If a check of an applicant for
13 employment as a substitute or concurrent part-time teacher or
14 concurrent educational support personnel employee in more than
15 one school district was requested by the regional
16 superintendent, and the Department of State Police upon a check
17 ascertains that the applicant has not been convicted of any of
18 the enumerated criminal or drug offenses in subsection (c) or
19 has not been convicted, within 7 years of the application for
20 employment with the school district, of any other felony under
21 the laws of this State or of any offense committed or attempted
22 in any other state or against the laws of the United States
23 that, if committed or attempted in this State, would have been
24 punishable as a felony under the laws of this State and so
25 notifies the regional superintendent and if the regional
26 superintendent upon a check ascertains that the applicant has

1 not been identified in the Sex Offender Database as a sex
2 offender, then the regional superintendent shall issue to the
3 applicant a certificate evidencing that as of the date
4 specified by the Department of State Police the applicant has
5 not been convicted of any of the enumerated criminal or drug
6 offenses in subsection (c) or has not been convicted, within 7
7 years of the application for employment with the school
8 district, of any other felony under the laws of this State or
9 of any offense committed or attempted in any other state or
10 against the laws of the United States that, if committed or
11 attempted in this State, would have been punishable as a felony
12 under the laws of this State and evidencing that as of the date
13 that the regional superintendent conducted a check of the
14 Statewide Sex Offender Database, the applicant has not been
15 identified in the Database as a sex offender. The school board
16 of any school district may rely on the certificate issued by
17 any regional superintendent to that substitute teacher,
18 concurrent part-time teacher, or concurrent educational
19 support personnel employee or may initiate its own criminal
20 history records check of the applicant through the Department
21 of State Police and its own check of the Statewide Sex Offender
22 Database as provided in subsection (a). Any person who releases
23 any confidential information concerning any criminal
24 convictions of an applicant for employment shall be guilty of a
25 Class A misdemeanor, unless the release of such information is
26 authorized by this Section.

1 (c) No school board shall knowingly employ a person who has
2 been convicted of any offense that would subject him or her to
3 certification suspension or revocation pursuant to Section
4 21-23a of this Code. Further, no school board shall knowingly
5 employ a person who has been found to be the perpetrator of
6 sexual or physical abuse of any minor under 18 years of age
7 pursuant to proceedings under Article II of the Juvenile Court
8 Act of 1987.

9 (d) No school board shall knowingly employ a person for
10 whom a criminal history records check and a Statewide Sex
11 Offender Database check has not been initiated.

12 (e) Upon receipt of the record of a conviction of or a
13 finding of child abuse by a holder of any certificate issued
14 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
15 Code, the State Superintendent of Education may initiate
16 certificate suspension and revocation proceedings as
17 authorized by law.

18 (e-5) The superintendent of the employing school board
19 shall, in writing, notify the State Superintendent of Education
20 and the applicable regional superintendent of schools of any
21 certificate holder whom he or she has reasonable cause to
22 believe has committed an intentional act of abuse or neglect
23 with the result of making a child an abused child or a
24 neglected child, as defined in Section 3 of the Abused and
25 Neglected Child Reporting Act, and that act resulted in the
26 certificate holder's dismissal or resignation from the school

1 district. This notification must be submitted within 30 days
2 after the dismissal or resignation. The certificate holder must
3 also be contemporaneously sent a copy of the notice by the
4 superintendent. All correspondence, documentation, and other
5 information so received by the regional superintendent of
6 schools, the State Superintendent of Education, the State Board
7 of Education, or the State Teacher Certification Board under
8 this subsection (e-5) is confidential and must not be disclosed
9 to third parties, except (i) as necessary for the State
10 Superintendent of Education or his or her designee to
11 investigate and prosecute pursuant to Article 21 of this Code,
12 (ii) pursuant to a court order, (iii) for disclosure to the
13 certificate holder or his or her representative, or (iv) as
14 otherwise provided in this Article and provided that any such
15 information admitted into evidence in a hearing is exempt from
16 this confidentiality and non-disclosure requirement. Except
17 for an act of willful or wanton misconduct, any superintendent
18 who provides notification as required in this subsection (e-5)
19 shall have immunity from any liability, whether civil or
20 criminal or that otherwise might result by reason of such
21 action.

22 (f) After January 1, 1990 the provisions of this Section
23 shall apply to all employees of persons or firms holding
24 contracts with any school district including, but not limited
25 to, food service workers, school bus drivers and other
26 transportation employees, who have direct, daily contact with

1 the pupils of any school in such district. For purposes of
2 criminal history records checks and checks of the Statewide Sex
3 Offender Database on employees of persons or firms holding
4 contracts with more than one school district and assigned to
5 more than one school district, the regional superintendent of
6 the educational service region in which the contracting school
7 districts are located may, at the request of any such school
8 district, be responsible for receiving the authorization for a
9 criminal history records check prepared by each such employee
10 and submitting the same to the Department of State Police and
11 for conducting a check of the Statewide Sex Offender Database
12 for each employee. Any information concerning the record of
13 conviction and identification as a sex offender of any such
14 employee obtained by the regional superintendent shall be
15 promptly reported to the president of the appropriate school
16 board or school boards.

17 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09.)

18 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

19 Sec. 34-18.5. Criminal history records checks and checks of
20 the Statewide Sex Offender Database and Statewide Child
21 Murderer and Violent Offender Against Youth Database.

22 (a) Certified and noncertified applicants for employment
23 with the school district are required as a condition of
24 employment to authorize a fingerprint-based criminal history
25 records check to determine if such applicants have been

1 convicted of any of the enumerated criminal or drug offenses in
2 subsection (c) of this Section or have been convicted, within 7
3 years of the application for employment with the school
4 district, of any other felony under the laws of this State or
5 of any offense committed or attempted in any other state or
6 against the laws of the United States that, if committed or
7 attempted in this State, would have been punishable as a felony
8 under the laws of this State. Authorization for the check shall
9 be furnished by the applicant to the school district, except
10 that if the applicant is a substitute teacher seeking
11 employment in more than one school district, or a teacher
12 seeking concurrent part-time employment positions with more
13 than one school district (as a reading specialist, special
14 education teacher or otherwise), or an educational support
15 personnel employee seeking employment positions with more than
16 one district, any such district may require the applicant to
17 furnish authorization for the check to the regional
18 superintendent of the educational service region in which are
19 located the school districts in which the applicant is seeking
20 employment as a substitute or concurrent part-time teacher or
21 concurrent educational support personnel employee. Upon
22 receipt of this authorization, the school district or the
23 appropriate regional superintendent, as the case may be, shall
24 submit the applicant's name, sex, race, date of birth, social
25 security number, fingerprint images, and other identifiers, as
26 prescribed by the Department of State Police, to the

1 Department. The regional superintendent submitting the
2 requisite information to the Department of State Police shall
3 promptly notify the school districts in which the applicant is
4 seeking employment as a substitute or concurrent part-time
5 teacher or concurrent educational support personnel employee
6 that the check of the applicant has been requested. The
7 Department of State Police and the Federal Bureau of
8 Investigation shall furnish, pursuant to a fingerprint-based
9 criminal history records check, records of convictions, until
10 expunged, to the president of the school board for the school
11 district that requested the check, or to the regional
12 superintendent who requested the check. The Department shall
13 charge the school district or the appropriate regional
14 superintendent a fee for conducting such check, which fee shall
15 be deposited in the State Police Services Fund and shall not
16 exceed the cost of the inquiry; and the applicant shall not be
17 charged a fee for such check by the school district or by the
18 regional superintendent. Subject to appropriations for these
19 purposes, the State Superintendent of Education shall
20 reimburse the school district and regional superintendent for
21 fees paid to obtain criminal history records checks under this
22 Section.

23 (a-5) The school district or regional superintendent shall
24 further perform a check of the Statewide Sex Offender Database,
25 as authorized by the Adam Walsh Sex Offender Registration and
26 Community Notification Act ~~Sex Offender Community Notification~~

1 ~~Law~~, for each applicant.

2 (a-6) The school district or regional superintendent shall
3 further perform a check of the Statewide Child Murderer and
4 Violent Offender Against Youth Database, as authorized by the
5 Child Murderer ~~and Violent Offender Against Youth~~ Community
6 Notification Law, for each applicant.

7 (b) Any information concerning the record of convictions
8 obtained by the president of the board of education or the
9 regional superintendent shall be confidential and may only be
10 transmitted to the general superintendent of the school
11 district or his designee, the appropriate regional
12 superintendent if the check was requested by the board of
13 education for the school district, the presidents of the
14 appropriate board of education or school boards if the check
15 was requested from the Department of State Police by the
16 regional superintendent, the State Superintendent of
17 Education, the State Teacher Certification Board or any other
18 person necessary to the decision of hiring the applicant for
19 employment. A copy of the record of convictions obtained from
20 the Department of State Police shall be provided to the
21 applicant for employment. Upon the check of the Statewide Sex
22 Offender Database, the school district or regional
23 superintendent shall notify an applicant as to whether or not
24 the applicant has been identified in the Database as a sex
25 offender. If a check of an applicant for employment as a
26 substitute or concurrent part-time teacher or concurrent

1 educational support personnel employee in more than one school
2 district was requested by the regional superintendent, and the
3 Department of State Police upon a check ascertains that the
4 applicant has not been convicted of any of the enumerated
5 criminal or drug offenses in subsection (c) or has not been
6 convicted, within 7 years of the application for employment
7 with the school district, of any other felony under the laws of
8 this State or of any offense committed or attempted in any
9 other state or against the laws of the United States that, if
10 committed or attempted in this State, would have been
11 punishable as a felony under the laws of this State and so
12 notifies the regional superintendent and if the regional
13 superintendent upon a check ascertains that the applicant has
14 not been identified in the Sex Offender Database as a sex
15 offender, then the regional superintendent shall issue to the
16 applicant a certificate evidencing that as of the date
17 specified by the Department of State Police the applicant has
18 not been convicted of any of the enumerated criminal or drug
19 offenses in subsection (c) or has not been convicted, within 7
20 years of the application for employment with the school
21 district, of any other felony under the laws of this State or
22 of any offense committed or attempted in any other state or
23 against the laws of the United States that, if committed or
24 attempted in this State, would have been punishable as a felony
25 under the laws of this State and evidencing that as of the date
26 that the regional superintendent conducted a check of the

1 Statewide Sex Offender Database, the applicant has not been
2 identified in the Database as a sex offender. The school board
3 of any school district may rely on the certificate issued by
4 any regional superintendent to that substitute teacher,
5 concurrent part-time teacher, or concurrent educational
6 support personnel employee or may initiate its own criminal
7 history records check of the applicant through the Department
8 of State Police and its own check of the Statewide Sex Offender
9 Database as provided in subsection (a). Any person who releases
10 any confidential information concerning any criminal
11 convictions of an applicant for employment shall be guilty of a
12 Class A misdemeanor, unless the release of such information is
13 authorized by this Section.

14 (c) The board of education shall not knowingly employ a
15 person who has been convicted of any offense that would subject
16 him or her to certification suspension or revocation pursuant
17 to Section 21-23a of this Code. Further, the board of education
18 shall not knowingly employ a person who has been found to be
19 the perpetrator of sexual or physical abuse of any minor under
20 18 years of age pursuant to proceedings under Article II of the
21 Juvenile Court Act of 1987.

22 (d) The board of education shall not knowingly employ a
23 person for whom a criminal history records check and a
24 Statewide Sex Offender Database check has not been initiated.

25 (e) Upon receipt of the record of a conviction of or a
26 finding of child abuse by a holder of any certificate issued

1 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
2 Code, the State Superintendent of Education may initiate
3 certificate suspension and revocation proceedings as
4 authorized by law.

5 (e-5) The general superintendent of schools shall, in
6 writing, notify the State Superintendent of Education of any
7 certificate holder whom he or she has reasonable cause to
8 believe has committed an intentional act of abuse or neglect
9 with the result of making a child an abused child or a
10 neglected child, as defined in Section 3 of the Abused and
11 Neglected Child Reporting Act, and that act resulted in the
12 certificate holder's dismissal or resignation from the school
13 district. This notification must be submitted within 30 days
14 after the dismissal or resignation. The certificate holder must
15 also be contemporaneously sent a copy of the notice by the
16 superintendent. All correspondence, documentation, and other
17 information so received by the State Superintendent of
18 Education, the State Board of Education, or the State Teacher
19 Certification Board under this subsection (e-5) is
20 confidential and must not be disclosed to third parties, except
21 (i) as necessary for the State Superintendent of Education or
22 his or her designee to investigate and prosecute pursuant to
23 Article 21 of this Code, (ii) pursuant to a court order, (iii)
24 for disclosure to the certificate holder or his or her
25 representative, or (iv) as otherwise provided in this Article
26 and provided that any such information admitted into evidence

1 in a hearing is exempt from this confidentiality and
2 non-disclosure requirement. Except for an act of willful or
3 wanton misconduct, any superintendent who provides
4 notification as required in this subsection (e-5) shall have
5 immunity from any liability, whether civil or criminal or that
6 otherwise might result by reason of such action.

7 (f) After March 19, 1990, the provisions of this Section
8 shall apply to all employees of persons or firms holding
9 contracts with any school district including, but not limited
10 to, food service workers, school bus drivers and other
11 transportation employees, who have direct, daily contact with
12 the pupils of any school in such district. For purposes of
13 criminal history records checks and checks of the Statewide Sex
14 Offender Database on employees of persons or firms holding
15 contracts with more than one school district and assigned to
16 more than one school district, the regional superintendent of
17 the educational service region in which the contracting school
18 districts are located may, at the request of any such school
19 district, be responsible for receiving the authorization for a
20 criminal history records check prepared by each such employee
21 and submitting the same to the Department of State Police and
22 for conducting a check of the Statewide Sex Offender Database
23 for each employee. Any information concerning the record of
24 conviction and identification as a sex offender of any such
25 employee obtained by the regional superintendent shall be
26 promptly reported to the president of the appropriate school

1 board or school boards.

2 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09.)

3 Section 840. The Nursing Home Care Act is amended by
4 changing Section 2-110 as follows:

5 (210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

6 Sec. 2-110. (a) Any employee or agent of a public agency,
7 any representative of a community legal services program or any
8 other member of the general public shall be permitted access at
9 reasonable hours to any individual resident of any facility,
10 but only if there is neither a commercial purpose nor effect to
11 such access and if the purpose is to do any of the following:

12 (1) Visit, talk with and make personal, social and
13 legal services available to all residents;

14 (2) Inform residents of their rights and entitlements
15 and their corresponding obligations, under federal and
16 State laws, by means of educational materials and
17 discussions in groups and with individual residents;

18 (3) Assist residents in asserting their legal rights
19 regarding claims for public assistance, medical assistance
20 and social security benefits, as well as in all other
21 matters in which residents are aggrieved. Assistance may
22 include counseling and litigation; or

23 (4) Engage in other methods of asserting, advising and
24 representing residents so as to extend to them full

1 enjoyment of their rights.

2 (a-5) If a resident of a licensed facility is an identified
3 offender, any federal, State, or local law enforcement officer
4 or county probation officer shall be permitted reasonable
5 access to the individual resident to verify compliance with the
6 requirements of the Adam Walsh Sex Offender Registration and
7 Community Notification Act ~~Sex Offender Registration Act~~, to
8 verify compliance with the requirements of Public Act 94-163
9 and this amendatory Act of the 94th General Assembly, or to
10 verify compliance with applicable terms of probation, parole,
11 or mandatory supervised release.

12 (b) All persons entering a facility under this Section
13 shall promptly notify appropriate facility personnel of their
14 presence. They shall, upon request, produce identification to
15 establish their identity. No such person shall enter the
16 immediate living area of any resident without first identifying
17 himself and then receiving permission from the resident to
18 enter. The rights of other residents present in the room shall
19 be respected. A resident may terminate at any time a visit by a
20 person having access to the resident's living area under this
21 Section.

22 (c) This Section shall not limit the power of the
23 Department or other public agency otherwise permitted or
24 required by law to enter and inspect a facility.

25 (d) Notwithstanding paragraph (a) of this Section, the
26 administrator of a facility may refuse access to the facility

1 to any person if the presence of that person in the facility
2 would be injurious to the health and safety of a resident or
3 would threaten the security of the property of a resident or
4 the facility, or if the person seeks access to the facility for
5 commercial purposes. Any person refused access to a facility
6 may within 10 days request a hearing under Section 3-703. In
7 that proceeding, the burden of proof as to the right of the
8 facility to refuse access under this Section shall be on the
9 facility.

10 (Source: P.A. 94-163, eff. 7-11-05; 94-752, eff. 5-10-06.)

11 Section 845. The MR/DD Community Care Act is amended by
12 changing Section 2-110 as follows:

13 (210 ILCS 47/2-110)

14 (This Section may contain text from a Public Act with a
15 delayed effective date)

16 Sec. 2-110. Access to residents.

17 (a) Any employee or agent of a public agency, any
18 representative of a community legal services program or any
19 other member of the general public shall be permitted access at
20 reasonable hours to any individual resident of any facility,
21 but only if there is neither a commercial purpose nor effect to
22 such access and if the purpose is to do any of the following:

23 (1) Visit, talk with and make personal, social and
24 legal services available to all residents;

1 (2) Inform residents of their rights and entitlements
2 and their corresponding obligations, under federal and
3 State laws, by means of educational materials and
4 discussions in groups and with individual residents;

5 (3) Assist residents in asserting their legal rights
6 regarding claims for public assistance, medical assistance
7 and social security benefits, as well as in all other
8 matters in which residents are aggrieved. Assistance may
9 include counseling and litigation; or

10 (4) Engage in other methods of asserting, advising and
11 representing residents so as to extend to them full
12 enjoyment of their rights.

13 (a-5) If a resident of a licensed facility is an identified
14 offender, any federal, State, or local law enforcement officer
15 or county probation officer shall be permitted reasonable
16 access to the individual resident to verify compliance with the
17 requirements of the Adam Walsh Sex Offender Registration and
18 Community Notification Act ~~Sex Offender Registration Act~~ or to
19 verify compliance with applicable terms of probation, parole,
20 or mandatory supervised release.

21 (b) All persons entering a facility under this Section
22 shall promptly notify appropriate facility personnel of their
23 presence. They shall, upon request, produce identification to
24 establish their identity. No such person shall enter the
25 immediate living area of any resident without first identifying
26 himself or herself and then receiving permission from the

1 resident to enter. The rights of other residents present in the
2 room shall be respected. A resident may terminate at any time a
3 visit by a person having access to the resident's living area
4 under this Section.

5 (c) This Section shall not limit the power of the
6 Department or other public agency otherwise permitted or
7 required by law to enter and inspect a facility.

8 (d) Notwithstanding paragraph (a) of this Section, the
9 administrator of a facility may refuse access to the facility
10 to any person if the presence of that person in the facility
11 would be injurious to the health and safety of a resident or
12 would threaten the security of the property of a resident or
13 the facility, or if the person seeks access to the facility for
14 commercial purposes. Any person refused access to a facility
15 may within 10 days request a hearing under Section 3-703. In
16 that proceeding, the burden of proof as to the right of the
17 facility to refuse access under this Section shall be on the
18 facility.

19 (Source: P.A. 96-339, eff. 7-1-10.)

20 Section 848. The Health Care Worker Background Check Act is
21 amended by changing Section 15 as follows:

22 (225 ILCS 46/15)

23 (Text of Section after amendment by P.A. 96-339)

24 Sec. 15. Definitions. In this Act:

1 "Applicant" means an individual seeking employment with a
2 health care employer who has received a bona fide conditional
3 offer of employment.

4 "Conditional offer of employment" means a bona fide offer
5 of employment by a health care employer to an applicant, which
6 is contingent upon the receipt of a report from the Department
7 of Public Health indicating that the applicant does not have a
8 record of conviction of any of the criminal offenses enumerated
9 in Section 25.

10 "Direct care" means the provision of nursing care or
11 assistance with feeding, dressing, movement, bathing,
12 toileting, or other personal needs, including home services as
13 defined in the Home Health, Home Services, and Home Nursing
14 Agency Licensing Act. The entity responsible for inspecting and
15 licensing, certifying, or registering the health care employer
16 may, by administrative rule, prescribe guidelines for
17 interpreting this definition with regard to the health care
18 employers that it licenses.

19 "Disqualifying offenses" means those offenses set forth in
20 Section 25 of this Act.

21 "Employee" means any individual hired, employed, or
22 retained to which this Act applies.

23 "Fingerprint-based criminal history records check" means a
24 livescan fingerprint-based criminal history records check
25 submitted as a fee applicant inquiry in the form and manner
26 prescribed by the Department of State Police.

1 "Health care employer" means:

2 (1) the owner or licensee of any of the following:

3 (i) a community living facility, as defined in the
4 Community Living Facilities Act;

5 (ii) a life care facility, as defined in the Life
6 Care Facilities Act;

7 (iii) a long-term care facility;

8 (iv) a home health agency, home services agency, or
9 home nursing agency as defined in the Home Health, Home
10 Services, and Home Nursing Agency Licensing Act;

11 (v) a hospice care program or volunteer hospice
12 program, as defined in the Hospice Program Licensing
13 Act;

14 (vi) a hospital, as defined in the Hospital
15 Licensing Act;

16 (vii) (blank);

17 (viii) a nurse agency, as defined in the Nurse
18 Agency Licensing Act;

19 (ix) a respite care provider, as defined in the
20 Respite Program Act;

21 (ix-a) an establishment licensed under the
22 Assisted Living and Shared Housing Act;

23 (x) a supportive living program, as defined in the
24 Illinois Public Aid Code;

25 (xi) early childhood intervention programs as
26 described in 59 Ill. Adm. Code 121;

1 (xii) the University of Illinois Hospital,
2 Chicago;

3 (xiii) programs funded by the Department on Aging
4 through the Community Care Program;

5 (xiv) programs certified to participate in the
6 Supportive Living Program authorized pursuant to
7 Section 5-5.01a of the Illinois Public Aid Code;

8 (xv) programs listed by the Emergency Medical
9 Services (EMS) Systems Act as Freestanding Emergency
10 Centers;

11 (xvi) locations licensed under the Alternative
12 Health Care Delivery Act;

13 (2) a day training program certified by the Department
14 of Human Services;

15 (3) a community integrated living arrangement operated
16 by a community mental health and developmental service
17 agency, as defined in the Community-Integrated Living
18 Arrangements Licensing and Certification Act; or

19 (4) the State Long Term Care Ombudsman Program,
20 including any regional long term care ombudsman programs
21 under Section 4.04 of the Illinois Act on the Aging, only
22 for the purpose of securing background checks.

23 "Initiate" means obtaining from a student, applicant, or
24 employee his or her social security number, demographics, a
25 disclosure statement, and an authorization for the Department
26 of Public Health or its designee to request a fingerprint-based

1 criminal history records check; transmitting this information
2 electronically to the Department of Public Health; conducting
3 Internet searches on certain web sites, including without
4 limitation the Illinois Sex Offender Registry, the Department
5 of Corrections' Sex Offender Search Engine, the Department of
6 Corrections' Inmate Search Engine, the Department of
7 Corrections Wanted Fugitives Search Engine, the National Sex
8 Offender Public Registry, and the website of the Health and
9 Human Services Office of Inspector General to determine if the
10 applicant has been adjudicated a sex offender, has been a
11 prison inmate, or has committed Medicare or Medicaid fraud, or
12 conducting similar searches as defined by rule; and having the
13 student, applicant, or employee's fingerprints collected and
14 transmitted electronically to the Department of State Police.

15 "Livescan vendor" means an entity whose equipment has been
16 certified by the Department of State Police to collect an
17 individual's demographics and inkless fingerprints and, in a
18 manner prescribed by the Department of State Police and the
19 Department of Public Health, electronically transmit the
20 fingerprints and required data to the Department of State
21 Police and a daily file of required data to the Department of
22 Public Health. The Department of Public Health shall negotiate
23 a contract with one or more vendors that effectively
24 demonstrate that the vendor has 2 or more years of experience
25 transmitting fingerprints electronically to the Department of
26 State Police and that the vendor can successfully transmit the

1 required data in a manner prescribed by the Department of
2 Public Health. Vendor authorization may be further defined by
3 administrative rule.

4 "Long-term care facility" means a facility licensed by the
5 State or certified under federal law as a long-term care
6 facility, including without limitation facilities licensed
7 under the Nursing Home Care Act or the MR/DD Community Care
8 Act, a supportive living facility, an assisted living
9 establishment, or a shared housing establishment or registered
10 as a board and care home.

11 (Source: P.A. 95-120, eff. 8-13-07; 95-331, eff. 8-21-07;
12 96-339, eff. 7-1-10.)

13 Section 850. The Intergovernmental Missing Child Recovery
14 Act of 1984 is amended by changing Sections 6 and 7 as follows:

15 (325 ILCS 40/6) (from Ch. 23, par. 2256)

16 Sec. 6. The Department shall:

17 (a) Establish and maintain a statewide Law Enforcement
18 Agencies Data System (LEADS) for the purpose of effecting an
19 immediate law enforcement response to reports of missing
20 children. The Department shall implement an automated data
21 exchange system to compile, to maintain and to make available
22 for dissemination to Illinois and out-of-State law enforcement
23 agencies, data which can assist appropriate agencies in
24 recovering missing children.

1 (b) Establish contacts and exchange information regarding
2 lost, missing or runaway children with nationally recognized
3 "missing person and runaway" service organizations and monitor
4 national research and publicize important developments.

5 (c) Provide a uniform reporting format for the entry of
6 pertinent information regarding reports of missing children
7 into LEADS.

8 (d) Develop and implement a policy whereby a statewide or
9 regional alert would be used in situations relating to the
10 disappearances of children, based on criteria and in a format
11 established by the Department. Such a format shall include, but
12 not be limited to, the age and physical description of the
13 missing child and the suspected circumstances of the
14 disappearance.

15 (e) Notify all law enforcement agencies that reports of
16 missing persons shall be entered as soon as the minimum level
17 of data specified by the Department is available to the
18 reporting agency and that no waiting period for entry of such
19 data exists.

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

23 (g) Compile and retain information regarding missing
24 children in a separate data file, in a manner that allows such
25 information to be used by law enforcement and other agencies
26 deemed appropriate by the Director, for investigative

1 purposes. Such files shall be updated to reflect and include
2 information relating to the disposition of the case.

3 (h) Compile and maintain an historic data repository
4 relating to missing children in order (1) to develop and
5 improve techniques utilized by law enforcement agencies when
6 responding to reports of missing children and (2) to provide a
7 factual and statistical base for research that would address
8 the problem of missing children.

9 (i) Create a quality control program to monitor timeliness
10 of entries of missing children reports into LEADS and conduct
11 performance audits of all entering agencies.

12 (j) Prepare a periodic information bulletin concerning
13 missing children who it determines may be present in this
14 State, compiling such bulletin from information contained in
15 both the National Crime Information Center computer and from
16 reports, alerts and other information entered into LEADS or
17 otherwise compiled and retained by the Department pursuant to
18 this Act. The bulletin shall indicate the name, age, physical
19 description, suspected circumstances of disappearance if that
20 information is available, a photograph if one is available, the
21 name of the law enforcement agency investigating the case, and
22 such other information as the Director considers appropriate
23 concerning each missing child who the Department determines may
24 be present in this State. The Department shall send a copy of
25 each periodic information bulletin to the State Board of
26 Education for its use in accordance with Section 2-3.48 of the

1 School Code. The Department shall provide a copy of the
2 bulletin, upon request, to law enforcement agencies of this or
3 any other state or of the federal government, and may provide a
4 copy of the bulletin, upon request, to other persons or
5 entities, if deemed appropriate by the Director, and may
6 establish limitations on its use and a reasonable fee for so
7 providing the same, except that no fee shall be charged for
8 providing the periodic information bulletin to the State Board
9 of Education, appropriate units of local government, State
10 agencies, or law enforcement agencies of this or any other
11 state or of the federal government.

12 (k) Provide for the entry into LEADS of the names and
13 addresses of sex offenders as defined in the Adam Walsh Sex
14 Offender Registration and Community Notification Act ~~Sex~~
15 ~~Offender Registration Act~~ who are required to register under
16 that Act. The information shall be immediately accessible to
17 law enforcement agencies and peace officers of this State or
18 any other state or of the federal government. Similar
19 information may be requested from any other state or of the
20 federal government for purposes of this Act.

21 (l) Provide for the entry into LEADS of the names and
22 addresses of child murderers ~~violent offenders against youth~~ as
23 defined in the Child Murderer ~~and Violent Offender Against~~
24 ~~Youth~~ Registration and Community Notification Act who are
25 required to register under that Act. The information shall be
26 immediately accessible to law enforcement agencies and peace

1 officers of this State or any other state or of the federal
2 government. Similar information may be requested from any other
3 state or of the federal government for purposes of this Act.

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

5 (325 ILCS 40/7) (from Ch. 23, par. 2257)

6 Sec. 7. (a) All law enforcement agencies and policing
7 bodies of this State shall, upon receipt of a report of a
8 missing person, enter that report into LEADS as soon as the
9 minimum level of data specified pursuant to subsection (e) of
10 Section 6 is available and shall furnish the Department, in the
11 form and detail the Department requires, (1) reports of cases
12 of lost, missing or runaway children as they arise and the
13 disposition of such cases, (2) information relating to sex
14 crimes which occurred in their respective jurisdictions and
15 which they investigated, and (3) the names and addresses of sex
16 offenders required to register in their respective
17 jurisdictions under the Adam Walsh Sex Offender Registration
18 and Community Notification Act ~~Sex Offender Registration Act~~.
19 Such information shall be submitted on a regular basis, as
20 deemed necessary by the Department, and shall be kept in a
21 central automated data repository for the purpose of
22 establishing profiles of sex offenders and victims and to
23 assist all law enforcement agencies in the identification and
24 apprehension of sex offenders.

25 (b) In addition to entering the report of a missing child

1 into LEADS as prescribed by subsection (a), all law enforcement
2 agencies shall, upon receipt of a report of a missing child:

3 (1) Immediately make a radio dispatch to officers on
4 duty at the time of receipt of the report. The dispatch
5 shall contain the name and approximate age of the missing
6 child and any other pertinent information available at that
7 time. In the event that the law enforcement agency
8 receiving the report of the missing child does not operate
9 a radio dispatch system, a geographically appropriate
10 radio dispatch system shall be used, such as the Illinois
11 State Police Emergency Radio Network or a similar
12 multi-agency law enforcement radio communication system
13 serving the area of the reporting agency.

14 In addition, in the event that a missing child is not
15 recovered during the work shift in which the radio dispatch
16 was made, the law enforcement agency receiving the report
17 of the missing child shall disseminate the information
18 relating to the missing child to all sworn personnel
19 employed by the agency who work or are assigned to other
20 shifts or time periods.

21 (2) Immediately contact I-SEARCH program personnel
22 designated by the Department, by a means and in a manner
23 and form prescribed by the Department, informing the
24 personnel of the report of the missing child.

25 (Source: P.A. 89-8, eff. 1-1-96.)

1 Section 855. The Carnival and Amusement Rides Safety Act is
2 amended by changing Section 2-20 as follows:

3 (430 ILCS 85/2-20)

4 Sec. 2-20. Employment of carnival workers.

5 (a) Beginning on January 1, 2008, no person, firm,
6 corporation, or other entity that owns or operates a carnival
7 or fair shall employ a carnival worker who (i) has been
8 convicted of any offense set forth in Article 11 of the
9 Criminal Code of 1961, (ii) is a registered sex offender, as
10 defined in the Adam Walsh Sex Offender Registration and
11 Community Notification Act ~~Sex Offender Registration Act~~, or
12 (iii) has ever been convicted of any offense set forth in
13 Article 9 of the Criminal Code of 1961.

14 (b) A person, firm, corporation, or other entity that owns
15 or operates a carnival or fair must conduct a criminal history
16 records check and perform a check of the National Sex Offender
17 Public Registry for carnival workers at the time they are
18 hired, and annually thereafter except if they are in the
19 continued employ of the entity.

20 The criminal history records check performed under this
21 subsection (b) shall be performed by the Illinois State Police,
22 another State or federal law enforcement agency, or a business
23 belonging to the National Association of Professional
24 Background Check Screeners. Any criminal history checks
25 performed by the Illinois State Police shall be pursuant to the

1 Illinois Uniform Conviction Information Act.

2 Individuals who are under the age of 17 are exempt from the
3 criminal history records check requirements set forth in this
4 subsection (b).

5 (c) Any person, firm, corporation, or other entity that
6 owns or operates a carnival or fair must have a substance abuse
7 policy in place for its workers, which shall include random
8 drug testing of carnival workers.

9 (d) Any person, firm, corporation, or other entity that
10 owns or operates a carnival or fair that violates the
11 provisions of subsection (a) of this Section or fails to
12 conduct a criminal history records check or a sex offender
13 registry check for carnival workers in its employ, as required
14 by subsection (b) of this Section, shall be assessed a civil
15 penalty in an amount not to exceed \$1,000 for a first offense,
16 not to exceed \$5,000 for a second offense, and not to exceed
17 \$15,000 for a third or subsequent offense. The collection of
18 these penalties shall be enforced in a civil action brought by
19 the Attorney General on behalf of the Department.

