



Sen. John J. Millner

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1 AMENDMENT TO HOUSE BILL 263

2 AMENDMENT NO. _____. Amend House Bill 263 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing
5 Section 5.669 as follows:

6 (30 ILCS 105/5.669)

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

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

10 Section 10. The School Code is amended by changing Sections
11 10-21.9, 27A-5, and 34-18.5 as follows:

12 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

13 Sec. 10-21.9. Criminal history records checks and checks of
14 the Statewide Sex Offender Database and Statewide ~~Child~~

1 Murderer and Violent Offender Against Youth Database.

2 (a) Certified and noncertified applicants for employment
3 with a school district, except school bus driver applicants,
4 are required as a condition of employment to authorize a
5 fingerprint-based criminal history records check to determine
6 if such applicants have been convicted of any of the enumerated
7 criminal or drug offenses in subsection (c) of this Section or
8 have been convicted, within 7 years of the application for
9 employment with the school district, of any other felony under
10 the laws of this State or of any offense committed or attempted
11 in any other state or against the laws of the United States
12 that, if committed or attempted in this State, would have been
13 punishable as a felony under the laws of this State.
14 Authorization for the check shall be furnished by the applicant
15 to the school district, except that if the applicant is a
16 substitute teacher seeking employment in more than one school
17 district, a teacher seeking concurrent part-time employment
18 positions with more than one school district (as a reading
19 specialist, special education teacher or otherwise), or an
20 educational support personnel employee seeking employment
21 positions with more than one district, any such district may
22 require the applicant to furnish authorization for the check to
23 the regional superintendent of the educational service region
24 in which are located the school districts in which the
25 applicant is seeking employment as a substitute or concurrent
26 part-time teacher or concurrent educational support personnel

1 employee. Upon receipt of this authorization, the school
2 district or the appropriate regional superintendent, as the
3 case may be, shall submit the applicant's name, sex, race, date
4 of birth, social security number, fingerprint images, and other
5 identifiers, as prescribed by the Department of State Police,
6 to the Department. The regional superintendent submitting the
7 requisite information to the Department of State Police shall
8 promptly notify the school districts in which the applicant is
9 seeking employment as a substitute or concurrent part-time
10 teacher or concurrent educational support personnel employee
11 that the check of the applicant has been requested. The
12 Department of State Police and the Federal Bureau of
13 Investigation shall furnish, pursuant to a fingerprint-based
14 criminal history records check, records of convictions, until
15 expunged, to the president of the school board for the school
16 district that requested the check, or to the regional
17 superintendent who requested the check. The Department shall
18 charge the school district or the appropriate regional
19 superintendent a fee for conducting such check, which fee shall
20 be deposited in the State Police Services Fund and shall not
21 exceed the cost of the inquiry; and the applicant shall not be
22 charged a fee for such check by the school district or by the
23 regional superintendent, except that those applicants seeking
24 employment as a substitute teacher with a school district may
25 be charged a fee not to exceed the cost of the inquiry. Subject
26 to appropriations for these purposes, the State Superintendent

1 of Education shall reimburse school districts and regional
2 superintendents for fees paid to obtain criminal history
3 records checks under this Section.

4 (a-5) The school district or regional superintendent shall
5 further perform a check of the Statewide Sex Offender Database,
6 as authorized by the Sex Offender Community Notification Law,
7 for each applicant.

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

13 (b) Any information concerning the record of convictions
14 obtained by the president of the school board or the regional
15 superintendent shall be confidential and may only be
16 transmitted to the superintendent of the school district or his
17 designee, the appropriate regional superintendent if the check
18 was requested by the school district, the presidents of the
19 appropriate school boards if the check was requested from the
20 Department of State Police by the regional superintendent, the
21 State Superintendent of Education, the State Teacher
22 Certification Board, any other person necessary to the decision
23 of hiring the applicant for employment, or for clarification
24 purposes the Department of State Police or Statewide Sex
25 Offender Database, or both. A copy of the record of convictions
26 obtained from the Department of State Police shall be provided

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

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

20 (c) No school board shall knowingly employ a person who has
21 been convicted of any offense that would subject him or her to
22 certification suspension or revocation pursuant to Section
23 21-23a of this Code. Further, no school board shall knowingly
24 employ a person who has been found to be the perpetrator of
25 sexual or physical abuse of any minor under 18 years of age
26 pursuant to proceedings under Article II of the Juvenile Court

1 Act of 1987.

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

5 (e) Upon receipt of the record of a conviction of or a
6 finding of child abuse by a holder of any certificate issued
7 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
8 Code, the State Superintendent of Education may initiate
9 certificate suspension and revocation proceedings as
10 authorized by law.

11 (e-5) The superintendent of the employing school board
12 shall, in writing, notify the State Superintendent of Education
13 and the applicable regional superintendent of schools of any
14 certificate holder whom he or she has reasonable cause to
15 believe has committed an intentional act of abuse or neglect
16 with the result of making a child an abused child or a
17 neglected child, as defined in Section 3 of the Abused and
18 Neglected Child Reporting Act, and that act resulted in the
19 certificate holder's dismissal or resignation from the school
20 district. This notification must be submitted within 30 days
21 after the dismissal or resignation. The certificate holder must
22 also be contemporaneously sent a copy of the notice by the
23 superintendent. All correspondence, documentation, and other
24 information so received by the regional superintendent of
25 schools, the State Superintendent of Education, the State Board
26 of Education, or the State Teacher Certification Board under

1 this subsection (e-5) is confidential and must not be disclosed
2 to third parties, except (i) as necessary for the State
3 Superintendent of Education or his or her designee to
4 investigate and prosecute pursuant to Article 21 of this Code,
5 (ii) pursuant to a court order, (iii) for disclosure to the
6 certificate holder or his or her representative, or (iv) as
7 otherwise provided in this Article and provided that any such
8 information admitted into evidence in a hearing is exempt from
9 this confidentiality and non-disclosure requirement. Except
10 for an act of willful or wanton misconduct, any superintendent
11 who provides notification as required in this subsection (e-5)
12 shall have immunity from any liability, whether civil or
13 criminal or that otherwise might result by reason of such
14 action.

