

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

6 (730 ILCS 150/2) (from Ch. 38, par. 222)

7 Sec. 2. Definitions.

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

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

15 (a) is convicted of such offense or an attempt to
16 commit such offense; or

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

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

23 (d) is the subject of a finding not resulting in an

1 acquittal at a hearing conducted pursuant to Section
2 104-25(a) of the Code of Criminal Procedure of 1963 for
3 the alleged commission or attempted commission of such
4 offense; or

5 (e) is found not guilty by reason of insanity
6 following a hearing conducted pursuant to a federal,
7 Uniform Code of Military Justice, sister state, or
8 foreign country law substantially similar to Section
9 104-25(c) of the Code of Criminal Procedure of 1963 of
10 such offense or of the attempted commission of such
11 offense; or

12 (f) is the subject of a finding not resulting in an
13 acquittal at a hearing conducted pursuant to a federal,
14 Uniform Code of Military Justice, sister state, or
15 foreign country law substantially similar to Section
16 104-25(a) of the Code of Criminal Procedure of 1963 for
17 the alleged violation or attempted commission of such
18 offense; or

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

23 (3) subject to the provisions of Section 2 of the
24 Interstate Agreements on Sexually Dangerous Persons Act;
25 or

26 (4) found to be a sexually violent person pursuant to

1 the Sexually Violent Persons Commitment Act or any
2 substantially similar federal, Uniform Code of Military
3 Justice, sister state, or foreign country law; or

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

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

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

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

25 (1) A violation of any of the following Sections of the
26 Criminal Code of 1961:

1 11-20.1 (child pornography),
2 11-20.1B or 11-20.3 (aggravated child
3 pornography),
4 11-6 (indecent solicitation of a child),
5 11-9.1 (sexual exploitation of a child),
6 11-9.2 (custodial sexual misconduct),
7 11-9.5 (sexual misconduct with a person with a
8 disability),
9 11-14.4 (promoting juvenile prostitution),
10 11-15.1 (soliciting for a juvenile prostitute),
11 11-18.1 (patronizing a juvenile prostitute),
12 11-17.1 (keeping a place of juvenile
13 prostitution),
14 11-19.1 (juvenile pimping),
15 11-19.2 (exploitation of a child),
16 11-25 (grooming),
17 11-26 (traveling to meet a minor),
18 11-1.20 or 12-13 (criminal sexual assault),
19 11-1.30 or 12-14 (aggravated criminal sexual
20 assault),
21 11-1.40 or 12-14.1 (predatory criminal sexual
22 assault of a child),
23 11-1.50 or 12-15 (criminal sexual abuse),
24 11-1.60 or 12-16 (aggravated criminal sexual
25 abuse),
26 12-33 (ritualized abuse of a child).

1 An attempt to commit any of these offenses.

2 (1.5) A violation of any of the following Sections of
3 the Criminal Code of 1961, when the victim is a person
4 under 18 years of age, the defendant is not a parent of the
5 victim, the offense was sexually motivated as defined in
6 Section 10 of the Sex Offender Management Board Act, and
7 the offense was committed on or after January 1, 1996:

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 If the offense was committed before January 1, 1996, it
13 is a sex offense requiring registration only when the
14 person is convicted of any felony after July 1, 2011, and
15 paragraph (2.1) of subsection (c) of Section 3 of this Act
16 applies.

17 (1.6) First degree murder under Section 9-1 of the
18 Criminal Code of 1961, provided the offense was sexually
19 motivated as defined in Section 10 of the Sex Offender
20 Management Board Act.

21 (1.7) (Blank).

22 (1.8) A violation or attempted violation of Section
23 11-11 (sexual relations within families) of the Criminal
24 Code of 1961, and the offense was committed on or after
25 June 1, 1997. If the offense was committed before June 1,
26 1997, it is a sex offense requiring registration only when

1 the person is convicted of any felony after July 1, 2011,
2 and paragraph (2.1) of subsection (c) of Section 3 of this
3 Act applies.

