



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5280

Introduced 2/8/2012, by Rep. William Cunningham

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-4.5-95

730 ILCS 5/5-8-1

730 ILCS 150/2

from Ch. 38, par. 1005-8-1

from Ch. 38, par. 222

Amends the Unified Code of Corrections. Provides that every person who has been convicted in any state or federal court of an offense that requires the person to register as a sexual predator under the Sex Offender Registration Act, and who is thereafter convicted of a second offense requiring registration as a sexual predator, shall be adjudged a habitual child predator. Provides that anyone adjudged a habitual child predator shall be sentenced as a Class X offender. Provides that the term of mandatory supervised release of a habitual child predator shall range from a minimum of 3 years to a maximum of the natural life of the defendant. Amends the Sex Offender Registration Act. Defines "sexual predator" to include a person who was convicted of luring of a minor (rather than a second or subsequent such offense).

LRB097 16558 RLC 61730 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 5-4.5-95 and 5-8-1 as follows:

6 (730 ILCS 5/5-4.5-95)

7 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

8 (a) HABITUAL CRIMINALS.

9 (1) Every person who has been twice convicted in any  
10 state or federal court of an offense that contains the same  
11 elements as an offense now (the date of the offense  
12 committed after the 2 prior convictions) classified in  
13 Illinois as a Class X felony, criminal sexual assault,  
14 aggravated kidnapping, or first degree murder, and who is  
15 thereafter convicted of a Class X felony, criminal sexual  
16 assault, or first degree murder, committed after the 2  
17 prior convictions, shall be adjudged an habitual criminal.

18 (2) The 2 prior convictions need not have been for the  
19 same offense.

20 (3) Any convictions that result from or are connected  
21 with the same transaction, or result from offenses  
22 committed at the same time, shall be counted for the  
23 purposes of this Section as one conviction.

1           (4) This Section does not apply unless each of the  
2 following requirements are satisfied:

3           (A) The third offense was committed after July 3,  
4 1980.

5           (B) The third offense was committed within 20 years  
6 of the date that judgment was entered on the first  
7 conviction; provided, however, that time spent in  
8 custody shall not be counted.

9           (C) The third offense was committed after  
10 conviction on the second offense.

11           (D) The second offense was committed after  
12 conviction on the first offense.

13           (5) Except when the death penalty is imposed, anyone  
14 adjudged an habitual criminal shall be sentenced to a term  
15 of natural life imprisonment.

16           (6) A prior conviction shall not be alleged in the  
17 indictment, and no evidence or other disclosure of that  
18 conviction shall be presented to the court or the jury  
19 during the trial of an offense set forth in this Section  
20 unless otherwise permitted by the issues properly raised in  
21 that trial. After a plea or verdict or finding of guilty  
22 and before sentence is imposed, the prosecutor may file  
23 with the court a verified written statement signed by the  
24 State's Attorney concerning any former conviction of an  
25 offense set forth in this Section rendered against the  
26 defendant. The court shall then cause the defendant to be

1 brought before it; shall inform the defendant of the  
2 allegations of the statement so filed, and of his or her  
3 right to a hearing before the court on the issue of that  
4 former conviction and of his or her right to counsel at  
5 that hearing; and unless the defendant admits such  
6 conviction, shall hear and determine the issue, and shall  
7 make a written finding thereon. If a sentence has  
8 previously been imposed, the court may vacate that sentence  
9 and impose a new sentence in accordance with this Section.

10 (7) A duly authenticated copy of the record of any  
11 alleged former conviction of an offense set forth in this  
12 Section shall be prima facie evidence of that former  
13 conviction; and a duly authenticated copy of the record of  
14 the defendant's final release or discharge from probation  
15 granted, or from sentence and parole supervision (if any)  
16 imposed pursuant to that former conviction, shall be prima  
17 facie evidence of that release or discharge.

18 (8) Any claim that a previous conviction offered by the  
19 prosecution is not a former conviction of an offense set  
20 forth in this Section because of the existence of any  
21 exceptions described in this Section, is waived unless duly  
22 raised at the hearing on that conviction, or unless the  
23 prosecution's proof shows the existence of the exceptions  
24 described in this Section.