15 (f) After January 1, 1990 the provisions of this Section
16 shall apply to all employees of persons or firms holding
17 contracts with any school district including, but not limited
18 to, food service workers, school bus drivers and other
19 transportation employees, who have direct, daily contact with
20 the pupils of any school in such district. For purposes of
21 criminal history records checks and checks of the Statewide Sex
22 Offender Database on employees of persons or firms holding
23 contracts with more than one school district and assigned to
24 more than one school district, the regional superintendent of
25 the educational service region in which the contracting school
26 districts are located may, at the request of any such school

1 district, be responsible for receiving the authorization for a
2 criminal history records check prepared by each such employee
3 and submitting the same to the Department of State Police and
4 for conducting a check of the Statewide Sex Offender Database
5 for each employee. Any information concerning the record of
6 conviction and identification as a sex offender of any such
7 employee obtained by the regional superintendent shall be
8 promptly reported to the president of the appropriate school
9 board or school boards.

10 (g) In order to student teach in the public schools, a
11 person is required to authorize a fingerprint-based criminal
12 history records check and checks of the Statewide Sex Offender
13 Database and Statewide ~~Child~~ Murderer and Violent Offender
14 Against Youth Database prior to participating in any field
15 experiences in the public schools. Authorization for and
16 payment of the costs of the checks must be furnished by the
17 student teacher. Results of the checks must be furnished to the
18 higher education institution where the student teacher is
19 enrolled and the superintendent of the school district where
20 the student is assigned.

21 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09;
22 96-1452, eff. 8-20-10; 96-1489, eff. 1-1-11; revised 1-4-11.)

23 (105 ILCS 5/27A-5)

24 Sec. 27A-5. Charter school; legal entity; requirements.

25 (a) A charter school shall be a public, nonsectarian,

1 nonreligious, non-home based, and non-profit school. A charter
2 school shall be organized and operated as a nonprofit
3 corporation or other discrete, legal, nonprofit entity
4 authorized under the laws of the State of Illinois.

5 (b) A charter school may be established under this Article
6 by creating a new school or by converting an existing public
7 school or attendance center to charter school status. Beginning
8 on the effective date of this amendatory Act of the 93rd
9 General Assembly, in all new applications submitted to the
10 State Board or a local school board to establish a charter
11 school in a city having a population exceeding 500,000,
12 operation of the charter school shall be limited to one campus.
13 The changes made to this Section by this amendatory Act of the
14 93rd General Assembly do not apply to charter schools existing
15 or approved on or before the effective date of this amendatory
16 Act.

17 (c) A charter school shall be administered and governed by
18 its board of directors or other governing body in the manner
19 provided in its charter. The governing body of a charter school
20 shall be subject to the Freedom of Information Act and the Open
21 Meetings Act.

22 (d) A charter school shall comply with all applicable
23 health and safety requirements applicable to public schools
24 under the laws of the State of Illinois.

25 (e) Except as otherwise provided in the School Code, a
26 charter school shall not charge tuition; provided that a

1 charter school may charge reasonable fees for textbooks,
2 instructional materials, and student activities.

3 (f) A charter school shall be responsible for the
4 management and operation of its fiscal affairs including, but
5 not limited to, the preparation of its budget. An audit of each
6 charter school's finances shall be conducted annually by an
7 outside, independent contractor retained by the charter
8 school. Annually, by December 1, every charter school must
9 submit to the State Board a copy of its audit and a copy of the
10 Form 990 the charter school filed that year with the federal
11 Internal Revenue Service.

12 (g) A charter school shall comply with all provisions of
13 this Article, the Illinois Educational Labor Relations Act, and
14 its charter. A charter school is exempt from all other State
15 laws and regulations in the School Code governing public
16 schools and local school board policies, except the following:

17 (1) Sections 10-21.9 and 34-18.5 of the School Code
18 regarding criminal history records checks and checks of the
19 Statewide Sex Offender Database and Statewide ~~Child~~
20 Murderer and Violent Offender Against Youth Database of
21 applicants for employment;

22 (2) Sections 24-24 and 34-84A of the School Code
23 regarding discipline of students;

24 (3) The Local Governmental and Governmental Employees
25 Tort Immunity Act;

26 (4) Section 108.75 of the General Not For Profit

1 Corporation Act of 1986 regarding indemnification of
2 officers, directors, employees, and agents;

3 (5) The Abused and Neglected Child Reporting Act;

4 (6) The Illinois School Student Records Act;

5 (7) Section 10-17a of the School Code regarding school
6 report cards; and

7 (8) The P-20 Longitudinal Education Data System Act.

8 The change made by Public Act 96-104 to this subsection (g)
9 is declaratory of existing law.

10 (h) A charter school may negotiate and contract with a
11 school district, the governing body of a State college or
12 university or public community college, or any other public or
13 for-profit or nonprofit private entity for: (i) the use of a
14 school building and grounds or any other real property or
15 facilities that the charter school desires to use or convert
16 for use as a charter school site, (ii) the operation and
17 maintenance thereof, and (iii) the provision of any service,
18 activity, or undertaking that the charter school is required to
19 perform in order to carry out the terms of its charter.
20 However, a charter school that is established on or after the
21 effective date of this amendatory Act of the 93rd General
22 Assembly and that operates in a city having a population
23 exceeding 500,000 may not contract with a for-profit entity to
24 manage or operate the school during the period that commences
25 on the effective date of this amendatory Act of the 93rd
26 General Assembly and concludes at the end of the 2004-2005

1 school year. Except as provided in subsection (i) of this
2 Section, a school district may charge a charter school
3 reasonable rent for the use of the district's buildings,
4 grounds, and facilities. Any services for which a charter
5 school contracts with a school district shall be provided by
6 the district at cost. Any services for which a charter school
7 contracts with a local school board or with the governing body
8 of a State college or university or public community college
9 shall be provided by the public entity at cost.

10 (i) In no event shall a charter school that is established
11 by converting an existing school or attendance center to
12 charter school status be required to pay rent for space that is
13 deemed available, as negotiated and provided in the charter
14 agreement, in school district facilities. However, all other
15 costs for the operation and maintenance of school district
16 facilities that are used by the charter school shall be subject
17 to negotiation between the charter school and the local school
18 board and shall be set forth in the charter.

19 (j) A charter school may limit student enrollment by age or
20 grade level.

21 (Source: P.A. 96-104, eff. 1-1-10; 96-105, eff. 7-30-09;
22 96-107, eff. 7-30-09; 96-734, eff. 8-25-09; 96-1000, eff.
23 7-2-10.)

24 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

25 Sec. 34-18.5. Criminal history records checks and checks of

1 the Statewide Sex Offender Database and Statewide ~~Child~~
2 Murderer and Violent Offender Against Youth Database.