4 (1.9) Child abduction under paragraph (10) of
5 subsection (b) of Section 10-5 of the Criminal Code of 1961
6 committed by luring or attempting to lure a child under the
7 age of 16 into a motor vehicle, building, house trailer, or
8 dwelling place without the consent of the parent or lawful
9 custodian of the child for other than a lawful purpose and
10 the offense was committed on or after January 1, 1998,
11 provided the offense was sexually motivated as defined in
12 Section 10 of the Sex Offender Management Board Act. If the
13 offense was committed before January 1, 1998, it is a sex
14 offense requiring registration only when the person is
15 convicted of any felony after July 1, 2011, and paragraph
16 (2.1) of subsection (c) of Section 3 of this Act applies.

17 (1.10) A violation or attempted violation of any of the
18 following Sections of the Criminal Code of 1961 when the
19 offense was committed on or after July 1, 1999:

20 10-4 (forcible detention, if the victim is under 18
21 years of age), provided the offense was sexually
22 motivated as defined in Section 10 of the Sex Offender
23 Management Board Act,

24 11-6.5 (indecent solicitation of an adult),

25 11-14.3 that involves soliciting for a prostitute,
26 or 11-15 (soliciting for a prostitute, if the victim is

1 under 18 years of age),
2 subdivision (a)(2)(A) or (a)(2)(B) of Section
3 11-14.3, or Section 11-16 (pandering, if the victim is
4 under 18 years of age),
5 11-18 (patronizing a prostitute, if the victim is
6 under 18 years of age),
7 subdivision (a)(2)(C) of Section 11-14.3, or
8 Section 11-19 (pimping, if the victim is under 18 years
9 of age).

10 If the offense was committed before July 1, 1999, it is
11 a sex offense requiring registration only when the person
12 is convicted of any felony after July 1, 2011, and
13 paragraph (2.1) of subsection (c) of Section 3 of this Act
14 applies.

15 (1.11) A violation or attempted violation of any of the
16 following Sections of the Criminal Code of 1961 when the
17 offense was committed on or after August 22, 2002:

18 11-9 or 11-30 (public indecency for a third or
19 subsequent conviction).

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

25 (1.12) A violation or attempted violation of Section
26 5.1 of the Wrongs to Children Act or Section 11-9.1A of the

1 Criminal Code of 1961 (permitting sexual abuse) when the
2 offense was committed on or after August 22, 2002. If the
3 offense was committed before August 22, 2002, it is a sex
4 offense requiring registration only when the person is
5 convicted of any felony after July 1, 2011, and paragraph
6 (2.1) of subsection (c) of Section 3 of this Act applies.

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

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

22 (C-5) A person at least 17 years of age at the time of the
23 commission of the offense who is convicted of first degree
24 murder under Section 9-1 of the Criminal Code of 1961, against
25 a person under 18 years of age, shall be required to register
26 for natural life. A conviction for an offense of federal,

1 Uniform Code of Military Justice, sister state, or foreign
2 country law that is substantially equivalent to any offense
3 listed in subsection (C-5) of this Section shall constitute a
4 conviction for the purpose of this Article. This subsection
5 (C-5) applies to a person who committed the offense before June
6 1, 1996 if: (i) the person is incarcerated in an Illinois
7 Department of Corrections facility on August 20, 2004 (the
8 effective date of Public Act 93-977), or (ii) subparagraph (i)
9 does not apply and the person is convicted of any felony after
10 July 1, 2011, and paragraph (2.1) of subsection (c) of Section
11 3 of this Act applies.

12 (C-6) A person who is convicted or adjudicated delinquent
13 of first degree murder as defined in Section 9-1 of the
14 Criminal Code of 1961, against a person 18 years of age or
15 over, shall be required to register for his or her natural
16 life. A conviction for an offense of federal, Uniform Code of
17 Military Justice, sister state, or foreign country law that is
18 substantially equivalent to any offense listed in subsection
19 (C-6) of this Section shall constitute a conviction for the
20 purpose of this Article. This subsection (C-6) does not apply
21 to those individuals released from incarceration more than 10
22 years prior to January 1, 2012 (the effective date of Public
23 Act 97-154) ~~this amendatory Act of the 97th General Assembly.~~

24 (D) As used in this Article, "law enforcement agency having
25 jurisdiction" means the Chief of Police in each of the
26 municipalities in which the sex offender expects to reside,

1 work, or attend school (1) upon his or her discharge, parole or
2 release or (2) during the service of his or her sentence of
3 probation or conditional discharge, or the Sheriff of the
4 county, in the event no Police Chief exists or if the offender
5 intends to reside, work, or attend school in an unincorporated
6 area. "Law enforcement agency having jurisdiction" includes
7 the location where out-of-state students attend school and
8 where out-of-state employees are employed or are otherwise
9 required to register.