25 (9) If the person so convicted shows to the  
26 satisfaction of the court before whom that conviction was

1 had that he or she was released from imprisonment, upon  
2 either of the sentences upon a pardon granted for the  
3 reason that he or she was innocent, that conviction and  
4 sentence shall not be considered under this Section.

5 (b) When a defendant, over the age of 21 years, is  
6 convicted of a Class 1 or Class 2 felony, after having twice  
7 been convicted in any state or federal court of an offense that  
8 contains the same elements as an offense now (the date the  
9 Class 1 or Class 2 felony was committed) classified in Illinois  
10 as a Class 2 or greater Class felony and those charges are  
11 separately brought and tried and arise out of different series  
12 of acts, that defendant shall be sentenced as a Class X  
13 offender. This subsection does not apply unless:

14 (1) the first felony was committed after February 1,  
15 1978 (the effective date of Public Act 80-1099);

16 (2) the second felony was committed after conviction on  
17 the first; and

18 (3) the third felony was committed after conviction on  
19 the second.

20 A person sentenced as a Class X offender under this  
21 subsection (b) is not eligible to apply for treatment as a  
22 condition of probation as provided by Section 40-10 of the  
23 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS  
24 301/40-10).

25 (c) (1) Every person who has been convicted in any state or  
26 federal court of an offense that requires the person to

1 register as a sexual predator under the Sex Offender  
2 Registration Act (730 ILCS 150/Act), and who is thereafter  
3 convicted of a second offense requiring registration as a  
4 sexual predator, shall be adjudged a habitual child predator.

5 (2) The prior conviction need not have been for the same  
6 offense.

7 (3) Any convictions that result from or are connected with  
8 the same transaction, or result from offenses committed at the  
9 same time, shall be counted for the purposes of this subsection  
10 as one conviction.

11 (4) This subsection does not apply unless each of the  
12 following requirements are satisfied:

13 (A) The second offense was committed on or after the  
14 effective date of this amendatory Act of the 97th General  
15 Assembly.

16 (B) The second offense was committed after conviction  
17 on the first offense.

18 (5) Except when the death penalty is imposed, anyone  
19 adjudged a habitual child predator shall be sentenced as a  
20 Class X offender.

21 (6) A prior conviction shall not be alleged in the  
22 indictment, and no evidence or other disclosure of that  
23 conviction shall be presented to the court or the jury during  
24 the trial of an offense set forth in this Section unless  
25 otherwise permitted by the issues properly raised in that  
26 trial. After a plea or verdict or finding of guilty and before

1 sentence is imposed, the prosecutor may file with the court a  
2 verified written statement signed by the State's Attorney  
3 concerning any former conviction of an offense set forth in  
4 this Section rendered against the defendant. The court shall  
5 then cause the defendant to be brought before it; shall inform  
6 the defendant of the allegations of the statement so filed, and  
7 of his or her right to a hearing before the court on the issue  
8 of that former conviction and of his or her right to counsel at  
9 that hearing; and unless the defendant admits such conviction,  
10 shall hear and determine the issue, and shall make a written  
11 finding thereon. If a sentence has previously been imposed, the  
12 court may vacate that sentence and impose a new sentence in  
13 accordance with this Section.

14 (7) A duly authenticated copy of the record of any alleged  
15 former conviction of an offense set forth in this Section shall  
16 be prima facie evidence of that former conviction; and a duly  
17 authenticated copy of the record of the defendant's final  
18 release or discharge from probation granted, or from sentence  
19 and parole supervision (if any) imposed pursuant to that former  
20 conviction, shall be prima facie evidence of that release or  
21 discharge.

22 (8) Any claim that a previous conviction offered by the  
23 prosecution is not a former conviction of an offense set forth  
24 in this Section because of the existence of any exceptions  
25 described in this Section, is waived unless duly raised at the  
26 hearing on that conviction, or unless the prosecution's proof

1 shows the existence of the exceptions described in this  
2 Section.

