



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5451

Introduced 2/15/2012, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

725 ILCS 205/4	from Ch. 38, par. 105-4
725 ILCS 205/4.01	from Ch. 38, par. 105-4.01
725 ILCS 205/4.02	from Ch. 38, par. 105-4.02
725 ILCS 205/4.04 new	

Amends the Sexually Dangerous Persons Act. Provides that psychologists, in addition to psychiatrists, may conduct the examination of a person alleged to be sexually dangerous. Provides that "criminal propensities to the commission of sex offenses" means that it is substantially probable that the person subject to the commitment proceeding will engage in the commission of sex offenses in the future if not confined. Defines "qualified evaluator" as a reputable physician or psychologist licensed in Illinois or any other state to practice medicine or psychology, who has specialized in the evaluation of sex offenders. Effective immediately.

LRB097 17721 RLC 62935 b

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 Sexually Dangerous Persons Act is amended by
5 changing Sections 4, 4.01, and 4.02 and by adding Section 4.04
6 as follows:

7 (725 ILCS 205/4) (from Ch. 38, par. 105-4)

8 Sec. 4. After the filing of the petition, the court shall
9 appoint two qualified evaluators who are both psychiatrists or
10 both psychologists or who are a psychiatrist and psychologist
11 ~~psychiatrists~~ to make a personal examination of such alleged
12 sexually dangerous person, to ascertain whether such person is
13 sexually dangerous, and the evaluators ~~psychiatrists~~ shall
14 file with the court a report in writing of the result of their
15 examination, a copy of which shall be delivered to the
16 respondent.

17 (Source: Laws 1955, p. 1144.)

18 (725 ILCS 205/4.01) (from Ch. 38, par. 105-4.01)

19 Sec. 4.01. "Qualified evaluator ~~psychiatrist~~" means a
20 reputable physician or psychologist licensed in Illinois or any
21 other state to practice medicine or psychology ~~in all its~~
22 ~~branches~~, who has specialized in the evaluation of sex

1 offenders. The examination shall be conducted in conformance
2 with the standards developed under the Sex Offender Management
3 Board Act and by an evaluator approved by the Sex Offender
4 Management Board ~~diagnosis and treatment of mental and nervous~~
5 ~~disorders for a period of not less than 5 years.~~

6 (Source: Laws 1959, p. 1685.)

7 (725 ILCS 205/4.02) (from Ch. 38, par. 105-4.02)

8 Sec. 4.02. In counties of less than 500,000 inhabitants the
9 cost of the psychiatric or psychological examination required
10 by Section 4 is a charge against and shall be paid out of the
11 general fund of the county in which the proceeding is brought.

12 (Source: Laws 1959, p. 1685.)

13 (725 ILCS 205/4.04 new)

14 Sec. 4.04. Criminal propensities to the commission of sex
15 offenses. For the purposes of this Act, "criminal propensities
16 to the commission of sex offenses" means that it is
17 substantially probable that the person subject to the
18 commitment proceeding will engage in the commission of sex
19 offenses in the future if not confined.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.