20 (e) A carnival or fair owner is not responsible for:

21 (1) any personal information submitted by a carnival
22 worker for criminal history records check purposes; or

23 (2) any information provided by a third party for a
24 criminal history records check or a sex offender registry
25 check.

26 (f) Recordkeeping requirements. Any person, firm,

1 corporation, or other entity that owns or operates a carnival
2 or fair subject to the provisions of this Act shall make,
3 preserve, and make available to the Department, upon its
4 request, all records that are required by this Act, including
5 but not limited to a written substance abuse policy, evidence
6 of the required criminal history records check and sex offender
7 registry check, and any other information the Director may deem
8 necessary and appropriate for enforcement of this Act.

9 (g) A carnival or fair owner shall not be liable to any
10 employee in carrying out the requirements of this Section.

11 (Source: P.A. 95-397, eff. 8-24-07; 95-687, eff. 10-23-07;
12 96-151, eff. 8-7-09.)

13 Section 860. The Illinois Vehicle Code is amended by
14 changing Sections 6-106, 6-115, and 6-201 as follows:

15 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

16 Sec. 6-106. Application for license or instruction permit.

17 (a) Every application for any permit or license authorized
18 to be issued under this Act shall be made upon a form furnished
19 by the Secretary of State. Every application shall be
20 accompanied by the proper fee and payment of such fee shall
21 entitle the applicant to not more than 3 attempts to pass the
22 examination within a period of 1 year after the date of
23 application.

24 (b) Every application shall state the legal name, social

1 security number, zip code, date of birth, sex, and residence
2 address of the applicant; briefly describe the applicant; state
3 whether the applicant has theretofore been licensed as a
4 driver, and, if so, when and by what state or country, and
5 whether any such license has ever been cancelled, suspended,
6 revoked or refused, and, if so, the date and reason for such
7 cancellation, suspension, revocation or refusal; shall include
8 an affirmation by the applicant that all information set forth
9 is true and correct; and shall bear the applicant's signature.
10 The application form may also require the statement of such
11 additional relevant information as the Secretary of State shall
12 deem necessary to determine the applicant's competency and
13 eligibility. The Secretary of State may in his discretion
14 substitute a federal tax number in lieu of a social security
15 number, or he may instead assign an additional distinctive
16 number in lieu thereof, where an applicant is prohibited by
17 bona fide religious convictions from applying or is exempt from
18 applying for a social security number. The Secretary of State
19 shall, however, determine which religious orders or sects have
20 such bona fide religious convictions. The Secretary of State
21 may, in his discretion, by rule or regulation, provide that an
22 application for a drivers license or permit may include a
23 suitable photograph of the applicant in the form prescribed by
24 the Secretary, and he may further provide that each drivers
25 license shall include a photograph of the driver. The Secretary
26 of State may utilize a photograph process or system most

1 suitable to deter alteration or improper reproduction of a
2 drivers license and to prevent substitution of another photo
3 thereon.

4 (c) The application form shall include a notice to the
5 applicant of the registration obligations of sex offenders
6 under the Adam Walsh Sex Offender Registration and Community
7 Notification Act ~~Sex Offender Registration Act~~. The notice
8 shall be provided in a form and manner prescribed by the
9 Secretary of State. For purposes of this subsection (c), "sex
10 offender" has the meaning ascribed to it in Section 5 2 of the
11 Adam Walsh Sex Offender Registration and Community
12 Notification Act ~~Sex Offender Registration Act~~.

13 (d) Any male United States citizen or immigrant who applies
14 for any permit or license authorized to be issued under this
15 Act or for a renewal of any permit or license, and who is at
16 least 18 years of age but less than 26 years of age, must be
17 registered in compliance with the requirements of the federal
18 Military Selective Service Act. The Secretary of State must
19 forward in an electronic format the necessary personal
20 information regarding the applicants identified in this
21 subsection (d) to the Selective Service System. The applicant's
22 signature on the application serves as an indication that the
23 applicant either has already registered with the Selective
24 Service System or that he is authorizing the Secretary to
25 forward to the Selective Service System the necessary
26 information for registration. The Secretary must notify the

1 applicant at the time of application that his signature
2 constitutes consent to registration with the Selective Service
3 System, if he is not already registered.

4 (Source: P.A. 92-117, eff. 1-1-02; 93-895, eff. 1-1-05.)

5 (625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

6 Sec. 6-115. Expiration of driver's license.

7 (a) Except as provided elsewhere in this Section, every
8 driver's license issued under the provisions of this Code shall
9 expire 4 years from the date of its issuance, or at such later
10 date, as the Secretary of State may by proper rule and
11 regulation designate, not to exceed 12 calendar months; in the
12 event that an applicant for renewal of a driver's license fails
13 to apply prior to the expiration date of the previous driver's
14 license, the renewal driver's license shall expire 4 years from
15 the expiration date of the previous driver's license, or at
16 such later date as the Secretary of State may by proper rule
17 and regulation designate, not to exceed 12 calendar months.

18 The Secretary of State may, however, issue to a person not
19 previously licensed as a driver in Illinois a driver's license
20 which will expire not less than 4 years nor more than 5 years
21 from date of issuance, except as provided elsewhere in this
22 Section.

23 The Secretary of State is authorized to issue driver's
24 licenses during the years 1984 through 1987 which shall expire
25 not less than 3 years nor more than 5 years from the date of

1 issuance, except as provided elsewhere in this Section, for the
2 purpose of converting all driver's licenses issued under this
3 Code to a 4 year expiration. Provided that all original
4 driver's licenses, except as provided elsewhere in this
5 Section, shall expire not less than 4 years nor more than 5
6 years from the date of issuance.

7 (b) Before the expiration of a driver's license, except
8 those licenses expiring on the individual's 21st birthday, or 3
9 months after the individual's 21st birthday, the holder thereof
10 may apply for a renewal thereof, subject to all the provisions
11 of Section 6-103, and the Secretary of State may require an
12 examination of the applicant. A licensee whose driver's license
13 expires on his 21st birthday, or 3 months after his 21st
14 birthday, may not apply for a renewal of his driving privileges
15 until he reaches the age of 21.

16 (c) The Secretary of State shall, 30 days prior to the
17 expiration of a driver's license, forward to each person whose
18 license is to expire a notification of the expiration of said
19 license which may be presented at the time of renewal of said
20 license.

21 There may be included with such notification information
22 explaining the anatomical gift and Emergency Medical
23 Information Card provisions of Section 6-110. The format and
24 text of such information shall be prescribed by the Secretary.

25 There shall be included with such notification, for a
26 period of 4 years beginning January 1, 2000 information

1 regarding the Illinois Adoption Registry and Medical
2 Information Exchange established in Section 18.1 of the
3 Adoption Act.

4 (d) The Secretary may defer the expiration of the driver's
5 license of a licensee, spouse, and dependent children who are
6 living with such licensee while on active duty, serving in the
7 Armed Forces of the United States outside of the State of
8 Illinois, and 90 days thereafter, upon such terms and
9 conditions as the Secretary may prescribe.

10 (e) The Secretary of State may decline to process a renewal
11 of a driver's license of any person who has not paid any fee or
12 tax due under this Code and is not paid upon reasonable notice
13 and demand.

14 (f) The Secretary shall provide that each original or
15 renewal driver's license issued to a licensee under 21 years of
16 age shall expire 3 months after the licensee's 21st birthday.
17 Persons whose current driver's licenses expire on their 21st
18 birthday on or after January 1, 1986 shall not renew their
19 driver's license before their 21st birthday, and their current
20 driver's license will be extended for an additional term of 3
21 months beyond their 21st birthday. Thereafter, the expiration
22 and term of the driver's license shall be governed by
23 subsection (a) hereof.

24 (g) The Secretary shall provide that each original or
25 renewal driver's license issued to a licensee 81 years of age
26 through age 86 shall expire 2 years from the date of issuance,

1 or at such later date as the Secretary may by rule and
2 regulation designate, not to exceed an additional 12 calendar
3 months. The Secretary shall also provide that each original or
4 renewal driver's license issued to a licensee 87 years of age
5 or older shall expire 12 months from the date of issuance, or
6 at such later date as the Secretary may by rule and regulation
7 designate, not to exceed an additional 12 calendar months.

8 (h) The Secretary of State shall provide that each special
9 restricted driver's license issued under subsection (g) of
10 Section 6-113 of this Code shall expire 12 months from the date
11 of issuance. The Secretary shall adopt rules defining renewal
12 requirements.

13 (i) The Secretary of State shall provide that each driver's
14 license issued to a person convicted of a sex offense as
15 defined in Section 5 2 of the Adam Walsh Sex Offender
16 Registration and Community Notification Act ~~Sex Offender~~
17 ~~Registration Act~~ shall expire 12 months from the date of
18 issuance or at such date as the Secretary may by rule
19 designate, not to exceed an additional 12 calendar months. The
20 Secretary may adopt rules defining renewal requirements.

21 (Source: P.A. 94-993, eff. 1-1-07; 95-540, eff. 8-28-07.)

22 (625 ILCS 5/6-201)

23 Sec. 6-201. Authority to cancel licenses and permits.

24 (a) The Secretary of State is authorized to cancel any
25 license or permit upon determining that the holder thereof:

- 1 1. was not entitled to the issuance thereof hereunder;
2 or
3 2. failed to give the required or correct information
4 in his application; or
5 3. failed to pay any fees, civil penalties owed to the
6 Illinois Commerce Commission, or taxes due under this Act
7 and upon reasonable notice and demand; or
8 4. committed any fraud in the making of such
9 application; or
10 5. is ineligible therefor under the provisions of
11 Section 6-103 of this Act, as amended; or
12 6. has refused or neglected to submit an alcohol, drug,
13 and intoxicating compound evaluation or to submit to
14 examination or re-examination as required under this Act;
15 or
16 7. has been convicted of violating the Cannabis Control
17 Act, the Illinois Controlled Substances Act, the
18 Methamphetamine Control and Community Protection Act, or
19 the Use of Intoxicating Compounds Act while that individual
20 was in actual physical control of a motor vehicle. For
21 purposes of this Section, any person placed on probation
22 under Section 10 of the Cannabis Control Act, Section 410
23 of the Illinois Controlled Substances Act, or Section 70 of
24 the Methamphetamine Control and Community Protection Act
25 shall not be considered convicted. Any person found guilty
26 of this offense, while in actual physical control of a

1 motor vehicle, shall have an entry made in the court record
2 by the judge that this offense did occur while the person
3 was in actual physical control of a motor vehicle and order
4 the clerk of the court to report the violation to the
5 Secretary of State as such. After the cancellation, the
6 Secretary of State shall not issue a new license or permit
7 for a period of one year after the date of cancellation.
8 However, upon application, the Secretary of State may, if
9 satisfied that the person applying will not endanger the
10 public safety, or welfare, issue a restricted driving
11 permit granting the privilege of driving a motor vehicle
12 between the petitioner's residence and petitioner's place
13 of employment or within the scope of the petitioner's
14 employment related duties, or to allow transportation for
15 the petitioner or a household member of the petitioner's
16 family for the receipt of necessary medical care, or
17 provide transportation for the petitioner to and from
18 alcohol or drug remedial or rehabilitative activity
19 recommended by a licensed service provider, or for the
20 petitioner to attend classes, as a student, in an
21 accredited educational institution. The petitioner must
22 demonstrate that no alternative means of transportation is
23 reasonably available; provided that the Secretary's
24 discretion shall be limited to cases where undue hardship,
25 as defined by the rules of the Secretary of State, would
26 result from a failure to issue such restricted driving

1 permit. In each case the Secretary of State may issue such
2 restricted driving permit for such period as he deems
3 appropriate, except that such permit shall expire within
4 one year from the date of issuance. A restricted driving
5 permit issued hereunder shall be subject to cancellation,
6 revocation and suspension by the Secretary of State in like
7 manner and for like cause as a driver's license issued
8 hereunder may be cancelled, revoked or suspended; except
9 that a conviction upon one or more offenses against laws or
10 ordinances regulating the movement of traffic shall be
11 deemed sufficient cause for the revocation, suspension or
12 cancellation of a restricted driving permit. The Secretary
13 of State may, as a condition to the issuance of a
14 restricted driving permit, require the applicant to
15 participate in a driver remedial or rehabilitative
16 program. In accordance with 49 C.F.R. 384, the Secretary of
17 State may not issue a restricted driving permit for the
18 operation of a commercial motor vehicle to a person holding
19 a CDL whose driving privileges have been revoked,
20 suspended, cancelled, or disqualified under this Code; or

21 8. failed to submit a report as required by Section
22 6-116.5 of this Code; or

23 9. has been convicted of a sex offense as defined in
24 the Adam Walsh Sex Offender Registration and Community
25 Notification Act ~~Sex Offender Registration Act~~. The
26 driver's license shall remain cancelled until the driver

1 registers as a sex offender as required by the Adam Walsh
2 Sex Offender Registration and Community Notification Act
3 ~~Sex Offender Registration Act~~, proof of the registration is
4 furnished to the Secretary of State and the sex offender
5 provides proof of current address to the Secretary; or

6 10. is ineligible for a license or permit under Section
7 6-107, 6-107.1, or 6-108 of this Code; or

8 11. refused or neglected to appear at a Driver Services
9 facility to have the license or permit corrected and a new
10 license or permit issued.

11 (b) Upon such cancellation the licensee or permittee must
12 surrender the license or permit so cancelled to the Secretary
13 of State.

14 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
15 Secretary of State shall have exclusive authority to grant,
16 issue, deny, cancel, suspend and revoke driving privileges,
17 drivers' licenses and restricted driving permits.

18 (d) The Secretary of State may adopt rules to implement
19 this Section.

20 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;
21 94-993, eff. 1-1-07; 95-331, eff. 8-21-07; 95-382, eff.
22 8-23-07; 95-627, eff. 6-1-08; 95-876, eff. 8-21-08.)

23 Section 870. The Criminal Code of 1961 is amended by
24 changing Sections 10-5.1, 11-25, 11-26, and 26-4 as follows:

1 (720 ILCS 5/10-5.1)

2 Sec. 10-5.1. Luring of a minor.

3 (a) A person commits the offense of luring of a minor when
4 the offender is 21 years of age or older and knowingly contacts
5 or communicates electronically to the minor:

6 (1) knowing the minor is under 15 years of age;

7 (2) with the intent to persuade, lure or transport the
8 minor away from his or her home, or other location known by
9 the minor's parent or legal guardian to be the place where
10 the minor is to be located;

11 (3) for an unlawful purpose;

12 (4) without the express consent of the person's parent
13 or legal guardian;

14 (5) with the intent to avoid the express consent of the
15 person's parent or legal guardian;

16 (6) after so communicating, commits any act in
17 furtherance of the intent described in clause (a) (2); and

18 (7) is a stranger to the parents or legal guardian of
19 the minor.

20 (b) A person commits the offense of luring of a minor when
21 the offender is at least 18 years of age but under 21 years of
22 age and knowingly contacts or communicates electronically to
23 the minor:

24 (1) knowing the minor is under 15 years of age;

25 (2) with the intent to persuade, lure, or transport the
26 minor away from his or her home or other location known by

1 the minor's parent or legal guardian, to be the place where
2 the minor is to be located;

3 (3) for an unlawful purpose;

4 (4) without the express consent of the person's parent
5 or legal guardian;

6 (5) with the intent to avoid the express consent of the
7 person's parent or legal guardian;

8 (6) after so communicating, commits any act in
9 furtherance of the intent described in clause (b) (2); and

10 (7) is a stranger to the parents or legal guardian of
11 the minor.

12 (c) Definitions. For purposes of this Section:

13 (1) "Emergency situation" means a situation in which
14 the minor is threatened with imminent bodily harm,
15 emotional harm or psychological harm.

16 (2) "Express consent" means oral or written permission
17 that is positive, direct, and unequivocal, requiring no
18 inference or implication to supply its meaning.

19 (3) "Contacts or communicates electronically" includes
20 but is not limited to, any attempt to make contact or
21 communicate telephonically or through the Internet or text
22 messages.

23 (4) "Luring" shall mean any knowing act to solicit,
24 entice, tempt, or attempt to attract the minor.

25 (5) "Minor" shall mean any person under the age of 15.

26 (6) "Stranger" shall have its common and ordinary

1 meaning, including but not limited to, a person that is
2 either not known by the parents of the minor or does not
3 have any association with the parents of the minor.

4 (7) "Unlawful purpose" shall mean any misdemeanor or
5 felony violation of State law or a similar federal or
6 sister state law or local ordinance.

7 (d) This Section may not be interpreted to criminalize an
8 act or person contacting a minor within the scope and course of
9 his employment, or status as a volunteer of a recognized civic,
10 charitable or youth organization.

11 (e) This Section is intended to protect minors and to help
12 parents and legal guardians exercise reasonable care,
13 supervision, protection, and control over minor children.

14 (f) Affirmative defenses.

15 (1) It shall be an affirmative defense to any offense
16 under this Section 10-5.1 that the accused reasonably
17 believed that the minor was over the age of 15.

18 (2) It shall be an affirmative defense to any offense
19 under this Section 10-5.1 that the accused is assisting the
20 minor in an emergency situation.

21 (3) It shall not be a defense to the prosecution of any
22 offense under this Section 10-5.1 if the person who is
23 contacted by the offender is posing as a minor and is in
24 actuality an adult law enforcement officer.

25 (g) Penalties.

26 (1) A first offense of luring of a minor under

1 subsection (a) shall be a Class 4 felony. A person
2 convicted of luring of a minor under subsection (a) shall
3 undergo a sex offender evaluation prior to a sentence being
4 imposed. An offense of luring of a minor under subsection
5 (a) when a person has a prior conviction in Illinois of a
6 sex offense as defined in the Adam Walsh Sex Offender
7 Registration and Community Notification Act ~~Sex Offender~~
8 ~~Registration Act~~, or any substantially similar federal,
9 Uniform Code of Military Justice, sister state, or foreign
10 government offense, is guilty of a Class 2 felony.

11 (2) A first offense of luring of a minor under
12 subsection (b) is a Class B misdemeanor.

13 (3) A second or subsequent offense of luring of a minor
14 under subsection (a) is a Class 3 felony. A second or
15 subsequent offense of luring of a minor under subsection
16 (b) is a Class 4 felony. A second or subsequent offense
17 when a person has a prior conviction in Illinois of a sex
18 offense as defined in the Adam Walsh Sex Offender
19 Registration and Community Notification Act ~~Sex Offender~~
20 ~~Registration Act~~, or any substantially similar federal,
21 Uniform Code of Military Justice, sister state, or foreign
22 government offense, is a Class 1 felony. A defendant
23 convicted a second time of an offense under subsection (a)
24 or (b) shall register as a sex offender ~~sexual predator of~~
25 ~~children~~ pursuant to the Adam Walsh Sex Offender
26 Registration and Community Notification Act ~~Sex Offender~~

1 ~~Registration Act.~~

2 (4) A third or subsequent offense is a Class 1 felony.
3 A third or subsequent offense when a person has a prior
4 conviction in Illinois of a sex offense as defined in the
5 Adam Walsh Sex Offender Registration and Community
6 Notification Act ~~Sex Offender Registration Act~~, or any
7 substantially similar federal, Uniform Code of Military
8 Justice, sister state, or foreign government offense, is a
9 Class X felony.

10 (h) For violations of subsection (a), jurisdiction shall be
11 established if the transmission that constitutes the offense
12 either originates in this State or is received in this State
13 and does not apply to emergency situations. For violations of
14 subsection (b), jurisdiction shall be established in any county
15 where the act in furtherance of the commission of the offense
16 is committed, in the county where the minor resides, or in the
17 county where the offender resides.

18 (Source: P.A. 95-625, eff. 6-1-08.)

19 (720 ILCS 5/11-25)

20 Sec. 11-25. Grooming.

21 (a) A person commits the offense of grooming when he or she
22 knowingly uses a computer on-line service, Internet service,
23 local bulletin board service, or any other device capable of
24 electronic data storage or transmission to seduce, solicit,
25 lure, or entice, or attempt to seduce, solicit, lure, or

1 entice, a child, a child's guardian, or another person believed
2 by the person to be a child or a child's guardian, to commit
3 any sex offense as defined in Section 5 2 of the Adam Walsh Sex
4 Offender Registration and Community Notification Act ~~Sex~~
5 ~~Offender Registration Act~~ or to otherwise engage in any
6 unlawful sexual conduct with a child or with another person
7 believed by the person to be a child.

8 (b) Sentence. Grooming is a Class 4 felony.

9 (Source: P.A. 95-901, eff. 1-1-09.)

10 (720 ILCS 5/11-26)

11 Sec. 11-26. Traveling to meet a minor.

12 (a) A person commits the offense of traveling to meet a
13 minor when he or she travels any distance either within this
14 State, to this State, or from this State by any means, attempts
15 to do so, or causes another to do so or attempt to do so for the
16 purpose of engaging in any sex offense as defined in Section 5
17 2 of the Adam Walsh Sex Offender Registration and Community
18 Notification Act ~~Sex Offender Registration Act~~, or to otherwise
19 engage in other unlawful sexual conduct with a child or with
20 another person believed by the person to be a child after using
21 a computer on-line service, Internet service, local bulletin
22 board service, or any other device capable of electronic data
23 storage or transmission to seduce, solicit, lure, or entice, or
24 to attempt to seduce, solicit, lure, or entice, a child or a
25 child's guardian, or another person believed by the person to

1 be a child or a child's guardian, for such purpose.

2 (b) Sentence. Traveling to meet a minor is a Class 3
3 felony.

4 (Source: P.A. 95-901, eff. 1-1-09.)

5 (720 ILCS 5/26-4) (from Ch. 38, par. 26-4)

6 Sec. 26-4. Unauthorized video recording and live video
7 transmission.

8 (a) It is unlawful for any person to knowingly make a video
9 record or transmit live video of another person without that
10 person's consent in a restroom, tanning bed, tanning salon,
11 locker room, changing room, or hotel bedroom.

12 (a-5) It is unlawful for any person to knowingly make a
13 video record or transmit live video of another person in that
14 other person's residence without that person's consent.

15 (a-6) It is unlawful for any person to knowingly make a
16 video record or transmit live video of another person in that
17 other person's residence without that person's consent when the
18 recording or transmission is made outside that person's
19 residence by use of an audio or video device that records or
20 transmits from a remote location.

21 (a-10) It is unlawful for any person to knowingly make a
22 video record or transmit live video of another person under or
23 through the clothing worn by that other person for the purpose
24 of viewing the body of or the undergarments worn by that other
25 person without that person's consent.

1 (a-15) It is unlawful for any person to place or cause to
2 be placed a device that makes a video record or transmits a
3 live video in a restroom, tanning bed, tanning salon, locker
4 room, changing room, or hotel bedroom with the intent to make a
5 video record or transmit live video of another person without
6 that person's consent.

7 (a-20) It is unlawful for any person to place or cause to
8 be placed a device that makes a video record or transmits a
9 live video with the intent to make a video record or transmit
10 live video of another person in that other person's residence
11 without that person's consent.

12 (a-25) It is unlawful for any person to, by any means,
13 knowingly disseminate, or permit to be disseminated, a video
14 record or live video that he or she knows to have been made or
15 transmitted in violation of (a), (a-5), (a-6), (a-10), (a-15),
16 or (a-20).

17 (b) Exemptions. The following activities shall be exempt
18 from the provisions of this Section:

19 (1) The making of a video record or transmission of
20 live video by law enforcement officers pursuant to a
21 criminal investigation, which is otherwise lawful;

22 (2) The making of a video record or transmission of
23 live video by correctional officials for security reasons
24 or for investigation of alleged misconduct involving a
25 person committed to the Department of Corrections.

26 (3) The making of a video record or transmission of

1 live video in a locker room by a reporter or news medium,
2 as those terms are defined in Section 8-902 of the Code of
3 Civil Procedure, where the reporter or news medium has been
4 granted access to the locker room by an appropriate
5 authority for the purpose of conducting interviews.

6 (c) The provisions of this Section do not apply to any
7 sound recording or transmission of an oral conversation made as
8 the result of the making of a video record or transmission of
9 live video, and to which Article 14 of this Code applies.

10 (d) Sentence.

11 (1) A violation of subsection (a-10), (a-15), or (a-20)
12 is a Class A misdemeanor.

13 (2) A violation of subsection (a), (a-5), or (a-6) is a
14 Class 4 felony.

15 (3) A violation of subsection (a-25) is a Class 3
16 felony.

17 (4) A violation of subsection (a), (a-5), (a-6),
18 (a-10), (a-15) or (a-20) is a Class 3 felony if the victim
19 is a person under 18 years of age or if the violation is
20 committed by an individual who is required to register as a
21 sex offender under the Adam Walsh Sex Offender Registration
22 and Community Notification Act ~~Sex Offender Registration~~
23 ~~Act~~.

24 (5) A violation of subsection (a-25) is a Class 2
25 felony if the victim is a person under 18 years of age or
26 if the violation is committed by an individual who is

1 required to register as a sex offender under the Adam Walsh
2 Sex Offender Registration and Community Notification Act
3 ~~Sex Offender Registration Act.~~

4 (e) For purposes of this Section:

5 (1) "Residence" includes a rental dwelling, but does
6 not include stairwells, corridors, laundry facilities, or
7 additional areas in which the general public has access.

8 (2) "Video record" means and includes any videotape,
9 photograph, film, or other electronic or digital recording
10 of a still or moving visual image; and "live video" means
11 and includes any real-time or contemporaneous electronic
12 or digital transmission of a still or moving visual image.

13 (Source: P.A. 95-178, eff. 8-14-07; 95-265, eff. 1-1-08;
14 95-876, eff. 8-21-08; 96-416, eff. 1-1-10.)

15 Section 875. The Code of Criminal Procedure of 1963 is
16 amended by changing Section 115-10 as follows:

17 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

18 Sec. 115-10. Certain hearsay exceptions.

19 (a) In a prosecution for a physical or sexual act
20 perpetrated upon or against a child under the age of 13, or a
21 person who was a moderately, severely, or profoundly mentally
22 retarded person as defined in this Code and in Section 2-10.1
23 of the Criminal Code of 1961 at the time the act was committed,
24 including but not limited to prosecutions for violations of

1 Sections 12-13 through 12-16 of the Criminal Code of 1961 and
2 prosecutions for violations of Sections 10-1 (kidnapping),
3 10-2 (aggravated kidnapping), 10-3 (unlawful restraint),
4 10-3.1 (aggravated unlawful restraint), 10-4 (forcible
5 detention), 10-5 (child abduction), 10-6 (harboring a
6 runaway), 10-7 (aiding or abetting child abduction), 11-9
7 (public indecency), 11-11 (sexual relations within families),
8 11-21 (harmful material), 12-1 (assault), 12-2 (aggravated
9 assault), 12-3 (battery), 12-3.2 (domestic battery), 12-4
10 (aggravated battery), 12-4.1 (heinous battery), 12-4.2
11 (aggravated battery with a firearm), 12-4.3 (aggravated
12 battery of a child), 12-4.7 (drug induced infliction of great
13 bodily harm), 12-5 (reckless conduct), 12-6 (intimidation),
14 12-6.1 (compelling organization membership of persons), 12-7.1
15 (hate crime), 12-7.3 (stalking), 12-7.4 (aggravated stalking),
16 12-10 (tattooing body of minor), 12-11 (home invasion), 12-21.5
17 (child abandonment), 12-21.6 (endangering the life or health of
18 a child) or 12-32 (ritual mutilation) of the Criminal Code of
19 1961 or any sex offense as defined in ~~subsection (B) of Section~~
20 5 2 of the Adam Walsh Sex Offender Registration and Community
21 Notification Act ~~Sex Offender Registration Act~~, the following
22 evidence shall be admitted as an exception to the hearsay rule:

23 (1) testimony by the victim of an out of court
24 statement made by the victim that he or she complained of
25 such act to another; and

26 (2) testimony of an out of court statement made by the

1 victim describing any complaint of such act or matter or
2 detail pertaining to any act which is an element of an
3 offense which is the subject of a prosecution for a sexual
4 or physical act against that victim.

5 (b) Such testimony shall only be admitted if:

6 (1) The court finds in a hearing conducted outside the
7 presence of the jury that the time, content, and
8 circumstances of the statement provide sufficient
9 safeguards of reliability; and

10 (2) The child or moderately, severely, or profoundly
11 mentally retarded person either:

12 (A) testifies at the proceeding; or

13 (B) is unavailable as a witness and there is
14 corroborative evidence of the act which is the subject
15 of the statement; and

16 (3) In a case involving an offense perpetrated against
17 a child under the age of 13, the out of court statement was
18 made before the victim attained 13 years of age or within 3
19 months after the commission of the offense, whichever
20 occurs later, but the statement may be admitted regardless
21 of the age of the victim at the time of the proceeding.

22 (c) If a statement is admitted pursuant to this Section,
23 the court shall instruct the jury that it is for the jury to
24 determine the weight and credibility to be given the statement
25 and that, in making the determination, it shall consider the
26 age and maturity of the child, or the intellectual capabilities

1 of the moderately, severely, or profoundly mentally retarded
2 person, the nature of the statement, the circumstances under
3 which the statement was made, and any other relevant factor.

4 (d) The proponent of the statement shall give the adverse
5 party reasonable notice of his intention to offer the statement
6 and the particulars of the statement.

7 (e) Statements described in paragraphs (1) and (2) of
8 subsection (a) shall not be excluded on the basis that they
9 were obtained as a result of interviews conducted pursuant to a
10 protocol adopted by a Child Advocacy Advisory Board as set
11 forth in subsections (c), (d), and (e) of Section 3 of the
12 Children's Advocacy Center Act or that an interviewer or
13 witness to the interview was or is an employee, agent, or
14 investigator of a State's Attorney's office.

15 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10.)

16 Section 880. The Rights of Crime Victims and Witnesses Act
17 is amended by changing Section 4.5 as follows:

18 (725 ILCS 120/4.5)

19 Sec. 4.5. Procedures to implement the rights of crime
20 victims. To afford crime victims their rights, law enforcement,
21 prosecutors, judges and corrections will provide information,
22 as appropriate of the following procedures:

23 (a) At the request of the crime victim, law enforcement
24 authorities investigating the case shall provide notice of the

1 status of the investigation, except where the State's Attorney
2 determines that disclosure of such information would
3 unreasonably interfere with the investigation, until such time
4 as the alleged assailant is apprehended or the investigation is
5 closed.

6 (b) The office of the State's Attorney:

7 (1) shall provide notice of the filing of information,
8 the return of an indictment by which a prosecution for any
9 violent crime is commenced, or the filing of a petition to
10 adjudicate a minor as a delinquent for a violent crime;

11 (2) shall provide notice of the date, time, and place
12 of trial;

13 (3) or victim advocate personnel shall provide
14 information of social services and financial assistance
15 available for victims of crime, including information of
16 how to apply for these services and assistance;

17 (4) shall assist in having any stolen or other personal
18 property held by law enforcement authorities for
19 evidentiary or other purposes returned as expeditiously as
20 possible, pursuant to the procedures set out in Section
21 115-9 of the Code of Criminal Procedure of 1963;

22 (5) or victim advocate personnel shall provide
23 appropriate employer intercession services to ensure that
24 employers of victims will cooperate with the criminal
25 justice system in order to minimize an employee's loss of
26 pay and other benefits resulting from court appearances;

1 (6) shall provide information whenever possible, of a
2 secure waiting area during court proceedings that does not
3 require victims to be in close proximity to defendant or
4 juveniles accused of a violent crime, and their families
5 and friends;

6 (7) shall provide notice to the crime victim of the
7 right to have a translator present at all court proceedings
8 and, in compliance with the federal Americans with
9 Disabilities Act of 1990, the right to communications
10 access through a sign language interpreter or by other
11 means;

12 (8) in the case of the death of a person, which death
13 occurred in the same transaction or occurrence in which
14 acts occurred for which a defendant is charged with an
15 offense, shall notify the spouse, parent, child or sibling
16 of the decedent of the date of the trial of the person or
17 persons allegedly responsible for the death;

18 (9) shall inform the victim of the right to have
19 present at all court proceedings, subject to the rules of
20 evidence, an advocate or other support person of the
21 victim's choice, and the right to retain an attorney, at
22 the victim's own expense, who, upon written notice filed
23 with the clerk of the court and State's Attorney, is to
24 receive copies of all notices, motions and court orders
25 filed thereafter in the case, in the same manner as if the
26 victim were a named party in the case;

1 (10) at the sentencing hearing shall make a good faith
2 attempt to explain the minimum amount of time during which
3 the defendant may actually be physically imprisoned. The
4 Office of the State's Attorney shall further notify the
5 crime victim of the right to request from the Prisoner
6 Review Board information concerning the release of the
7 defendant under subparagraph (d) (1) of this Section;

8 (11) shall request restitution at sentencing and shall
9 consider restitution in any plea negotiation, as provided
10 by law; and

11 (12) shall, upon the court entering a verdict of not
12 guilty by reason of insanity, inform the victim of the
13 notification services available from the Department of
14 Human Services, including the statewide telephone number,
15 under subparagraph (d) (2) of this Section.