3 (9) If the person so convicted shows to the satisfaction of  
4 the court before whom that conviction was had that he or she  
5 was released from imprisonment, upon either of the sentences  
6 upon a pardon granted for the reason that he or she was  
7 innocent, that conviction and sentence shall not be considered  
8 under this Section.

9 (Source: P.A. 95-1052, eff. 7-1-09.)

10 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

11 Sec. 5-8-1. Natural life imprisonment; enhancements for  
12 use of a firearm; mandatory supervised release terms.

13 (a) Except as otherwise provided in the statute defining  
14 the offense or in Article 4.5 of Chapter V, a sentence of  
15 imprisonment for a felony shall be a determinate sentence set  
16 by the court under this Section, according to the following  
17 limitations:

18 (1) for first degree murder,

19 (a) (blank),

20 (b) if a trier of fact finds beyond a reasonable  
21 doubt that the murder was accompanied by exceptionally  
22 brutal or heinous behavior indicative of wanton  
23 cruelty or, except as set forth in subsection (a)(1)(c)  
24 of this Section, that any of the aggravating factors  
25 listed in subsection (b) or (b-5) of Section 9-1 of the



1 Criminal Code of 1961 are present, the court may  
2 sentence the defendant to a term of natural life  
3 imprisonment, or

4 (c) the court shall sentence the defendant to a  
5 term of natural life imprisonment when the death  
6 penalty is not imposed if the defendant,

7 (i) has previously been convicted of first  
8 degree murder under any state or federal law, or

9 (ii) is a person who, at the time of the  
10 commission of the murder, had attained the age of  
11 17 or more and is found guilty of murdering an  
12 individual under 12 years of age; or, irrespective  
13 of the defendant's age at the time of the  
14 commission of the offense, is found guilty of  
15 murdering more than one victim, or

16 (iii) is found guilty of murdering a peace  
17 officer, fireman, or emergency management worker  
18 when the peace officer, fireman, or emergency  
19 management worker was killed in the course of  
20 performing his official duties, or to prevent the  
21 peace officer or fireman from performing his  
22 official duties, or in retaliation for the peace  
23 officer, fireman, or emergency management worker  
24 from performing his official duties, and the  
25 defendant knew or should have known that the  
26 murdered individual was a peace officer, fireman,

1 or emergency management worker, or

2 (iv) is found guilty of murdering an employee  
3 of an institution or facility of the Department of  
4 Corrections, or any similar local correctional  
5 agency, when the employee was killed in the course  
6 of performing his official duties, or to prevent  
7 the employee from performing his official duties,  
8 or in retaliation for the employee performing his  
9 official duties, or

10 (v) is found guilty of murdering an emergency  
11 medical technician - ambulance, emergency medical  
12 technician - intermediate, emergency medical  
13 technician - paramedic, ambulance driver or other  
14 medical assistance or first aid person while  
15 employed by a municipality or other governmental  
16 unit when the person was killed in the course of  
17 performing official duties or to prevent the  
18 person from performing official duties or in  
19 retaliation for performing official duties and the  
20 defendant knew or should have known that the  
21 murdered individual was an emergency medical  
22 technician - ambulance, emergency medical  
23 technician - intermediate, emergency medical  
24 technician - paramedic, ambulance driver, or other  
25 medical assistant or first aid personnel, or

26 (vi) is a person who, at the time of the

1 commission of the murder, had not attained the age  
2 of 17, and is found guilty of murdering a person  
3 under 12 years of age and the murder is committed  
4 during the course of aggravated criminal sexual  
5 assault, criminal sexual assault, or aggravated  
6 kidnaping, or

7 (vii) is found guilty of first degree murder  
8 and the murder was committed by reason of any  
9 person's activity as a community policing  
10 volunteer or to prevent any person from engaging in  
11 activity as a community policing volunteer. For  
12 the purpose of this Section, "community policing  
13 volunteer" has the meaning ascribed to it in  
14 Section 2-3.5 of the Criminal Code of 1961.

15 For purposes of clause (v), "emergency medical  
16 technician - ambulance", "emergency medical technician  
17 - intermediate", "emergency medical technician -  
18 paramedic", have the meanings ascribed to them in the  
19 Emergency Medical Services (EMS) Systems Act.