3 (a) Certified and noncertified applicants for employment
4 with the school district are required as a condition of
5 employment to authorize a fingerprint-based criminal history
6 records check to determine if such applicants have been
7 convicted of any of the enumerated criminal or drug offenses in
8 subsection (c) of this Section or have been convicted, within 7
9 years of the application for employment with the school
10 district, of any other felony under the laws of this State or
11 of any offense committed or attempted in any other state or
12 against the laws of the United States that, if committed or
13 attempted in this State, would have been punishable as a felony
14 under the laws of this State. Authorization for the check shall
15 be furnished by the applicant to the school district, except
16 that if the applicant is a substitute teacher seeking
17 employment in more than one school district, or a teacher
18 seeking concurrent part-time employment positions with more
19 than one school district (as a reading specialist, special
20 education teacher or otherwise), or an educational support
21 personnel employee seeking employment positions with more than
22 one district, any such district may require the applicant to
23 furnish authorization for the check to the regional
24 superintendent of the educational service region in which are
25 located the school districts in which the applicant is seeking
26 employment as a substitute or concurrent part-time teacher or

1 concurrent educational support personnel employee. Upon
2 receipt of this authorization, the school district or the
3 appropriate regional superintendent, as the case may be, shall
4 submit the applicant's name, sex, race, date of birth, social
5 security number, fingerprint images, and other identifiers, as
6 prescribed by the Department of State Police, to the
7 Department. The regional superintendent submitting the
8 requisite information to the Department of State Police shall
9 promptly notify the school districts in which the applicant is
10 seeking employment as a substitute or concurrent part-time
11 teacher or concurrent educational support personnel employee
12 that the check of the applicant has been requested. The
13 Department of State Police and the Federal Bureau of
14 Investigation shall furnish, pursuant to a fingerprint-based
15 criminal history records check, records of convictions, until
16 expunged, to the president of the school board for the school
17 district that requested the check, or to the regional
18 superintendent who requested the check. The Department shall
19 charge the school district or the appropriate regional
20 superintendent a fee for conducting such check, which fee shall
21 be deposited in the State Police Services Fund and shall not
22 exceed the cost of the inquiry; and the applicant shall not be
23 charged a fee for such check by the school district or by the
24 regional superintendent. Subject to appropriations for these
25 purposes, the State Superintendent of Education shall
26 reimburse the school district and regional superintendent for

1 fees paid to obtain criminal history records checks under this
2 Section.

3 (a-5) The school district or regional superintendent shall
4 further perform a check of the Statewide Sex Offender Database,
5 as authorized by the Sex Offender Community Notification Law,
6 for each applicant.

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

12 (b) Any information concerning the record of convictions
13 obtained by the president of the board of education or the
14 regional superintendent shall be confidential and may only be
15 transmitted to the general superintendent of the school
16 district or his designee, the appropriate regional
17 superintendent if the check was requested by the board of
18 education for the school district, the presidents of the
19 appropriate board of education or school boards if the check
20 was requested from the Department of State Police by the
21 regional superintendent, the State Superintendent of
22 Education, the State Teacher Certification Board or any other
23 person necessary to the decision of hiring the applicant for
24 employment. A copy of the record of convictions obtained from
25 the Department of State Police shall be provided to the
26 applicant for employment. Upon the check of the Statewide Sex

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

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

19 (c) The board of education shall not knowingly employ a
20 person who has been convicted of any offense that would subject
21 him or her to certification suspension or revocation pursuant
22 to Section 21-23a of this Code. Further, the board of education
23 shall not knowingly employ a person who has been found to be
24 the perpetrator of sexual or physical abuse of any minor under
25 18 years of age pursuant to proceedings under Article II of the
26 Juvenile Court Act of 1987.

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

4 (e) Upon receipt of the record of a conviction of or a
5 finding of child abuse by a holder of any certificate issued
6 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
7 Code, the State Superintendent of Education may initiate
8 certificate suspension and revocation proceedings as
9 authorized by law.

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

1 his or her designee to investigate and prosecute pursuant to
2 Article 21 of this Code, (ii) pursuant to a court order, (iii)
3 for disclosure to the certificate holder or his or her
4 representative, or (iv) as otherwise provided in this Article
5 and provided that any such information admitted into evidence
6 in a hearing is exempt from this confidentiality and
7 non-disclosure requirement. Except for an act of willful or
8 wanton misconduct, any superintendent who provides
9 notification as required in this subsection (e-5) shall have
10 immunity from any liability, whether civil or criminal or that
11 otherwise might result by reason of such action.

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

1 for conducting a check of the Statewide Sex Offender Database
2 for each employee. Any information concerning the record of
3 conviction and identification as a sex offender of any such
4 employee obtained by the regional superintendent shall be
5 promptly reported to the president of the appropriate school
6 board or school boards.

7 (g) In order to student teach in the public schools, a
8 person is required to authorize a fingerprint-based criminal
9 history records check and checks of the Statewide Sex Offender
10 Database and Statewide ~~Child~~ Murderer and Violent Offender
11 Against Youth Database prior to participating in any field
12 experiences in the public schools. Authorization for and
13 payment of the costs of the checks must be furnished by the
14 student teacher. Results of the checks must be furnished to the
15 higher education institution where the student teacher is
16 enrolled and the general superintendent of schools.

17 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09;
18 96-1452, eff. 8-20-10.)

19 Section 15. The Intergovernmental Missing Child Recovery
20 Act of 1984 is amended by changing Section 6 as follows:

21 (325 ILCS 40/6) (from Ch. 23, par. 2256)

22 Sec. 6. The Department shall:

23 (a) Establish and maintain a statewide Law Enforcement
24 Agencies Data System (LEADS) for the purpose of effecting an

1 immediate law enforcement response to reports of missing
2 children. The Department shall implement an automated data
3 exchange system to compile, to maintain and to make available
4 for dissemination to Illinois and out-of-State law enforcement
5 agencies, data which can assist appropriate agencies in
6 recovering missing children.

7 (b) Establish contacts and exchange information regarding
8 lost, missing or runaway children with nationally recognized
9 "missing person and runaway" service organizations and monitor
10 national research and publicize important developments.

11 (c) Provide a uniform reporting format for the entry of
12 pertinent information regarding reports of missing children
13 into LEADS.

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

21 (e) Notify all law enforcement agencies that reports of
22 missing persons shall be entered as soon as the minimum level
23 of data specified by the Department is available to the
24 reporting agency and that no waiting period for entry of such
25 data exists.

26 (f) Provide a procedure for prompt confirmation of the

1 receipt and entry of the missing child report into LEADS to the
2 parent or guardian of the missing child.