16 (c) At the written request of the crime victim, the office
17 of the State's Attorney shall:

18 (1) provide notice a reasonable time in advance of the
19 following court proceedings: preliminary hearing, any
20 hearing the effect of which may be the release of defendant
21 from custody, or to alter the conditions of bond and the
22 sentencing hearing. The crime victim shall also be notified
23 of the cancellation of the court proceeding in sufficient
24 time, wherever possible, to prevent an unnecessary
25 appearance in court;

26 (2) provide notice within a reasonable time after

1 receipt of notice from the custodian, of the release of the
2 defendant on bail or personal recognizance or the release
3 from detention of a minor who has been detained for a
4 violent crime;

5 (3) explain in nontechnical language the details of any
6 plea or verdict of a defendant, or any adjudication of a
7 juvenile as a delinquent for a violent crime;

8 (4) where practical, consult with the crime victim
9 before the Office of the State's Attorney makes an offer of
10 a plea bargain to the defendant or enters into negotiations
11 with the defendant concerning a possible plea agreement,
12 and shall consider the written victim impact statement, if
13 prepared prior to entering into a plea agreement;

14 (5) provide notice of the ultimate disposition of the
15 cases arising from an indictment or an information, or a
16 petition to have a juvenile adjudicated as a delinquent for
17 a violent crime;

18 (6) provide notice of any appeal taken by the defendant
19 and information on how to contact the appropriate agency
20 handling the appeal;

21 (7) provide notice of any request for post-conviction
22 review filed by the defendant under Article 122 of the Code
23 of Criminal Procedure of 1963, and of the date, time and
24 place of any hearing concerning the petition. Whenever
25 possible, notice of the hearing shall be given in advance;

26 (8) forward a copy of any statement presented under

1 Section 6 to the Prisoner Review Board to be considered by
2 the Board in making its determination under subsection (b)
3 of Section 3-3-8 of the Unified Code of Corrections.

4 (d) (1) The Prisoner Review Board shall inform a victim or
5 any other concerned citizen, upon written request, of the
6 prisoner's release on parole, mandatory supervised release,
7 electronic detention, work release, international transfer or
8 exchange, or by the custodian of the discharge of any
9 individual who was adjudicated a delinquent for a violent crime
10 from State custody and by the sheriff of the appropriate county
11 of any such person's final discharge from county custody. The
12 Prisoner Review Board, upon written request, shall provide to a
13 victim or any other concerned citizen a recent photograph of
14 any person convicted of a felony, upon his or her release from
15 custody. The Prisoner Review Board, upon written request, shall
16 inform a victim or any other concerned citizen when feasible at
17 least 7 days prior to the prisoner's release on furlough of the
18 times and dates of such furlough. Upon written request by the
19 victim or any other concerned citizen, the State's Attorney
20 shall notify the person once of the times and dates of release
21 of a prisoner sentenced to periodic imprisonment. Notification
22 shall be based on the most recent information as to victim's or
23 other concerned citizen's residence or other location
24 available to the notifying authority.

25 (2) When the defendant has been committed to the Department
26 of Human Services pursuant to Section 5-2-4 or any other

1 provision of the Unified Code of Corrections, the victim may
2 request to be notified by the releasing authority of the
3 defendant's furloughs, temporary release, or final discharge
4 from State custody. The Department of Human Services shall
5 establish and maintain a statewide telephone number to be used
6 by victims to make notification requests under these provisions
7 and shall publicize this telephone number on its website and to
8 the State's Attorney of each county.

9 (3) In the event of an escape from State custody, the
10 Department of Corrections or the Department of Juvenile Justice
11 immediately shall notify the Prisoner Review Board of the
12 escape and the Prisoner Review Board shall notify the victim.
13 The notification shall be based upon the most recent
14 information as to the victim's residence or other location
15 available to the Board. When no such information is available,
16 the Board shall make all reasonable efforts to obtain the
17 information and make the notification. When the escapee is
18 apprehended, the Department of Corrections or the Department of
19 Juvenile Justice immediately shall notify the Prisoner Review
20 Board and the Board shall notify the victim.

21 (4) The victim of the crime for which the prisoner has been
22 sentenced shall receive reasonable written notice not less than
23 30 days prior to the parole interview and may submit, in
24 writing, on film, videotape or other electronic means or in the
25 form of a recording or in person at the parole interview or if
26 a victim of a violent crime, by calling the toll-free number

1 established in subsection (f) of this Section, information for
2 consideration by the Prisoner Review Board. The victim shall be
3 notified within 7 days after the prisoner has been granted
4 parole and shall be informed of the right to inspect the
5 registry of parole decisions, established under subsection (g)
6 of Section 3-3-5 of the Unified Code of Corrections. The
7 provisions of this paragraph (4) are subject to the Open Parole
8 Hearings Act.

9 (5) If a statement is presented under Section 6, the
10 Prisoner Review Board shall inform the victim of any order of
11 discharge entered by the Board pursuant to Section 3-3-8 of the
12 Unified Code of Corrections.

13 (6) At the written request of the victim of the crime for
14 which the prisoner was sentenced or the State's Attorney of the
15 county where the person seeking parole was prosecuted, the
16 Prisoner Review Board shall notify the victim and the State's
17 Attorney of the county where the person seeking parole was
18 prosecuted of the death of the prisoner if the prisoner died
19 while on parole or mandatory supervised release.

20 (7) When a defendant who has been committed to the
21 Department of Corrections, the Department of Juvenile Justice,
22 or the Department of Human Services is released or discharged
23 and subsequently committed to the Department of Human Services
24 as a sexually violent person and the victim had requested to be
25 notified by the releasing authority of the defendant's
26 discharge from State custody, the releasing authority shall

1 provide to the Department of Human Services such information
2 that would allow the Department of Human Services to contact
3 the victim.

4 (8) When a defendant has been convicted of a sex offense as
5 defined in Section 5 2 of the Adam Walsh Sex Offender
6 Registration and Community Notification Act ~~Sex Offender~~
7 ~~Registration Act~~ and has been sentenced to the Department of
8 Corrections or the Department of Juvenile Justice, the Prisoner
9 Review Board shall notify the victim of the sex offense of the
10 prisoner's eligibility for release on parole, mandatory
11 supervised release, electronic detention, work release,
12 international transfer or exchange, or by the custodian of the
13 discharge of any individual who was adjudicated a delinquent
14 for a sex offense from State custody and by the sheriff of the
15 appropriate county of any such person's final discharge from
16 county custody. The notification shall be made to the victim at
17 least 30 days, whenever possible, before release of the sex
18 offender.

19 (e) The officials named in this Section may satisfy some or
20 all of their obligations to provide notices and other
21 information through participation in a statewide victim and
22 witness notification system established by the Attorney
23 General under Section 8.5 of this Act.

24 (f) To permit a victim of a violent crime to provide
25 information to the Prisoner Review Board for consideration by
26 the Board at a parole hearing of a person who committed the

1 crime against the victim in accordance with clause (d)(4) of
2 this Section or at a proceeding to determine the conditions of
3 mandatory supervised release of a person sentenced to a
4 determinate sentence or at a hearing on revocation of mandatory
5 supervised release of a person sentenced to a determinate
6 sentence, the Board shall establish a toll-free number that may
7 be accessed by the victim of a violent crime to present that
8 information to the Board.

9 (Source: P.A. 95-317, eff. 8-21-07; 95-896, eff. 1-1-09;
10 95-897, eff. 1-1-09; 95-904, eff. 1-1-09; 96-328, eff. 8-11-09;
11 96-875, eff. 1-22-10.)

12 Section 885. The Unified Code of Corrections is amended by
13 changing Sections 3-3-7, 3-3-11.5, 3-6-3, 3-14-2, 3-17-5,
14 5-4-3, 5-5-3, 5-5.5-5, 5-6-3, 5-6-3.1, and 5-9-1.15 as follows:

15 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

16 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
17 Release.

18 (a) The conditions of parole or mandatory supervised
19 release shall be such as the Prisoner Review Board deems
20 necessary to assist the subject in leading a law-abiding life.
21 The conditions of every parole and mandatory supervised release
22 are that the subject:

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

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

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

5 (4) permit the agent to visit him or her at his or her
6 home, employment, or elsewhere to the extent necessary for
7 the agent to discharge his or her duties;

8 (5) attend or reside in a facility established for the
9 instruction or residence of persons on parole or mandatory
10 supervised release;

11 (6) secure permission before visiting or writing a
12 committed person in an Illinois Department of Corrections
13 facility;

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

18 (7.5) if convicted of a sex offense as defined in the
19 Sex Offender Management Board Act, the individual shall
20 undergo and successfully complete sex offender treatment
21 conducted in conformance with the standards developed by
22 the Sex Offender Management Board Act by a treatment
23 provider approved by the Board;

24 (7.6) if convicted of a sex offense as defined in the
25 Sex Offender Management Board Act, refrain from residing at
26 the same address or in the same condominium unit or

1 apartment unit or in the same condominium complex or
2 apartment complex with another person he or she knows or
3 reasonably should know is a convicted sex offender or has
4 been placed on supervision for a sex offense; the
5 provisions of this paragraph do not apply to a person
6 convicted of a sex offense who is placed in a Department of
7 Corrections licensed transitional housing facility for sex
8 offenders, or is in any facility operated or licensed by
9 the Department of Children and Family Services or by the
10 Department of Human Services, or is in any licensed medical
11 facility;

12 (7.7) if convicted for an offense of keeping a place of
13 juvenile prostitution, juvenile pimping, exploitation of a
14 child, child pornography, aggravated child pornography,
15 criminal sexual assault, aggravated criminal sexual
16 assault, predatory criminal sexual assault of a child,
17 aggravated criminal sexual abuse, ritualized abuse of a
18 child, a second or subsequent offense of luring a minor, or
19 a second or subsequent offense which requires registration
20 ~~that would qualify the accused as a sexual predator under~~
21 ~~the Adam Walsh Sex Offender Registration and Community~~
22 ~~Notification Act Sex Offender Registration Act~~ on or after
23 the effective date of this amendatory Act of the 94th
24 General Assembly, wear an approved electronic monitoring
25 device as defined in Section 5-8A-2 for the duration of the
26 person's parole, mandatory supervised release term, or

1 extended mandatory supervised release term and if
2 convicted for an offense of criminal sexual assault,
3 aggravated criminal sexual assault, predatory criminal
4 sexual assault of a child, criminal sexual abuse,
5 aggravated criminal sexual abuse, or ritualized abuse of a
6 child committed on or after August 11, 2009 (the effective
7 date of Public Act 96-236) ~~this amendatory Act of the 96th~~
8 ~~General Assembly~~ when the victim was under 18 years of age
9 at the time of the commission of the offense and the
10 defendant used force or the threat of force in the
11 commission of the offense wear an approved electronic
12 monitoring device as defined in Section 5-8A-2 that has
13 Global Positioning System (GPS) capability for the
14 duration of the person's parole, mandatory supervised
15 release term, or extended mandatory supervised release
16 term;

17 (7.8) if convicted for an offense committed on or after
18 the effective date of this amendatory Act of the 95th
19 General Assembly that would qualify the accused as a child
20 sex offender as defined in Section 11-9.3 or 11-9.4 of the
21 Criminal Code of 1961, refrain from communicating with or
22 contacting, by means of the Internet, a person who is not
23 related to the accused and whom the accused reasonably
24 believes to be under 18 years of age; for purposes of this
25 paragraph (7.8), "Internet" has the meaning ascribed to it
26 in Section 16J-5 of the Criminal Code of 1961; and a person

1 is not related to the accused if the person is not: (i) the
2 spouse, brother, or sister of the accused; (ii) a
3 descendant of the accused; (iii) a first or second cousin
4 of the accused; or (iv) a step-child or adopted child of
5 the accused;

6 (7.9) if convicted under Section 11-6, 11-20.1,
7 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
8 search of computers, PDAs, cellular phones, and other
9 devices under his or her control that are capable of
10 accessing the Internet or storing electronic files, in
11 order to confirm Internet protocol addresses reported in
12 accordance with the Adam Walsh Sex Offender Registration
13 and Community Notification Act ~~Sex Offender Registration~~
14 ~~Act~~ and compliance with conditions in this Act;

15 (7.10) if convicted for an offense that would qualify
16 the accused as a sex offender ~~or sexual predator~~ under the
17 Adam Walsh Sex Offender Registration Act on or after the
18 effective date of this amendatory Act of the 95th General
19 Assembly, not possess prescription drugs for erectile
20 dysfunction;

21 (7.11) if convicted for an offense under Section 11-6,
22 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
23 Code of 1961, or any attempt to commit any of these
24 offenses, committed on or after June 1, 2009 (the effective
25 date of Public Act 95-983):

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior
2 written approval of the Department;

3 (ii) submit to periodic unannounced examinations
4 of the offender's computer or any other device with
5 Internet capability by the offender's supervising
6 agent, a law enforcement officer, or assigned computer
7 or information technology specialist, including the
8 retrieval and copying of all data from the computer or
9 device and any internal or external peripherals and
10 removal of such information, equipment, or device to
11 conduct a more thorough inspection;

12 (iii) submit to the installation on the offender's
13 computer or device with Internet capability, at the
14 offender's expense, of one or more hardware or software
15 systems to monitor the Internet use; and

16 (iv) submit to any other appropriate restrictions
17 concerning the offender's use of or access to a
18 computer or any other device with Internet capability
19 imposed by the Board, the Department or the offender's
20 supervising agent;

21 (7.12) if convicted of a sex offense as defined in the
22 Adam Walsh Sex Offender Registration and Community
23 Notification Act ~~Sex Offender Registration Act~~ committed
24 on or after January 1, 2010 (the effective date of Public
25 Act 96-262) ~~this amendatory Act of the 96th General~~
26 ~~Assembly~~, refrain from accessing or using a social

1 networking website as defined in Section 16D-2 of the
2 Criminal Code of 1961;

3 (7.13) ~~(7.12)~~ if convicted of a sex offense as defined
4 in Section 5 2 of the Adam Walsh Sex Offender Registration
5 and Community Notification Act ~~Sex Offender Registration~~
6 ~~Act~~ committed on or after January 1, 2010 (the effective
7 date of Public Act 96-362) ~~this amendatory Act of the 96th~~
8 ~~General Assembly~~ that requires the person to register as a
9 sex offender under that Act, may not knowingly use any
10 computer scrub software on any computer that the sex
11 offender uses;

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

14 (9) obtain permission of an agent of the Department of
15 Corrections before changing his or her residence or
16 employment;

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

19 (11) refrain from the use or possession of narcotics or
20 other controlled substances in any form, or both, or any
21 paraphernalia related to those substances and submit to a
22 urinalysis test as instructed by a parole agent of the
23 Department of Corrections;

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

26 (13) not knowingly associate with other persons on

1 parole or mandatory supervised release without prior
2 written permission of his or her parole agent and not
3 associate with persons who are members of an organized gang
4 as that term is defined in the Illinois Streetgang
5 Terrorism Omnibus Prevention Act;

6 (14) provide true and accurate information, as it
7 relates to his or her adjustment in the community while on
8 parole or mandatory supervised release or to his or her
9 conduct while incarcerated, in response to inquiries by his
10 or her parole agent or of the Department of Corrections;

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

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

1 a department store Santa Claus, or wearing an Easter Bunny
2 costume on or preceding Easter; and

3 (17) if convicted of a violation of an order of
4 protection under Section 12-30 of the Criminal Code of
5 1961, be placed under electronic surveillance as provided
6 in Section 5-8A-7 of this Code.

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

9 (1) work or pursue a course of study or vocational
10 training;

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

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

15 (4) support his dependents;

16 (5) (blank);

17 (6) (blank);

18 (7) comply with the terms and conditions of an order of
19 protection issued pursuant to the Illinois Domestic
20 Violence Act of 1986, enacted by the 84th General Assembly,
21 or an order of protection issued by the court of another
22 state, tribe, or United States territory;

23 (7.5) if convicted for an offense committed on or after
24 the effective date of this amendatory Act of the 95th
25 General Assembly that would qualify the accused as a child
26 sex offender as defined in Section 11-9.3 or 11-9.4 of the

1 Criminal Code of 1961, refrain from communicating with or
2 contacting, by means of the Internet, a person who is
3 related to the accused and whom the accused reasonably
4 believes to be under 18 years of age; for purposes of this
5 paragraph (7.5), "Internet" has the meaning ascribed to it
6 in Section 16J-5 of the Criminal Code of 1961; and a person
7 is related to the accused if the person is: (i) the spouse,
8 brother, or sister of the accused; (ii) a descendant of the
9 accused; (iii) a first or second cousin of the accused; or
10 (iv) a step-child or adopted child of the accused;

11 (7.6) if convicted for an offense committed on or after
12 June 1, 2009 (the effective date of Public Act 95-983) that
13 would qualify as a sex offense as defined in the Adam Walsh
14 Sex Offender Registration and Community Notification Act
15 ~~Sex Offender Registration Act:~~

16 (i) not access or use a computer or any other
17 device with Internet capability without the prior
18 written approval of the Department;

19 (ii) submit to periodic unannounced examinations
20 of the offender's computer or any other device with
21 Internet capability by the offender's supervising
22 agent, a law enforcement officer, or assigned computer
23 or information technology specialist, including the
24 retrieval and copying of all data from the computer or
25 device and any internal or external peripherals and
26 removal of such information, equipment, or device to

1 conduct a more thorough inspection;

2 (iii) submit to the installation on the offender's
3 computer or device with Internet capability, at the
4 offender's expense, of one or more hardware or software
5 systems to monitor the Internet use; and

6 (iv) submit to any other appropriate restrictions
7 concerning the offender's use of or access to a
8 computer or any other device with Internet capability
9 imposed by the Board, the Department or the offender's
10 supervising agent; and

11 (8) in addition, if a minor:

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

13 (ii) attend school;

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

15 or

16 (iv) contribute to his own support at home or in a
17 foster home.

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

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

26 (2) comply with all requirements of the Adam Walsh Sex

1 Offender Registration and Community Notification Act ~~Sex~~
2 ~~Offender 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 (f) When the subject is in compliance with all conditions
2 of his or her parole or mandatory supervised release, the
3 subject shall receive a reduction of the period of his or her
4 parole or mandatory supervised release of 90 days upon passage
5 of the high school level Test of General Educational
6 Development during the period of his or her parole or mandatory
7 supervised release. This reduction in the period of a subject's
8 term of parole or mandatory supervised release shall be
9 available only to subjects who have not previously earned a
10 high school diploma or who have not previously passed the high
11 school level Test of General Educational Development.

12 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
13 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
14 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
15 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
16 revised 9-25-09.)

17 (730 ILCS 5/3-3-11.5)

18 Sec. 3-3-11.5. Sex offender restrictions.

19 (a) Definition. For purposes of this Act, a "sex offender"
20 is any person who has ever been convicted of a sexual offense
21 or attempt to commit a sexual offense, and sentenced to a term
22 of imprisonment, periodic imprisonment, fine, probation,
23 conditional discharge or any other form of sentence, or given a
24 disposition of court supervision for the offense; or
25 adjudicated or found to be a sexually dangerous person under

1 any law substantially similar to the Sexually Dangerous Persons
2 Act.

3 (b) Residency restrictions. No sex offender shall be
4 accepted for supervised or conditioned residency in Illinois
5 under the Interstate Compact for Adult Offender Supervision
6 unless he or she:

7 (1) Complies with any registration requirements
8 imposed by the Sex Offender Registration Act within the
9 times prescribed and with law enforcement agencies
10 designated under that Act;

11 (2) Complies with the requirements of paragraph
12 (a)(5) of Section 5-4-3 of the Unified Code of Corrections
13 relating to the submission of blood specimens for genetic
14 marker grouping by persons seeking transfer to or residency
15 in Illinois; and

16 (3) Signs a written form approved by the Department of
17 Corrections which, at a minimum, includes the substance of
18 this Section or a summary of it and an acknowledgement that
19 he or she agrees to abide by the conditions set forth in
20 that document and this Section.

21 (Source: P.A. 92-571, eff. 6-26-02.)

22 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
23 Sec. 3-6-3. Rules and Regulations for Early Release.

24 (a) (1) The Department of Corrections shall prescribe
25 rules and regulations for the early release on account of

1 good conduct of persons committed to the Department which
2 shall be subject to review by the Prisoner Review Board.

3 (2) The rules and regulations on early release shall
4 provide, with respect to offenses listed in clause (i),
5 (ii), or (iii) of this paragraph (2) committed on or after
6 June 19, 1998 or with respect to the offense listed in
7 clause (iv) of this paragraph (2) committed on or after
8 June 23, 2005 (the effective date of Public Act 94-71) or
9 with respect to offense listed in clause (vi) committed on
10 or after June 1, 2008 (the effective date of Public Act
11 95-625) or with respect to the offense of being an armed
12 habitual criminal committed on or after August 2, 2005 (the
13 effective date of Public Act 94-398) or with respect to the
14 offenses listed in clause (v) of this paragraph (2)
15 committed on or after August 13, 2007 (the effective date
16 of Public Act 95-134), the following:

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

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

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

7 (iii) that a prisoner serving a sentence for home
8 invasion, armed robbery, aggravated vehicular
9 hijacking, aggravated discharge of a firearm, or armed
10 violence with a category I weapon or category II
11 weapon, when the court has made and entered a finding,
12 pursuant to subsection (c-1) of Section 5-4-1 of this
13 Code, that the conduct leading to conviction for the
14 enumerated offense resulted in great bodily harm to a
15 victim, 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 (iv) that a prisoner serving a sentence for
19 aggravated discharge of a firearm, whether or not the
20 conduct leading to conviction for the offense resulted
21 in great bodily harm to the victim, shall receive no
22 more than 4.5 days of good conduct credit for each
23 month of his or her sentence of imprisonment;

24 (v) that a person serving a sentence for
25 gunrunning, narcotics racketeering, controlled
26 substance trafficking, methamphetamine trafficking,

1 drug-induced homicide, aggravated
2 methamphetamine-related child endangerment, money
3 laundering pursuant to clause (c) (4) or (5) of Section
4 29B-1 of the Criminal Code of 1961, or a Class X felony
5 conviction for delivery of a controlled substance,
6 possession of a controlled substance with intent to
7 manufacture or deliver, calculated criminal drug
8 conspiracy, criminal drug conspiracy, street gang
9 criminal drug conspiracy, participation in
10 methamphetamine manufacturing, aggravated
11 participation in methamphetamine manufacturing,
12 delivery of methamphetamine, possession with intent to
13 deliver methamphetamine, aggravated delivery of
14 methamphetamine, aggravated possession with intent to
15 deliver methamphetamine, methamphetamine conspiracy
16 when the substance containing the controlled substance
17 or methamphetamine is 100 grams or more shall receive
18 no more than 7.5 days good conduct credit for each
19 month of his or her sentence of imprisonment; and

20 (vi) that a prisoner serving a sentence for a
21 second or subsequent offense of luring a minor shall
22 receive no more than 4.5 days of good conduct credit
23 for each month of his or her sentence of imprisonment.

24 (2.1) For all offenses, other than those enumerated in
25 subdivision (a) (2) (i), (ii), or (iii) committed on or after
26 June 19, 1998 or subdivision (a) (2) (iv) committed on or

1 after June 23, 2005 (the effective date of Public Act
2 94-71) or subdivision (a)(2)(v) committed on or after
3 August 13, 2007 (the effective date of Public Act 95-134)
4 or subdivision (a)(2)(vi) committed on or after June 1,
5 2008 (the effective date of Public Act 95-625), and other
6 than the offense of reckless homicide as defined in
7 subsection (e) of Section 9-3 of the Criminal Code of 1961
8 committed on or after January 1, 1999, or aggravated
9 driving under the influence of alcohol, other drug or
10 drugs, or intoxicating compound or compounds, or any
11 combination thereof as defined in subparagraph (F) of
12 paragraph (1) of subsection (d) of Section 11-501 of the
13 Illinois Vehicle Code, the rules and regulations shall
14 provide that a prisoner who is serving a term of
15 imprisonment shall receive one day of good conduct credit
16 for each day of his or her sentence of imprisonment or
17 recommitment under Section 3-3-9. Each day of good conduct
18 credit shall reduce by one day the prisoner's period of
19 imprisonment or recommitment under Section 3-3-9.

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

23 (2.3) The rules and regulations on early release shall
24 provide that a prisoner who is serving a sentence for
25 reckless homicide as defined in subsection (e) of Section
26 9-3 of the Criminal Code of 1961 committed on or after

1 January 1, 1999, or aggravated driving under the influence
2 of alcohol, other drug or drugs, or intoxicating compound
3 or compounds, or any combination thereof as defined in
4 subparagraph (F) of paragraph (1) of subsection (d) of
5 Section 11-501 of the Illinois Vehicle Code, shall receive
6 no more than 4.5 days of good conduct credit for each month
7 of his or her sentence of imprisonment.

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

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

26 (3) The rules and regulations shall also provide that

1 the Director may award up to 180 days additional good
2 conduct credit for meritorious service in specific
3 instances as the Director deems proper; except that no more
4 than 90 days of good conduct credit for meritorious service
5 shall be awarded to any prisoner who is serving a sentence
6 for conviction of first degree murder, reckless homicide
7 while under the influence of alcohol or any other drug, or
8 aggravated driving under the influence of alcohol, other
9 drug or drugs, or intoxicating compound or compounds, or
10 any combination thereof as defined in subparagraph (F) of
11 paragraph (1) of subsection (d) of Section 11-501 of the
12 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
13 predatory criminal sexual assault of a child, aggravated
14 criminal sexual assault, criminal sexual assault, deviate
15 sexual assault, aggravated criminal sexual abuse,
16 aggravated indecent liberties with a child, indecent
17 liberties with a child, child pornography, heinous
18 battery, aggravated battery of a spouse, aggravated
19 battery of a spouse with a firearm, stalking, aggravated
20 stalking, aggravated battery of a child, endangering the
21 life or health of a child, or cruelty to a child.
22 Notwithstanding the foregoing, good conduct credit for
23 meritorious service shall not be awarded on a sentence of
24 imprisonment imposed for conviction of: (i) one of the
25 offenses enumerated in subdivision (a)(2)(i), (ii), or
26 (iii) when the offense is committed on or after June 19,

1 1998 or subdivision (a)(2)(iv) when the offense is
2 committed on or after June 23, 2005 (the effective date of
3 Public Act 94-71) or subdivision (a)(2)(v) when the offense
4 is committed on or after August 13, 2007 (the effective
5 date of Public Act 95-134) or subdivision (a)(2)(vi) when
6 the offense is committed on or after June 1, 2008 (the
7 effective date of Public Act 95-625), (ii) reckless
8 homicide as defined in subsection (e) of Section 9-3 of the
9 Criminal Code of 1961 when the offense is committed on or
10 after January 1, 1999, or aggravated driving under the
11 influence of alcohol, other drug or drugs, or intoxicating
12 compound or compounds, or any combination thereof as
13 defined in subparagraph (F) of paragraph (1) of subsection
14 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
15 one of the offenses enumerated in subdivision (a)(2.4) when
16 the offense is committed on or after July 15, 1999 (the
17 effective date of Public Act 91-121), or (iv) aggravated
18 arson when the offense is committed on or after July 27,
19 2001 (the effective date of Public Act 92-176).

20 The Director shall not award good conduct credit for
21 meritorious service under this paragraph (3) to an inmate
22 unless the inmate has served a minimum of 60 days of the
23 sentence; except nothing in this paragraph shall be
24 construed to permit the Director to extend an inmate's
25 sentence beyond that which was imposed by the court. Prior
26 to awarding credit under this paragraph (3), the Director

1 shall make a written determination that the inmate:

2 (A) is eligible for good conduct credit for
3 meritorious service;

4 (B) has served a minimum of 60 days, or as close to
5 60 days as the sentence will allow; and

6 (C) has met the eligibility criteria established
7 by rule.

8 The Director shall determine the form and content of
9 the written determination required in this subsection.

10 (4) The rules and regulations shall also provide that
11 the good conduct credit accumulated and retained under
12 paragraph (2.1) of subsection (a) of this Section by any
13 inmate during specific periods of time in which such inmate
14 is engaged full-time in substance abuse programs,
15 correctional industry assignments, or educational programs
16 provided by the Department under this paragraph (4) and
17 satisfactorily completes the assigned program as
18 determined by the standards of the Department, shall be
19 multiplied by a factor of 1.25 for program participation
20 before August 11, 1993 and 1.50 for program participation
21 on or after that date. However, no inmate shall be eligible
22 for the additional good conduct credit under this paragraph
23 (4) or (4.1) of this subsection (a) while assigned to a
24 boot camp or electronic detention, or if convicted of an
25 offense enumerated in subdivision (a)(2)(i), (ii), or
26 (iii) of this Section that is committed on or after June

1 19, 1998 or subdivision (a) (2) (iv) of this Section that is
2 committed on or after June 23, 2005 (the effective date of
3 Public Act 94-71) or subdivision (a) (2) (v) of this Section
4 that is committed on or after August 13, 2007 (the
5 effective date of Public Act 95-134) or subdivision
6 (a) (2) (vi) when the offense is committed on or after June
7 1, 2008 (the effective date of Public Act 95-625), or if
8 convicted of reckless homicide as defined in subsection (e)
9 of Section 9-3 of the Criminal Code of 1961 if the offense
10 is committed on or after January 1, 1999, or aggravated
11 driving under the influence of alcohol, other drug or
12 drugs, or intoxicating compound or compounds, or any
13 combination thereof as defined in subparagraph (F) of
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code, or if convicted of an offense
16 enumerated in paragraph (a) (2.4) of this Section that is
17 committed on or after July 15, 1999 (the effective date of
18 Public Act 91-121), or first degree murder, a Class X
19 felony, criminal sexual assault, felony criminal sexual
20 abuse, aggravated criminal sexual abuse, aggravated
21 battery with a firearm, or any predecessor or successor
22 offenses with the same or substantially the same elements,
23 or any inchoate offenses relating to the foregoing
24 offenses. No inmate shall be eligible for the additional
25 good conduct credit under this paragraph (4) who (i) has
26 previously received increased good conduct credit under

1 this paragraph (4) and has subsequently been convicted of a
2 felony, or (ii) has previously served more than one prior
3 sentence of imprisonment for a felony in an adult
4 correctional facility.

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

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

26 (4.1) The rules and regulations shall also provide that

1 an additional 60 days of good conduct credit shall be
2 awarded to any prisoner who passes the high school level
3 Test of General Educational Development (GED) while the
4 prisoner is incarcerated. The good conduct credit awarded
5 under this paragraph (4.1) shall be in addition to, and
6 shall not affect, the award of good conduct under any other
7 paragraph of this Section, but shall also be pursuant to
8 the guidelines and restrictions set forth in paragraph (4)
9 of subsection (a) of this Section. The good conduct credit
10 provided for in this paragraph shall be available only to
11 those prisoners who have not previously earned a high
12 school diploma or a GED. If, after an award of the GED good
13 conduct credit has been made and the Department determines
14 that the prisoner was not eligible, then the award shall be
15 revoked.

16 (4.5) The rules and regulations on early release shall
17 also provide that when the court's sentencing order
18 recommends a prisoner for substance abuse treatment and the
19 crime was committed on or after September 1, 2003 (the
20 effective date of Public Act 93-354), the prisoner shall
21 receive no good conduct credit awarded under clause (3) of
22 this subsection (a) unless he or she participates in and
23 completes a substance abuse treatment program. The
24 Director may waive the requirement to participate in or
25 complete a substance abuse treatment program and award the
26 good conduct credit in specific instances if the prisoner

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

18 (4.6) The rules and regulations on early release shall
19 also provide that a prisoner who has been convicted of a
20 sex offense as defined in Section 5 2 of the Adam Walsh Sex
21 Offender Registration and Community Notification Act ~~Sex~~
22 ~~Offender Registration Act~~ shall receive no good conduct
23 credit unless he or she either has successfully completed
24 or is participating in sex offender treatment as defined by
25 the Sex Offender Management Board. However, prisoners who
26 are waiting to receive such treatment, but who are unable

1 to do so due solely to the lack of resources on the part of
2 the Department, may, at the Director's sole discretion, be
3 awarded good conduct credit at such rate as the Director
4 shall determine.

5 (5) Whenever the Department is to release any inmate
6 earlier than it otherwise would because of a grant of good
7 conduct credit for meritorious service given at any time
8 during the term, the Department shall give reasonable
9 notice of the impending release not less than 14 days prior
10 to the date of the release to the State's Attorney of the
11 county where the prosecution of the inmate took place, and
12 if applicable, the State's Attorney of the county into
13 which the inmate will be released.

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

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

24 When the Department seeks to revoke, suspend or reduce the
25 rate of accumulation of any good conduct credits for an alleged
26 infraction of its rules, it shall bring charges therefor

1 against the prisoner sought to be so deprived of good conduct
2 credits before the Prisoner Review Board as provided in
3 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
4 amount of credit at issue exceeds 30 days or when during any 12
5 month period, the cumulative amount of credit revoked exceeds
6 30 days except where the infraction is committed or discovered
7 within 60 days of scheduled release. In those cases, the
8 Department of Corrections may revoke up to 30 days of good
9 conduct credit. The Board may subsequently approve the
10 revocation of additional good conduct credit, if the Department
11 seeks to revoke good conduct credit in excess of 30 days.
12 However, the Board shall not be empowered to review the
13 Department's decision with respect to the loss of 30 days of
14 good conduct credit within any calendar year for any prisoner
15 or to increase any penalty beyond the length requested by the
16 Department.