20 (d) (i) if the person committed the offense while  
21 armed with a firearm, 15 years shall be added to  
22 the term of imprisonment imposed by the court;

23 (ii) if, during the commission of the offense,  
24 the person personally discharged a firearm, 20  
25 years shall be added to the term of imprisonment  
26 imposed by the court;

1 (iii) if, during the commission of the  
2 offense, the person personally discharged a  
3 firearm that proximately caused great bodily harm,  
4 permanent disability, permanent disfigurement, or  
5 death to another person, 25 years or up to a term  
6 of natural life shall be added to the term of  
7 imprisonment imposed by the court.

8 (2) (blank);

9 (2.5) for a person convicted under the circumstances  
10 described in subdivision (b)(1)(B) of Section 11-1.20 or  
11 paragraph (3) of subsection (b) of Section 12-13,  
12 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of  
13 subsection (d) of Section 12-14, subdivision (b)(1.2) of  
14 Section 11-1.40 or paragraph (1.2) of subsection (b) of  
15 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or  
16 paragraph (2) of subsection (b) of Section 12-14.1 of the  
17 Criminal Code of 1961, the sentence shall be a term of  
18 natural life imprisonment.

19 (b) (Blank).

20 (c) (Blank).

21 (d) Subject to earlier termination under Section 3-3-8, the  
22 parole or mandatory supervised release term shall be written as  
23 part of the sentencing order and shall be as follows:

24 (1) for first degree murder or a Class X felony except  
25 for the offenses of predatory criminal sexual assault of a  
26 child, aggravated criminal sexual assault, and criminal

1 sexual assault if committed on or after the effective date  
2 of this amendatory Act of the 94th General Assembly and  
3 except for the offense of aggravated child pornography  
4 under Section 11-20.1B or 11-20.3 of the Criminal Code of  
5 1961, if committed on or after January 1, 2009, 3 years;

6 (2) for a Class 1 felony or a Class 2 felony except for  
7 the offense of criminal sexual assault if committed on or  
8 after the effective date of this amendatory Act of the 94th  
9 General Assembly and except for the offenses of manufacture  
10 and dissemination of child pornography under clauses  
11 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code  
12 of 1961, if committed on or after January 1, 2009, 2 years;

13 (3) for a Class 3 felony or a Class 4 felony, 1 year;

14 (4) for defendants who commit the offense of predatory  
15 criminal sexual assault of a child, aggravated criminal  
16 sexual assault, or criminal sexual assault, on or after the  
17 effective date of this amendatory Act of the 94th General  
18 Assembly, or who commit the offense of aggravated child  
19 pornography, manufacture of child pornography, or  
20 dissemination of child pornography after January 1, 2009,  
21 or who commit an offense that results in the defendant  
22 being adjudged a habitual child predator, the term of  
23 mandatory supervised release shall range from a minimum of  
24 3 years to a maximum of the natural life of the defendant;

25 (5) if the victim is under 18 years of age, for a  
26 second or subsequent offense of aggravated criminal sexual

1 abuse or felony criminal sexual abuse, 4 years, at least  
2 the first 2 years of which the defendant shall serve in an  
3 electronic home detention program under Article 8A of  
4 Chapter V of this Code;

5 (6) for a felony domestic battery, aggravated domestic  
6 battery, stalking, aggravated stalking, and a felony  
7 violation of an order of protection, 4 years.

8 (e) (Blank).

9 (f) (Blank).

10 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;  
11 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.  
12 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; revised  
13 9-14-11.)