3 (g) Compile and retain information regarding missing
4 children in a separate data file, in a manner that allows such
5 information to be used by law enforcement and other agencies
6 deemed appropriate by the Director, for investigative
7 purposes. Such files shall be updated to reflect and include
8 information relating to the disposition of the case.

9 (h) Compile and maintain an historic data repository
10 relating to missing children in order (1) to develop and
11 improve techniques utilized by law enforcement agencies when
12 responding to reports of missing children and (2) to provide a
13 factual and statistical base for research that would address
14 the problem of missing children.

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

18 (j) Prepare a periodic information bulletin concerning
19 missing children who it determines may be present in this
20 State, compiling such bulletin from information contained in
21 both the National Crime Information Center computer and from
22 reports, alerts and other information entered into LEADS or
23 otherwise compiled and retained by the Department pursuant to
24 this Act. The bulletin shall indicate the name, age, physical
25 description, suspected circumstances of disappearance if that
26 information is available, a photograph if one is available, the

1 name of the law enforcement agency investigating the case, and
2 such other information as the Director considers appropriate
3 concerning each missing child who the Department determines may
4 be present in this State. The Department shall send a copy of
5 each periodic information bulletin to the State Board of
6 Education for its use in accordance with Section 2-3.48 of the
7 School Code. The Department shall provide a copy of the
8 bulletin, upon request, to law enforcement agencies of this or
9 any other state or of the federal government, and may provide a
10 copy of the bulletin, upon request, to other persons or
11 entities, if deemed appropriate by the Director, and may
12 establish limitations on its use and a reasonable fee for so
13 providing the same, except that no fee shall be charged for
14 providing the periodic information bulletin to the State Board
15 of Education, appropriate units of local government, State
16 agencies, or law enforcement agencies of this or any other
17 state or of the federal government.

18 (k) Provide for the entry into LEADS of the names and
19 addresses of sex offenders as defined in the Sex Offender
20 Registration Act who are required to register under that Act.
21 The information shall be immediately accessible to law
22 enforcement agencies and peace officers of this State or any
23 other state or of the federal government. Similar information
24 may be requested from any other state or of the federal
25 government for purposes of this Act.

26 (l) Provide for the entry into LEADS of the names and

1 addresses of violent offenders against youth as defined in the
2 ~~Child~~ Murderer and Violent Offender Against Youth Registration
3 Act who are required to register under that Act. The
4 information shall be immediately accessible to law enforcement
5 agencies and peace officers of this State or any other state or
6 of the federal government. Similar information may be requested
7 from any other state or of the federal government for purposes
8 of this Act.

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

10 Section 20. The Unified Code of Corrections is amended by
11 changing Section 5-5.5-5 as follows:

12 (730 ILCS 5/5-5.5-5)

13 Sec. 5-5.5-5. Definitions and rules of construction. In
14 this Article:

15 "Eligible offender" means a person who has been convicted
16 of a crime that does not include any offense or attempted
17 offense that would subject a person to registration under the
18 Sex Offender Registration Act, the Arsonist Registration Act,
19 or the ~~Child~~ Murderer and Violent Offender Against Youth
20 Registration Act, but who has not been convicted more than
21 twice of a felony. "Eligible offender" does not include a
22 person who has been convicted of committing or attempting to
23 commit a Class X felony, aggravated driving under the influence
24 of alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof, aggravated domestic
2 battery, or a forcible felony.

3 "Felony" means a conviction of a felony in this State, or
4 of an offense in any other jurisdiction for which a sentence to
5 a term of imprisonment in excess of one year, was authorized.

6 For the purposes of this Article the following rules of
7 construction apply:

8 (i) two or more convictions of felonies charged in
9 separate counts of one indictment or information shall be
10 deemed to be one conviction;

11 (ii) two or more convictions of felonies charged in 2
12 or more indictments or informations, filed in the same
13 court prior to entry of judgment under any of them, shall
14 be deemed to be one conviction; and

15 (iii) a plea or a verdict of guilty upon which a
16 sentence of probation, conditional discharge, or
17 supervision has been imposed shall be deemed to be a
18 conviction.

19 "Forcible felony" means first degree murder, second degree
20 murder, aggravated arson, arson, aggravated kidnapping,
21 kidnapping, aggravated battery that resulted in great bodily
22 harm or permanent disability, and any other felony which
23 involved the use of physical force or violence against any
24 individual that resulted in great bodily harm or permanent
25 disability.

26 (Source: P.A. 96-852, eff. 1-1-10.)

1 Section 25. The Sex Offender Registration Act is amended by
2 changing Sections 2 and 7 as follows:

3 (730 ILCS 150/2) (from Ch. 38, par. 222)

4 (Text of Section after amendment by P.A. 96-1551)

5 Sec. 2. Definitions.

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

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

13 (a) is convicted of such offense or an attempt to
14 commit such offense; or

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

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

21 (d) is the subject of a finding not resulting in an
22 acquittal at a hearing conducted pursuant to Section
23 104-25(a) of the Code of Criminal Procedure of 1963 for
24 the alleged commission or attempted commission of such

1 offense; or

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

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

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

20 (3) subject to the provisions of Section 2 of the
21 Interstate Agreements on Sexually Dangerous Persons Act;
22 or

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

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

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

19 For purposes of this Section, "convicted" shall have the
20 same meaning as "adjudicated".

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

22 (1) A violation of any of the following Sections of the
23 Criminal Code of 1961:

24 11-20.1 (child pornography),

25 11-20.1B or 11-20.3 (aggravated child
26 pornography),

1 11-6 (indecent solicitation of a child),
2 11-9.1 (sexual exploitation of a child),
3 11-9.2 (custodial sexual misconduct),
4 11-9.5 (sexual misconduct with a person with a
5 disability),
6 11-14.4 (promoting juvenile prostitution),
7 11-15.1 (soliciting for a juvenile prostitute),
8 11-18.1 (patronizing a juvenile prostitute),
9 11-17.1 (keeping a place of juvenile
10 prostitution),
11 11-19.1 (juvenile pimping),
12 11-19.2 (exploitation of a child),
13 11-25 (grooming),
14 11-26 (traveling to meet a minor),
15 11-1.20 or 12-13 (criminal sexual assault),
16 11-1.30 or 12-14 (aggravated criminal sexual
17 assault),
18 11-1.40 or 12-14.1 (predatory criminal sexual
19 assault of a child),
20 11-1.50 or 12-15 (criminal sexual abuse),
21 11-1.60 or 12-16 (aggravated criminal sexual
22 abuse),
23 12-33 (ritualized abuse of a child).