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

24 Nothing contained in this Section shall prohibit the
25 Prisoner Review Board from ordering, pursuant to Section
26 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the

1 sentence imposed by the court that was not served due to the
2 accumulation of good conduct credit.

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

17 For purposes of this subsection (d):

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

22 (A) it lacks an arguable basis either in law or in
23 fact;

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

1 (C) the claims, defenses, and other legal
2 contentions therein are not warranted by existing law
3 or by a nonfrivolous argument for the extension,
4 modification, or reversal of existing law or the
5 establishment of new law;

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

11 (E) the denials of factual contentions are not
12 warranted on the evidence, or if specifically so
13 identified, are not reasonably based on a lack of
14 information or belief.

15 (2) "Lawsuit" means a motion pursuant to Section 116-3
16 of the Code of Criminal Procedure of 1963, a habeas corpus
17 action under Article X of the Code of Civil Procedure or
18 under federal law (28 U.S.C. 2254), a petition for claim
19 under the Court of Claims Act, an action under the federal
20 Civil Rights Act (42 U.S.C. 1983), or a second or
21 subsequent petition for post-conviction relief under
22 Article 122 of the Code of Criminal Procedure of 1963
23 whether filed with or without leave of court or a second or
24 subsequent petition for relief from judgment under Section
25 2-1401 of the Code of Civil Procedure.

26 (e) Nothing in Public Act 90-592 or 90-593 affects the

1 validity of Public Act 89-404.

2 (f) Whenever the Department is to release any inmate who
3 has been convicted of a violation of an order of protection
4 under Section 12-30 of the Criminal Code of 1961, earlier than
5 it otherwise would because of a grant of good conduct credit,
6 the Department, as a condition of such early release, shall
7 require that the person, upon release, be placed under
8 electronic surveillance as provided in Section 5-8A-7 of this
9 Code.

10 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
11 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
12 95-876, eff. 8-21-08; 96-860, eff. 1-15-10.)

13 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

14 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised
15 Release and Release by Statute.

16 (a) The Department shall retain custody of all persons
17 placed on parole or mandatory supervised release or released
18 pursuant to Section 3-3-10 of this Code and shall supervise
19 such persons during their parole or release period in accord
20 with the conditions set by the Prisoner Review Board. Such
21 conditions shall include referral to an alcohol or drug abuse
22 treatment program, as appropriate, if such person has
23 previously been identified as having an alcohol or drug abuse
24 problem. Such conditions may include that the person use an
25 approved electronic monitoring device subject to Article 8A of

1 Chapter V.

2 (b) The Department shall assign personnel to assist persons
3 eligible for parole in preparing a parole plan. Such Department
4 personnel shall make a report of their efforts and findings to
5 the Prisoner Review Board prior to its consideration of the
6 case of such eligible person.

7 (c) A copy of the conditions of his parole or release shall
8 be signed by the parolee or releasee and given to him and to
9 his supervising officer who shall report on his progress under
10 the rules and regulations of the Prisoner Review Board. The
11 supervising officer shall report violations to the Prisoner
12 Review Board and shall have the full power of peace officers in
13 the arrest and retaking of any parolees or releasees or the
14 officer may request the Department to issue a warrant for the
15 arrest of any parolee or releasee who has allegedly violated
16 his parole or release conditions.

17 (c-1) The supervising officer shall request the Department
18 to issue a parole violation warrant, and the Department shall
19 issue a parole violation warrant, under the following
20 circumstances:

21 (1) If the parolee or releasee commits an act that
22 constitutes a felony using a firearm or knife,

23 (2) if applicable, fails to comply with the
24 requirements of the Adam Walsh Sex Offender Registration
25 and Community Notification Act ~~Sex Offender Registration~~
26 ~~Act~~, or

1 (3) if the parolee or releasee is charged with:

2 (A) domestic battery under Section 12-3.2 of the
3 Criminal Code of 1961,

4 (B) aggravated domestic battery under Section
5 12-3.3 of the Criminal Code of 1961,

6 (C) stalking under Section 12-7.3 of the Criminal
7 Code of 1961,

8 (D) aggravated stalking under Section 12-7.4 of
9 the Criminal Code of 1961,

10 (E) violation of an order of protection under
11 Section 12-30 of the Criminal Code of 1961, or

12 (F) any offense that would require registration as
13 a sex offender under the Adam Walsh Sex Offender
14 Registration and Community Notification Act ~~Sex~~
15 ~~Offender Registration Act~~.

16 A sheriff or other peace officer may detain an alleged
17 parole or release violator until a warrant for his return
18 to the Department can be issued. The parolee or releasee
19 may be delivered to any secure place until he can be
20 transported to the Department. The officer or the
21 Department shall file a violation report with notice of
22 charges with the Prisoner Review Board.

23 (d) The supervising officer shall regularly advise and
24 consult with the parolee or releasee, assist him in adjusting
25 to community life, inform him of the restoration of his rights
26 on successful completion of sentence under Section 5-5-5. If

1 the parolee or releasee has been convicted of a sex offense as
2 defined in the Sex Offender Management Board Act, the
3 supervising officer shall periodically, but not less than once
4 a month, verify that the parolee or releasee is in compliance
5 with paragraph (7.6) of subsection (a) of Section 3-3-7.

6 (e) Supervising officers shall receive specialized
7 training in the special needs of female releasees or parolees
8 including the family reunification process.

9 (f) The supervising officer shall keep such records as the
10 Prisoner Review Board or Department may require. All records
11 shall be entered in the master file of the individual.

12 (Source: P.A. 96-282, eff. 1-1-10.)

13 (730 ILCS 5/3-17-5)

14 Sec. 3-17-5. Transitional housing; licensing.

15 (a) The Department of Corrections shall license
16 transitional housing facilities for persons convicted of or
17 placed on supervision for sex offenses as defined in the Sex
18 Offender Management Board Act.

19 (b) A transitional housing facility must meet the following
20 criteria to be licensed by the Department:

21 (1) The facility shall provide housing to a sex
22 offender who is in compliance with his or her parole,
23 mandatory supervised release, probation, or supervision
24 order for a period not to exceed 90 days, unless extended
25 with approval from the Director or his or her designee.

1 Notice of any extension approved shall be provided to the
2 Prisoner Review Board.

3 (2) The Department of Corrections must approve a
4 treatment plan and counseling for each sex offender
5 residing in the transitional housing.

6 (3) The transitional housing facility must provide
7 security 24 hours each day and 7 days each week as defined
8 and approved by the Department.

9 (4) The facility must notify the police department,
10 public and private elementary and secondary schools,
11 public libraries, and each residential home and apartment
12 complex located within 500 feet of the transitional housing
13 facility of its initial licensure as a transitional housing
14 facility, and of its continuing operation as a transitional
15 housing facility annually thereafter.

16 (5) Upon its initial licensure as a transitional
17 housing facility and during its licensure, each facility
18 shall maintain at its main entrance a visible and
19 conspicuous exterior sign identifying itself as, in
20 letters at least 4 inches tall, a "Department of
21 Corrections Licensed Transitional Housing Facility".

22 (6) Upon its initial licensure as a transitional
23 housing facility, each facility shall file in the office of
24 the county clerk of the county in which such facility is
25 located, a certificate setting forth the name under which
26 the facility is, or is to be, operated, and the true or

1 real full name or names of the person, persons or entity
2 operating the same, with the address of the facility. The
3 certificate shall be executed and duly acknowledged by the
4 person or persons so operating or intending to operate the
5 facility. Notice of the filing of the certificate shall be
6 published in a newspaper of general circulation published
7 within the county in which the certificate is filed. The
8 notice shall be published once a week for 3 consecutive
9 weeks. The first publication shall be within 15 days after
10 the certificate is filed in the office of the county clerk.
11 Proof of publication shall be filed with the county clerk
12 within 50 days from the date of filing the certificate.
13 Upon receiving proof of publication, the clerk shall issue
14 a receipt to the person filing the certificate, but no
15 additional charge shall be assessed by the clerk for giving
16 such receipt. Unless proof of publication is made to the
17 clerk, the notification is void.

18 (7) Each licensed transitional housing facility shall
19 be identified on the Public Adam Walsh Sex Offender
20 Registry Website ~~Illinois State Police Sex Offender~~
21 ~~Registry website~~, including the address of the facility
22 together with the maximum possible number of sex offenders
23 that the facility could house.

24 (c) The Department of Corrections shall establish rules
25 consistent with this Section establishing licensing procedures
26 and criteria for transitional housing facilities for sex

1 offenders, and may create criteria for, and issue licenses for,
2 different levels of facilities to be licensed. The Department
3 is authorized to set and charge a licensing fee for each
4 application for a transitional housing license. The rules shall
5 be adopted within 60 days after the effective date of this
6 amendatory Act of the 94th General Assembly. Facilities which
7 on the effective date of this amendatory Act of the 94th
8 General Assembly are currently housing and providing sex
9 offender treatment to sex offenders may continue housing more
10 than one sex offender on parole, mandatory supervised release,
11 probation, or supervision for a period of 120 days after the
12 adoption of licensure rules during which time the facility
13 shall apply for a transitional housing license.

14 (d) The Department of Corrections shall maintain a file on
15 each sex offender housed in a transitional housing facility.
16 The file shall contain efforts of the Department in placing a
17 sex offender in non-transitional housing, efforts of the
18 Department to place the sex offender in a county from which he
19 or she was convicted, the anticipated length of stay of each
20 sex offender in the transitional housing facility, the number
21 of sex offenders residing in the transitional housing facility,
22 and the services to be provided the sex offender while he or
23 she resides in the transitional housing facility.

24 (e) The Department of Corrections shall, on or before
25 December 31 of each year, file a report with the General
26 Assembly on the number of transitional housing facilities for

1 sex offenders licensed by the Department, the addresses of each
2 licensed facility, how many sex offenders are housed in each
3 facility, and the particular sex offense that each resident of
4 the transitional housing facility committed.

5 (Source: P.A. 94-161, eff. 7-11-05; 95-331, eff. 8-21-07.)

6 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

7 Sec. 5-4-3. Persons convicted of, or found delinquent for,
8 certain offenses or institutionalized as sexually dangerous;
9 specimens; genetic marker groups.

10 (a) Any person convicted of, found guilty under the
11 Juvenile Court Act of 1987 for, or who received a disposition
12 of court supervision for, a qualifying offense or attempt of a
13 qualifying offense, convicted or found guilty of any offense
14 classified as a felony under Illinois law, convicted or found
15 guilty of any offense requiring registration under the Adam
16 Walsh Sex Offender Registration and Community Notification Act
17 ~~Sex Offender Registration Act~~, found guilty or given
18 supervision for any offense classified as a felony under the
19 Juvenile Court Act of 1987, convicted or found guilty of, under
20 the Juvenile Court Act of 1987, any offense requiring
21 registration under the Adam Walsh Sex Offender Registration and
22 Community Notification Act ~~Sex Offender Registration Act~~, or
23 institutionalized as a sexually dangerous person under the
24 Sexually Dangerous Persons Act, or committed as a sexually
25 violent person under the Sexually Violent Persons Commitment

1 Act shall, regardless of the sentence or disposition imposed,
2 be required to submit specimens of blood, saliva, or tissue to
3 the Illinois Department of State Police in accordance with the
4 provisions of this Section, provided such person is:

5 (1) convicted of a qualifying offense or attempt of a
6 qualifying offense on or after July 1, 1990 and sentenced
7 to a term of imprisonment, periodic imprisonment, fine,
8 probation, conditional discharge or any other form of
9 sentence, or given a disposition of court supervision for
10 the offense;

11 (1.5) found guilty or given supervision under the
12 Juvenile Court Act of 1987 for a qualifying offense or
13 attempt of a qualifying offense on or after January 1,
14 1997;

15 (2) ordered institutionalized as a sexually dangerous
16 person on or after July 1, 1990;

17 (3) convicted of a qualifying offense or attempt of a
18 qualifying offense before July 1, 1990 and is presently
19 confined as a result of such conviction in any State
20 correctional facility or county jail or is presently
21 serving a sentence of probation, conditional discharge or
22 periodic imprisonment as a result of such conviction;

23 (3.5) convicted or found guilty of any offense
24 classified as a felony under Illinois law or found guilty
25 or given supervision for such an offense under the Juvenile
26 Court Act of 1987 on or after August 22, 2002;

1 (4) presently institutionalized as a sexually
2 dangerous person or presently institutionalized as a
3 person found guilty but mentally ill of a sexual offense or
4 attempt to commit a sexual offense;

5 (4.5) ordered committed as a sexually violent person on
6 or after the effective date of the Sexually Violent Persons
7 Commitment Act; or

8 (5) seeking transfer to or residency in Illinois under
9 Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of
10 Corrections and the Interstate Compact for Adult Offender
11 Supervision or the Interstate Agreements on Sexually
12 Dangerous Persons Act.

13 Notwithstanding other provisions of this Section, any
14 person incarcerated in a facility of the Illinois Department of
15 Corrections or the Illinois Department of Juvenile Justice on
16 or after August 22, 2002, whether for a term of years, natural
17 life, or a sentence of death, who has not yet submitted a
18 sample of blood, saliva, or tissue shall be required to submit
19 a specimen of blood, saliva, or tissue prior to his or her
20 final discharge, or release on parole or mandatory supervised
21 release, as a condition of his or her parole or mandatory
22 supervised release, or within 6 months from August 13, 2009
23 (the effective date of Public Act 96-426) ~~the effective date of~~
24 ~~this amendatory Act of the 96th General Assembly~~, whichever is
25 sooner. A person ~~Persons~~ incarcerated on or after August 13,
26 2009 (the effective date of Public Act 96-426) ~~the effective~~

1 ~~date of this amendatory Act of the 96th General Assembly~~ shall
2 be required to submit a sample within 45 days of incarceration,
3 or prior to his or her final discharge, or release on parole or
4 mandatory supervised release, as a condition of his or her
5 parole or mandatory supervised release, whichever is sooner.
6 These specimens shall be placed into the State or national DNA
7 database, to be used in accordance with other provisions of
8 this Section, by the Illinois State Police.

9 Notwithstanding other provisions of this Section, any
10 person sentenced to life imprisonment in a facility of the
11 Illinois Department of Corrections after the effective date of
12 this amendatory Act of the 94th General Assembly or sentenced
13 to death after the effective date of this amendatory Act of the
14 94th General Assembly shall be required to provide a specimen
15 of blood, saliva, or tissue within 45 days after sentencing or
16 disposition at a collection site designated by the Illinois
17 Department of State Police. Any person serving a sentence of
18 life imprisonment in a facility of the Illinois Department of
19 Corrections on the effective date of this amendatory Act of the
20 94th General Assembly or any person who is under a sentence of
21 death on the effective date of this amendatory Act of the 94th
22 General Assembly shall be required to provide a specimen of
23 blood, saliva, or tissue upon request at a collection site
24 designated by the Illinois Department of State Police.

25 (a-5) Any person who was otherwise convicted of or received
26 a disposition of court supervision for any other offense under

1 the Criminal Code of 1961 or who was found guilty or given
2 supervision for such a violation under the Juvenile Court Act
3 of 1987, may, regardless of the sentence imposed, be required
4 by an order of the court to submit specimens of blood, saliva,
5 or tissue to the Illinois Department of State Police in
6 accordance with the provisions of this Section.

7 (b) Any person required by paragraphs (a) (1), (a) (1.5),
8 (a) (2), (a) (3.5), and (a-5) to provide specimens of blood,
9 saliva, or tissue shall provide specimens of blood, saliva, or
10 tissue within 45 days after sentencing or disposition at a
11 collection site designated by the Illinois Department of State
12 Police.

13 (c) Any person required by paragraphs (a) (3), (a) (4), and
14 (a) (4.5) to provide specimens of blood, saliva, or tissue shall
15 be required to provide such samples prior to final discharge or
16 within 6 months from August 13, 2009 (the effective date of
17 Public Act 96-426) ~~the effective date of this amendatory Act of~~
18 ~~the 96th General Assembly~~, whichever is sooner. These specimens
19 shall be placed into the State or national DNA database, to be
20 used in accordance with other provisions of this Act, by the
21 Illinois State Police.

22 (c-5) Any person required by paragraph (a) (5) to provide
23 specimens of blood, saliva, or tissue shall, where feasible, be
24 required to provide the specimens before being accepted for
25 conditioned residency in Illinois under the interstate compact
26 or agreement, but no later than 45 days after arrival in this

1 State.

2 (c-6) The Illinois Department of State Police may determine
3 which type of specimen or specimens, blood, saliva, or tissue,
4 is acceptable for submission to the Division of Forensic
5 Services for analysis.

6 (d) The Illinois Department of State Police shall provide
7 all equipment and instructions necessary for the collection of
8 blood samples. The collection of samples shall be performed in
9 a medically approved manner. Only a physician authorized to
10 practice medicine, a registered nurse or other qualified person
11 trained in venipuncture may withdraw blood for the purposes of
12 this Act. The samples shall thereafter be forwarded to the
13 Illinois Department of State Police, Division of Forensic
14 Services, for analysis and categorizing into genetic marker
15 groupings.

16 (d-1) The Illinois Department of State Police shall provide
17 all equipment and instructions necessary for the collection of
18 saliva samples. The collection of saliva samples shall be
19 performed in a medically approved manner. Only a person trained
20 in the instructions promulgated by the Illinois State Police on
21 collecting saliva may collect saliva for the purposes of this
22 Section. The samples shall thereafter be forwarded to the
23 Illinois Department of State Police, Division of Forensic
24 Services, for analysis and categorizing into genetic marker
25 groupings.

26 (d-2) The Illinois Department of State Police shall provide

1 all equipment and instructions necessary for the collection of
2 tissue samples. The collection of tissue samples shall be
3 performed in a medically approved manner. Only a person trained
4 in the instructions promulgated by the Illinois State Police on
5 collecting tissue may collect tissue for the purposes of this
6 Section. The samples shall thereafter be forwarded to the
7 Illinois Department of State Police, Division of Forensic
8 Services, for analysis and categorizing into genetic marker
9 groupings.

10 (d-5) To the extent that funds are available, the Illinois
11 Department of State Police shall contract with qualified
12 personnel and certified laboratories for the collection,
13 analysis, and categorization of known samples, except as
14 provided in subsection (n) of this Section.

15 (d-6) Agencies designated by the Illinois Department of
16 State Police and the Illinois Department of State Police may
17 contract with third parties to provide for the collection or
18 analysis of DNA, or both, of an offender's blood, saliva, and
19 tissue samples, except as provided in subsection (n) of this
20 Section.

21 (e) The genetic marker groupings shall be maintained by the
22 Illinois Department of State Police, Division of Forensic
23 Services.

24 (f) The genetic marker grouping analysis information
25 obtained pursuant to this Act shall be confidential and shall
26 be released only to peace officers of the United States, of

1 other states or territories, of the insular possessions of the
2 United States, of foreign countries duly authorized to receive
3 the same, to all peace officers of the State of Illinois and to
4 all prosecutorial agencies, and to defense counsel as provided
5 by Section 116-5 of the Code of Criminal Procedure of 1963. The
6 genetic marker grouping analysis information obtained pursuant
7 to this Act shall be used only for (i) valid law enforcement
8 identification purposes and as required by the Federal Bureau
9 of Investigation for participation in the National DNA
10 database, (ii) technology validation purposes, (iii) a
11 population statistics database, (iv) quality assurance
12 purposes if personally identifying information is removed, (v)
13 assisting in the defense of the criminally accused pursuant to
14 Section 116-5 of the Code of Criminal Procedure of 1963, or
15 (vi) identifying and assisting in the prosecution of a person
16 who is suspected of committing a sexual assault as defined in
17 Section 1a of the Sexual Assault Survivors Emergency Treatment
18 Act. Notwithstanding any other statutory provision to the
19 contrary, all information obtained under this Section shall be
20 maintained in a single State data base, which may be uploaded
21 into a national database, and which information may be subject
22 to expungement only as set forth in subsection (f-1).

23 (f-1) Upon receipt of notification of a reversal of a
24 conviction based on actual innocence, or of the granting of a
25 pardon pursuant to Section 12 of Article V of the Illinois
26 Constitution, if that pardon document specifically states that

1 the reason for the pardon is the actual innocence of an
2 individual whose DNA record has been stored in the State or
3 national DNA identification index in accordance with this
4 Section by the Illinois Department of State Police, the DNA
5 record shall be expunged from the DNA identification index, and
6 the Department shall by rule prescribe procedures to ensure
7 that the record and any samples, analyses, or other documents
8 relating to such record, whether in the possession of the
9 Department or any law enforcement or police agency, or any
10 forensic DNA laboratory, including any duplicates or copies
11 thereof, are destroyed and a letter is sent to the court
12 verifying the expungement is completed.

13 (f-5) Any person who intentionally uses genetic marker
14 grouping analysis information, or any other information
15 derived from a DNA sample, beyond the authorized uses as
16 provided under this Section, or any other Illinois law, is
17 guilty of a Class 4 felony, and shall be subject to a fine of
18 not less than \$5,000.

19 (f-6) The Illinois Department of State Police may contract
20 with third parties for the purposes of implementing this
21 amendatory Act of the 93rd General Assembly, except as provided
22 in subsection (n) of this Section. Any other party contracting
23 to carry out the functions of this Section shall be subject to
24 the same restrictions and requirements of this Section insofar
25 as applicable, as the Illinois Department of State Police, and
26 to any additional restrictions imposed by the Illinois

1 Department of State Police.

2 (g) For the purposes of this Section, "qualifying offense"
3 means any of the following:

4 (1) any violation or inchoate violation of Section
5 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the
6 Criminal Code of 1961;

7 (1.1) any violation or inchoate violation of Section
8 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
9 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which
10 persons are convicted on or after July 1, 2001;

11 (2) any former statute of this State which defined a
12 felony sexual offense;

13 (3) (blank);

14 (4) any inchoate violation of Section 9-3.1, 11-9.3,
15 12-7.3, or 12-7.4 of the Criminal Code of 1961; or

16 (5) any violation or inchoate violation of Article 29D
17 of the Criminal Code of 1961.

18 (g-5) (Blank).

19 (h) The Illinois Department of State Police shall be the
20 State central repository for all genetic marker grouping
21 analysis information obtained pursuant to this Act. The
22 Illinois Department of State Police may promulgate rules for
23 the form and manner of the collection of blood, saliva, or
24 tissue samples and other procedures for the operation of this
25 Act. The provisions of the Administrative Review Law shall
26 apply to all actions taken under the rules so promulgated.

1 (i) (1) A person required to provide a blood, saliva, or
2 tissue specimen shall cooperate with the collection of the
3 specimen and any deliberate act by that person intended to
4 impede, delay or stop the collection of the blood, saliva,
5 or tissue specimen is a Class A misdemeanor.

6 (2) In the event that a person's DNA sample is not
7 adequate for any reason, the person shall provide another
8 DNA sample for analysis. Duly authorized law enforcement
9 and corrections personnel may employ reasonable force in
10 cases in which an individual refuses to provide a DNA
11 sample required under this Act.

12 (j) Any person required by subsection (a) to submit
13 specimens of blood, saliva, or tissue to the Illinois
14 Department of State Police for analysis and categorization into
15 genetic marker grouping, in addition to any other disposition,
16 penalty, or fine imposed, shall pay an analysis fee of \$200. If
17 the analysis fee is not paid at the time of sentencing, the
18 court shall establish a fee schedule by which the entire amount
19 of the analysis fee shall be paid in full, such schedule not to
20 exceed 24 months from the time of conviction. The inability to
21 pay this analysis fee shall not be the sole ground to
22 incarcerate the person.

23 (k) All analysis and categorization fees provided for by
24 subsection (j) shall be regulated as follows:

25 (1) The State Offender DNA Identification System Fund
26 is hereby created as a special fund in the State Treasury.

1 (2) All fees shall be collected by the clerk of the
2 court and forwarded to the State Offender DNA
3 Identification System Fund for deposit. The clerk of the
4 circuit court may retain the amount of \$10 from each
5 collected analysis fee to offset administrative costs
6 incurred in carrying out the clerk's responsibilities
7 under this Section.

8 (3) Fees deposited into the State Offender DNA
9 Identification System Fund shall be used by Illinois State
10 Police crime laboratories as designated by the Director of
11 State Police. These funds shall be in addition to any
12 allocations made pursuant to existing laws and shall be
13 designated for the exclusive use of State crime
14 laboratories. These uses may include, but are not limited
15 to, the following:

16 (A) Costs incurred in providing analysis and
17 genetic marker categorization as required by
18 subsection (d).

19 (B) Costs incurred in maintaining genetic marker
20 groupings as required by subsection (e).

21 (C) Costs incurred in the purchase and maintenance
22 of equipment for use in performing analyses.

23 (D) Costs incurred in continuing research and
24 development of new techniques for analysis and genetic
25 marker categorization.

26 (E) Costs incurred in continuing education,

1 training, and professional development of forensic
2 scientists regularly employed by these laboratories.

3 (l) The failure of a person to provide a specimen, or of
4 any person or agency to collect a specimen, within the 45 day
5 period shall in no way alter the obligation of the person to
6 submit such specimen, or the authority of the Illinois
7 Department of State Police or persons designated by the
8 Department to collect the specimen, or the authority of the
9 Illinois Department of State Police to accept, analyze and
10 maintain the specimen or to maintain or upload results of
11 genetic marker grouping analysis information into a State or
12 national database.

13 (m) If any provision of this amendatory Act of the 93rd
14 General Assembly is held unconstitutional or otherwise
15 invalid, the remainder of this amendatory Act of the 93rd
16 General Assembly is not affected.

17 (n) Neither the Department of State Police, the Division of
18 Forensic Services, nor any laboratory of the Division of
19 Forensic Services may contract out forensic testing for the
20 purpose of an active investigation or a matter pending before a
21 court of competent jurisdiction without the written consent of
22 the prosecuting agency. For the purposes of this subsection
23 (n), "forensic testing" includes the analysis of physical
24 evidence in an investigation or other proceeding for the
25 prosecution of a violation of the Criminal Code of 1961 or for
26 matters adjudicated under the Juvenile Court Act of 1987, and

1 includes the use of forensic databases and databanks, including
2 DNA, firearm, and fingerprint databases, and expert testimony.
3 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;
4 revised 9-15-09.)

5 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

6 Sec. 5-5-3. Disposition.

7 (a) (Blank).

8 (b) (Blank).

9 (c) (1) (Blank).

10 (2) A period of probation, a term of periodic
11 imprisonment or conditional discharge shall not be imposed
12 for the following offenses. The court shall sentence the
13 offender to not less than the minimum term of imprisonment
14 set forth in this Code for the following offenses, and may
15 order a fine or restitution or both in conjunction with
16 such term of imprisonment:

17 (A) First degree murder where the death penalty is
18 not imposed.

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

21 (D) A violation of Section 401.1 or 407 of the
22 Illinois Controlled Substances Act, or a violation of
23 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
24 of that Act which relates to more than 5 grams of a
25 substance containing heroin, cocaine, fentanyl, or an

1 analog thereof.

2 (E) A violation of Section 5.1 or 9 of the Cannabis
3 Control Act.

4 (F) A Class 2 or greater felony if the offender had
5 been convicted of a Class 2 or greater felony,
6 including any state or federal conviction for an
7 offense that contained, at the time it was committed,
8 the same elements as an offense now (the date of the
9 offense committed after the prior Class 2 or greater
10 felony) classified as a Class 2 or greater felony,
11 within 10 years of the date on which the offender
12 committed the offense for which he or she is being
13 sentenced, except as otherwise provided in Section
14 40-10 of the Alcoholism and Other Drug Abuse and
15 Dependency Act.

16 (F-5) A violation of Section 24-1, 24-1.1, or
17 24-1.6 of the Criminal Code of 1961 for which
18 imprisonment is prescribed in those Sections.

19 (G) Residential burglary, except as otherwise
20 provided in Section 40-10 of the Alcoholism and Other
21 Drug Abuse and Dependency Act.

22 (H) Criminal sexual assault.

23 (I) Aggravated battery of a senior citizen.

24 (J) A forcible felony if the offense was related to
25 the activities of an organized gang.

26 Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of 5
2 or more persons, with an established hierarchy, that
3 encourages members of the association to perpetrate
4 crimes or provides support to the members of the
5 association who do commit crimes.

6 Beginning July 1, 1994, for the purposes of this
7 paragraph, "organized gang" has the meaning ascribed
8 to it in Section 10 of the Illinois Streetgang
9 Terrorism Omnibus Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the
12 offense of hate crime when the underlying offense upon
13 which the hate crime is based is felony aggravated
14 assault or felony mob action.

15 (M) A second or subsequent conviction for the
16 offense of institutional vandalism if the damage to the
17 property exceeds \$300.

18 (N) A Class 3 felony violation of paragraph (1) of
19 subsection (a) of Section 2 of the Firearm Owners
20 Identification Card Act.

21 (O) A violation of Section 12-6.1 of the Criminal
22 Code of 1961.

23 (P) A violation of paragraph (1), (2), (3), (4),
24 (5), or (7) of subsection (a) of Section 11-20.1 of the
25 Criminal Code of 1961.

26 (Q) A violation of Section 20-1.2 or 20-1.3 of the

1 Criminal Code of 1961.

2 (R) A violation of Section 24-3A of the Criminal
3 Code of 1961.

4 (S) (Blank).

5 (T) A second or subsequent violation of the
6 Methamphetamine Control and Community Protection Act.

7 (U) A second or subsequent violation of Section
8 6-303 of the Illinois Vehicle Code committed while his
9 or her driver's license, permit, or privilege was
10 revoked because of a violation of Section 9-3 of the
11 Criminal Code of 1961, relating to the offense of
12 reckless homicide, or a similar provision of a law of
13 another state.

14 (V) A violation of paragraph (4) of subsection (c)
15 of Section 11-20.3 of the Criminal Code of 1961.

16 (W) A violation of Section 24-3.5 of the Criminal
17 Code of 1961.

18 (X) A violation of subsection (a) of Section 31-1a
19 of the Criminal Code of 1961.

20 (Y) A conviction for unlawful possession of a
21 firearm by a street gang member when the firearm was
22 loaded or contained firearm ammunition.

23 (3) (Blank).

24 (4) A minimum term of imprisonment of not less than 10
25 consecutive days or 30 days of community service shall be
26 imposed for a violation of paragraph (c) of Section 6-303

1 of the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8)
4 of this subsection (c), a minimum of 100 hours of community
5 service shall be imposed for a second violation of Section
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300
8 hours of community service, as determined by the court,
9 shall be imposed for a second violation of subsection (c)
10 of Section 6-303 of the Illinois Vehicle Code.

11 (4.4) Except as provided in paragraphs (4.5), (4.6),
12 and (4.9) of this subsection (c), a minimum term of
13 imprisonment of 30 days or 300 hours of community service,
14 as determined by the court, shall be imposed for a third or
15 subsequent violation of Section 6-303 of the Illinois
16 Vehicle Code.

17 (4.5) A minimum term of imprisonment of 30 days shall
18 be imposed for a third violation of subsection (c) of
19 Section 6-303 of the Illinois Vehicle Code.

20 (4.6) Except as provided in paragraph (4.10) of this
21 subsection (c), a minimum term of imprisonment of 180 days
22 shall be imposed for a fourth or subsequent violation of
23 subsection (c) of Section 6-303 of the Illinois Vehicle
24 Code.

25 (4.7) A minimum term of imprisonment of not less than
26 30 consecutive days, or 300 hours of community service,

1 shall be imposed for a violation of subsection (a-5) of
2 Section 6-303 of the Illinois Vehicle Code, as provided in
3 subsection (b-5) of that Section.

4 (4.8) A mandatory prison sentence shall be imposed for
5 a second violation of subsection (a-5) of Section 6-303 of
6 the Illinois Vehicle Code, as provided in subsection (c-5)
7 of that Section. The person's driving privileges shall be
8 revoked for a period of not less than 5 years from the date
9 of his or her release from prison.

10 (4.9) A mandatory prison sentence of not less than 4
11 and not more than 15 years shall be imposed for a third
12 violation of subsection (a-5) of Section 6-303 of the
13 Illinois Vehicle Code, as provided in subsection (d-2.5) of
14 that Section. The person's driving privileges shall be
15 revoked for the remainder of his or her life.

16 (4.10) A mandatory prison sentence for a Class 1 felony
17 shall be imposed, and the person shall be eligible for an
18 extended term sentence, for a fourth or subsequent
19 violation of subsection (a-5) of Section 6-303 of the
20 Illinois Vehicle Code, as provided in subsection (d-3.5) of
21 that Section. The person's driving privileges shall be
22 revoked for the remainder of his or her life.