14 Section 10. The Sex Offender Registration Act is amended by  
15 changing Section 2 as follows:

16 (730 ILCS 150/2) (from Ch. 38, par. 222)

17 Sec. 2. Definitions.

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

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

1           (a) is convicted of such offense or an attempt to  
2           commit such offense; or

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

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

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

14          (e) is found not guilty by reason of insanity  
15          following a hearing conducted pursuant to a federal,  
16          Uniform Code of Military Justice, sister state, or  
17          foreign country law substantially similar to Section  
18          104-25(c) of the Code of Criminal Procedure of 1963 of  
19          such offense or of the attempted commission of such  
20          offense; or

21          (f) is the subject of a finding not resulting in an  
22          acquittal at a hearing conducted pursuant to a federal,  
23          Uniform Code of Military Justice, sister state, or  
24          foreign country law substantially similar to Section  
25          104-25(a) of the Code of Criminal Procedure of 1963 for  
26          the alleged violation or attempted commission of such

1 offense; or

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

6 (3) subject to the provisions of Section 2 of the  
7 Interstate Agreements on Sexually Dangerous Persons Act;  
8 or

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

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

26 Convictions that result from or are connected with the same



1 act, or result from offenses committed at the same time, shall  
2 be counted for the purpose of this Article as one conviction.  
3 Any conviction set aside pursuant to law is not a conviction  
4 for purposes of this Article.

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

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

8 (1) A violation of any of the following Sections of the  
9 Criminal Code of 1961:

- 10 11-20.1 (child pornography),  
11 11-20.1B or 11-20.3 (aggravated child  
12 pornography),  
13 11-6 (indecent solicitation of a child),  
14 11-9.1 (sexual exploitation of a child),  
15 11-9.2 (custodial sexual misconduct),  
16 11-9.5 (sexual misconduct with a person with a  
17 disability),  
18 11-14.4 (promoting juvenile prostitution),  
19 11-15.1 (soliciting for a juvenile prostitute),  
20 11-18.1 (patronizing a juvenile prostitute),  
21 11-17.1 (keeping a place of juvenile  
22 prostitution),  
23 11-19.1 (juvenile pimping),  
24 11-19.2 (exploitation of a child),  
25 11-25 (grooming),  
26 11-26 (traveling to meet a minor),

1           11-1.20 or 12-13 (criminal sexual assault),  
2           11-1.30 or 12-14 (aggravated criminal sexual  
3 assault),  
4           11-1.40 or 12-14.1 (predatory criminal sexual  
5 assault of a child),  
6           11-1.50 or 12-15 (criminal sexual abuse),  
7           11-1.60 or 12-16 (aggravated criminal sexual  
8 abuse),  
9           12-33 (ritualized abuse of a child).

10           An attempt to commit any of these offenses.

11           (1.5) A violation of any of the following Sections of  
12 the Criminal Code of 1961, when the victim is a person  
13 under 18 years of age, the defendant is not a parent of the  
14 victim, the offense was sexually motivated as defined in  
15 Section 10 of the Sex Offender Management Board Act, and  
16 the offense was committed on or after January 1, 1996:

17           10-1 (kidnapping),  
18           10-2 (aggravated kidnapping),  
19           10-3 (unlawful restraint),  
20           10-3.1 (aggravated unlawful restraint).

21           If the offense was committed before January 1, 1996, it  
22 is a sex offense requiring registration only when the  
23 person is convicted of any felony after July 1, 2011, and  
24 paragraph (2.1) of subsection (c) of Section 3 of this Act  
25 applies.

26           (1.6) First degree murder under Section 9-1 of the

1 Criminal Code of 1961, provided the offense was sexually  
2 motivated as defined in Section 10 of the Sex Offender  
3 Management Board Act.

4 (1.7) (Blank).

5 (1.8) A violation or attempted violation of Section  
6 11-11 (sexual relations within families) of the Criminal  
7 Code of 1961, and the offense was committed on or after  
8 June 1, 1997. If the offense was committed before June 1,  
9 1997, it is a sex offense requiring registration only when  
10 the person is convicted of any felony after July 1, 2011,  
11 and paragraph (2.1) of subsection (c) of Section 3 of this  
12 Act applies.

13 (1.9) Child abduction under paragraph (10) of  
14 subsection (b) of Section 10-5 of the Criminal Code of 1961  
15 committed by luring or attempting to lure a child under the  
16 age of 16 into a motor vehicle, building, house trailer, or  
17 dwelling place without the consent of the parent or lawful  
18 custodian of the child for other than a lawful purpose and  
19 the offense was committed on or after January 1, 1998,  
20 provided the offense was sexually motivated as defined in  
21 Section 10 of the Sex Offender Management Board Act. If the  
22 offense was committed before January 1, 1998, it is a sex  
23 offense requiring registration only when the person is  
24 convicted of any felony after July 1, 2011, and paragraph  
25 (2.1) of subsection (c) of Section 3 of this Act applies.