24 An attempt to commit any of these offenses.

25 (1.5) A violation of any of the following Sections of
26 the Criminal Code of 1961, when the victim is a person

1 under 18 years of age, the defendant is not a parent of the
2 victim, the offense was sexually motivated as defined in
3 Section 10 of the Sex Offender Management Board Act, and
4 the offense was committed on or after January 1, 1996:

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint).

9 (1.6) First degree murder under Section 9-1 of the
10 Criminal Code of 1961, ~~when the victim was a person under~~
11 ~~18 years of age and the defendant was at least 17 years of~~
12 ~~age at the time of the commission of the offense,~~ provided
13 the offense was sexually motivated as defined in Section 10
14 of the Sex Offender Management Board Act.

15 (1.7) (Blank).

16 (1.8) A violation or attempted violation of Section
17 11-11 (sexual relations within families) of the Criminal
18 Code of 1961, and the offense was committed on or after
19 June 1, 1997.

20 (1.9) Child abduction under paragraph (10) of
21 subsection (b) of Section 10-5 of the Criminal Code of 1961
22 committed by luring or attempting to lure a child under the
23 age of 16 into a motor vehicle, building, house trailer, or
24 dwelling place without the consent of the parent or lawful
25 custodian of the child for other than a lawful purpose and
26 the offense was committed on or after January 1, 1998,

1 provided the offense was sexually motivated as defined in
2 Section 10 of the Sex Offender Management Board Act.

3 (1.10) A violation or attempted violation of any of the
4 following Sections of the Criminal Code of 1961 when the
5 offense was committed on or after July 1, 1999:

6 10-4 (forcible detention, if the victim is under 18
7 years of age), provided the offense was sexually
8 motivated as defined in Section 10 of the Sex Offender
9 Management Board Act,

10 11-6.5 (indecent solicitation of an adult),

11 11-14.3 that involves soliciting for a prostitute,
12 or 11-15 (soliciting for a prostitute, if the victim is
13 under 18 years of age),

14 subdivision (a) (2) (A) or (a) (2) (B) of Section
15 11-14.3, or Section 11-16 (pandering, if the victim is
16 under 18 years of age),

17 11-18 (patronizing a prostitute, if the victim is
18 under 18 years of age),

19 subdivision (a) (2) (C) of Section 11-14.3, or
20 Section 11-19 (pimping, if the victim is under 18 years
21 of age).

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

25 11-9 or 11-30 (public indecency for a third or
26 subsequent conviction).

1 (1.12) A violation or attempted violation of Section
2 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
3 Criminal Code of 1961 (permitting sexual abuse) when the
4 offense was committed on or after August 22, 2002.

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

8 (C) A conviction for an offense of federal law, Uniform
9 Code of Military Justice, or the law of another state or a
10 foreign country that is substantially equivalent to any offense
11 listed in subsections (B), (C), (E), and (E-5) of this Section
12 shall constitute a conviction for the purpose of this Article.
13 A finding or adjudication as a sexually dangerous person or a
14 sexually violent person under any federal law, Uniform Code of
15 Military Justice, or the law of another state or foreign
16 country that is substantially equivalent to the Sexually
17 Dangerous Persons Act or the Sexually Violent Persons
18 Commitment Act shall constitute an adjudication for the
19 purposes of this Article.

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

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

7 (C-6) A person who is convicted or adjudicated delinquent
8 of first degree murder as defined in Section 9-1 of the
9 Criminal Code of 1961, against a person 18 years of age or
10 over, shall be required to register for his or her natural
11 life. A conviction for an offense of federal, Uniform Code of
12 Military Justice, sister state, or foreign country law that is
13 substantially equivalent to any offense listed in subsection
14 (C-6) of this Section shall constitute a conviction for the
15 purpose of this Article. This subsection (C-6) does not apply
16 to those individuals released from incarceration more than 10
17 years prior to the effective date of this amendatory Act of the
18 97th General Assembly.

19 (D) As used in this Article, "law enforcement agency having
20 jurisdiction" means the Chief of Police in each of the
21 municipalities in which the sex offender expects to reside,
22 work, or attend school (1) upon his or her discharge, parole or
23 release or (2) during the service of his or her sentence of
24 probation or conditional discharge, or the Sheriff of the
25 county, in the event no Police Chief exists or if the offender
26 intends to reside, work, or attend school in an unincorporated

1 area. "Law enforcement agency having jurisdiction" includes
2 the location where out-of-state students attend school and
3 where out-of-state employees are employed or are otherwise
4 required to register.

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

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

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

18 11-14.4 that involves keeping a place of juvenile
19 prostitution, or 11-17.1 (keeping a place of juvenile
20 prostitution),

21 subdivision (a) (2) or (a) (3) of Section 11-14.4,
22 or Section 11-19.1 (juvenile pimping),

23 subdivision (a) (4) of Section 11-14.4, or Section
24 11-19.2 (exploitation of a child),

25 11-20.1 (child pornography),

26 11-20.1B or 11-20.3 (aggravated child

1 pornography),

2 11-1.20 or 12-13 (criminal sexual assault),

3 11-1.30 or 12-14 (aggravated criminal sexual
4 assault),

5 11-1.40 or 12-14.1 (predatory criminal sexual
6 assault of a child),

7 11-1.60 or 12-16 (aggravated criminal sexual
8 abuse),

9 12-33 (ritualized abuse of a child);

10 (2) (blank);

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

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

19 (5) convicted of a second or subsequent offense which
20 requires registration pursuant to this Act. The conviction
21 for the second or subsequent offense must have occurred
22 after July 1, 1999. For purposes of this paragraph (5),
23 "convicted" shall include a conviction under any
24 substantially similar Illinois, federal, Uniform Code of
25 Military Justice, sister state, or foreign country law; or

26 (6) convicted of a second or subsequent offense of

1 luring a minor under Section 10-5.1 of the Criminal Code of
2 1961.