23 (5) The court may sentence a corporation or
24 unincorporated association convicted of any offense to:

25 (A) a period of conditional discharge;

26 (B) a fine;

1 (C) make restitution to the victim under Section
2 5-5-6 of this Code.

3 (5.1) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.2) or (5.3), a person
5 convicted of violating subsection (c) of Section 11-907 of
6 the Illinois Vehicle Code shall have his or her driver's
7 license, permit, or privileges suspended for at least 90
8 days but not more than one year, if the violation resulted
9 in damage to the property of another person.

10 (5.2) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.3), a person convicted
12 of violating subsection (c) of Section 11-907 of the
13 Illinois Vehicle Code shall have his or her driver's
14 license, permit, or privileges suspended for at least 180
15 days but not more than 2 years, if the violation resulted
16 in injury to another person.

17 (5.3) In addition to any other penalties imposed, a
18 person convicted of violating subsection (c) of Section
19 11-907 of the Illinois Vehicle Code shall have his or her
20 driver's license, permit, or privileges suspended for 2
21 years, if the violation resulted in the death of another
22 person.

23 (5.4) In addition to any other penalties imposed, a
24 person convicted of violating Section 3-707 of the Illinois
25 Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for 3 months and until he

1 or she has paid a reinstatement fee of \$100.

2 (5.5) In addition to any other penalties imposed, a
3 person convicted of violating Section 3-707 of the Illinois
4 Vehicle Code during a period in which his or her driver's
5 license, permit, or privileges were suspended for a
6 previous violation of that Section shall have his or her
7 driver's license, permit, or privileges suspended for an
8 additional 6 months after the expiration of the original
9 3-month suspension and until he or she has paid a
10 reinstatement fee of \$100.

11 (6) (Blank).

12 (7) (Blank).

13 (8) (Blank).

14 (9) A defendant convicted of a second or subsequent
15 offense of ritualized abuse of a child may be sentenced to
16 a term of natural life imprisonment.

17 (10) (Blank).

18 (11) The court shall impose a minimum fine of \$1,000
19 for a first offense and \$2,000 for a second or subsequent
20 offense upon a person convicted of or placed on supervision
21 for battery when the individual harmed was a sports
22 official or coach at any level of competition and the act
23 causing harm to the sports official or coach occurred
24 within an athletic facility or within the immediate
25 vicinity of the athletic facility at which the sports
26 official or coach was an active participant of the athletic

1 contest held at the athletic facility. For the purposes of
2 this paragraph (11), "sports official" means a person at an
3 athletic contest who enforces the rules of the contest,
4 such as an umpire or referee; "athletic facility" means an
5 indoor or outdoor playing field or recreational area where
6 sports activities are conducted; and "coach" means a person
7 recognized as a coach by the sanctioning authority that
8 conducted the sporting event.

9 (12) A person may not receive a disposition of court
10 supervision for a violation of Section 5-16 of the Boat
11 Registration and Safety Act if that person has previously
12 received a disposition of court supervision for a violation
13 of that Section.

14 (13) A person convicted of or placed on court
15 supervision for an assault or aggravated assault when the
16 victim and the offender are family or household members as
17 defined in Section 103 of the Illinois Domestic Violence
18 Act of 1986 or convicted of domestic battery or aggravated
19 domestic battery may be required to attend a Partner Abuse
20 Intervention Program under protocols set forth by the
21 Illinois Department of Human Services under such terms and
22 conditions imposed by the court. The costs of such classes
23 shall be paid by the offender.

24 (d) In any case in which a sentence originally imposed is
25 vacated, the case shall be remanded to the trial court. The
26 trial court shall hold a hearing under Section 5-4-1 of the

1 Unified Code of Corrections which may include evidence of the
2 defendant's life, moral character and occupation during the
3 time since the original sentence was passed. The trial court
4 shall then impose sentence upon the defendant. The trial court
5 may impose any sentence which could have been imposed at the
6 original trial subject to Section 5-5-4 of the Unified Code of
7 Corrections. If a sentence is vacated on appeal or on
8 collateral attack due to the failure of the trier of fact at
9 trial to determine beyond a reasonable doubt the existence of a
10 fact (other than a prior conviction) necessary to increase the
11 punishment for the offense beyond the statutory maximum
12 otherwise applicable, either the defendant may be re-sentenced
13 to a term within the range otherwise provided or, if the State
14 files notice of its intention to again seek the extended
15 sentence, the defendant shall be afforded a new trial.

16 (e) In cases where prosecution for aggravated criminal
17 sexual abuse under Section 12-16 of the Criminal Code of 1961
18 results in conviction of a defendant who was a family member of
19 the victim at the time of the commission of the offense, the
20 court shall consider the safety and welfare of the victim and
21 may impose a sentence of probation only where:

22 (1) the court finds (A) or (B) or both are appropriate:

23 (A) the defendant is willing to undergo a court
24 approved counseling program for a minimum duration of 2
25 years; or

26 (B) the defendant is willing to participate in a

1 court approved plan including but not limited to the
2 defendant's:

3 (i) removal from the household;

4 (ii) restricted contact with the victim;

5 (iii) continued financial support of the
6 family;

7 (iv) restitution for harm done to the victim;

8 and

9 (v) compliance with any other measures that
10 the court may deem appropriate; and

11 (2) the court orders the defendant to pay for the
12 victim's counseling services, to the extent that the court
13 finds, after considering the defendant's income and
14 assets, that the defendant is financially capable of paying
15 for such services, if the victim was under 18 years of age
16 at the time the offense was committed and requires
17 counseling as a result of the offense.

18 Probation may be revoked or modified pursuant to Section
19 5-6-4; except where the court determines at the hearing that
20 the defendant violated a condition of his or her probation
21 restricting contact with the victim or other family members or
22 commits another offense with the victim or other family
23 members, the court shall revoke the defendant's probation and
24 impose a term of imprisonment.

25 For the purposes of this Section, "family member" and
26 "victim" shall have the meanings ascribed to them in Section

1 12-12 of the Criminal Code of 1961.

2 (f) (Blank).

3 (g) Whenever a defendant is convicted of an offense under
4 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
5 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
6 of the Criminal Code of 1961, the defendant shall undergo
7 medical testing to determine whether the defendant has any
8 sexually transmissible disease, including a test for infection
9 with human immunodeficiency virus (HIV) or any other identified
10 causative agent of acquired immunodeficiency syndrome (AIDS).
11 Any such medical test shall be performed only by appropriately
12 licensed medical practitioners and may include an analysis of
13 any bodily fluids as well as an examination of the defendant's
14 person. Except as otherwise provided by law, the results of
15 such test shall be kept strictly confidential by all medical
16 personnel involved in the testing and must be personally
17 delivered in a sealed envelope to the judge of the court in
18 which the conviction was entered for the judge's inspection in
19 camera. Acting in accordance with the best interests of the
20 victim and the public, the judge shall have the discretion to
21 determine to whom, if anyone, the results of the testing may be
22 revealed. The court shall notify the defendant of the test
23 results. The court shall also notify the victim if requested by
24 the victim, and if the victim is under the age of 15 and if
25 requested by the victim's parents or legal guardian, the court
26 shall notify the victim's parents or legal guardian of the test

1 results. The court shall provide information on the
2 availability of HIV testing and counseling at Department of
3 Public Health facilities to all parties to whom the results of
4 the testing are revealed and shall direct the State's Attorney
5 to provide the information to the victim when possible. A
6 State's Attorney may petition the court to obtain the results
7 of any HIV test administered under this Section, and the court
8 shall grant the disclosure if the State's Attorney shows it is
9 relevant in order to prosecute a charge of criminal
10 transmission of HIV under Section 12-16.2 of the Criminal Code
11 of 1961 against the defendant. The court shall order that the
12 cost of any such test shall be paid by the county and may be
13 taxed as costs against the convicted defendant.

14 (g-5) When an inmate is tested for an airborne communicable
15 disease, as determined by the Illinois Department of Public
16 Health including but not limited to tuberculosis, the results
17 of the test shall be personally delivered by the warden or his
18 or her designee in a sealed envelope to the judge of the court
19 in which the inmate must appear for the judge's inspection in
20 camera if requested by the judge. Acting in accordance with the
21 best interests of those in the courtroom, the judge shall have
22 the discretion to determine what if any precautions need to be
23 taken to prevent transmission of the disease in the courtroom.

24 (h) Whenever a defendant is convicted of an offense under
25 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
26 defendant shall undergo medical testing to determine whether

1 the defendant has been exposed to human immunodeficiency virus
2 (HIV) or any other identified causative agent of acquired
3 immunodeficiency syndrome (AIDS). Except as otherwise provided
4 by law, the results of such test shall be kept strictly
5 confidential by all medical personnel involved in the testing
6 and must be personally delivered in a sealed envelope to the
7 judge of the court in which the conviction was entered for the
8 judge's inspection in camera. Acting in accordance with the
9 best interests of the public, the judge shall have the
10 discretion to determine to whom, if anyone, the results of the
11 testing may be revealed. The court shall notify the defendant
12 of a positive test showing an infection with the human
13 immunodeficiency virus (HIV). The court shall provide
14 information on the availability of HIV testing and counseling
15 at Department of Public Health facilities to all parties to
16 whom the results of the testing are revealed and shall direct
17 the State's Attorney to provide the information to the victim
18 when possible. A State's Attorney may petition the court to
19 obtain the results of any HIV test administered under this
20 Section, and the court shall grant the disclosure if the
21 State's Attorney shows it is relevant in order to prosecute a
22 charge of criminal transmission of HIV under Section 12-16.2 of
23 the Criminal Code of 1961 against the defendant. The court
24 shall order that the cost of any such test shall be paid by the
25 county and may be taxed as costs against the convicted
26 defendant.

1 (i) All fines and penalties imposed under this Section for
2 any violation of Chapters 3, 4, 6, and 11 of the Illinois
3 Vehicle Code, or a similar provision of a local ordinance, and
4 any violation of the Child Passenger Protection Act, or a
5 similar provision of a local ordinance, shall be collected and
6 disbursed by the circuit clerk as provided under Section 27.5
7 of the Clerks of Courts Act.

8 (j) In cases when prosecution for any violation of Section
9 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
10 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
11 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
12 Code of 1961, any violation of the Illinois Controlled
13 Substances Act, any violation of the Cannabis Control Act, or
14 any violation of the Methamphetamine Control and Community
15 Protection Act results in conviction, a disposition of court
16 supervision, or an order of probation granted under Section 10
17 of the Cannabis Control Act, Section 410 of the Illinois
18 Controlled Substance Act, or Section 70 of the Methamphetamine
19 Control and Community Protection Act of a defendant, the court
20 shall determine whether the defendant is employed by a facility
21 or center as defined under the Child Care Act of 1969, a public
22 or private elementary or secondary school, or otherwise works
23 with children under 18 years of age on a daily basis. When a
24 defendant is so employed, the court shall order the Clerk of
25 the Court to send a copy of the judgment of conviction or order
26 of supervision or probation to the defendant's employer by

1 certified mail. If the employer of the defendant is a school,
2 the Clerk of the Court shall direct the mailing of a copy of
3 the judgment of conviction or order of supervision or probation
4 to the appropriate regional superintendent of schools. The
5 regional superintendent of schools shall notify the State Board
6 of Education of any notification under this subsection.

7 (j-5) A defendant at least 17 years of age who is convicted
8 of a felony and who has not been previously convicted of a
9 misdemeanor or felony and who is sentenced to a term of
10 imprisonment in the Illinois Department of Corrections shall as
11 a condition of his or her sentence be required by the court to
12 attend educational courses designed to prepare the defendant
13 for a high school diploma and to work toward a high school
14 diploma or to work toward passing the high school level Test of
15 General Educational Development (GED) or to work toward
16 completing a vocational training program offered by the
17 Department of Corrections. If a defendant fails to complete the
18 educational training required by his or her sentence during the
19 term of incarceration, the Prisoner Review Board shall, as a
20 condition of mandatory supervised release, require the
21 defendant, at his or her own expense, to pursue a course of
22 study toward a high school diploma or passage of the GED test.
23 The Prisoner Review Board shall revoke the mandatory supervised
24 release of a defendant who wilfully fails to comply with this
25 subsection (j-5) upon his or her release from confinement in a
26 penal institution while serving a mandatory supervised release

1 term; however, the inability of the defendant after making a
2 good faith effort to obtain financial aid or pay for the
3 educational training shall not be deemed a wilful failure to
4 comply. The Prisoner Review Board shall recommit the defendant
5 whose mandatory supervised release term has been revoked under
6 this subsection (j-5) as provided in Section 3-3-9. This
7 subsection (j-5) does not apply to a defendant who has a high
8 school diploma or has successfully passed the GED test. This
9 subsection (j-5) does not apply to a defendant who is
10 determined by the court to be developmentally disabled or
11 otherwise mentally incapable of completing the educational or
12 vocational program.

13 (k) (Blank).

14 (l) (A) Except as provided in paragraph (C) of subsection
15 (l), whenever a defendant, who is an alien as defined by
16 the Immigration and Nationality Act, is convicted of any
17 felony or misdemeanor offense, the court after sentencing
18 the defendant may, upon motion of the State's Attorney,
19 hold sentence in abeyance and remand the defendant to the
20 custody of the Attorney General of the United States or his
21 or her designated agent to be deported when:

22 (1) a final order of deportation has been issued
23 against the defendant pursuant to proceedings under
24 the Immigration and Nationality Act, and

25 (2) the deportation of the defendant would not
26 deprecate the seriousness of the defendant's conduct

1 and would not be inconsistent with the ends of justice.

2 Otherwise, the defendant shall be sentenced as
3 provided in this Chapter V.

4 (B) If the defendant has already been sentenced for a
5 felony or misdemeanor offense, or has been placed on
6 probation under Section 10 of the Cannabis Control Act,
7 Section 410 of the Illinois Controlled Substances Act, or
8 Section 70 of the Methamphetamine Control and Community
9 Protection Act, the court may, upon motion of the State's
10 Attorney to suspend the sentence imposed, commit the
11 defendant to the custody of the Attorney General of the
12 United States or his or her designated agent when:

13 (1) a final order of deportation has been issued
14 against the defendant pursuant to proceedings under
15 the Immigration and Nationality Act, and

16 (2) the deportation of the defendant would not
17 deprecate the seriousness of the defendant's conduct
18 and would not be inconsistent with the ends of justice.

19 (C) This subsection (1) does not apply to offenders who
20 are subject to the provisions of paragraph (2) of
21 subsection (a) of Section 3-6-3.

22 (D) Upon motion of the State's Attorney, if a defendant
23 sentenced under this Section returns to the jurisdiction of
24 the United States, the defendant shall be recommitted to
25 the custody of the county from which he or she was
26 sentenced. Thereafter, the defendant shall be brought

1 before the sentencing court, which may impose any sentence
2 that was available under Section 5-5-3 at the time of
3 initial sentencing. In addition, the defendant shall not be
4 eligible for additional good conduct credit for
5 meritorious service as provided under Section 3-6-6.

6 (m) A person convicted of criminal defacement of property
7 under Section 21-1.3 of the Criminal Code of 1961, in which the
8 property damage exceeds \$300 and the property damaged is a
9 school building, shall be ordered to perform community service
10 that may include cleanup, removal, or painting over the
11 defacement.

12 (n) The court may sentence a person convicted of a
13 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
14 Code of 1961 (i) to an impact incarceration program if the
15 person is otherwise eligible for that program under Section
16 5-8-1.1, (ii) to community service, or (iii) if the person is
17 an addict or alcoholic, as defined in the Alcoholism and Other
18 Drug Abuse and Dependency Act, to a substance or alcohol abuse
19 program licensed under that Act.

20 (o) Whenever a person is convicted of a sex offense as
21 defined in Section 5 2 of the Adam Walsh Sex Offender
22 Registration and Community Notification Act ~~Sex Offender~~
23 ~~Registration Act~~, the defendant's driver's license or permit
24 shall be subject to renewal on an annual basis in accordance
25 with the provisions of license renewal established by the
26 Secretary of State.

1 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
2 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
3 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
4 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,
5 eff. 12-3-09.)

6 (730 ILCS 5/5-5.5-5)

7 Sec. 5-5.5-5. Definitions and rules of construction. In
8 this Article:

9 "Eligible offender" means a person who has been convicted
10 of a crime that does not include any offense or attempted
11 offense that would subject a person to registration under the
12 Adam Walsh Sex Offender Registration and Community
13 Notification Act ~~Sex Offender Registration Act~~, the Arsonist
14 Registration Act, or the Child Murderer ~~and Violent Offender~~
15 ~~Against Youth~~ Registration and Community Notification Act, but
16 who has not been convicted more than twice of a felony.
17 "Eligible offender" does not include a person who has been
18 convicted of committing or attempting to commit a Class X
19 felony, aggravated driving under the influence of alcohol,
20 other drug or drugs, or intoxicating compound or compounds, or
21 any combination thereof, aggravated domestic battery, or a
22 forcible felony.

23 "Felony" means a conviction of a felony in this State, or
24 of an offense in any other jurisdiction for which a sentence to
25 a term of imprisonment in excess of one year, was authorized.

1 For the purposes of this Article the following rules of
2 construction apply:

3 (i) two or more convictions of felonies charged in
4 separate counts of one indictment or information shall be
5 deemed to be one conviction;

6 (ii) two or more convictions of felonies charged in 2
7 or more indictments or informations, filed in the same
8 court prior to entry of judgment under any of them, shall
9 be deemed to be one conviction; and

10 (iii) a plea or a verdict of guilty upon which a
11 sentence of probation, conditional discharge, or
12 supervision has been imposed shall be deemed to be a
13 conviction.

14 "Forcible felony" means first degree murder, second degree
15 murder, aggravated arson, arson, aggravated kidnapping,
16 kidnapping, aggravated battery that resulted in great bodily
17 harm or permanent disability, and any other felony which
18 involved the use of physical force or violence against any
19 individual that resulted in great bodily harm or permanent
20 disability.

21 (Source: P.A. 96-852, eff. 1-1-10.)

22 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

23 Sec. 5-6-3. Conditions of Probation and of Conditional
24 Discharge.

25 (a) The conditions of probation and of conditional

1 discharge shall be that the person:

2 (1) not violate any criminal statute of any
3 jurisdiction;

4 (2) report to or appear in person before such person or
5 agency as directed by the court;

6 (3) refrain from possessing a firearm or other
7 dangerous weapon where the offense is a felony or, if a
8 misdemeanor, the offense involved the intentional or
9 knowing infliction of bodily harm or threat of bodily harm;

10 (4) not leave the State without the consent of the
11 court or, in circumstances in which the reason for the
12 absence is of such an emergency nature that prior consent
13 by the court is not possible, without the prior
14 notification and approval of the person's probation
15 officer. Transfer of a person's probation or conditional
16 discharge supervision to another state is subject to
17 acceptance by the other state pursuant to the Interstate
18 Compact for Adult Offender Supervision;

19 (5) permit the probation officer to visit him at his
20 home or elsewhere to the extent necessary to discharge his
21 duties;

22 (6) perform no less than 30 hours of community service
23 and not more than 120 hours of community service, if
24 community service is available in the jurisdiction and is
25 funded and approved by the county board where the offense
26 was committed, where the offense was related to or in

1 furtherance of the criminal activities of an organized gang
2 and was motivated by the offender's membership in or
3 allegiance to an organized gang. The community service
4 shall include, but not be limited to, the cleanup and
5 repair of any damage caused by a violation of Section
6 21-1.3 of the Criminal Code of 1961 and similar damage to
7 property located within the municipality or county in which
8 the violation occurred. When possible and reasonable, the
9 community service should be performed in the offender's
10 neighborhood. For purposes of this Section, "organized
11 gang" has the meaning ascribed to it in Section 10 of the
12 Illinois Streetgang Terrorism Omnibus Prevention Act;

13 (7) if he or she is at least 17 years of age and has
14 been sentenced to probation or conditional discharge for a
15 misdemeanor or felony in a county of 3,000,000 or more
16 inhabitants and has not been previously convicted of a
17 misdemeanor or felony, may be required by the sentencing
18 court to attend educational courses designed to prepare the
19 defendant for a high school diploma and to work toward a
20 high school diploma or to work toward passing the high
21 school level Test of General Educational Development (GED)
22 or to work toward completing a vocational training program
23 approved by the court. The person on probation or
24 conditional discharge must attend a public institution of
25 education to obtain the educational or vocational training
26 required by this clause (7). The court shall revoke the

1 probation or conditional discharge of a person who wilfully
2 fails to comply with this clause (7). The person on
3 probation or conditional discharge shall be required to pay
4 for the cost of the educational courses or GED test, if a
5 fee is charged for those courses or test. The court shall
6 resentence the offender whose probation or conditional
7 discharge has been revoked as provided in Section 5-6-4.
8 This clause (7) does not apply to a person who has a high
9 school diploma or has successfully passed the GED test.
10 This clause (7) does not apply to a person who is
11 determined by the court to be developmentally disabled or
12 otherwise mentally incapable of completing the educational
13 or vocational program;

14 (8) if convicted of possession of a substance
15 prohibited by the Cannabis Control Act, the Illinois
16 Controlled Substances Act, or the Methamphetamine Control
17 and Community Protection Act after a previous conviction or
18 disposition of supervision for possession of a substance
19 prohibited by the Cannabis Control Act or Illinois
20 Controlled Substances Act or after a sentence of probation
21 under Section 10 of the Cannabis Control Act, Section 410
22 of the Illinois Controlled Substances Act, or Section 70 of
23 the Methamphetamine Control and Community Protection Act
24 and upon a finding by the court that the person is
25 addicted, undergo treatment at a substance abuse program
26 approved by the court;

1 (8.5) if convicted of a felony sex offense as defined
2 in the Sex Offender Management Board Act, the person shall
3 undergo and successfully complete sex offender treatment
4 by a treatment provider approved by the Board and conducted
5 in conformance with the standards developed under the Sex
6 Offender Management Board Act;

7 (8.6) if convicted of a sex offense as defined in the
8 Sex Offender Management Board Act, refrain from residing at
9 the same address or in the same condominium unit or
10 apartment unit or in the same condominium complex or
11 apartment complex with another person he or she knows or
12 reasonably should know is a convicted sex offender or has
13 been placed on supervision for a sex offense; the
14 provisions of this paragraph do not apply to a person
15 convicted of a sex offense who is placed in a Department of
16 Corrections licensed transitional housing facility for sex
17 offenders;

18 (8.7) if convicted for an offense committed on or after
19 June 1, 2008 (the effective date of Public Act 95-464) that
20 would qualify the accused as a child sex offender as
21 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
22 1961, refrain from communicating with or contacting, by
23 means of the Internet, a person who is not related to the
24 accused and whom the accused reasonably believes to be
25 under 18 years of age; for purposes of this paragraph
26 (8.7), "Internet" has the meaning ascribed to it in Section

1 16J-5 of the Criminal Code of 1961; and a person is not
2 related to the accused if the person is not: (i) the
3 spouse, brother, or sister of the accused; (ii) a
4 descendant of the accused; (iii) a first or second cousin
5 of the accused; or (iv) a step-child or adopted child of
6 the accused;

7 (8.8) if convicted for an offense under Section 11-6,
8 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
9 Code of 1961, or any attempt to commit any of these
10 offenses, committed on or after June 1, 2009 (the effective
11 date of Public Act 95-983):

12 (i) not access or use a computer or any other
13 device with Internet capability without the prior
14 written approval of the offender's probation officer,
15 except in connection with the offender's employment or
16 search for employment with the prior approval of the
17 offender's probation officer;

18 (ii) submit to periodic unannounced examinations
19 of the offender's computer or any other device with
20 Internet capability by the offender's probation
21 officer, a law enforcement officer, or assigned
22 computer or information technology specialist,
23 including the retrieval and copying of all data from
24 the computer or device and any internal or external
25 peripherals and removal of such information,
26 equipment, or device to conduct a more thorough

1 inspection;

2 (iii) submit to the installation on the offender's
3 computer or device with Internet capability, at the
4 offender's expense, of one or more hardware or software
5 systems to monitor the Internet use; and

6 (iv) submit to any other appropriate restrictions
7 concerning the offender's use of or access to a
8 computer or any other device with Internet capability
9 imposed by the offender's probation officer;

10 (8.9) if convicted of a sex offense as defined in the
11 Adam Walsh Sex Offender Registration and Community
12 Notification Act ~~Sex Offender Registration Act~~ committed
13 on or after January 1, 2010 (the effective date of Public
14 Act 96-262) ~~this amendatory Act of the 96th General~~
15 ~~Assembly~~, refrain from accessing or using a social
16 networking website as defined in Section 16D-2 of the
17 Criminal Code of 1961;

18 (9) if convicted of a felony, physically surrender at a
19 time and place designated by the court, his or her Firearm
20 Owner's Identification Card and any and all firearms in his
21 or her possession;

22 (10) if convicted of a sex offense as defined in
23 subsection (a-5) of Section 3-1-2 of this Code, unless the
24 offender is a parent or guardian of the person under 18
25 years of age present in the home and no non-familial minors
26 are present, not participate in a holiday event involving

1 children under 18 years of age, such as distributing candy
2 or other items to children on Halloween, wearing a Santa
3 Claus costume on or preceding Christmas, being employed as
4 a department store Santa Claus, or wearing an Easter Bunny
5 costume on or preceding Easter; and

6 (11) if convicted of a sex offense as defined in
7 Section ~~5 2~~ of the Adam Walsh Sex Offender Registration and
8 Community Notification Act ~~Sex Offender Registration Act~~
9 committed on or after January 1, 2010 (the effective date
10 of Public Act 96-362) ~~this amendatory Act of the 96th~~
11 ~~General Assembly~~ that requires the person to register as a
12 sex offender under that Act, may not knowingly use any
13 computer scrub software on any computer that the sex
14 offender uses.

15 (b) The Court may in addition to other reasonable
16 conditions relating to the nature of the offense or the
17 rehabilitation of the defendant as determined for each
18 defendant in the proper discretion of the Court require that
19 the person:

20 (1) serve a term of periodic imprisonment under Article
21 7 for a period not to exceed that specified in paragraph

22 (d) of Section 5-7-1;

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational
25 training;

26 (4) undergo medical, psychological or psychiatric

1 treatment; or treatment for drug addiction or alcoholism;

2 (5) attend or reside in a facility established for the
3 instruction or residence of defendants on probation;

4 (6) support his dependents;

5 (7) and in addition, if a minor:

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

7 (ii) attend school;

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

9 (iv) contribute to his own support at home or in a
10 foster home;

11 (v) with the consent of the superintendent of the
12 facility, attend an educational program at a facility
13 other than the school in which the offense was
14 committed if he or she is convicted of a crime of
15 violence as defined in Section 2 of the Crime Victims
16 Compensation Act committed in a school, on the real
17 property comprising a school, or within 1,000 feet of
18 the real property comprising a school;

19 (8) make restitution as provided in Section 5-5-6 of
20 this Code;

21 (9) perform some reasonable public or community
22 service;

23 (10) serve a term of home confinement. In addition to
24 any other applicable condition of probation or conditional
25 discharge, the conditions of home confinement shall be that
26 the offender:

1 (i) remain within the interior premises of the
2 place designated for his confinement during the hours
3 designated by the court;

4 (ii) admit any person or agent designated by the
5 court into the offender's place of confinement at any
6 time for purposes of verifying the offender's
7 compliance with the conditions of his confinement; and

8 (iii) if further deemed necessary by the court or
9 the Probation or Court Services Department, be placed
10 on an approved electronic monitoring device, subject
11 to Article 8A of Chapter V;

12 (iv) for persons convicted of any alcohol,
13 cannabis or controlled substance violation who are
14 placed on an approved monitoring device as a condition
15 of probation or conditional discharge, the court shall
16 impose a reasonable fee for each day of the use of the
17 device, as established by the county board in
18 subsection (g) of this Section, unless after
19 determining the inability of the offender to pay the
20 fee, the court assesses a lesser fee or no fee as the
21 case may be. This fee shall be imposed in addition to
22 the fees imposed under subsections (g) and (i) of this
23 Section. The fee shall be collected by the clerk of the
24 circuit court. The clerk of the circuit court shall pay
25 all monies collected from this fee to the county
26 treasurer for deposit in the substance abuse services

1 fund under Section 5-1086.1 of the Counties Code; and

2 (v) for persons convicted of offenses other than
3 those referenced in clause (iv) above and who are
4 placed on an approved monitoring device as a condition
5 of probation or conditional discharge, the court shall
6 impose a reasonable fee for each day of the use of the
7 device, as established by the county board in
8 subsection (g) of this Section, unless after
9 determining the inability of the defendant to pay the
10 fee, the court assesses a lesser fee or no fee as the
11 case may be. This fee shall be imposed in addition to
12 the fees imposed under subsections (g) and (i) of this
13 Section. The fee shall be collected by the clerk of the
14 circuit court. The clerk of the circuit court shall pay
15 all monies collected from this fee to the county
16 treasurer who shall use the monies collected to defray
17 the costs of corrections. The county treasurer shall
18 deposit the fee collected in the county working cash
19 fund under Section 6-27001 or Section 6-29002 of the
20 Counties Code, as the case may be.

21 (11) comply with the terms and conditions of an order
22 of protection issued by the court pursuant to the Illinois
23 Domestic Violence Act of 1986, as now or hereafter amended,
24 or an order of protection issued by the court of another
25 state, tribe, or United States territory. A copy of the
26 order of protection shall be transmitted to the probation

1 officer or agency having responsibility for the case;

2 (12) reimburse any "local anti-crime program" as
3 defined in Section 7 of the Anti-Crime Advisory Council Act
4 for any reasonable expenses incurred by the program on the
5 offender's case, not to exceed the maximum amount of the
6 fine authorized for the offense for which the defendant was
7 sentenced;

8 (13) contribute a reasonable sum of money, not to
9 exceed the maximum amount of the fine authorized for the
10 offense for which the defendant was sentenced, (i) to a
11 "local anti-crime program", as defined in Section 7 of the
12 Anti-Crime Advisory Council Act, or (ii) for offenses under
13 the jurisdiction of the Department of Natural Resources, to
14 the fund established by the Department of Natural Resources
15 for the purchase of evidence for investigation purposes and
16 to conduct investigations as outlined in Section 805-105 of
17 the Department of Natural Resources (Conservation) Law;

18 (14) refrain from entering into a designated
19 geographic area except upon such terms as the court finds
20 appropriate. Such terms may include consideration of the
21 purpose of the entry, the time of day, other persons
22 accompanying the defendant, and advance approval by a
23 probation officer, if the defendant has been placed on
24 probation or advance approval by the court, if the
25 defendant was placed on conditional discharge;

26 (15) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular
2 types of persons, including but not limited to members of
3 street gangs and drug users or dealers;

4 (16) refrain from having in his or her body the
5 presence of any illicit drug prohibited by the Cannabis
6 Control Act, the Illinois Controlled Substances Act, or the
7 Methamphetamine Control and Community Protection Act,
8 unless prescribed by a physician, and submit samples of his
9 or her blood or urine or both for tests to determine the
10 presence of any illicit drug;

11 (17) if convicted for an offense committed on or after
12 June 1, 2008 (the effective date of Public Act 95-464) that
13 would qualify the accused as a child sex offender as
14 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
15 1961, refrain from communicating with or contacting, by
16 means of the Internet, a person who is related to the
17 accused and whom the accused reasonably believes to be
18 under 18 years of age; for purposes of this paragraph (17),
19 "Internet" has the meaning ascribed to it in Section 16J-5
20 of the Criminal Code of 1961; and a person is related to
21 the accused if the person is: (i) the spouse, brother, or
22 sister of the accused; (ii) a descendant of the accused;
23 (iii) a first or second cousin of the accused; or (iv) a
24 step-child or adopted child of the accused;

25 (18) if convicted for an offense committed on or after
26 June 1, 2009 (the effective date of Public Act 95-983) that

1 would qualify as a sex offense as defined in the Adam Walsh
2 Sex Offender Registration and Community Notification Act
3 ~~Sex Offender Registration Act:~~

4 (i) not access or use a computer or any other
5 device with Internet capability without the prior
6 written approval of the offender's probation officer,
7 except in connection with the offender's employment or
8 search for employment with the prior approval of the
9 offender's probation officer;

10 (ii) submit to periodic unannounced examinations
11 of the offender's computer or any other device with
12 Internet capability by the offender's probation
13 officer, a law enforcement officer, or assigned
14 computer or information technology specialist,
15 including the retrieval and copying of all data from
16 the computer or device and any internal or external
17 peripherals and removal of such information,
18 equipment, or device to conduct a more thorough
19 inspection;

20 (iii) submit to the installation on the offender's
21 computer or device with Internet capability, at the
22 subject's expense, of one or more hardware or software
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions
25 concerning the offender's use of or access to a
26 computer or any other device with Internet capability

1 imposed by the offender's probation officer; and

2 (19) refrain from possessing a firearm or other
3 dangerous weapon where the offense is a misdemeanor that
4 did not involve the intentional or knowing infliction of
5 bodily harm or threat of bodily harm.