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

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

15 (1) Convicted for an offense of federal, Uniform Code
16 of Military Justice, sister state, or foreign country law
17 that is substantially equivalent to any offense listed in
18 subsection (E) or (E-5) of this Section shall constitute a
19 conviction for the purpose of this Article. Convicted of a
20 violation or attempted violation of any of the following
21 Sections of the Criminal Code of 1961:

22 10-5.1 (luring of a minor),

23 11-14.4 that involves keeping a place of juvenile
24 prostitution, or 11-17.1 (keeping a place of juvenile
25 prostitution),

26 subdivision (a) (2) or (a) (3) of Section 11-14.4,

1 or Section 11-19.1 (juvenile pimping),
2 subdivision (a)(4) of Section 11-14.4, or Section
3 11-19.2 (exploitation of a child),
4 11-20.1 (child pornography),
5 11-20.1B or 11-20.3 (aggravated child
6 pornography),
7 11-1.20 or 12-13 (criminal sexual assault),
8 11-1.30 or 12-14 (aggravated criminal sexual
9 assault),
10 11-1.40 or 12-14.1 (predatory criminal sexual
11 assault of a child),
12 11-1.60 or 12-16 (aggravated criminal sexual
13 abuse),
14 12-33 (ritualized abuse of a child);
15 (2) (blank);
16 (3) certified as a sexually dangerous person pursuant
17 to the Sexually Dangerous Persons Act or any substantially
18 similar federal, Uniform Code of Military Justice, sister
19 state, or foreign country law;
20 (4) found to be a sexually violent person pursuant to
21 the Sexually Violent Persons Commitment Act or any
22 substantially similar federal, Uniform Code of Military
23 Justice, sister state, or foreign country law;
24 (5) convicted of a second or subsequent offense which
25 requires registration pursuant to this Act. For purposes of
26 this paragraph (5), "convicted" shall include a conviction

1 under any substantially similar Illinois, federal, Uniform
2 Code of Military Justice, sister state, or foreign country
3 law;

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

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

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

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

22 (2) Section 11-9.5 (sexual misconduct with a person
23 with a disability);

24 (3) when the victim is a person under 18 years of age,
25 the defendant is not a parent of the victim, the offense
26 was sexually motivated as defined in Section 10 of the Sex

1 Offender Management Board Act, and the offense was
2 committed on or after January 1, 1996: (A) Section 10-1
3 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
4 (C) Section 10-3 (unlawful restraint), and (D) Section
5 10-3.1 (aggravated unlawful restraint); and

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

14 (E-10) As used in this Article, "sexual predator" also
15 means a person required to register in another State due to a
16 conviction, adjudication or other action of any court
17 triggering an obligation to register as a sex offender, sexual
18 predator, or substantially similar status under the laws of
19 that State.

20 (F) As used in this Article, "out-of-state student" means
21 any sex offender, as defined in this Section, or sexual
22 predator who is enrolled in Illinois, on a full-time or
23 part-time basis, in any public or private educational
24 institution, including, but not limited to, any secondary
25 school, trade or professional institution, or institution of
26 higher learning.

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

9 (H) As used in this Article, "school" means any public or
10 private educational institution, including, but not limited
11 to, any elementary or secondary school, trade or professional
12 institution, or institution of higher education.

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

16 (J) As used in this Article, "Internet protocol address"
17 means the string of numbers by which a location on the Internet
18 is identified by routers or other computers connected to the
19 Internet.

20 (Source: P.A. 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11;
21 96-1551, eff. 7-1-11; 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;
22 revised 9-27-11.)