26 (1.10) A violation or attempted violation of any of the

1 following Sections of the Criminal Code of 1961 when the  
2 offense was committed on or after July 1, 1999:

3 10-4 (forcible detention, if the victim is under 18  
4 years of age), provided the offense was sexually  
5 motivated as defined in Section 10 of the Sex Offender  
6 Management Board Act,

7 11-6.5 (indecent solicitation of an adult),

8 11-14.3 that involves soliciting for a prostitute,  
9 or 11-15 (soliciting for a prostitute, if the victim is  
10 under 18 years of age),

11 subdivision (a) (2) (A) or (a) (2) (B) of Section  
12 11-14.3, or Section 11-16 (pandering, if the victim is  
13 under 18 years of age),

14 11-18 (patronizing a prostitute, if the victim is  
15 under 18 years of age),

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

19 If the offense was committed before July 1, 1999, it is  
20 a sex offense requiring registration only when the person  
21 is convicted of any felony after July 1, 2011, and  
22 paragraph (2.1) of subsection (c) of Section 3 of this Act  
23 applies.

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

1           11-9 or 11-30 (public indecency for a third or  
2           subsequent conviction).

3           If the third or subsequent conviction was imposed  
4           before August 22, 2002, it is a sex offense requiring  
5           registration only when the person is convicted of any  
6           felony after July 1, 2011, and paragraph (2.1) of  
7           subsection (c) of Section 3 of this Act applies.

8           (1.12) A violation or attempted violation of Section  
9           5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
10          Criminal Code of 1961 (permitting sexual abuse) when the  
11          offense was committed on or after August 22, 2002. If the  
12          offense was committed before August 22, 2002, it is a sex  
13          offense requiring registration only when the person is  
14          convicted of any felony after July 1, 2011, and paragraph  
15          (2.1) of subsection (c) of Section 3 of this Act applies.

16          (2) A violation of any former law of this State  
17          substantially equivalent to any offense listed in  
18          subsection (B) of this Section.

19          (C) A conviction for an offense of federal law, Uniform  
20          Code of Military Justice, or the law of another state or a  
21          foreign country that is substantially equivalent to any offense  
22          listed in subsections (B), (C), (E), and (E-5) of this Section  
23          shall constitute a conviction for the purpose of this Article.  
24          A finding or adjudication as a sexually dangerous person or a  
25          sexually violent person under any federal law, Uniform Code of  
26          Military Justice, or the law of another state or foreign

1 country that is substantially equivalent to the Sexually  
2 Dangerous Persons Act or the Sexually Violent Persons  
3 Commitment Act shall constitute an adjudication for the  
4 purposes of this Article.

5 (C-5) A person at least 17 years of age at the time of the  
6 commission of the offense who is convicted of first degree  
7 murder under Section 9-1 of the Criminal Code of 1961, against  
8 a person under 18 years of age, shall be required to register  
9 for natural life. A conviction for an offense of federal,  
10 Uniform Code of Military Justice, sister state, or foreign  
11 country law that is substantially equivalent to any offense  
12 listed in subsection (C-5) of this Section shall constitute a  
13 conviction for the purpose of this Article. This subsection  
14 (C-5) applies to a person who committed the offense before June  
15 1, 1996 if: (i) the person is incarcerated in an Illinois  
16 Department of Corrections facility on August 20, 2004 (the  
17 effective date of Public Act 93-977), or (ii) subparagraph (i)  
18 does not apply and the person is convicted of any felony after  
19 July 1, 2011, and paragraph (2.1) of subsection (c) of Section  
20 3 of this Act applies.