6 (c) The court may as a condition of probation or of
7 conditional discharge require that a person under 18 years of
8 age found guilty of any alcohol, cannabis or controlled
9 substance violation, refrain from acquiring a driver's license
10 during the period of probation or conditional discharge. If
11 such person is in possession of a permit or license, the court
12 may require that the minor refrain from driving or operating
13 any motor vehicle during the period of probation or conditional
14 discharge, except as may be necessary in the course of the
15 minor's lawful employment.

16 (d) An offender sentenced to probation or to conditional
17 discharge shall be given a certificate setting forth the
18 conditions thereof.

19 (e) Except where the offender has committed a fourth or
20 subsequent violation of subsection (c) of Section 6-303 of the
21 Illinois Vehicle Code, the court shall not require as a
22 condition of the sentence of probation or conditional discharge
23 that the offender be committed to a period of imprisonment in
24 excess of 6 months. This 6 month limit shall not include
25 periods of confinement given pursuant to a sentence of county
26 impact incarceration under Section 5-8-1.2.

1 Persons committed to imprisonment as a condition of
2 probation or conditional discharge shall not be committed to
3 the Department of Corrections.

4 (f) The court may combine a sentence of periodic
5 imprisonment under Article 7 or a sentence to a county impact
6 incarceration program under Article 8 with a sentence of
7 probation or conditional discharge.

8 (g) An offender sentenced to probation or to conditional
9 discharge and who during the term of either undergoes mandatory
10 drug or alcohol testing, or both, or is assigned to be placed
11 on an approved electronic monitoring device, shall be ordered
12 to pay all costs incidental to such mandatory drug or alcohol
13 testing, or both, and all costs incidental to such approved
14 electronic monitoring in accordance with the defendant's
15 ability to pay those costs. The county board with the
16 concurrence of the Chief Judge of the judicial circuit in which
17 the county is located shall establish reasonable fees for the
18 cost of maintenance, testing, and incidental expenses related
19 to the mandatory drug or alcohol testing, or both, and all
20 costs incidental to approved electronic monitoring, involved
21 in a successful probation program for the county. The
22 concurrence of the Chief Judge shall be in the form of an
23 administrative order. The fees shall be collected by the clerk
24 of the circuit court. The clerk of the circuit court shall pay
25 all moneys collected from these fees to the county treasurer
26 who shall use the moneys collected to defray the costs of drug

1 testing, alcohol testing, and electronic monitoring. The
2 county treasurer shall deposit the fees collected in the county
3 working cash fund under Section 6-27001 or Section 6-29002 of
4 the Counties Code, as the case may be.

5 (h) Jurisdiction over an offender may be transferred from
6 the sentencing court to the court of another circuit with the
7 concurrence of both courts. Further transfers or retransfers of
8 jurisdiction are also authorized in the same manner. The court
9 to which jurisdiction has been transferred shall have the same
10 powers as the sentencing court.

11 (i) The court shall impose upon an offender sentenced to
12 probation after January 1, 1989 or to conditional discharge
13 after January 1, 1992 or to community service under the
14 supervision of a probation or court services department after
15 January 1, 2004, as a condition of such probation or
16 conditional discharge or supervised community service, a fee of
17 \$50 for each month of probation or conditional discharge
18 supervision or supervised community service ordered by the
19 court, unless after determining the inability of the person
20 sentenced to probation or conditional discharge or supervised
21 community service to pay the fee, the court assesses a lesser
22 fee. The court may not impose the fee on a minor who is made a
23 ward of the State under the Juvenile Court Act of 1987 while
24 the minor is in placement. The fee shall be imposed only upon
25 an offender who is actively supervised by the probation and
26 court services department. The fee shall be collected by the

1 clerk of the circuit court. The clerk of the circuit court
2 shall pay all monies collected from this fee to the county
3 treasurer for deposit in the probation and court services fund
4 under Section 15.1 of the Probation and Probation Officers Act.

5 A circuit court may not impose a probation fee under this
6 subsection (i) in excess of \$25 per month unless: (1) the
7 circuit court has adopted, by administrative order issued by
8 the chief judge, a standard probation fee guide determining an
9 offender's ability to pay, under guidelines developed by the
10 Administrative Office of the Illinois Courts; and (2) the
11 circuit court has authorized, by administrative order issued by
12 the chief judge, the creation of a Crime Victim's Services
13 Fund, to be administered by the Chief Judge or his or her
14 designee, for services to crime victims and their families. Of
15 the amount collected as a probation fee, up to \$5 of that fee
16 collected per month may be used to provide services to crime
17 victims and their families.

18 This amendatory Act of the 93rd General Assembly deletes
19 the \$10 increase in the fee under this subsection that was
20 imposed by Public Act 93-616. This deletion is intended to
21 control over any other Act of the 93rd General Assembly that
22 retains or incorporates that fee increase.

23 (i-5) In addition to the fees imposed under subsection (i)
24 of this Section, in the case of an offender convicted of a
25 felony sex offense (as defined in the Sex Offender Management
26 Board Act) or an offense that the court or probation department

1 has determined to be sexually motivated (as defined in the Sex
2 Offender Management Board Act), the court or the probation
3 department shall assess additional fees to pay for all costs of
4 treatment, assessment, evaluation for risk and treatment, and
5 monitoring the offender, based on that offender's ability to
6 pay those costs either as they occur or under a payment plan.

7 (j) All fines and costs imposed under this Section for any
8 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
9 Code, or a similar provision of a local ordinance, and any
10 violation of the Child Passenger Protection Act, or a similar
11 provision of a local ordinance, shall be collected and
12 disbursed by the circuit clerk as provided under Section 27.5
13 of the Clerks of Courts Act.

14 (k) Any offender who is sentenced to probation or
15 conditional discharge for a felony sex offense as defined in
16 the Sex Offender Management Board Act or any offense that the
17 court or probation department has determined to be sexually
18 motivated as defined in the Sex Offender Management Board Act
19 shall be required to refrain from any contact, directly or
20 indirectly, with any persons specified by the court and shall
21 be available for all evaluations and treatment programs
22 required by the court or the probation department.

23 (l) The court may order an offender who is sentenced to
24 probation or conditional discharge for a violation of an order
25 of protection be placed under electronic surveillance as
26 provided in Section 5-8A-7 of this Code.

1 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;
2 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;
3 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;
4 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.
5 8-25-09; revised 9-25-09.)

6 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

7 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

8 (a) When a defendant is placed on supervision, the court
9 shall enter an order for supervision specifying the period of
10 such supervision, and shall defer further proceedings in the
11 case until the conclusion of the period.

12 (b) The period of supervision shall be reasonable under all
13 of the circumstances of the case, but may not be longer than 2
14 years, unless the defendant has failed to pay the assessment
15 required by Section 10.3 of the Cannabis Control Act, Section
16 411.2 of the Illinois Controlled Substances Act, or Section 80
17 of the Methamphetamine Control and Community Protection Act, in
18 which case the court may extend supervision beyond 2 years.
19 Additionally, the court shall order the defendant to perform no
20 less than 30 hours of community service and not more than 120
21 hours of community service, if community service is available
22 in the jurisdiction and is funded and approved by the county
23 board where the offense was committed, when the offense (1) was
24 related to or in furtherance of the criminal activities of an
25 organized gang or was motivated by the defendant's membership

1 in or allegiance to an organized gang; or (2) is a violation of
2 any Section of Article 24 of the Criminal Code of 1961 where a
3 disposition of supervision is not prohibited by Section 5-6-1
4 of this Code. The community service shall include, but not be
5 limited to, the cleanup and repair of any damage caused by
6 violation of Section 21-1.3 of the Criminal Code of 1961 and
7 similar damages to property located within the municipality or
8 county in which the violation occurred. Where possible and
9 reasonable, the community service should be performed in the
10 offender's neighborhood.

11 For the purposes of this Section, "organized gang" has the
12 meaning ascribed to it in Section 10 of the Illinois Streetgang
13 Terrorism Omnibus Prevention Act.

14 (c) The court may in addition to other reasonable
15 conditions relating to the nature of the offense or the
16 rehabilitation of the defendant as determined for each
17 defendant in the proper discretion of the court require that
18 the person:

19 (1) make a report to and appear in person before or
20 participate with the court or such courts, person, or
21 social service agency as directed by the court in the order
22 of supervision;

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational
25 training;

26 (4) undergo medical, psychological or psychiatric

1 treatment; or treatment for drug addiction or alcoholism;

2 (5) attend or reside in a facility established for the
3 instruction or residence of defendants on probation;

4 (6) support his dependents;

5 (7) refrain from possessing a firearm or other
6 dangerous weapon;

7 (8) and in addition, if a minor:

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

9 (ii) attend school;

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

11 (iv) contribute to his own support at home or in a
12 foster home; or

13 (v) with the consent of the superintendent of the
14 facility, attend an educational program at a facility
15 other than the school in which the offense was
16 committed if he or she is placed on supervision for a
17 crime of violence as defined in Section 2 of the Crime
18 Victims Compensation Act committed in a school, on the
19 real property comprising a school, or within 1,000 feet
20 of the real property comprising a school;

21 (9) make restitution or reparation in an amount not to
22 exceed actual loss or damage to property and pecuniary loss
23 or make restitution under Section 5-5-6 to a domestic
24 violence shelter. The court shall determine the amount and
25 conditions of payment;

26 (10) perform some reasonable public or community

1 service;

2 (11) comply with the terms and conditions of an order
3 of protection issued by the court pursuant to the Illinois
4 Domestic Violence Act of 1986 or an order of protection
5 issued by the court of another state, tribe, or United
6 States territory. If the court has ordered the defendant to
7 make a report and appear in person under paragraph (1) of
8 this subsection, a copy of the order of protection shall be
9 transmitted to the person or agency so designated by the
10 court;

11 (12) reimburse any "local anti-crime program" as
12 defined in Section 7 of the Anti-Crime Advisory Council Act
13 for any reasonable expenses incurred by the program on the
14 offender's case, not to exceed the maximum amount of the
15 fine authorized for the offense for which the defendant was
16 sentenced;

17 (13) contribute a reasonable sum of money, not to
18 exceed the maximum amount of the fine authorized for the
19 offense for which the defendant was sentenced, (i) to a
20 "local anti-crime program", as defined in Section 7 of the
21 Anti-Crime Advisory Council Act, or (ii) for offenses under
22 the jurisdiction of the Department of Natural Resources, to
23 the fund established by the Department of Natural Resources
24 for the purchase of evidence for investigation purposes and
25 to conduct investigations as outlined in Section 805-105 of
26 the Department of Natural Resources (Conservation) Law;

1 (14) refrain from entering into a designated
2 geographic area except upon such terms as the court finds
3 appropriate. Such terms may include consideration of the
4 purpose of the entry, the time of day, other persons
5 accompanying the defendant, and advance approval by a
6 probation officer;

7 (15) refrain from having any contact, directly or
8 indirectly, with certain specified persons or particular
9 types of person, including but not limited to members of
10 street gangs and drug users or dealers;

11 (16) refrain from having in his or her body the
12 presence of any illicit drug prohibited by the Cannabis
13 Control Act, the Illinois Controlled Substances Act, or the
14 Methamphetamine Control and Community Protection Act,
15 unless prescribed by a physician, and submit samples of his
16 or her blood or urine or both for tests to determine the
17 presence of any illicit drug;

18 (17) refrain from operating any motor vehicle not
19 equipped with an ignition interlock device as defined in
20 Section 1-129.1 of the Illinois Vehicle Code; under this
21 condition the court may allow a defendant who is not
22 self-employed to operate a vehicle owned by the defendant's
23 employer that is not equipped with an ignition interlock
24 device in the course and scope of the defendant's
25 employment; and

26 (18) if placed on supervision for a sex offense as

1 defined in subsection (a-5) of Section 3-1-2 of this Code,
2 unless the offender is a parent or guardian of the person
3 under 18 years of age present in the home and no
4 non-familial minors are present, not participate in a
5 holiday event involving children under 18 years of age,
6 such as distributing candy or other items to children on
7 Halloween, wearing a Santa Claus costume on or preceding
8 Christmas, being employed as a department store Santa
9 Claus, or wearing an Easter Bunny costume on or preceding
10 Easter.

11 (d) The court shall defer entering any judgment on the
12 charges until the conclusion of the supervision.

13 (e) At the conclusion of the period of supervision, if the
14 court determines that the defendant has successfully complied
15 with all of the conditions of supervision, the court shall
16 discharge the defendant and enter a judgment dismissing the
17 charges.

18 (f) Discharge and dismissal upon a successful conclusion of
19 a disposition of supervision shall be deemed without
20 adjudication of guilt and shall not be termed a conviction for
21 purposes of disqualification or disabilities imposed by law
22 upon conviction of a crime. Two years after the discharge and
23 dismissal under this Section, unless the disposition of
24 supervision was for a violation of Sections 3-707, 3-708,
25 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
26 similar provision of a local ordinance, or for a violation of

1 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
2 case it shall be 5 years after discharge and dismissal, a
3 person may have his record of arrest sealed or expunged as may
4 be provided by law. However, any defendant placed on
5 supervision before January 1, 1980, may move for sealing or
6 expungement of his arrest record, as provided by law, at any
7 time after discharge and dismissal under this Section. A person
8 placed on supervision for a sexual offense committed against a
9 minor as defined in clause (a)(1)(L) of Section 5.2 of the
10 Criminal Identification Act or for a violation of Section
11 11-501 of the Illinois Vehicle Code or a similar provision of a
12 local ordinance shall not have his or her record of arrest
13 sealed or expunged.

14 (g) A defendant placed on supervision and who during the
15 period of supervision undergoes mandatory drug or alcohol
16 testing, or both, or is assigned to be placed on an approved
17 electronic monitoring device, shall be ordered to pay the costs
18 incidental to such mandatory drug or alcohol testing, or both,
19 and costs incidental to such approved electronic monitoring in
20 accordance with the defendant's ability to pay those costs. The
21 county board with the concurrence of the Chief Judge of the
22 judicial circuit in which the county is located shall establish
23 reasonable fees for the cost of maintenance, testing, and
24 incidental expenses related to the mandatory drug or alcohol
25 testing, or both, and all costs incidental to approved
26 electronic monitoring, of all defendants placed on

1 supervision. The concurrence of the Chief Judge shall be in the
2 form of an administrative order. The fees shall be collected by
3 the clerk of the circuit court. The clerk of the circuit court
4 shall pay all moneys collected from these fees to the county
5 treasurer who shall use the moneys collected to defray the
6 costs of drug testing, alcohol testing, and electronic
7 monitoring. The county treasurer shall deposit the fees
8 collected in the county working cash fund under Section 6-27001
9 or Section 6-29002 of the Counties Code, as the case may be.

10 (h) A disposition of supervision is a final order for the
11 purposes of appeal.

12 (i) The court shall impose upon a defendant placed on
13 supervision after January 1, 1992 or to community service under
14 the supervision of a probation or court services department
15 after January 1, 2004, as a condition of supervision or
16 supervised community service, a fee of \$50 for each month of
17 supervision or supervised community service ordered by the
18 court, unless after determining the inability of the person
19 placed on supervision or supervised community service to pay
20 the fee, the court assesses a lesser fee. The court may not
21 impose the fee on a minor who is made a ward of the State under
22 the Juvenile Court Act of 1987 while the minor is in placement.
23 The fee shall be imposed only upon a defendant who is actively
24 supervised by the probation and court services department. The
25 fee shall be collected by the clerk of the circuit court. The
26 clerk of the circuit court shall pay all monies collected from

1 this fee to the county treasurer for deposit in the probation
2 and court services fund pursuant to Section 15.1 of the
3 Probation and Probation Officers Act.

4 A circuit court may not impose a probation fee in excess of
5 \$25 per month unless: (1) the circuit court has adopted, by
6 administrative order issued by the chief judge, a standard
7 probation fee guide determining an offender's ability to pay,
8 under guidelines developed by the Administrative Office of the
9 Illinois Courts; and (2) the circuit court has authorized, by
10 administrative order issued by the chief judge, the creation of
11 a Crime Victim's Services Fund, to be administered by the Chief
12 Judge or his or her designee, for services to crime victims and
13 their families. Of the amount collected as a probation fee, not
14 to exceed \$5 of that fee collected per month may be used to
15 provide services to crime victims and their families.

16 (j) All fines and costs imposed under this Section for any
17 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
18 Code, or a similar provision of a local ordinance, and any
19 violation of the Child Passenger Protection Act, or a similar
20 provision of a local ordinance, shall be collected and
21 disbursed by the circuit clerk as provided under Section 27.5
22 of the Clerks of Courts Act.

23 (k) A defendant at least 17 years of age who is placed on
24 supervision for a misdemeanor in a county of 3,000,000 or more
25 inhabitants and who has not been previously convicted of a
26 misdemeanor or felony may as a condition of his or her

1 supervision be required by the court to attend educational
2 courses designed to prepare the defendant for a high school
3 diploma and to work toward a high school diploma or to work
4 toward passing the high school level Test of General
5 Educational Development (GED) or to work toward completing a
6 vocational training program approved by the court. The
7 defendant placed on supervision must attend a public
8 institution of education to obtain the educational or
9 vocational training required by this subsection (k). The
10 defendant placed on supervision shall be required to pay for
11 the cost of the educational courses or GED test, if a fee is
12 charged for those courses or test. The court shall revoke the
13 supervision of a person who wilfully fails to comply with this
14 subsection (k). The court shall resentence the defendant upon
15 revocation of supervision as provided in Section 5-6-4. This
16 subsection (k) does not apply to a defendant who has a high
17 school diploma or has successfully passed the GED test. This
18 subsection (k) does not apply to a defendant who is determined
19 by the court to be developmentally disabled or otherwise
20 mentally incapable of completing the educational or vocational
21 program.

22 (1) The court shall require a defendant placed on
23 supervision for possession of a substance prohibited by the
24 Cannabis Control Act, the Illinois Controlled Substances Act,
25 or the Methamphetamine Control and Community Protection Act
26 after a previous conviction or disposition of supervision for

1 possession of a substance prohibited by the Cannabis Control
2 Act, the Illinois Controlled Substances Act, or the
3 Methamphetamine Control and Community Protection Act or a
4 sentence of probation under Section 10 of the Cannabis Control
5 Act or Section 410 of the Illinois Controlled Substances Act
6 and after a finding by the court that the person is addicted,
7 to undergo treatment at a substance abuse program approved by
8 the court.

9 (m) The Secretary of State shall require anyone placed on
10 court supervision for a violation of Section 3-707 of the
11 Illinois Vehicle Code or a similar provision of a local
12 ordinance to give proof of his or her financial responsibility
13 as defined in Section 7-315 of the Illinois Vehicle Code. The
14 proof shall be maintained by the individual in a manner
15 satisfactory to the Secretary of State for a minimum period of
16 3 years after the date the proof is first filed. The proof
17 shall be limited to a single action per arrest and may not be
18 affected by any post-sentence disposition. The Secretary of
19 State shall suspend the driver's license of any person
20 determined by the Secretary to be in violation of this
21 subsection.

22 (n) Any offender placed on supervision for any offense that
23 the court or probation department has determined to be sexually
24 motivated as defined in the Sex Offender Management Board Act
25 shall be required to refrain from any contact, directly or
26 indirectly, with any persons specified by the court and shall

1 be available for all evaluations and treatment programs
2 required by the court or the probation department.

3 (o) An offender placed on supervision for a sex offense as
4 defined in the Sex Offender Management Board Act shall refrain
5 from residing at the same address or in the same condominium
6 unit or apartment unit or in the same condominium complex or
7 apartment complex with another person he or she knows or
8 reasonably should know is a convicted sex offender or has been
9 placed on supervision for a sex offense. The provisions of this
10 subsection (o) do not apply to a person convicted of a sex
11 offense who is placed in a Department of Corrections licensed
12 transitional housing facility for sex offenders.

13 (p) An offender placed on supervision for an offense
14 committed on or after June 1, 2008 (the effective date of
15 Public Act 95-464) that would qualify the accused as a child
16 sex offender as defined in Section 11-9.3 or 11-9.4 of the
17 Criminal Code of 1961 shall refrain from communicating with or
18 contacting, by means of the Internet, a person who is not
19 related to the accused and whom the accused reasonably believes
20 to be under 18 years of age. For purposes of this subsection
21 (p), "Internet" has the meaning ascribed to it in Section 16J-5
22 of the Criminal Code of 1961; and a person is not related to
23 the accused if the person is not: (i) the spouse, brother, or
24 sister of the accused; (ii) a descendant of the accused; (iii)
25 a first or second cousin of the accused; or (iv) a step-child
26 or adopted child of the accused.

1 (q) An offender placed on supervision for an offense
2 committed on or after June 1, 2008 (the effective date of
3 Public Act 95-464) that would qualify the accused as a child
4 sex offender as defined in Section 11-9.3 or 11-9.4 of the
5 Criminal Code of 1961 shall, if so ordered by the court,
6 refrain from communicating with or contacting, by means of the
7 Internet, a person who is related to the accused and whom the
8 accused reasonably believes to be under 18 years of age. For
9 purposes of this subsection (q), "Internet" has the meaning
10 ascribed to it in Section 16J-5 of the Criminal Code of 1961;
11 and a person is related to the accused if the person is: (i)
12 the spouse, brother, or sister of the accused; (ii) a
13 descendant of the accused; (iii) a first or second cousin of
14 the accused; or (iv) a step-child or adopted child of the
15 accused.

16 (r) An offender placed on supervision for an offense under
17 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of
18 the Criminal Code of 1961, or any attempt to commit any of
19 these offenses, committed on or after the effective date of
20 this amendatory Act of the 95th General Assembly shall:

21 (i) not access or use a computer or any other device
22 with Internet capability without the prior written
23 approval of the court, except in connection with the
24 offender's employment or search for employment with the
25 prior approval of the court;

26 (ii) submit to periodic unannounced examinations of

1 the offender's computer or any other device with Internet
2 capability by the offender's probation officer, a law
3 enforcement officer, or assigned computer or information
4 technology specialist, including the retrieval and copying
5 of all data from the computer or device and any internal or
6 external peripherals and removal of such information,
7 equipment, or device to conduct a more thorough inspection;

8 (iii) submit to the installation on the offender's
9 computer or device with Internet capability, at the
10 offender's expense, of one or more hardware or software
11 systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions
13 concerning the offender's use of or access to a computer or
14 any other device with Internet capability imposed by the
15 court.

16 (s) An offender placed on supervision for an offense that
17 is a sex offense as defined in Section 5 2 of the Adam Walsh Sex
18 Offender Registration and Community Notification Act ~~Sex~~
19 ~~Offender Registration Act~~ that is committed on or after January
20 1, 2010 (the effective date of Public Act 96-362) ~~this~~
21 ~~amendatory Act of the 96th General Assembly~~ that requires the
22 person to register as a sex offender under that Act, may not
23 knowingly use any computer scrub software on any computer that
24 the sex offender uses.

25 (t) ~~(s)~~ An offender placed on supervision for a sex offense
26 as defined in the Adam Walsh Sex Offender Registration and

1 ~~Community Notification Act Sex Offender Registration Act~~
2 committed on or after January 1, 2010 (the effective date of
3 Public Act 96-262) ~~this amendatory Act of the 96th General~~
4 ~~Assembly~~ shall refrain from accessing or using a social
5 networking website as defined in Section 16D-2 of the Criminal
6 Code of 1961.

7 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;
8 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;
9 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;
10 96-409, eff. 1-1-10; revised 9-25-09.)

11 (730 ILCS 5/5-9-1.15)

12 Sec. 5-9-1.15. Sex offender fines.

13 (a) There shall be added to every penalty imposed in
14 sentencing for a sex offense as defined in Section 5 2 of the
15 Adam Walsh Sex Offender Registration and Community
16 Notification Act ~~Sex Offender Registration Act~~ an additional
17 fine in the amount of \$500 to be imposed upon a plea of guilty,
18 stipulation of facts or finding of guilty resulting in a
19 judgment of conviction or order of supervision.

20 (b) Such additional amount shall be assessed by the court
21 imposing sentence and shall be collected by the circuit clerk
22 in addition to the fine, if any, and costs in the case. Each
23 such additional penalty shall be remitted by the circuit clerk
24 within one month after receipt to the State Treasurer for
25 deposit into the Sex Offender Investigation Fund. The circuit

1 clerk shall retain 10% of such penalty for deposit into the
2 Circuit Court Clerk Operation and Administrative Fund created
3 by the Clerk of the Circuit Court to cover the costs incurred
4 in administering and enforcing this Section. Such additional
5 penalty shall not be considered a part of the fine for purposes
6 of any reduction in the fine for time served either before or
7 after sentencing.

8 (c) Not later than March 1 of each year the clerk of the
9 circuit court shall submit to the State Comptroller a report of
10 the amount of funds remitted by him or her to the State
11 Treasurer under this Section during the preceding calendar
12 year. Except as otherwise provided by Supreme Court Rules, if a
13 court in sentencing an offender levies a gross amount for fine,
14 costs, fees and penalties, the amount of the additional penalty
15 provided for herein shall be collected from the amount
16 remaining after deducting from the gross amount levied all fees
17 of the circuit clerk, the State's Attorney, and the sheriff.
18 After deducting from the gross amount levied the fees and
19 additional penalty provided for herein, less any other
20 additional penalties provided by law, the clerk shall remit
21 \$100 of each \$500 additional fine imposed under this Section to
22 the State's Attorney of the county which prosecuted the case or
23 the local law enforcement agency that investigated the case
24 leading to the defendant's judgment of conviction or order of
25 supervision and after such remission the net balance remaining
26 to the entity authorized by law to receive the fine imposed in

1 the case. For purposes of this Section "fees of the circuit
2 clerk" shall include, if applicable, the fee provided for under
3 Section 27.3a of the Clerks of Courts Act and the fee, if
4 applicable, payable to the county in which the violation
5 occurred under Section 5-1101 of the Counties Code.

6 (d) Subject to appropriation, moneys in the Sex Offender
7 Investigation Fund shall be used by the Department of State
8 Police to investigate alleged sex offenses and to make grants
9 to local law enforcement agencies to investigate alleged sex
10 offenses as such grants are awarded by the Director of State
11 Police under rules established by the Director of State Police.

12 (Source: P.A. 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)

13 Section 900. The Child Murderer and Violent Offender
14 Against Youth Registration Act is amended by adding Section 53
15 and by changing Sections 1, 5, 10, 11, 15, 40, 45, 50, 55, 60,
16 65, 75, 80, 85, 86, 90, 95, and 100 as follows:

17 (730 ILCS 154/1)

18 Sec. 1. Short title. This Act may be cited as the Child
19 Murderer ~~and Violent Offender Against Youth~~ Registration and
20 Community Notification Act.

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

22 (730 ILCS 154/5)

23 Sec. 5. Definitions.

1 (a) As used in this Act, "child murderer" ~~"violent offender~~
2 ~~against youth"~~ means any person who is:

3 ~~(1)~~ charged pursuant to Illinois law, or any
4 substantially similar federal, Uniform Code of Military
5 Justice, sister state, ~~or~~ foreign country law, or former
6 law of this State with first degree murder under Section
7 9-1 of the Criminal Code of 1961, when the victim was a
8 person under 18 years of age and the defendant was at least
9 17 years of age at the time of the commission of the
10 offense a violent offense against youth set forth in
11 subsection (b) of this Section or the attempt, the
12 conspiracy, or the solicitation to commit first degree
13 murder under Section 9-1 of the Criminal Code of 1961, when
14 the victim was a person under 18 years of age and the
15 defendant was at least 17 years of age at the time of the
16 commission of the offense ~~an included violent offense~~
17 ~~against youth,~~ and:

18 (A) is convicted of such offense or an attempt to
19 commit such offense; or

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

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

26 (D) is the subject of a finding not resulting in an

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

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

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

19 ~~(2) adjudicated a juvenile delinquent as the result of~~
20 ~~committing or attempting to commit an act which, if~~
21 ~~committed by an adult, would constitute any of the offenses~~
22 ~~specified in subsection (b) or (c-5) of this Section or a~~
23 ~~violation of any substantially similar federal, Uniform~~
24 ~~Code of Military Justice, sister state, or foreign country~~
25 ~~law, or found guilty under Article V of the Juvenile Court~~
26 ~~Act of 1987 of committing or attempting to commit an act~~

1 ~~which, if committed by an adult, would constitute any of~~
2 ~~the offenses specified in subsection (b) or (c-5) of this~~
3 ~~Section or a violation of any substantially similar~~
4 ~~federal, Uniform Code of Military Justice, sister state, or~~
5 ~~foreign country law.~~

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

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

21 ~~(b) As used in this Act, "violent offense against youth"~~
22 ~~means:~~

23 ~~(1) A violation of any of the following Sections of the~~
24 ~~Criminal Code of 1961, when the victim is a person under 18~~
25 ~~years of age, the defendant is not a parent of the victim,~~
26 ~~and the offense was committed on or after January 1, 1996:~~

1 ~~10-1 (kidnapping),~~

2 ~~10-2 (aggravated kidnapping),~~

3 ~~10-3 (unlawful restraint),~~

4 ~~10-3.1 (aggravated unlawful restraint).~~

5 ~~An attempt to commit any of these offenses.~~

6 ~~(2) First degree murder under Section 9-1 of the~~
7 ~~Criminal Code of 1961, when the victim was a person under~~
8 ~~18 years of age and the defendant was at least 17 years of~~
9 ~~age at the time of the commission of the offense.~~

10 ~~(3) Child abduction under paragraph (10) of subsection~~
11 ~~(b) of Section 10-5 of the Criminal Code of 1961 committed~~
12 ~~by luring or attempting to lure a child under the age of 16~~
13 ~~into a motor vehicle, building, house trailer, or dwelling~~
14 ~~place without the consent of the parent or lawful custodian~~
15 ~~of the child for other than a lawful purpose and the~~
16 ~~offense was committed on or after January 1, 1998.~~

17 ~~(4) A violation or attempted violation of any of the~~
18 ~~following Sections of the Criminal Code of 1961 when the~~
19 ~~offense was committed on or after July 1, 1999:~~

20 ~~10-4 (forcible detention, if the victim is under 18~~
21 ~~years of age).~~

22 ~~(5) A violation of any former law of this State~~
23 ~~substantially equivalent to any offense listed in this~~
24 ~~subsection (b).~~

25 ~~(c) A conviction for an offense of federal law, Uniform~~
26 ~~Code of Military Justice, or the law of another state or a~~

1 ~~foreign country that is substantially equivalent to any offense~~
2 ~~listed in subsections (b) and (c-5) of this Section shall~~
3 ~~constitute a conviction for the purpose of this Act.~~

4 ~~(c-5) A person at least 17 years of age at the time of the~~
5 ~~commission of the offense who is convicted of first degree~~
6 ~~murder under Section 9-1 of the Criminal Code of 1961, against~~
7 ~~a person under 18 years of age, shall be required to register~~
8 ~~for natural life. A conviction for an offense of federal,~~
9 ~~Uniform Code of Military Justice, sister state, or foreign~~
10 ~~country law that is substantially equivalent to any offense~~
11 ~~listed in this subsection (c-5) shall constitute a conviction~~
12 ~~for the purpose of this Act. This subsection (c-5) applies to a~~
13 ~~person who committed the offense before June 1, 1996 only if~~
14 ~~the person is incarcerated in an Illinois Department of~~
15 ~~Corrections facility or similar penal facility in another~~
16 ~~jurisdiction on August 20, 2004.~~

17 (b) (Blank).

18 (c) (Blank).

19 (c-5) (Blank).

20 (d) As used in this Act, "registering law enforcement
21 agency ~~having jurisdiction~~" means the Chief of Police in each
22 of the municipalities in which the child murderer resides or
23 ~~violent offender against youth~~ expects to reside, ~~work, or~~
24 ~~attend school~~ (1) upon his or her discharge, parole or release
25 or (2) during the service of his or her sentence of probation
26 or conditional discharge, or the Sheriff of the county, in the

1 event no Police Chief exists or if the offender intends to
2 reside, work, or attend school in an unincorporated area.
3 "Registering law ~~"Law~~ enforcement agency ~~having jurisdiction"~~
4 includes the location where out-of-state students attend
5 school and where out-of-state employees are employed or are
6 otherwise required to register.

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

10 (f) As used in this Act, "out-of-state student" means any
11 child murderer residing in another jurisdiction ~~violent~~
12 ~~offender against youth~~ who is enrolled in an Illinois school,
13 on a full-time or part-time basis, ~~in any public or private~~
14 ~~educational institution, including, but not limited to, any~~
15 ~~secondary school, trade or professional institution, or~~
16 ~~institution of higher learning.~~

17 (g) As used in this Act, "out-of-state employee" means any
18 child murderer residing in another jurisdiction ~~violent~~
19 ~~offender against youth~~ who works in Illinois, regardless of
20 whether the individual receives payment for services
21 performed, for at least ~~a period of time of~~ 10 consecutive ~~or~~
22 ~~more~~ days or for an aggregate period of time of 30 or more days
23 during any calendar year. Persons who operate motor vehicles in
24 the State accrue one day of employment time for any portion of
25 a day spent in Illinois.

26 (h) As used in this Act, "school" means any public or

1 private educational institution, including, but not limited
2 to, any elementary or secondary school, trade or professional
3 institution, or institution of higher education.