3 (E-5) As used in this Article, "sexual predator" also means
4 a person convicted of a violation or attempted violation of any
5 of the following Sections of the Criminal Code of 1961:

6 (1) Section 9-1 (first degree murder, when the victim
7 was a person under 18 years of age and the defendant was at
8 least 17 years of age at the time of the commission of the
9 offense, provided the offense was sexually motivated as
10 defined in Section 10 of the Sex Offender Management Board
11 Act);

12 (2) Section 11-9.5 (sexual misconduct with a person
13 with a disability);

14 (3) when the victim is a person under 18 years of age,
15 the defendant is not a parent of the victim, the offense
16 was sexually motivated as defined in Section 10 of the Sex
17 Offender Management Board Act, and the offense was
18 committed on or after January 1, 1996: (A) Section 10-1
19 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
20 (C) Section 10-3 (unlawful restraint), and (D) Section
21 10-3.1 (aggravated unlawful restraint); and

22 (4) Section 10-5(b)(10) (child abduction committed by
23 luring or attempting to lure a child under the age of 16
24 into a motor vehicle, building, house trailer, or dwelling
25 place without the consent of the parent or lawful custodian
26 of the child for other than a lawful purpose and the

1 offense was committed on or after January 1, 1998, provided
2 the offense was sexually motivated as defined in Section 10
3 of the Sex Offender Management Board Act).

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

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

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

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

26 (J) As used in this Article, "Internet protocol address"

1 means the string of numbers by which a location on the Internet
2 is identified by routers or other computers connected to the
3 Internet.

4 (Source: P.A. 95-331, eff. 8-21-07; 95-579, eff. 6-1-08;
5 95-625, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff.
6 8-21-08; 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11; 96-1551,
7 eff. 7-1-11.)

8 (730 ILCS 150/7) (from Ch. 38, par. 227)

9 Sec. 7. Duration of registration. A person who has been
10 adjudicated to be sexually dangerous and is later released or
11 found to be no longer sexually dangerous and discharged, shall
12 register for the period of his or her natural life. A sexually
13 violent person or sexual predator shall register for the period
14 of his or her natural life after conviction or adjudication if
15 not confined to a penal institution, hospital, or other
16 institution or facility, and if confined, for the period of his
17 or her natural life after parole, discharge, or release from
18 any such facility. A person who becomes subject to registration
19 under this Article who has previously been subject to
20 registration under this Article or under the ~~Child~~ Murderer and
21 Violent Offender Against Youth Registration Act or similar
22 registration requirements of other jurisdictions shall
23 register for the period of his or her natural life if not
24 confined to a penal institution, hospital, or other institution
25 or facility, and if confined, for the period of his or her

1 natural life after parole, discharge, or release from any such
2 facility. Any other person who is required to register under
3 this Article shall be required to register for a period of 10
4 years after conviction or adjudication if not confined to a
5 penal institution, hospital or any other institution or
6 facility, and if confined, for a period of 10 years after
7 parole, discharge or release from any such facility. A sex
8 offender who is allowed to leave a county, State, or federal
9 facility for the purposes of work release, education, or
10 overnight visitations shall be required to register within 3
11 days of beginning such a program. Liability for registration
12 terminates at the expiration of 10 years from the date of
13 conviction or adjudication if not confined to a penal
14 institution, hospital or any other institution or facility and
15 if confined, at the expiration of 10 years from the date of
16 parole, discharge or release from any such facility, providing
17 such person does not, during that period, again become liable
18 to register under the provisions of this Article. Reconfinement
19 due to a violation of parole or other circumstances that
20 relates to the original conviction or adjudication shall extend
21 the period of registration to 10 years after final parole,
22 discharge, or release. Reconfinement due to a violation of
23 parole or other circumstances that do not relate to the
24 original conviction or adjudication shall toll the running of
25 the balance of the 10-year period of registration, which shall
26 not commence running until after final parole, discharge, or

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

17 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 95-169,
18 eff. 8-14-07; 95-331, eff. 8-21-07; 95-513, eff. 6-1-08;
19 95-640, eff. 6-1-08; 95-876, eff. 8-21-08.)

20 Section 30. The Child Murderer and Violent Offender Against
21 Youth Registration Act is amended by changing Sections 1, 5,
22 10, 11, 55, 60, 65, 75, 85, and 86 as follows:

23 (730 ILCS 154/1)

24 Sec. 1. Short title. This Act may be cited as the ~~Child~~

1 Murderer and Violent Offender Against Youth Registration Act.

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

3 (730 ILCS 154/5)

4 Sec. 5. Definitions.

5 (a) As used in this Act, "violent offender against youth"
6 means any person who is:

7 (1) charged pursuant to Illinois law, or any
8 substantially similar federal, Uniform Code of Military
9 Justice, sister state, or foreign country law, with a
10 violent offense against youth set forth in subsection (b)
11 of this Section or the attempt to commit an included
12 violent offense against youth, and:

13 (A) is convicted of such offense or an attempt to
14 commit such offense; or

15 (B) is found not guilty by reason of insanity of
16 such offense or an attempt to commit such offense; or

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

21 (D) is the subject of a finding not resulting in an
22 acquittal at a hearing conducted pursuant to
23 subsection (a) of Section 104-25 of the Code of
24 Criminal Procedure of 1963 for the alleged commission
25 or attempted commission of such offense; or

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

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

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

1 foreign country law.

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

7 For purposes of this Section, "convicted" shall have the
8 same meaning as "adjudicated". For the purposes of this Act, a
9 person who is defined as a violent offender against youth as a
10 result of being adjudicated a juvenile delinquent under
11 paragraph (2) of this subsection (a) upon attaining 17 years of
12 age shall be considered as having committed the violent offense
13 against youth on or after the 17th birthday of the violent
14 offender against youth. Registration of juveniles upon
15 attaining 17 years of age shall not extend the original
16 registration of 10 years from the date of conviction.

17 (b) As used in this Act, "violent offense against youth"
18 means:

19 (1) A violation of any of the following Sections of the
20 Criminal Code of 1961, when the victim is a person under 18
21 years of age and the offense was committed on or after
22 January 1, 1996:

23 10-1 (kidnapping),
24 10-2 (aggravated kidnapping),
25 10-3 (unlawful restraint),
26 10-3.1 (aggravated unlawful restraint),

1 12-3.2 (domestic battery),
2 12-3.3 (aggravated domestic battery),
3 12-4 (aggravated battery),
4 12-4.1 (heinous battery),
5 12-4.3 (aggravated battery of a child),
6 12-4.4 (aggravated battery of an unborn child),
7 12-33 (ritualized abuse of a child).

8 An attempt to commit any of these offenses.

9 (2) First degree murder under Section 9-1 of the
10 Criminal Code of 1961, ~~when the victim was a person under~~
11 ~~18 years of age and the defendant was at least 17 years of~~
12 ~~age at the time of the commission of the offense.~~

13 (3) Child abduction under paragraph (10) of subsection
14 (b) of Section 10-5 of the Criminal Code of 1961 committed
15 by luring or attempting to lure a child under the age of 16
16 into a motor vehicle, building, house trailer, or dwelling
17 place without the consent of the parent or lawful custodian
18 of the child for other than a lawful purpose and the
19 offense was committed on or after January 1, 1998.