21 (C-6) A person who is convicted or adjudicated delinquent  
22 of first degree murder as defined in Section 9-1 of the  
23 Criminal Code of 1961, against a person 18 years of age or  
24 over, shall be required to register for his or her natural  
25 life. A conviction for an offense of federal, Uniform Code of  
26 Military Justice, sister state, or foreign country law that is

1 substantially equivalent to any offense listed in subsection  
2 (C-6) of this Section shall constitute a conviction for the  
3 purpose of this Article. This subsection (C-6) does not apply  
4 to those individuals released from incarceration more than 10  
5 years prior to January 1, 2012 (the effective date of Public  
6 Act 97-154) ~~this amendatory Act of the 97th General Assembly.~~

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

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

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

24 (1) Convicted for an offense of federal, Uniform Code  
25 of Military Justice, sister state, or foreign country law  
26 that is substantially equivalent to any offense listed in

1 subsection (E) or (E-5) of this Section shall constitute a  
2 conviction for the purpose of this Article. Convicted of a  
3 violation or attempted violation of any of the following  
4 Sections of the Criminal Code of 1961:

5 10-5.1 (luring of a minor),

6 11-14.4 that involves keeping a place of juvenile  
7 prostitution, or 11-17.1 (keeping a place of juvenile  
8 prostitution),

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

11 subdivision (a) (4) of Section 11-14.4, or Section  
12 11-19.2 (exploitation of a child),

13 11-20.1 (child pornography),

14 11-20.1B or 11-20.3 (aggravated child  
15 pornography),

16 11-1.20 or 12-13 (criminal sexual assault),

17 11-1.30 or 12-14 (aggravated criminal sexual  
18 assault),

19 11-1.40 or 12-14.1 (predatory criminal sexual  
20 assault of a child),

21 11-1.60 or 12-16 (aggravated criminal sexual  
22 abuse),

23 12-33 (ritualized abuse of a child);

24 (2) (blank);

25 (3) certified as a sexually dangerous person pursuant  
26 to the Sexually Dangerous Persons Act or any substantially



1 similar federal, Uniform Code of Military Justice, sister  
2 state, or foreign country law;

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

7 (5) convicted of a second or subsequent offense which  
8 requires registration pursuant to this Act. For purposes of  
9 this paragraph (5), "convicted" shall include a conviction  
10 under any substantially similar Illinois, federal, Uniform  
11 Code of Military Justice, sister state, or foreign country  
12 law;

13 (6) (blank); ~~or convicted of a second or subsequent~~  
14 ~~offense of luring a minor under Section 10-5.1 of the~~  
15 ~~Criminal Code of 1961; or~~

16 (7) if the person was convicted of an offense set forth  
17 in this subsection (E) on or before July 1, 1999, the  
18 person is a sexual predator for whom registration is  
19 required only when the person is convicted of a felony  
20 offense after July 1, 2011, and paragraph (2.1) of  
21 subsection (c) of Section 3 of this Act applies.

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

25 (1) Section 9-1 (first degree murder, when the victim  
26 was a person under 18 years of age and the defendant was at

1 least 17 years of age at the time of the commission of the  
2 offense, provided the offense was sexually motivated as  
3 defined in Section 10 of the Sex Offender Management Board  
4 Act);

5 (2) Section 11-9.5 (sexual misconduct with a person  
6 with a disability);

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

15 (4) Section 10-5(b)(10) (child abduction committed by  
16 luring or attempting to lure a child under the age of 16  
17 into a motor vehicle, building, house trailer, or dwelling  
18 place without the consent of the parent or lawful custodian  
19 of the child for other than a lawful purpose and the  
20 offense was committed on or after January 1, 1998, provided  
21 the offense was sexually motivated as defined in Section 10  
22 of the Sex Offender Management Board Act).

23 (E-10) As used in this Article, "sexual predator" also  
24 means a person required to register in another State due to a  
25 conviction, adjudication or other action of any court  
26 triggering an obligation to register as a sex offender, sexual

1 predator, or substantially similar status under the laws of  
2 that State.

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

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

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

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

25 (J) As used in this Article, "Internet protocol address"  
26 means the string of numbers by which a location on the Internet

1 is identified by routers or other computers connected to the  
2 Internet.

3 (Source: P.A. 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11;  
4 96-1551, eff. 7-1-11; 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;  
5 revised 9-27-11.)