4 (i) As used in this Act, "temporary domicile" ~~"fixed~~
5 ~~residence"~~ means any and all places that a child murderer
6 ~~violent offender against youth~~ resides for an aggregate period
7 of time of 3 5 or more days in a calendar year.

8 (j) As used in this Act, "place of residence" means the
9 location where a child murderer primarily resides.

10 (k) As used in this Act, "jurisdiction" means any state,
11 the District of Columbia, the Commonwealth of Puerto Rico,
12 Guam, American Samoa, the Commonwealth of the Northern Mariana
13 Islands, the United States Virgin Islands, and any Indian
14 tribe.

15 (l) As used in this Act, "child care facility" has the
16 meaning set forth in the Child Care Act of 1969, but does not
17 include licensed foster homes.

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

19 (730 ILCS 154/10)

20 Sec. 10. Duty to register.

21 (a) A child murderer ~~violent offender against youth~~ shall
22 report, ~~within the time period prescribed in subsections (b)~~
23 ~~and (c), register~~ in person to his or her registering agency
24 law enforcement agency to register as a child murderer within 3
25 calendar days of his or her:

1 (1) discharge, parole, or release; or

2 (2) disposition or sentence or probation, conditional
3 discharge, or court supervision. ~~and provide accurate~~
4 ~~information as required by the Department of State Police.~~
5 ~~Such information shall include a current photograph,~~
6 ~~current address, current place of employment, the~~
7 ~~employer's telephone number, school attended, extensions~~
8 ~~of the time period for registering as provided in this Act~~
9 ~~and, if an extension was granted, the reason why the~~
10 ~~extension was granted and the date the violent offender~~
11 ~~against youth was notified of the extension. A person who~~
12 ~~has been adjudicated a juvenile delinquent for an act~~
13 ~~which, if committed by an adult, would be a violent offense~~
14 ~~against youth shall register as an adult violent offender~~
15 ~~against youth within 10 days after attaining 17 years of~~
16 ~~age. The violent offender against youth shall register:~~

17 ~~(1) with the chief of police in the municipality in~~
18 ~~which he or she resides or is temporarily domiciled for a~~
19 ~~period of time of 5 or more days, unless the municipality~~
20 ~~is the City of Chicago, in which case he or she shall~~
21 ~~register at the Chicago Police Department Headquarters; or~~

22 ~~(2) with the sheriff in the county in which he or she~~
23 ~~resides or is temporarily domiciled for a period of time of~~
24 ~~5 or more days in an unincorporated area or, if~~
25 ~~incorporated, no police chief exists.~~

26 ~~If the violent offender against youth is employed at or~~

1 ~~attends an institution of higher education, he or she shall~~
2 ~~register:~~

3 ~~(i) with the chief of police in the municipality in~~
4 ~~which he or she is employed at or attends an institution of~~
5 ~~higher education, unless the municipality is the City of~~
6 ~~Chicago, in which case he or she shall register at the~~
7 ~~Chicago Police Department Headquarters; or~~

8 ~~(ii) with the sheriff in the county in which he or she~~
9 ~~is employed or attends an institution of higher education~~
10 ~~located in an unincorporated area, or if incorporated, no~~
11 ~~police chief exists.~~

12 ~~For purposes of this Act, the place of residence or~~
13 ~~temporary domicile is defined as any and all places where the~~
14 ~~violent offender against youth resides for an aggregate period~~
15 ~~of time of 5 or more days during any calendar year. Any person~~
16 ~~required to register under this Act who lacks a fixed address~~
17 ~~or temporary domicile must notify, in person, the agency of~~
18 ~~jurisdiction of his or her last known address within 5 days~~
19 ~~after ceasing to have a fixed residence.~~

20 (a-3) Any person who lacks a place of fixed residence must
21 report weekly, in person, with his or her registering law
22 enforcement agency ~~the sheriff's office of the county in which~~
23 ~~he or she is located in an unincorporated area, or with the~~
24 ~~chief of police in the municipality in which he or she is~~
25 ~~located.~~ The agency ~~of jurisdiction~~ will document each weekly
26 registration to include all the locations where the person has

1 stayed during the past 7 days.

2 ~~The violent offender against youth shall provide accurate~~
3 ~~information as required by the Department of State Police. That~~
4 ~~information shall include the current place of employment of~~
5 ~~the violent offender against youth.~~

6 (a-5) An out-of-state student must report to his or her
7 registering law enforcement agency ~~or out of state employee~~
8 ~~shall~~, within 3 calendar ~~5~~ days after beginning or terminating
9 school in Illinois ~~or employment in this State, register in~~
10 ~~person and provide accurate information as required by the~~
11 ~~Department of State Police. Such information will include~~
12 ~~current place of employment, school attended, and address in~~
13 ~~state of residence. The out of state student or out of state~~
14 ~~employee shall register:~~

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

22 ~~(2) with the sheriff in the county in which he or she~~
23 ~~attends school or is employed for a period of time of 5 or~~
24 ~~more days or for an aggregate period of time of more than~~
25 ~~30 days during any calendar year in an unincorporated area~~
26 ~~or, if incorporated, no police chief exists.~~

1 ~~The out of state student or out of state employee shall~~
2 ~~provide accurate information as required by the Department of~~
3 ~~State Police. That information shall include the out of state~~
4 ~~student's current place of school attendance or the~~
5 ~~out of state employee's current place of employment.~~

6 (a-7) An out-of-state employee must report in person to his
7 or her registering law enforcement agency to register as a
8 child murderer within 3 calendar days of beginning or
9 terminating employment in Illinois.

10 (a-9) Any person required to register under this Act must
11 report in person to his or her registering law enforcement
12 agency to verify and update his or her registration as a child
13 murderer every three months.

14 (1) If the month of the child murderer's date of birth
15 listed on the notification form is:

16 (A) January, he or she must report to his or her
17 registering law enforcement agency during the months
18 of January, April, July, and October to verify his or
19 her registration.

20 (B) February, he or she must report to his or her
21 registering law enforcement agency during the months
22 of February, May, August, and November to verify his or
23 her registration.

24 (C) March, he or she must report to his or her
25 registering law enforcement agency during the months
26 of March, June, September, and December to verify his

1 or her registration.

2 (D) April, he or she must report to his or her
3 registering law enforcement agency during the months
4 of April, July, October, and January to verify his or
5 her registration.

6 (E) May, he or she must report to his or her
7 registering law enforcement agency during the months
8 of May, August, November, and February to verify his or
9 her registration.

10 (F) June, he or she must report to his or her
11 registering law enforcement agency during the months
12 of June, September, December, and March to verify his
13 or her registration.

14 (G) July, he or she must report to his or her
15 registering law enforcement agency during the months
16 of July, October, January, and April to verify his or
17 her registration.

18 (H) August, he or she must report to his or her
19 registering law enforcement agency during the months
20 of August, November, February, and May to verify his or
21 her registration.

22 (I) September, he or she must report to his or her
23 registering law enforcement agency during the months
24 of September, December, March, and June to verify his
25 or her registration.

26 (J) October, he or she must report to his or her

1 registering law enforcement agency during the months
2 of October, January, April, and July to verify his or
3 her registration.

4 (K) November, he or she must report to his or her
5 registering law enforcement agency during the months
6 of November, February, May, and August to verify his or
7 her registration.

8 (L) December, he or she must report to his or her
9 registering law enforcement agency during the months
10 of December, March, June, and September to verify his
11 or her registration.

12 (b) (1) Any person required to register under this Act must
13 report in person to his or her registering law enforcement
14 agency to update his or her registration within 3 calendar days
15 of ceasing to have a place of residence or establishing or
16 changing his or her place residence, temporary domicile, place
17 of employment, or school. If the child murderer will be
18 establishing a temporary domicile in another jurisdiction, the
19 registering law enforcement agency must notify that
20 jurisdiction.

21 (2) Any person required to register under this Act must
22 inform his or her registering law enforcement agency of
23 changes to any of the following, in the form and manner
24 prescribed by the registering agency, including in person,
25 by phone, or by mail, within 3 calendar days of the change
26 being made:

- 1 (A) email addresses;
2 (B) instant messaging identities, chat room
3 identities, and Internet communications identities;
4 and
5 (C) vehicle information.

6 (3) Updating registration information under this
7 Section shall not constitute verification of registration
8 as required by subsection (a-9) of this Section unless the
9 child murderer reports in person to update his or her
10 registration during a month he or she is also required to
11 verify his or her registration pursuant to subsection (a-9)
12 ~~violent offender against youth regardless of any initial,~~
13 ~~prior, or other registration, shall, within 5 days of~~
14 ~~beginning school, or establishing a residence, place of~~
15 ~~employment, or temporary domicile in any county, register~~
16 ~~in person as set forth in subsection (a) or (a-5).~~

17 (c) A child murderer who is allowed to leave a county,
18 State, or federal facility for the purposes of work release,
19 education, or overnight visitations shall be required to
20 register with his or her registering law enforcement agency
21 within 3 days of beginning such a program. The registration for
22 ~~any person required to register under this Act shall be as~~
23 ~~follows:~~

24 ~~(1) Except as provided in paragraph (3) of this~~
25 ~~subsection (c), any person who has not been notified of his~~
26 ~~or her responsibility to register shall be notified by a~~

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

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

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

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

22 ~~(5) The person shall pay a \$20 initial registration fee~~
23 ~~and a \$10 annual renewal fee. The fees shall be deposited~~
24 ~~into the Child Murderer and Violent Offender Against Youth~~
25 ~~Registration Fund. The fees shall be used by the~~
26 ~~registering agency for official purposes. The agency shall~~

1 ~~establish procedures to document receipt and use of the~~
2 ~~funds. The law enforcement agency having jurisdiction may~~
3 ~~waive the registration fee if it determines that the person~~
4 ~~is indigent and unable to pay the registration fee.~~

5 (d) (1) Any person required to register under this Act who
6 intends to establish a place of residence or employment in
7 another jurisdiction must report this information in person to
8 his or her registering law enforcement agency at least 3
9 calendar days before establishing the place of residence or
10 employment.

11 (2) The registering law enforcement agency must forward
12 this information to the Department of State Police within 3
13 calendar days in the form and manner prescribed by State
14 Police.

15 (3) The Department of State Police must forward this
16 information to the out-of-state registering law enforcement
17 agency within 3 calendar days. ~~Within 5 days after obtaining or~~
18 ~~changing employment, a person required to register under this~~
19 ~~Section must report, in person to the law enforcement agency~~
20 ~~having jurisdiction, the business name and address where he or~~
21 ~~she is employed. If the person has multiple businesses or work~~
22 ~~locations, every business and work location must be reported to~~
23 ~~the law enforcement agency having jurisdiction.~~

24 (e) Penalty.

25 (1) A violation of this Section is a Class 3 felony.

26 (2) A violation of this Section after a prior

1 conviction for a violation of any Section under this Act is
2 a Class 2 felony.

3 (3) Any person convicted for a violation of this
4 Section shall be required to serve a minimum period of 7
5 days confinement in the local county jail.

6 (4) The sentencing Court shall impose a mandatory
7 minimum fine of \$500 for each conviction for a violation of
8 this Section.

9 (5) Any child murderer who violates any provision of
10 this Act may be arrested and tried in any Illinois county
11 where he or she can be located or in the county in which he
12 or she was released or discharged from an Illinois
13 Department of Corrections prison or facility, an Illinois
14 Department of Human Services facility, or a county or
15 municipal jail. The local police department or sheriff's
16 office is not required to determine whether the person is
17 living within its jurisdiction.

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

19 (730 ILCS 154/11)

20 Sec. 11. Transfer from the sex offender registry.

21 ~~(a)~~ The registration information for a person registered
22 under the Sex Offender Registration Act who was convicted or
23 adjudicated for first degree murder under Section 9-1 of the
24 Criminal Code of 1961, when the victim was a person under 18
25 years of age and the defendant was at least 17 years of age at

1 ~~the time of the commission of the offense an offense listed in~~
2 ~~subsection (b) of Section 5 of this Act~~ may only be transferred
3 to the Child Murderer ~~and Violent Offender Against Youth~~
4 Registry if all the following conditions are met:

5 (1) The offender's sole offense requiring registration
6 was a conviction for first degree murder under Section 9-1
7 of the Criminal Code of 1961, when the victim was a person
8 under 18 years of age and the defendant was at least 17
9 years of age at the time of the commission of the offense;
10 ~~or adjudication for an offense or offenses listed in~~
11 ~~subsection (b) of Section 5 of this Act.~~

12 (2) The State's Attorney's Office in the county in
13 which the offender was convicted has verified, on a form
14 prescribed by the Illinois State Police, that the person's
15 crime that required or requires registration was not
16 sexually motivated as defined in Section 10 of the Sex
17 Offender Management Board Act; ~~;~~

18 (3) The completed form has been received by the
19 registering law enforcement agency and the Illinois State
20 Police's Sex Offender Registration Unit.

21 ~~(b) Transfer under this Section shall not extend the~~
22 ~~registration period for offenders who were registered under the~~
23 ~~Sex Offender Registration Act.~~

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

1 Sec. 15. Notification of duty to register ~~Discharge of~~
2 ~~violent offender against youth.~~

3 (a) A person must be notified of his or her duty to
4 register as a child murderer under this Act by:

5 (1) the facility or institution in which he or she was
6 confined before discharge, parole or mandatory supervised
7 release from a Department of Corrections facility, a
8 facility where such person was placed by the Department of
9 Corrections, a county or municipal jail, or another penal
10 institution;

11 (2) the Court in which he or she was convicted before
12 being released on probation, discharge upon payment of a
13 fine, or released into the custody of the county, the
14 Department of Corrections, or the Department of Human
15 Services; or

16 (3) the hospital or treatment facility in which he or
17 she was confined before he or she is discharged or
18 conditional released.

19 (b) Notification must be provided in writing to the child
20 murderer and must inform him or her:

21 (1) of his or her duty to report in person to his or
22 her registering law enforcement agency to register as a
23 child murderer within 3 calendar days of discharge, parole,
24 release on probation, mandatory supervised release or
25 conditional release;

26 (2) that if he or she establishes a residence outside

1 of the State of Illinois, is employed outside of the State
2 of Illinois, or attends school outside of the State of
3 Illinois, he or she must register in the new state within 3
4 calendar days after establishing residence, beginning
5 employment, or beginning school; and

6 (3) that violation of this Act shall result in
7 revocation of probation, parole, mandatory supervised
8 release or conditional release.

9 (c) (1) In the form and manner prescribed by the Department
10 of State Police, the institution, facility, court, or hospital
11 providing notice must:

12 (A) Obtain information about where the person expects
13 to reside, work, and attend school upon his or her
14 discharge, parole, release on probation, mandatory
15 supervised release or conditional release; and

16 (B) Require the child murderer to read and sign the
17 registration form stating that the duty to register and the
18 procedure for registration has been explained to him or her
19 and that he or she understands the duty and procedure.

20 (2) Distribution of registration form.

21 (A) The institution, facility, court, or hospital
22 providing notice must:

23 (i) Retain the original form for its records;

24 (ii) Give a copy of the form to the person; and

25 (iii) Forward a copy of the form to the Department
26 of State Police within 3 calendar days.

1 (B) A Department of Corrections facility must also
2 forward a copy of the form to the registering law
3 enforcement agency where the person expects to reside upon
4 his or her discharge, parole, or mandatory supervised
5 release.

6 (C) The Department of State Police must notify the
7 registering law enforcement agency where the person
8 expects to reside upon his or her discharge or conditional
9 release from the court, hospital or treatment facility.

10 (D) Electronic data files which includes all
11 notification form information and photographs of child
12 murderers being released from an Illinois Department of
13 Corrections facility will be shared on a regular basis as
14 determined between the Department of State Police and the
15 Department of Corrections.

16 (d) Any person who has not been notified of his or her duty
17 to register shall be notified by a criminal justice entity of
18 his or her responsibility to register. The person must report
19 in person to his or her registering law enforcement agency to
20 register child murderer within 3 days of notification of his or
21 her duty to register.

22 ~~Discharge of violent offender against youth from Department of~~
23 ~~Corrections facility or other penal institution; duties of~~
24 ~~official in charge. Any violent offender against youth who is~~
25 ~~discharged, paroled, or released from a Department of~~
26 ~~Corrections facility, a facility where such person was placed~~

1 ~~by the Department of Corrections or another penal institution,~~
2 ~~and whose liability for registration has not terminated under~~
3 ~~Section 40 shall, prior to discharge, parole or release from~~
4 ~~the facility or institution, be informed of his or her duty to~~
5 ~~register in person within 5 days of release by the facility or~~
6 ~~institution in which he or she was confined. The facility or~~
7 ~~institution shall also inform any person who must register that~~
8 ~~if he or she establishes a residence outside of the State of~~
9 ~~Illinois, is employed outside of the State of Illinois, or~~
10 ~~attends school outside of the State of Illinois, he or she must~~
11 ~~register in the new state within 5 days after establishing the~~
12 ~~residence, beginning employment, or beginning school.~~

13 ~~The facility shall require the person to read and sign such~~
14 ~~form as may be required by the Department of State Police~~
15 ~~stating that the duty to register and the procedure for~~
16 ~~registration has been explained to him or her and that he or~~
17 ~~she understands the duty to register and the procedure for~~
18 ~~registration. The facility shall further advise the person in~~
19 ~~writing that the failure to register or other violation of this~~
20 ~~Act shall result in revocation of parole, mandatory supervised~~
21 ~~release or conditional release. The facility shall obtain~~
22 ~~information about where the person expects to reside, work, and~~
23 ~~attend school upon his or her discharge, parole or release and~~
24 ~~shall report the information to the Department of State Police.~~
25 ~~The facility shall give one copy of the form to the person and~~
26 ~~shall send one copy to each of the law enforcement agencies~~

1 ~~having jurisdiction where the person expects to reside, work,~~
2 ~~and attend school upon his or her discharge, parole or release~~
3 ~~and retain one copy for the files. Electronic data files which~~
4 ~~includes all notification form information and photographs of~~
5 ~~violent offenders against youth being released from an Illinois~~
6 ~~Department of Corrections facility will be shared on a regular~~
7 ~~basis as determined between the Department of State Police and~~
8 ~~the Department of Corrections.~~

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

10 (730 ILCS 154/40)

11 Sec. 40. Duration of registration. A child murderer shall
12 be required to register for a period of his or her natural
13 life. ~~A person who becomes subject to registration under this~~
14 ~~Article who has previously been subject to registration under~~
15 ~~this Article or under the Sex Offender Registration Act or~~
16 ~~similar registration requirements of other jurisdictions shall~~
17 ~~register for the period of his or her natural life if not~~
18 ~~confined to a penal institution, hospital, or other institution~~
19 ~~or facility, and if confined, for the period of his or her~~
20 ~~natural life after parole, discharge, or release from any such~~
21 ~~facility. Any other person who is required to register under~~
22 ~~this Act shall be required to register for a period of 10 years~~
23 ~~after conviction or adjudication if not confined to a penal~~
24 ~~institution, hospital or any other institution or facility, and~~
25 ~~if confined, for a period of 10 years after parole, discharge~~

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

~~extension of the registration period. The violent offender against youth shall report to that law enforcement agency and sign for that letter. One copy of that letter shall be kept on file with the law enforcement agency of the jurisdiction where the violent offender against youth resides and one copy shall be returned to the Department of State Police.~~

(Source: P.A. 94-945, eff. 6-27-06; 95-169, eff. 8-14-07.)

(730 ILCS 154/45)

Sec. 45. Registration requirements.

(a) The Department of State Police Statewide Child Murderer Database must include all of the following information in an electronic format for each registered child murderer:

(1) Names, including:

(A) primary, given name;

(B) nicknames, aliases, or pseudonyms; and

(C) ethnic or Tribal names by which he or she is commonly known.

(2) Date of birth, including:

(A) actual date of birth; and

(B) any alias dates of birth used.

(3) Social Security Numbers, including:

(A) valid Social Security Number; and

(B) alias Social Security Numbers.

(4) Addresses, including:

(A) place of residence; and

1 (B) any addresses provided pursuant to subsection
2 (j) of Section 10.

3 (5) Temporary domicile information, including:

4 (A) address of temporary domicile; and

5 (B) dates of temporary domicile.

6 (6) Phone numbers, including:

7 (A) land line telephone numbers;

8 (B) cellular telephone numbers; and

9 (C) voice over Internet Protocol numbers.

10 (7) Internet Identifiers, including:

11 (A) new or changed email addresses;

12 (B) all new or changed instant messaging
13 identities;

14 (C) all new or changed chat room identities;

15 (D) all other new or changed Internet
16 communications identities that the child murderer uses
17 or plans to use;

18 (E) all new or changed Uniform Resource Locators
19 (URLs) registered or used by the child murderer; and

20 (F) all new or changed blogs and other Internet
21 sites maintained by the child murderer or to which the
22 child murderer has uploaded any content or posted any
23 messages or information.

24 (8) Vehicle information for any land vehicle,
25 aircraft, or watercraft owned or operated by child murderer
26 for personal or work use, including the:

- 1 (A) license plate number;
2 (B) registration number or identifier;
3 (C) physical description; and
4 (D) address where vehicle is permanently or
5 frequently kept.

6 (9) School information, including:

- 7 (A) name of school where the child murderer is or
8 will be a student;

- 9 (B) address of school; and

- 10 (C) telephone number of school.

11 (10) Employment information, including:

- 12 (A) name of employer where the child murderer is or
13 will be an employee;

- 14 (B) address of employer; and

- 15 (C) telephone number of employer.

16 (11) Physical description, including:

- 17 (A) a general description of physical appearance
18 or characteristics; and

- 19 (B) any identifying marks such as scars or tattoos.

- 20 (12) Photograph updated each time the child murderer
21 verifies his or her registration information unless his or
22 her appearance has not changed significantly.

- 23 (13) Fingerprints.

- 24 (14) Palm prints, subject to the appropriation of
25 funding by the General Assembly.

- 26 (15) Status of required DNA specimen pursuant to

1 Section 5-4-3 of the Code of Criminal Procedure of 1963;

2 (16) Criminal history, including:

3 (A) date of all arrests;

4 (B) date of all convictions;

5 (C) status of parole, probation, and supervised
6 release;

7 (D) registration status; and

8 (E) outstanding arrest warrants.

9 (17) Statutory text of the offense for which the child
10 murderer is required to register.

11 (18) Age of the child murderer at the time of the
12 commission of the offense for which he or she is required
13 to register.

14 (19) Age of the victim or victims at the time of the
15 commission of the offense for which the child murderer is
16 required to register.

17 (20) A copy of a valid driver's license, state-issued
18 identification card, or Tribal identification card.

19 (21) A copy of any license that permits the child
20 murderer to engage in an occupation or carry out a trade or
21 business or the license identification number.

22 (22) A copy of any valid passport issued to the child
23 murderer or passport identification number.

24 (23) A copy of any immigration documents pertaining to
25 child murderer's legal status.

26 (24) Any other information required by the Department

1 of State Police or the United States Department of Justice.

2 (b) (1) At the request of the registering law enforcement
3 agency, a child murderer shall accurately provide any of the
4 information required in subsection (a) of this Section when he
5 or she reports to verify and update his or her registration as
6 required in subsection (a-9) of Section 10.

7 (2) Penalty.

8 (A) Any person who is required to register under this
9 Act who knowingly or willfully gives information required
10 by this Section that is false is guilty of a Class 3
11 felony.

12 (B) A violation of this Section after a prior
13 conviction for a violation of any Section under this Act is
14 a Class 2 felony.

15 (C) Any person convicted for a violation of this
16 Section shall be required to serve a minimum period of 7
17 days confinement in the local county jail.

18 (D) The sentencing Court shall impose a mandatory
19 minimum fine of \$500 for each conviction for a violation of
20 this Section.

21 (E) Any child murderer who violates any provision of
22 this Act may be arrested and tried in any Illinois county
23 where he or she can be located or in the county in which he
24 or she was released or discharged from an Illinois
25 Department of Corrections prison or facility, an Illinois
26 Department of Juvenile Justice youth center or facility, an

1 Illinois Department of Human Services facility, or a
2 municipal or county jail. The local police department or
3 sheriff's office is not required to determine whether the
4 person is living within its jurisdiction. Registration as
5 required by this Act shall consist of a statement in
6 writing signed by the person giving the information that is
7 required by the Department of State Police, which may
8 include the fingerprints and must include a current
9 photograph of the person, to be updated annually. The
10 registration information must include whether the person
11 is a violent offender against youth.

12 (c) Within 3 calendar days of a child murderer reporting to
13 his or her, the registering law enforcement agency, the
14 registering law enforcement agency shall:

15 (1) Forward forward any required information to the
16 Department of State Police in the form and manner described
17 by the Department; and-

18 (2) Enter The registering law enforcement agency shall
19 enter the information into the Law Enforcement Agencies
20 Data System (LEADS) as provided in Sections 6 and 7 of the
21 Intergovernmental Missing Child Recovery Act of 1984.

22 (d) The Department of State Police, upon receiving
23 registration information about a child murderer from a
24 registering law enforcement agency must within 3 calendar days:

25 (1) Update the public Child Murderer Registry; and

26 (2) Forward the information to any other jurisdiction

1 where the child murderer currently or intends to reside, be
2 employed, or attend school.

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

4 (730 ILCS 154/50)

5 Sec. 50. Verification requirements.

6 (a) (1) Each registering law enforcement ~~The agency having~~
7 ~~jurisdiction~~ shall physically verify the address of each child
8 murderer ~~violent offenders against youth~~ required to register
9 with their agency at least once per year. The verification must
10 be documented in LEADS in the form and manner required by the
11 Department of State Police.

12 (2) Each registering law enforcement agency must verify any
13 employment or school address of each child murderer required to
14 register with their agency at lease once per year. Verification
15 may occur in any manner chosen by the registering law
16 enforcement agency including but not limited to a physical
17 check of the premises or a review of pay stubs or school report
18 cards. The verification must be documented in LEADS in the form
19 and manner prescribed by the Department of State Police.

20 (b) The supervising officer shall, within 15 days of
21 sentencing to probation or release from an Illinois Department
22 of Corrections facility, contact the law enforcement agency in
23 the jurisdiction which the child murderer ~~violent offender~~
24 ~~against youth~~ designated as his or her intended residence and
25 verify compliance with the requirements of this Act. Revocation

1 proceedings shall be immediately commenced against a child
2 murderer ~~violent offender against youth~~ on probation, parole,
3 or mandatory supervised release who fails to comply with the
4 requirements of this Act.

5 (c) Each registering law enforcement agency must verify
6 that each child murderer registered with their agency has a DNA
7 specimen contained in the Combined DNA Index System (CODIS). If
8 a child murderer has not provided a specimen, the registering
9 law enforcement agency must collect the sample and submit it to
10 the Department of State Police, Division of Forensic Services
11 for analysis and categorizing into genetic marker groupings.

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

13 (730 ILCS 154/53 new)

14 Sec. 53. Fees. The person shall pay a \$20 initial
15 registration fee and a \$10 annual renewal fee. The fees shall
16 be deposited into the Child Murderer Registration Fund. The
17 agency shall establish procedures to document receipt. The
18 registering law enforcement agency may waive the registration
19 fee if it determines that the person is indigent and unable to
20 pay the registration fee.

21 (730 ILCS 154/55)

22 Sec. 55. Public inspection of registration data. Except as
23 provided in this Act ~~the Child Murderer and Violent Offender~~
24 ~~Against Youth Community Notification Law~~, the statements or any

1 other information required by this Act shall not be open to
2 inspection by the public, or by any person other than by a law
3 enforcement officer or other individual as may be authorized by
4 law and shall include law enforcement agencies of this State,
5 any other state, or of the federal government. Similar
6 information may be requested from any law enforcement agency of
7 another state or of the federal government for purposes of this
8 Act. It is a Class B misdemeanor to permit the unauthorized
9 release of any information required by this Act.

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

11 (730 ILCS 154/60)

12 Sec. 60. Additional penalties ~~Penalty~~.

13 (a) Any person who is required to register under this Act
14 ~~who violates any of the provisions of this Act and any person~~
15 ~~who is required to register under this Act~~ who seeks to change
16 his or her name under Article XXI ~~21~~ of the Code of Civil
17 Procedure is guilty of a Class 3 felony.

18 (b) (1) Any person, not covered by privilege under Part 8 of
19 Article VIII of the Code of Civil Procedure or the Illinois
20 Supreme Court's Rules of Professional Conduct, who has reason
21 to believe that a child murderer is not complying, or has not
22 complied, with the requirements of this Act and who, with the
23 intent to assist the child murderer in eluding a law
24 enforcement agency that is seeking to find the child murderer,
25 to question the child murderer about, or to arrest the child

1 murderer for, his or her non-compliance with the requirements
2 of this Act is guilty of a Class 3 felony if he or she:

3 (A) Provides false information to the registering law
4 enforcement agency about the child murderer's
5 noncompliance with the requirements of this Act, and, if
6 known, the whereabouts of the child murderer;

7 (B) Harbors, or attempts to harbor, or assists another
8 person in harboring or attempting to harbor, the child
9 murderer; or

10 (C) Conceals or attempts to conceal, or assists another
11 person in concealing or attempting to conceal, the child
12 murderer.

13 (2) This subsection does not apply if the child murderer is
14 incarcerated in, detained in or is in the custody of a State
15 correctional facility, a private correctional facility, a
16 county or municipal jail, a State mental health facility or a
17 State treatment and detention facility, or a federal
18 correctional facility. Any person who is convicted for a
19 violation of this Act for a second or subsequent time is guilty
20 of a Class 2 felony. Any person who is required to register
21 under this Act who knowingly or wilfully gives material
22 information required by this Act that is false is guilty of a
23 Class 3 felony. Any person convicted of a violation of any
24 provision of this Act shall, in addition to any other penalty
25 required by law, be required to serve a minimum period of 7
26 days confinement in the local county jail. The court shall

1 ~~impose a mandatory minimum fine of \$500 for failure to comply~~
2 ~~with any provision of this Act. These fines shall be deposited~~
3 ~~into the Child Murderer and Violent Offender Against Youth~~
4 ~~Registration Fund. Any violent offender against youth who~~
5 ~~violates any provision of this Act may be arrested and tried in~~
6 ~~any Illinois county where the violent offender against youth~~
7 ~~can be located. The local police department or sheriff's office~~
8 ~~is not required to determine whether the person is living~~
9 ~~within its jurisdiction.~~

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

11 (730 ILCS 154/65)

12 Sec. 65. Child Murderer ~~and Violent Offender Against Youth~~
13 Registration Fund. There is created the Child Murderer ~~and~~
14 ~~Violent Offender Against Youth~~ Registration Fund. Moneys in the
15 Fund shall be used to cover costs incurred by the criminal
16 justice system to administer this Act. The Department of State
17 Police shall establish and promulgate rules and procedures
18 regarding the administration of this Fund. Fifty percent of the
19 moneys in the Fund shall be allocated by the Department for
20 sheriffs' offices and police departments. The remaining moneys
21 in the Fund shall be allocated to the Illinois State Police for
22 education and administration of this Act and the Violent
23 Offender Against Youth Registration ~~the~~ Act.

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

1 (730 ILCS 154/75)

2 Sec. 75. Child Murderer ~~and Violent Offender Against Youth~~
3 Community Notification Law. Sections 75 through 105 of this Act
4 may be cited as the Child Murderer ~~and Violent Offender Against~~
5 ~~Youth~~ Community Notification Law.

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

7 (730 ILCS 154/80)

8 Sec. 80. Child Murderer Registry Website Definition.

9 (a) The Department of State Police must maintain and update
10 regularly a public Child Murderer Registry Website.

11 (b) (1) The Child Murderer Registry Website must include all
12 of the following information about every registered child
13 murderer:

14 (A) Name, including all aliases.

15 (B) Current photograph.

16 (C) Place of residence.

17 (D) Physical description.

18 (E) License plate number and vehicle description of any
19 vehicle which the child murderer owns or operates.

20 (F) Offense for which the child murderer is required to
21 register.

22 (G) The status of the child murderer's compliance with
23 his or her duty to register.

24 (H) Any other information deemed relevant by the
25 Department of State Police.

1 (2) The Department of State Police must not include any of
2 the following information about child murderers on the Child
3 Murderer Registry Website:

4 (A) Any arrests that did not result in a conviction or
5 adjudication.

6 (B) Social Security numbers.

7 (C) Travel and immigration documentation numbers.

8 (D) The identity of any victim.

9 (E) Any Internet identifiers provided under
10 subdivision (a) (7) of Section 30 of this Act.

11 (c) The Child Murderer Registry Website must include all of
12 the following:

13 (1) Statement of penalty for unlawful use of the
14 information provided on the website.

15 (2) A procedure to correct erroneous information
16 posted on the website.

17 (3) An ability to search:

18 (A) by name;

19 (B) by county;

20 (C) by city or town;

21 (D) by zip code;

22 (E) via a mapping system which identifies every
23 registered child murderer living within a geographic
24 radius of an identified address.

25 (4) Any other information deemed relevant by the
26 Department of State Police.