20 (4) A violation or attempted violation of ~~any of~~ the
21 following Section ~~Sections~~ of the Criminal Code of 1961
22 when the offense was committed on or after July 1, 1999:

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

25 (4.1) Involuntary manslaughter under Section 9-3 of
26 the Criminal Code of 1961 where baby shaking was the

1 proximate cause of death of the victim of the offense.

2 (4.2) Endangering the life or health of a child under
3 Section 12-21.6 of the Criminal Code of 1961 that results
4 in the death of the child where baby shaking was the
5 proximate cause of the death of the child.

6 (5) A violation of any former law of this State
7 substantially equivalent to any offense listed in this
8 subsection (b).

9 (c) A conviction for an offense of federal law, Uniform
10 Code of Military Justice, or the law of another state or a
11 foreign country that is substantially equivalent to any offense
12 listed in subsections (b) and (c-5) of this Section shall
13 constitute a conviction for the purpose of this Act.

14 (c-5) A person at least 17 years of age at the time of the
15 commission of the offense who is convicted of first degree
16 murder under Section 9-1 of the Criminal Code of 1961, against
17 a person under 18 years of age, shall be required to register
18 for natural life. A conviction for an offense of federal,
19 Uniform Code of Military Justice, sister state, or foreign
20 country law that is substantially equivalent to any offense
21 listed in this subsection (c-5) shall constitute a conviction
22 for the purpose of this Act. This subsection (c-5) applies to a
23 person who committed the offense before June 1, 1996 only if
24 the person is incarcerated in an Illinois Department of
25 Corrections facility on August 20, 2004.

26 (c-6) A person who is convicted or adjudicated delinquent

1 of first degree murder as defined in Section 9-1 of the
2 Criminal Code of 1961, against a person 18 years of age or
3 over, shall be required to register for his or her natural
4 life. A conviction for an offense of federal, Uniform Code of
5 Military Justice, sister state, or foreign country law that is
6 substantially equivalent to any offense listed in subsection
7 (c-6) of this Section shall constitute a conviction for the
8 purpose of this Act. This subsection (c-6) does not apply to
9 those individuals released from incarceration more than 10
10 years prior to the effective date of this amendatory Act of the
11 97th General Assembly.

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

24 (e) As used in this Act, "supervising officer" means the
25 assigned Illinois Department of Corrections parole agent or
26 county probation officer.

1 (f) As used in this Act, "out-of-state student" means any
2 violent offender against youth who is enrolled in Illinois, on
3 a full-time or part-time basis, in any public or private
4 educational institution, including, but not limited to, any
5 secondary school, trade or professional institution, or
6 institution of higher learning.

7 (g) As used in this Act, "out-of-state employee" means any
8 violent offender against youth who works in Illinois,
9 regardless of whether the individual receives payment for
10 services performed, for a period of time of 10 or more days or
11 for an aggregate period of time of 30 or more days during any
12 calendar year. Persons who operate motor vehicles in the State
13 accrue one day of employment time for any portion of a day
14 spent in Illinois.

15 (h) As used in this Act, "school" means any public or
16 private educational institution, including, but not limited
17 to, any elementary or secondary school, trade or professional
18 institution, or institution of higher education.

19 (i) As used in this Act, "fixed residence" means any and
20 all places that a violent offender against youth resides for an
21 aggregate period of time of 5 or more days in a calendar year.

22 (j) As used in this Act, "baby shaking" means the vigorous
23 shaking of an infant or a young child that may result in
24 bleeding inside the head and cause one or more of the following
25 conditions: irreversible brain damage; blindness, retinal
26 hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal

1 cord injury, including paralysis; seizures; learning
2 disability; central nervous system injury; closed head injury;
3 rib fracture; subdural hematoma; or death.

4 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;
5 revised 9-2-10.)

6 (730 ILCS 154/10)

7 Sec. 10. Duty to register.

8 (a) A violent offender against youth shall, within the time
9 period prescribed in subsections (b) and (c), register in
10 person and provide accurate information as required by the
11 Department of State Police. Such information shall include a
12 current photograph, current address, current place of
13 employment, the employer's telephone number, school attended,
14 extensions of the time period for registering as provided in
15 this Act and, if an extension was granted, the reason why the
16 extension was granted and the date the violent offender against
17 youth was notified of the extension. A person who has been
18 adjudicated a juvenile delinquent for an act which, if
19 committed by an adult, would be a violent offense against youth
20 shall register as an adult violent offender against youth
21 within 10 days after attaining 17 years of age. The violent
22 offender against youth shall register:

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

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

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

7 If the violent offender against youth is employed at or
8 attends an institution of higher education, he or she shall
9 register:

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

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

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

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

8 The violent offender against youth shall provide accurate
9 information as required by the Department of State Police. That
10 information shall include the current place of employment of
11 the violent offender against youth.

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

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

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

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

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

10 (b) Any violent offender against youth regardless of any
11 initial, prior, or other registration, shall, within 5 days of
12 beginning school, or establishing a residence, place of
13 employment, or temporary domicile in any county, register in
14 person as set forth in subsection (a) or (a-5).

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

17 (1) Except as provided in paragraph (3) of this
18 subsection (c), any person who has not been notified of his
19 or her responsibility to register shall be notified by a
20 criminal justice entity of his or her responsibility to
21 register. Upon notification the person must then register
22 within 5 days of notification of his or her requirement to
23 register. If notification is not made within the offender's
24 10 year registration requirement, and the Department of
25 State Police determines no evidence exists or indicates the
26 offender attempted to avoid registration, the offender

1 will no longer be required to register under this Act.

2 (2) Except as provided in paragraph (3) of this
3 subsection (c), any person convicted on or after the
4 effective date of this Act shall register in person within
5 5 days after the entry of the sentencing order based upon
6 his or her conviction.

7 (3) Any person unable to comply with the registration
8 requirements of this Act because he or she is confined,
9 institutionalized, or imprisoned in Illinois on or after
10 the effective date of this Act shall register in person
11 within 5 days of discharge, parole or release.

12 (4) The person shall provide positive identification
13 and documentation that substantiates proof of residence at
14 the registering address.

15 (5) The person shall pay a \$20 initial registration fee
16 and a \$10 annual renewal fee. The fees shall be deposited
17 into the ~~Child~~ Murderer and Violent Offender Against Youth
18 Registration Fund. The fees shall be used by the
19 registering agency for official purposes. The agency shall
20 establish procedures to document receipt and use of the
21 funds. The law enforcement agency having jurisdiction may
22 waive the registration fee if it determines that the person
23 is indigent and unable to pay the registration fee.

