



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1139

Introduced 02/07/11, by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

730 ILCS 150/3-6 new

Amends the Sex Offender Registration Act. Provides that a person convicted of or adjudicated delinquent for criminal sexual abuse that does not involve: (1) an act of sexual conduct by the use of force or threat of force; or (2) a victim who was unable to understand the nature of the act or who was unable to give knowing consent may file a motion with the sentencing court for removal from the requirement to register as a sex offender if: (1) he or she is not more than 4 years older than the victim; and (2) the victim was 14 years of age or older at the time of the offense. Provides that the State's Attorney must receive 21 days notice prior to the disposition of the motion and may present evidence in opposition to the requested relief or otherwise demonstrate why the motion should be denied. Provides that the court may grant the motion if it finds that the offender meets the criteria set forth in these provisions and that the removal of the registration requirement will not conflict with federal law. Provides that if the court denies the motion, the offender may not petition again for removal from the requirement to register as a sex offender until 2 years has elapsed following denial of the motion. Provides that if the court grants the motion, and the offender provides the Department of State Police with a certified copy of the court's order removing the requirement that he or she register as a sex offender, the registration requirement may not apply to the person and the Department shall remove all information about the person from the registry of sex offenders maintained by the Department. Provides that relief under these provisions does not entitle the offender to expunge or seal information about his or her criminal history.

LRB097 07039 RLC 47132 b

1 AN ACT concerning sex offenders.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sex Offender Registration Act is amended by
5 adding Section 3-6 as follows:

6 (730 ILCS 150/3-6 new)

7 Sec. 3-6. Criminal sexual abuse; removal from
8 registration.

9 (a) A person convicted of or adjudicated delinquent for the
10 offense of criminal sexual abuse under subsection (b) or (c) of
11 Section 12-15 of the Criminal Code of 1961 but not under
12 subsection (a) of Section 12-15 of the Criminal Code of 1961
13 may file a motion with the sentencing court for removal from
14 the requirement to register as a sex offender under this Act
15 only if:

16 (1) he or she is required to register as a sex offender
17 solely on the basis of a violation of subsection (b) or (c)
18 of Section 12-15 of the Criminal Code of 1961;

19 (2) he or she is not more than 4 years older than the
20 victim; and

21 (3) the victim was 14 years of age or older at the time
22 of the offense.

23 (b) A motion filed with the sentencing court to remove the

1 requirement that the person described in subsection (a) must
2 register as a sex offender must allege:

3 (1) that he or she meets the criteria set forth in
4 subsection (a); and

5 (2) that the removal of the registration requirement
6 will not conflict with federal law.

7 (c) The State's Attorney must receive 21 days notice prior
8 to the disposition of the motion and may present evidence in
9 opposition to the requested relief or otherwise demonstrate why
10 the motion should be denied.

11 (d) The court may grant the motion if it finds that the
12 offender meets the criteria set forth in subsection (a) and
13 that the removal of the registration requirement will not
14 conflict with federal law.

15 (e) If the court denies the motion, the offender may not
16 petition again under this Section for removal from the
17 requirement to register as a sex offender until 2 years has
18 elapsed following denial of the motion.

19 (f) If the court grants the motion, and the offender
20 provides the Department of State Police with a certified copy
21 of the court's order removing the requirement that he or she
22 register as a sex offender, the registration requirement may
23 not apply to the person and the Department shall remove all
24 information about the person from the registry of sex offenders
25 maintained by the Department.

26 (g) Relief under this Section does not entitle the offender

1 to expunge or seal information about his or her criminal
2 history.