1 ~~As used in Sections 75 through 105, the following definition~~
2 ~~applies:~~

3 ~~"Child care facilities" has the meaning set forth in the~~
4 ~~Child Care Act of 1969, but does not include licensed foster~~
5 ~~homes.~~

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

7 (730 ILCS 154/85)

8 Sec. 85. Child Murderer and Violent Offender Against Youth
9 Database.

10 (a) The Department of State Police shall establish and
11 maintain a Statewide Child Murderer and Violent Offender
12 Against Youth Database for the purpose of identifying child
13 murderers ~~violent offenders against youth~~ and making that
14 information available to the persons specified in Section 95.
15 The Database shall be created from the Law Enforcement Agencies
16 Data System (LEADS) established under Section 6 of the
17 Intergovernmental Missing Child Recovery Act of 1984. The
18 Department of State Police shall examine its LEADS database for
19 persons registered as child murderers ~~violent offenders~~
20 ~~against youth~~ under this Act and shall identify those who are
21 child murderers ~~violent offenders against youth~~ and shall add
22 all the information, including photographs if available, on
23 those child murderers ~~violent offenders against youth~~ to the
24 Statewide Child Murderer and Violent Offender Against Youth
25 Database.

1 ~~(b) The Department of State Police must make the~~
2 ~~information contained in the Statewide Child Murderer and~~
3 ~~Violent Offender Against Youth Database accessible on the~~
4 ~~Internet by means of a hyperlink labeled "Child Murderer and~~
5 ~~Violent Offender Against Youth Information" on the~~
6 ~~Department's World Wide Web home page. The Department of State~~
7 ~~Police must update that information as it deems necessary.~~

8 ~~The Department of State Police may require that a person~~
9 ~~who seeks access to the violent offender against youth~~
10 ~~information submit biographical information about himself or~~
11 ~~herself before permitting access to the violent offender~~
12 ~~against youth information. The Department of State Police must~~
13 ~~promulgate rules in accordance with the Illinois~~
14 ~~Administrative Procedure Act to implement this subsection (b)~~
15 ~~and those rules must include procedures to ensure that the~~
16 ~~information in the database is accurate.~~

17 ~~(c) The Department of State Police must develop and conduct~~
18 ~~training to educate all those entities involved in the Child~~
19 ~~Murderer and Violent Offender Against Youth Registration~~
20 ~~Program.~~

21 (b) ~~(d)~~ The Department of State Police shall commence the
22 duties prescribed in the Child Murderer and Violent Offender
23 Against Youth Registration Act by June 27, 2007 ~~within 12~~
24 ~~months after the effective date of this Act.~~

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

1 (730 ILCS 154/86)

2 Sec. 86. Verification that offense was not sexually
3 motivated. Any person who is convicted of first degree murder
4 under Section 9-1 of the Criminal Code of 1961, when the victim
5 was a person under 18 years of age and the defendant was at
6 least 17 years of age at the time of the commission of the
7 offense ~~any of the offenses listed in subsection (b) of Section~~
8 ~~5 of this Act on or after the effective date of this Act,~~ shall
9 be required to register as an offender on the Child Murderer
10 ~~and Violent Offender Against Youth~~ Registry if, at the time of
11 sentencing, the sentencing court verifies in writing that the
12 offense was not sexually motivated as defined in Section 10 of
13 the Sex Offender Management Board Act. If the offense was
14 sexually motivated, the offender shall be required to register
15 pursuant to the Adam Walsh Sex Offender Registration and
16 Community Notification Act.

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

18 (730 ILCS 154/90)

19 Sec. 90. Electronic notification system ~~List of violent~~
20 ~~offenders against youth; list of facilities, schools, and~~
21 ~~institutions of higher education.~~

22 (a) The Department of State Police must establish and
23 maintain an electronic notification system for the purpose of
24 community notification pursuant to Section 95 of this Act.

25 (b) The Department of State Police may require that a

1 person who seeks access to the electronic notification system
2 submit biographical information about the entity or individual
3 requesting the information before permitting access to the
4 child murderer information.

5 (c) The Department of State Police must promulgate rules in
6 accordance with the Illinois Administrative Procedure Act to
7 implement this Section and those rules must include procedures
8 to ensure that the information in the system is accurate and to
9 verify accuracy of the biographical information submitted by
10 entities or individuals.

11 (d) Any entity or individual that cannot access an
12 electronic notification system may receive child murderer
13 information from the local registering law enforcement agency.

14 ~~The Department of State Police shall promulgate rules to~~
15 ~~develop a list of violent offenders against youth covered by~~
16 ~~this Act and a list of child care facilities, schools, and~~
17 ~~institutions of higher education eligible to receive notice~~
18 ~~under this Act, so that the list can be disseminated in a~~
19 ~~timely manner to law enforcement agencies having jurisdiction.~~

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

21 (730 ILCS 154/95)

22 Sec. 95. Community notification of child murderers ~~violent~~
23 ~~offenders against youth.~~

24 (a) The Department of State Police ~~sheriff of the county,~~
25 ~~except Cook County,~~ shall disclose to the following information

1 ~~regarding the name, address, date of birth, place of~~
2 ~~employment, school attended, and offense or adjudication of all~~
3 ~~child murderers all violent offenders against youth~~ required to
4 register under Section 10 of this Act to the individuals and
5 entities listed in subsection (a-1.5) of this Section:

6 (1) Name;

7 (2) Address;

8 (3) Date of birth;

9 (4) Place of employment;

10 (5) School attended;

11 (6) All e-mail addresses, instant messaging
12 identities, chat room identities, other Internet
13 communications identities, all Uniform Resource Locators
14 (URLs) registered or used by the child murderer, all blogs
15 and other Internet sites maintained by the child murderer
16 or to which the child murderer has uploaded any content or
17 posted any messages or information;

18 (7) The offense for which the child murderer is
19 required to register;

20 (8) County of conviction;

21 (9) License plate numbers and vehicle description for
22 every vehicle the child murderer owns or operates;

23 (10) The age of the child murderer at the time of the
24 commission of the offense for which he or she is
25 registered;

26 (11) The age of the victim at the time of the

1 commission of the offense for which the child murderer is
2 registered;

3 (12) Any distinguishing marks located on the body of
4 the child murderer; and

5 (13) Any other information deemed relevant by the
6 Department of State Police.

7 (a-1.5) (1) The boards of institutions of higher education
8 or other appropriate administrative offices of each non-public
9 institution of higher education located in the county where the
10 child murderer ~~violent offender against youth~~ is required to
11 register, resides, is employed, or is attending an institution
12 of higher education; and

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

18 (3) Child care facilities located in the county where the
19 child murderer ~~violent offender against youth~~ is required to
20 register or is employed; ~~and~~

21 (4) Libraries located in the county where the child
22 murderer ~~violent offender against youth~~ is required to
23 register, resides, ~~or~~ is employed, or is attending an
24 institution of higher education;

25 (5) The Illinois Department of Children and Family
26 Services.

1 (a-2) Any entity or individual that cannot access the
2 electronic notification system may receive child murderer
3 information from the local registering law enforcement agency.

4 ~~The sheriff of Cook County shall disclose to the following the~~
5 ~~name, address, date of birth, place of employment, school~~
6 ~~attended, and offense or adjudication of all violent offenders~~
7 ~~against youth required to register under Section 10 of this~~
8 ~~Act.~~

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

16 ~~(2) Child care facilities located within the region of~~
17 ~~Cook County, as those child care facilities are identified~~
18 ~~in LEADS, other than the City of Chicago, where the violent~~
19 ~~offender against youth is required to register or is~~
20 ~~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 violent~~
25 ~~offender against youth is required to register, resides, is~~
26 ~~employed, or attending an institution of higher education;~~

1 ~~and~~

2 ~~(4) Libraries located in the county, other than the~~
3 ~~City of Chicago, where the violent offender against youth~~
4 ~~is required to register, resides, is employed, or is~~
5 ~~attending an institution of higher education.~~

6 ~~(a 3) The Chicago Police Department shall disclose to the~~
7 ~~following the name, address, date of birth, place of~~
8 ~~employment, school attended, and offense or adjudication of all~~
9 ~~violent offenders against youth required to register under~~
10 ~~Section 10 of this Act:~~

11 ~~(1) School boards of public school districts and the~~
12 ~~principal or other appropriate administrative officer of~~
13 ~~each nonpublic school located in the police district where~~
14 ~~the violent offender against youth is required to register~~
15 ~~or is employed if the offender is required to register or~~
16 ~~is employed in the City of Chicago; and~~

17 ~~(2) Child care facilities located in the police~~
18 ~~district where the violent offender against youth is~~
19 ~~required to register or is employed if the offender is~~
20 ~~required to register or is employed in the City of Chicago;~~
21 ~~and~~

22 ~~(3) The boards of institutions of higher education or~~
23 ~~other appropriate administrative offices of each~~
24 ~~non-public institution of higher education located in the~~
25 ~~police district where the violent offender against youth is~~
26 ~~required to register, resides, is employed, or attending an~~

1 ~~institution of higher education in the City of Chicago; and~~

2 ~~(4) Libraries located in the police district where the~~
3 ~~violent offender against youth is required to register or~~
4 ~~is employed if the offender is required to register or is~~
5 ~~employed in the City of Chicago.~~

6 ~~(a 4) The Department of State Police shall provide a list~~
7 ~~of violent offenders against youth required to register to the~~
8 ~~Illinois Department of Children and Family Services.~~

9 (b) The Department of State Police may disclose via an
10 electronic notification system the following information
11 regarding a child murderer required to register under this Act
12 to the general public whenever he or she begins residing within
13 a certain Zip Code or geographic radius of an identified
14 address:

15 (1) Name;

16 (2) Address;

17 (3) Date of birth;

18 (4) The offense for which the child murderer is
19 required to register;

20 (5) County of conviction;

21 (6) License plate numbers and vehicle description for
22 every vehicle the child murderer owns or operates;

23 (7) The age of the child murderer at the time of the
24 commission of the offense for which he or she is
25 registered;

26 (8) The age of the victim at the time of the commission

1 of the offense for which the child murderer is registered;

2 (9) Any distinguishing marks located on the body of the
3 child murderer; and

4 (10) Any other information deemed relevant by the
5 Department of State Police.

6 (c) (1) The Department of State Police and any registering
7 law enforcement agency may disclose, in the Department's or
8 agency's discretion, the following information to any person
9 likely to encounter a child murderer to protect public safety
10 ~~violent offender against youth:~~

11 (A) ~~(1)~~ The child murderer's ~~offender's~~ name, address,
12 and date of birth; ~~;~~

13 (B) ~~(2)~~ The offense for which the child murderer
14 ~~offender~~ was convicted; ~~;~~

15 (C) ~~(3)~~ The child murderer's ~~offender's~~ photograph or
16 other such information that will help identify the child
17 murderer; ~~violent offender against youth.~~

18 (D) The child murderer's ~~(4) Offender~~ employment
19 information; ~~, to protect public safety.~~

20 (E) The child murderer's school information;

21 (F) E-mail addresses, instant messaging identities,
22 chat room identities, and other Internet communications
23 identities, all Uniform Resource Locators (URLs)
24 registered or used by the child murderer, and all blogs and
25 other Internet sites maintained by the child murderer to
26 which he or she has uploaded any content or posted any

1 messages or information; and

2 (G) Any other information deemed relevant by the
3 Department of State Police.

4 (2) The Department of State Police and any registering law
5 enforcement agency may in its discretion place the information
6 specified in paragraph (1) of this subsection on the Internet
7 or in other media.

8 (d) (1) ~~(e)~~ The following information regarding child
9 murderers name, address, date of birth, and offense or
10 adjudication for violent offenders against youth required to
11 register under Section 10 of this Act shall be open to
12 inspection by the public as provided in paragraph (2) of this
13 subsection Section.

14 (A) Name;

15 (B) Address;

16 (C) Date of birth;

17 (D) E-mail addresses, instant messaging identities,
18 chat room identities, other Internet communications
19 identities, all Uniform Resource Locators (URLs)
20 registered or used by the child murderer, all blogs and
21 other Internet sites maintained by the child murderer or to
22 which the child murderer has uploaded any content or posted
23 any messages or information;

24 (E) The offense for which the child murderer is
25 required to register;

26 (F) County of conviction;

1 (G) License plate numbers and vehicle description for
2 every vehicle the child murderer owns or operates;

3 (H) The age of the child murderer at the time of the
4 commission of the offense for which he or she is
5 registered;

6 (I) The age of the victim at the time of the commission
7 of the offense for which the child murderer is registered;

8 (J) Any distinguishing marks located on the body of
9 child murderer; and

10 (K) Any other information deemed relevant by the
11 Department of State Police.

12 (2) Every registering law enforcement agency ~~municipal~~
13 ~~police department~~ shall make available at its headquarters the
14 information listed in paragraph (d) (1) on all child murderers
15 ~~violent offenders against youth~~ who are required to register
16 with the agency in the municipality under this Act. ~~The sheriff~~
17 ~~shall also make available at his or her headquarters the~~
18 ~~information on all violent offenders against youth who are~~
19 ~~required to register under this Act and who live in~~
20 ~~unincorporated areas of the county.~~

21 (A) Child murderer ~~Violent offender against youth~~
22 information must be made available for public inspection to
23 any person, no later than ~~72 hours or~~ 3 business days from
24 the date of the request. The request must be made in
25 person, in writing, or by telephone.

26 (B) Availability must include giving the inquirer

1 access to a facility where the information may be copied. A
2 registering law enforcement agency ~~department or sheriff~~
3 may charge a fee, but the fee may not exceed the actual
4 costs of copying the information. An inquirer must be
5 allowed to copy this information in his or her own
6 handwriting. A registering law enforcement agency
7 ~~department or sheriff~~ must allow access to the information
8 during normal public working hours. ~~The sheriff or a~~
9 ~~municipal police department may publish the photographs of~~
10 ~~violent offenders against youth where any victim was 13~~
11 ~~years of age or younger and who are required to register in~~
12 ~~the municipality or county under this Act in a newspaper or~~
13 ~~magazine of general circulation in the municipality or~~
14 ~~county or may disseminate the photographs of those violent~~
15 ~~offenders against youth on the Internet or on television.~~
16 ~~The law enforcement agency may make available the~~
17 ~~information on all violent offenders against youth~~
18 ~~residing within any county.~~

19 (3) (d) The Department of State Police and any registering
20 law enforcement agency ~~having jurisdiction~~ may, in the
21 Department's or agency's discretion, place the information
22 specified in paragraph (d) (1) subsection (b) on the Internet or
23 in other media.

24 (e) A registering law enforcement agency may publish the
25 photographs of any child murderer who is required to register
26 under this Act in its municipality or county in a newspaper or

1 magazine of general circulation in the municipality or county
2 or may disseminate the photographs of child murderers on the
3 Internet or on television.

4 (f) A registering law enforcement agency may provide to the
5 public a special alert list warning parents to be aware that
6 child murderers may attempt to contact children during holidays
7 involving children, such as Halloween, Christmas, and Easter
8 and informing parents that information containing the names and
9 addresses of registered child murderers are accessible on the
10 Internet by means of a hyperlink labeled "Child Murderer
11 Information" on the Department of State Police's World Wide Web
12 home page and are available for public inspection at the
13 agency's headquarters.

14 (g) Notwithstanding any other provision of law to the
15 contrary, any person who provides or fails to provide
16 information relevant to the procedures set forth in this
17 Section shall not be liable in any civil or criminal action.
18 This immunity extends to the secondary release of any of this
19 information legally obtained in conjunction with procedures
20 set forth in this Section.

21 (Source: P.A. 94-945, eff. 6-27-06; 95-278, eff. 8-17-07.)

22 (730 ILCS 154/100)

23 Sec. 100. Training for Registering Law Enforcement
24 Agencies. ~~Notification regarding juvenile offenders.~~ The
25 Department of State Police must develop and conduct training to

1 educate all those entities involved in the Child Murderer
2 Registration Program.

3 ~~(a) The Department of State Police and any law enforcement~~
4 ~~agency having jurisdiction may, in the Department's or agency's~~
5 ~~discretion, only provide the information specified in~~
6 ~~subsection (b) of Section 95, with respect to an adjudicated~~
7 ~~juvenile delinquent, to any person when that person's safety~~
8 ~~may be compromised for some reason related to the juvenile~~
9 ~~violent offender against youth.~~

10 ~~(b) The local law enforcement agency having jurisdiction to~~
11 ~~register the juvenile violent offender against youth shall~~
12 ~~ascertain from the juvenile violent offender against youth~~
13 ~~whether the juvenile violent offender against youth is enrolled~~
14 ~~in school; and if so, shall provide a copy of the violent~~
15 ~~offender against youth registration form only to the principal~~
16 ~~or chief administrative officer of the school and any guidance~~
17 ~~counselor designated by him or her. The registration form shall~~
18 ~~be kept separately from any and all school records maintained~~
19 ~~on behalf of the juvenile violent offender against youth.~~

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

21 Section 910. The Code of Civil Procedure is amended by
22 changing Section 21-101 as follows:

23 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

24 Sec. 21-101. Proceedings; parties. If any person who is a

1 resident of this State and has resided in this State for 6
2 months desires to change his or her name and to assume another
3 name by which to be afterwards called and known, the person may
4 file a petition in the circuit court of the county wherein he
5 or she resides praying for that relief. If it appears to the
6 court that the conditions hereinafter mentioned have been
7 complied with and that there is no reason why the prayer should
8 not be granted, the court, by an order to be entered of record,
9 may direct and provide that the name of that person be changed
10 in accordance with the prayer in the petition. The filing of a
11 petition in accordance with this Section shall be the sole and
12 exclusive means by which any person committed under the laws of
13 this State to a penal institution may change his or her name
14 and assume another name. However, any person convicted of a
15 felony in this State or any other state who has not been
16 pardoned may not file a petition for a name change until 10
17 years have passed since completion and discharge from his or
18 her sentence. A person who has been convicted of identity
19 theft, aggravated identity theft, felony or misdemeanor
20 criminal sexual abuse when the victim of the offense at the
21 time of its commission is under 18 years of age, felony or
22 misdemeanor sexual exploitation of a child, felony or
23 misdemeanor indecent solicitation of a child, or felony or
24 misdemeanor indecent solicitation of an adult, or any other
25 offense for which a person is required to register under the
26 Adam Walsh Sex Offender Registration and Community

1 Notification Act ~~Sex Offender Registration Act~~ in this State or
2 any other state who has not been pardoned shall not be
3 permitted to file a petition for a name change in the courts of
4 Illinois. A petitioner may include his or her spouse and adult
5 unmarried children, with their consent, and his or her minor
6 children where it appears to the court that it is for their
7 best interest, in the petition and prayer, and the court's
8 order shall then include the spouse and children. Whenever any
9 minor has resided in the family of any person for the space of
10 3 years and has been recognized and known as an adopted child
11 in the family of that person, the application herein provided
12 for may be made by the person having that minor in his or her
13 family.

14 An order shall be entered as to a minor only if the court
15 finds by clear and convincing evidence that the change is
16 necessary to serve the best interest of the child. In
17 determining the best interest of a minor child under this
18 Section, the court shall consider all relevant factors,
19 including:

20 (1) The wishes of the child's parents and any person
21 acting as a parent who has physical custody of the child.

22 (2) The wishes of the child and the reasons for those
23 wishes. The court may interview the child in chambers to
24 ascertain the child's wishes with respect to the change of
25 name. Counsel shall be present at the interview unless
26 otherwise agreed upon by the parties. The court shall cause

1 a court reporter to be present who shall make a complete
2 record of the interview instantaneously to be part of the
3 record in the case.

4 (3) The interaction and interrelationship of the child
5 with his or her parents or persons acting as parents who
6 have physical custody of the child, step-parents,
7 siblings, step-siblings, or any other person who may
8 significantly affect the child's best interest.

9 (4) The child's adjustment to his or her home, school,
10 and community.

11 (Source: P.A. 94-944, eff. 1-1-07.)

12 Section 915. The Mental Health and Developmental
13 Disabilities Confidentiality Act is amended by changing
14 Section 11 as follows:

15 (740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

16 Sec. 11. Disclosure of records and communications. Records
17 and communications may be disclosed:

18 (i) in accordance with the provisions of the Abused and
19 Neglected Child Reporting Act, subsection (u) of Section 5
20 of the Children and Family Services Act, or Section 7.4 of
21 the Child Care Act of 1969;

22 (ii) when, and to the extent, a therapist, in his or
23 her sole discretion, determines that disclosure is
24 necessary to initiate or continue civil commitment or

1 involuntary treatment proceedings under the laws of this
2 State or to otherwise protect the recipient or other person
3 against a clear, imminent risk of serious physical or
4 mental injury or disease or death being inflicted upon the
5 recipient or by the recipient on himself or another;

6 (iii) when, and to the extent disclosure is, in the
7 sole discretion of the therapist, necessary to the
8 provision of emergency medical care to a recipient who is
9 unable to assert or waive his or her rights hereunder;

10 (iv) when disclosure is necessary to collect sums or
11 receive third party payment representing charges for
12 mental health or developmental disabilities services
13 provided by a therapist or agency to a recipient under
14 Chapter V of the Mental Health and Developmental
15 Disabilities Code or to transfer debts under the
16 Uncollected State Claims Act; however, disclosure shall be
17 limited to information needed to pursue collection, and the
18 information so disclosed shall not be used for any other
19 purposes nor shall it be redisclosed except in connection
20 with collection activities;

21 (v) when requested by a family member, the Department
22 of Human Services may assist in the location of the
23 interment site of a deceased recipient who is interred in a
24 cemetery established under Section 100-26 of the Mental
25 Health and Developmental Disabilities Administrative Act;

26 (vi) in judicial proceedings under Article VIII of

1 Chapter III and Article V of Chapter IV of the Mental
2 Health and Developmental Disabilities Code and proceedings
3 and investigations preliminary thereto, to the State's
4 Attorney for the county or residence of a person who is the
5 subject of such proceedings, or in which the person is
6 found, or in which the facility is located, to the attorney
7 representing the recipient in the judicial proceedings, to
8 any person or agency providing mental health services that
9 are the subject of the proceedings and to that person's or
10 agency's attorney, to any court personnel, including but
11 not limited to judges and circuit court clerks, and to a
12 guardian ad litem if one has been appointed by the court,
13 provided that the information so disclosed shall not be
14 utilized for any other purpose nor be redisclosed except in
15 connection with the proceedings or investigations;

16 (vii) when, and to the extent disclosure is necessary
17 to comply with the requirements of the Census Bureau in
18 taking the federal Decennial Census;

19 (viii) when, and to the extent, in the therapist's sole
20 discretion, disclosure is necessary to warn or protect a
21 specific individual against whom a recipient has made a
22 specific threat of violence where there exists a
23 therapist-recipient relationship or a special
24 recipient-individual relationship;

25 (ix) in accordance with the Adam Walsh Sex Offender
26 Registration and Community Notification Act ~~Sex Offender~~

1 ~~Registration Act;~~

2 (x) in accordance with the Rights of Crime Victims and
3 Witnesses Act;

4 (xi) in accordance with Section 6 of the Abused and
5 Neglected Long Term Care Facility Residents Reporting Act;
6 and

7 (xii) in accordance with Section 55 of the Abuse of
8 Adults with Disabilities Intervention Act.

9 Any person, institution, or agency, under this Act,
10 participating in good faith in the making of a report under the
11 Abused and Neglected Child Reporting Act or in the disclosure
12 of records and communications under this Section, shall have
13 immunity from any liability, civil, criminal or otherwise, that
14 might result by reason of such action. For the purpose of any
15 proceeding, civil or criminal, arising out of a report or
16 disclosure under this Section, the good faith of any person,
17 institution, or agency so reporting or disclosing shall be
18 presumed.

19 (Source: P.A. 95-331, eff. 8-21-07; 96-466, eff. 8-14-09.)

20 Section 920. The Unemployment Insurance Act is amended by
21 changing Section 1900 as follows:

22 (820 ILCS 405/1900) (from Ch. 48, par. 640)

23 Sec. 1900. Disclosure of information.

24 A. Except as provided in this Section, information obtained

1 from any individual or employing unit during the administration
2 of this Act shall:

- 3 1. be confidential,
- 4 2. not be published or open to public inspection,
- 5 3. not be used in any court in any pending action or
6 proceeding,
- 7 4. not be admissible in evidence in any action or
8 proceeding other than one arising out of this Act.

9 B. No finding, determination, decision, ruling or order
10 (including any finding of fact, statement or conclusion made
11 therein) issued pursuant to this Act shall be admissible or
12 used in evidence in any action other than one arising out of
13 this Act, nor shall it be binding or conclusive except as
14 provided in this Act, nor shall it constitute res judicata,
15 regardless of whether the actions were between the same or
16 related parties or involved the same facts.

17 C. Any officer or employee of this State, any officer or
18 employee of any entity authorized to obtain information
19 pursuant to this Section, and any agent of this State or of
20 such entity who, except with authority of the Director under
21 this Section, shall disclose information shall be guilty of a
22 Class B misdemeanor and shall be disqualified from holding any
23 appointment or employment by the State.

24 D. An individual or his duly authorized agent may be
25 supplied with information from records only to the extent
26 necessary for the proper presentation of his claim for benefits

1 or with his existing or prospective rights to benefits.
2 Discretion to disclose this information belongs solely to the
3 Director and is not subject to a release or waiver by the
4 individual. Notwithstanding any other provision to the
5 contrary, an individual or his or her duly authorized agent may
6 be supplied with a statement of the amount of benefits paid to
7 the individual during the 18 months preceding the date of his
8 or her request.

9 E. An employing unit may be furnished with information,
10 only if deemed by the Director as necessary to enable it to
11 fully discharge its obligations or safeguard its rights under
12 the Act. Discretion to disclose this information belongs solely
13 to the Director and is not subject to a release or waiver by
14 the employing unit.

15 F. The Director may furnish any information that he may
16 deem proper to any public officer or public agency of this or
17 any other State or of the federal government dealing with:

- 18 1. the administration of relief,
- 19 2. public assistance,
- 20 3. unemployment compensation,
- 21 4. a system of public employment offices,
- 22 5. wages and hours of employment, or
- 23 6. a public works program.

24 The Director may make available to the Illinois Workers'
25 Compensation Commission information regarding employers for
26 the purpose of verifying the insurance coverage required under

1 the Workers' Compensation Act and Workers' Occupational
2 Diseases Act.

3 G. The Director may disclose information submitted by the
4 State or any of its political subdivisions, municipal
5 corporations, instrumentalities, or school or community
6 college districts, except for information which specifically
7 identifies an individual claimant.

8 H. The Director shall disclose only that information
9 required to be disclosed under Section 303 of the Social
10 Security Act, as amended, including:

11 1. any information required to be given the United
12 States Department of Labor under Section 303(a)(6); and

13 2. the making available upon request to any agency of
14 the United States charged with the administration of public
15 works or assistance through public employment, the name,
16 address, ordinary occupation and employment status of each
17 recipient of unemployment compensation, and a statement of
18 such recipient's right to further compensation under such
19 law as required by Section 303(a)(7); and

20 3. records to make available to the Railroad Retirement
21 Board as required by Section 303(c)(1); and

22 4. information that will assure reasonable cooperation
23 with every agency of the United States charged with the
24 administration of any unemployment compensation law as
25 required by Section 303(c)(2); and

26 5. information upon request and on a reimbursable basis

1 to the United States Department of Agriculture and to any
2 State food stamp agency concerning any information
3 required to be furnished by Section 303(d); and

4 6. any wage information upon request and on a
5 reimbursable basis to any State or local child support
6 enforcement agency required by Section 303(e); and

7 7. any information required under the income
8 eligibility and verification system as required by Section
9 303(f); and

10 8. information that might be useful in locating an
11 absent parent or that parent's employer, establishing
12 paternity or establishing, modifying, or enforcing child
13 support orders for the purpose of a child support
14 enforcement program under Title IV of the Social Security
15 Act upon the request of and on a reimbursable basis to the
16 public agency administering the Federal Parent Locator
17 Service as required by Section 303(h); and

18 9. information, upon request, to representatives of
19 any federal, State or local governmental public housing
20 agency with respect to individuals who have signed the
21 appropriate consent form approved by the Secretary of
22 Housing and Urban Development and who are applying for or
23 participating in any housing assistance program
24 administered by the United States Department of Housing and
25 Urban Development as required by Section 303(i).

26 I. The Director, upon the request of a public agency of

1 Illinois, of the federal government or of any other state
2 charged with the investigation or enforcement of Section 10-5
3 of the Criminal Code of 1961 (or a similar federal law or
4 similar law of another State), may furnish the public agency
5 information regarding the individual specified in the request
6 as to:

7 1. the current or most recent home address of the
8 individual, and

9 2. the names and addresses of the individual's
10 employers.

11 J. Nothing in this Section shall be deemed to interfere
12 with the disclosure of certain records as provided for in
13 Section 1706 or with the right to make available to the
14 Internal Revenue Service of the United States Department of the
15 Treasury, or the Department of Revenue of the State of
16 Illinois, information obtained under this Act.

17 K. The Department shall make available to the Illinois
18 Student Assistance Commission, upon request, information in
19 the possession of the Department that may be necessary or
20 useful to the Commission in the collection of defaulted or
21 delinquent student loans which the Commission administers.

22 L. The Department shall make available to the State
23 Employees' Retirement System, the State Universities
24 Retirement System, and the Teachers' Retirement System of the
25 State of Illinois, upon request, information in the possession
26 of the Department that may be necessary or useful to the System

1 for the purpose of determining whether any recipient of a
2 disability benefit from the System is gainfully employed.

3 M. This Section shall be applicable to the information
4 obtained in the administration of the State employment service,
5 except that the Director may publish or release general labor
6 market information and may furnish information that he may deem
7 proper to an individual, public officer or public agency of
8 this or any other State or the federal government (in addition
9 to those public officers or public agencies specified in this
10 Section) as he prescribes by Rule.

11 N. The Director may require such safeguards as he deems
12 proper to insure that information disclosed pursuant to this
13 Section is used only for the purposes set forth in this
14 Section.

15 O. (Blank).

16 P. Within 30 days after the effective date of this
17 amendatory Act of 1993 and annually thereafter, the Department
18 shall provide to the Department of Financial Institutions a
19 list of individuals or entities that, for the most recently
20 completed calendar year, report to the Department as paying
21 wages to workers. The lists shall be deemed confidential and
22 may not be disclosed to any other person.

23 Q. The Director shall make available to an elected federal
24 official the name and address of an individual or entity that
25 is located within the jurisdiction from which the official was
26 elected and that, for the most recently completed calendar

1 year, has reported to the Department as paying wages to
2 workers, where the information will be used in connection with
3 the official duties of the official and the official requests
4 the information in writing, specifying the purposes for which
5 it will be used. For purposes of this subsection, the use of
6 information in connection with the official duties of an
7 official does not include use of the information in connection
8 with the solicitation of contributions or expenditures, in
9 money or in kind, to or on behalf of a candidate for public or
10 political office or a political party or with respect to a
11 public question, as defined in Section 1-3 of the Election
12 Code, or in connection with any commercial solicitation. Any
13 elected federal official who, in submitting a request for
14 information covered by this subsection, knowingly makes a false
15 statement or fails to disclose a material fact, with the intent
16 to obtain the information for a purpose not authorized by this
17 subsection, shall be guilty of a Class B misdemeanor.

18 R. The Director may provide to any State or local child
19 support agency, upon request and on a reimbursable basis,
20 information that might be useful in locating an absent parent
21 or that parent's employer, establishing paternity, or
22 establishing, modifying, or enforcing child support orders.

23 S. The Department shall make available to a State's
24 Attorney of this State or a State's Attorney's investigator,
25 upon request, the current address or, if the current address is
26 unavailable, current employer information, if available, of a

1 victim of a felony or a witness to a felony or a person against
2 whom an arrest warrant is outstanding.

3 T. The Director shall make available to the Department of
4 State Police, a county sheriff's office, or a municipal police
5 department, upon request, any information concerning the
6 current address and place of employment or former places of
7 employment of a person who is required to register as a sex
8 offender or juvenile sex offender under the Adam Walsh Sex
9 Offender Registration and Community Notification Act ~~Sex~~
10 ~~Offender Registration Act~~ that may be useful in enforcing the
11 registration provisions of that Act.

12 (Source: P.A. 96-420, eff. 8-13-09.)

13 (730 ILCS 154/20 rep.)

14 (730 ILCS 154/25 rep.)

15 (730 ILCS 154/30 rep.)

16 (730 ILCS 154/35 rep.)

17 (730 ILCS 154/105 rep.)

18 Section 995. The Child Murderer and Violent Offender
19 Against Youth Registration Act is amended by repealing Sections
20 20, 25, 30, 35, and 105.

21 Section 997. Severability. The provisions of this Act are
22 severable under Section 1.31 of the Statute on Statutes. If a
23 provision or application of this Act is held to be invalid with
24 respect to any person or class of persons, that invalidity does

1 not affect other persons or classes of persons whose
2 registration obligations can be given effect without the
3 invalid provision or application. To this end an invalid
4 provision or application of this Article is declared to be
5 severable.

6 Section 999. Effective date. This Act takes effect July 1,
7 2011.".