24 (d) Within 5 days after obtaining or changing employment, a
25 person required to register under this Section must report, in
26 person to the law enforcement agency having jurisdiction, the

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

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

6 (730 ILCS 154/11)

7 Sec. 11. Transfer from the sex offender registry.

8 (a) The registration information for a person registered
9 under the Sex Offender Registration Act who was convicted or
10 adjudicated for an offense listed in subsection (b) of Section
11 5 of this Act may only be transferred to the ~~Child~~ Murderer and
12 Violent Offender Against Youth Registry if all the following
13 conditions are met:

14 (1) The offender's sole offense requiring registration
15 was a conviction or adjudication for an offense or offenses
16 listed in subsection (b) of Section 5 of this Act.

17 (2) The State's Attorney's Office in the county in
18 which the offender was convicted has verified, on a form
19 prescribed by the Illinois State Police, that the person's
20 crime that required or requires registration was not
21 sexually motivated as defined in Section 10 of the Sex
22 Offender Management Board Act.

23 (3) The completed form has been received by the
24 registering law enforcement agency and the Illinois State
25 Police's Sex Offender Registration Unit.

1 (b) Transfer under this Section shall not extend the
2 registration period for offenders who were registered under the
3 Sex Offender Registration Act.

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

5 (730 ILCS 154/55)

6 Sec. 55. Public inspection of registration data. Except as
7 provided in the ~~Child~~ Murderer and Violent Offender Against
8 Youth Community Notification Law, the statements or any other
9 information required by this Act shall not be open to
10 inspection by the public, or by any person other than by a law
11 enforcement officer or other individual as may be authorized by
12 law and shall include law enforcement agencies of this State,
13 any other state, or of the federal government. Similar
14 information may be requested from any law enforcement agency of
15 another state or of the federal government for purposes of this
16 Act. It is a Class B misdemeanor to permit the unauthorized
17 release of any information required by this Act.

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

19 (730 ILCS 154/60)

20 Sec. 60. Penalty. Any person who is required to register
21 under this Act who violates any of the provisions of this Act
22 and any person who is required to register under this Act who
23 seeks to change his or her name under Article 21 of the Code of
24 Civil Procedure is guilty of a Class 3 felony. Any person who

1 is convicted for a violation of this Act for a second or
2 subsequent time is guilty of a Class 2 felony. Any person who
3 is required to register under this Act who knowingly or
4 wilfully gives material information required by this Act that
5 is false is guilty of a Class 3 felony. Any person convicted of
6 a violation of any provision of this Act shall, in addition to
7 any other penalty required by law, be required to serve a
8 minimum period of 7 days confinement in the local county jail.
9 The court shall impose a mandatory minimum fine of \$500 for
10 failure to comply with any provision of this Act. These fines
11 shall be deposited into the ~~Child~~ Murderer and Violent Offender
12 Against Youth Registration Fund. Any violent offender against
13 youth who violates any provision of this Act may be arrested
14 and tried in any Illinois county where the violent offender
15 against youth can be located. The local police department or
16 sheriff's office is not required to determine whether the
17 person is living within its jurisdiction.

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

19 (730 ILCS 154/65)

20 Sec. 65. ~~Child~~ Murderer and Violent Offender Against Youth
21 Registration Fund. There is created the ~~Child~~ Murderer and
22 Violent Offender Against Youth Registration Fund. Moneys in the
23 Fund shall be used to cover costs incurred by the criminal
24 justice system to administer this Act. The Department of State
25 Police shall establish and promulgate rules and procedures

1 regarding the administration of this Fund. Fifty percent of the
2 moneys in the Fund shall be allocated by the Department for
3 sheriffs' offices and police departments. The remaining moneys
4 in the Fund shall be allocated to the Illinois State Police for
5 education and administration of the Act.

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

7 (730 ILCS 154/75)

8 Sec. 75. ~~Child~~ Murderer and Violent Offender Against Youth
9 Community Notification Law. Sections 75 through 105 of this Act
10 may be cited as the ~~Child~~ Murderer and Violent Offender Against
11 Youth Community Notification Law.

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

13 (730 ILCS 154/85)

14 Sec. 85. ~~Child~~ Murderer and Violent Offender Against Youth
15 Database.

16 (a) The Department of State Police shall establish and
17 maintain a Statewide ~~Child~~ Murderer and Violent Offender
18 Against Youth Database for the purpose of identifying violent
19 offenders against youth and making that information available
20 to the persons specified in Section 95. The Database shall be
21 created from the Law Enforcement Agencies Data System (LEADS)
22 established under Section 6 of the Intergovernmental Missing
23 Child Recovery Act of 1984. The Department of State Police
24 shall examine its LEADS database for persons registered as

1 violent offenders against youth under this Act and shall
2 identify those who are violent offenders against youth and
3 shall add all the information, including photographs if
4 available, on those violent offenders against youth to the
5 Statewide ~~Child~~ Murderer and Violent Offender Against Youth
6 Database.

7 (b) The Department of State Police must make the
8 information contained in the Statewide ~~Child~~ Murderer and
9 Violent Offender Against Youth Database accessible on the
10 Internet by means of a hyperlink labeled "~~Child~~ Murderer and
11 Violent Offender Against Youth Information" on the
12 Department's World Wide Web home page. The Department of State
13 Police must update that information as it deems necessary.

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

23 (c) The Department of State Police must develop and conduct
24 training to educate all those entities involved in the ~~Child~~
25 Murderer and Violent Offender Against Youth Registration
26 Program.

1 (d) The Department of State Police shall commence the
2 duties prescribed in the ~~Child~~ Murderer and Violent Offender
3 Against Youth Registration Act within 12 months after the
4 effective date of this Act.

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

6 (730 ILCS 154/86)

7 Sec. 86. Verification that offense was not sexually
8 motivated. Any person who is convicted of any of the offenses
9 listed in subsection (b) of Section 5 of this Act on or after
10 the effective date of this Act, shall be required to register
11 as an offender on the ~~Child~~ Murderer and Violent Offender
12 Against Youth Registry if, at the time of sentencing, the
13 sentencing court verifies in writing that the offense was not
14 sexually motivated as defined in Section 10 of the Sex Offender
15 Management Board Act. If the offense was sexually motivated,
16 the offender shall be required to register pursuant to the Sex
17 Offender Registration Act.

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

19 Section 99. Effective date. This Act takes effect July 1,
20 2011.".