



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5921

Introduced 2/16/2012, by Rep. William Cunningham

SYNOPSIS AS INTRODUCED:

730 ILCS 150/3
730 ILCS 150/10

from Ch. 38, par. 230

Amends the Sex Offender Registration Act. Provides that a sex offender who is required to register under the Act must include in his or her registration all public or private Wi-Fi networks, Internet-based data storage services, and mobile devices capable of storing data used by him or her. Provides that a person who is required to register under the Act who uses for an unlawful purpose a public or private Wi-Fi network, Internet-based data storage service, or mobile device capable of storing data is guilty of a Class 3 felony.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 changing Sections 3 and 10 as follows:

6 (730 ILCS 150/3)

7 Sec. 3. Duty to register.

8 (a) A sex offender, as defined in Section 2 of this Act, or
9 sexual predator shall, within the time period prescribed in
10 subsections (b) and (c), register in person and provide
11 accurate information as required by the Department of State
12 Police. Such information shall include a current photograph,
13 current address, current place of employment, the sex
14 offender's or sexual predator's telephone number, including
15 cellular telephone number, the employer's telephone number,
16 school attended, all e-mail addresses, instant messaging
17 identities, chat room identities, and other Internet
18 communications identities that the sex offender uses or plans
19 to use, all public or private Wi-Fi networks, Internet-based
20 data storage services, and mobile devices capable of storing
21 data used by the sex offender, all Uniform Resource Locators
22 (URLs) registered or used by the sex offender, all blogs and
23 other Internet sites maintained by the sex offender or to which

1 the sex offender has uploaded any content or posted any
2 messages or information, extensions of the time period for
3 registering as provided in this Article and, if an extension
4 was granted, the reason why the extension was granted and the
5 date the sex offender was notified of the extension. The
6 information shall also include a copy of the terms and
7 conditions of parole or release signed by the sex offender and
8 given to the sex offender by his or her supervising officer,
9 the county of conviction, license plate numbers for every
10 vehicle registered in the name of the sex offender, the age of
11 the sex offender at the time of the commission of the offense,
12 the age of the victim at the time of the commission of the
13 offense, and any distinguishing marks located on the body of
14 the sex offender. A sex offender convicted under Section 11-6,
15 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of
16 1961 shall provide all Internet protocol (IP) addresses in his
17 or her residence, registered in his or her name, accessible at
18 his or her place of employment, or otherwise under his or her
19 control or custody. If the sex offender is a child sex offender
20 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
21 1961, the sex offender shall report to the registering agency
22 whether he or she is living in a household with a child under
23 18 years of age who is not his or her own child, provided that
24 his or her own child is not the victim of the sex offense. The
25 sex offender or sexual predator shall register:

26 (1) with the chief of police in the municipality in

1 which he or she resides or is temporarily domiciled for a
2 period of time of 3 or more days, unless the municipality
3 is the City of Chicago, in which case he or she shall
4 register at the Chicago Police Department Headquarters; or

5 (2) with the sheriff in the county in which he or she
6 resides or is temporarily domiciled for a period of time of
7 3 or more days in an unincorporated area or, if
8 incorporated, no police chief exists.

9 If the sex offender or sexual predator is employed at or
10 attends an institution of higher education, he or she shall
11 also register:

12 (i) with:

13 (A) the chief of police in the municipality in
14 which he or she is employed at or attends an
15 institution of higher education, unless the
16 municipality is the City of Chicago, in which case he
17 or she shall register at the Chicago Police Department
18 Headquarters; or

19 (B) the sheriff in the county in which he or she is
20 employed or attends an institution of higher education
21 located in an unincorporated area, or if incorporated,
22 no police chief exists; and

23 (ii) with the public safety or security director of the
24 institution of higher education which he or she is employed
25 at or attends.

26 The registration fees shall only apply to the municipality

1 or county of primary registration, and not to campus
2 registration.

3 For purposes of this Article, the place of residence or
4 temporary domicile is defined as any and all places where the
5 sex offender resides for an aggregate period of time of 3 or
6 more days during any calendar year. Any person required to
7 register under this Article who lacks a fixed address or
8 temporary domicile must notify, in person, the agency of
9 jurisdiction of his or her last known address within 3 days
10 after ceasing to have a fixed residence.

11 A sex offender or sexual predator who is temporarily absent
12 from his or her current address of registration for 3 or more
13 days shall notify the law enforcement agency having
14 jurisdiction of his or her current registration, including the
15 itinerary for travel, in the manner provided in Section 6 of
16 this Act for notification to the law enforcement agency having
17 jurisdiction of change of address.

18 Any person who lacks a fixed residence must report weekly,
19 in person, with the sheriff's office of the county in which he
20 or she is located in an unincorporated area, or with the chief
21 of police in the municipality in which he or she is located.
22 The agency of jurisdiction will document each weekly
23 registration to include all the locations where the person has
24 stayed during the past 7 days.

25 The sex offender or sexual predator shall provide accurate
26 information as required by the Department of State Police. That

1 information shall include the sex offender's or sexual
2 predator's current place of employment.

3 (a-5) An out-of-state student or out-of-state employee
4 shall, within 3 days after beginning school or employment in
5 this State, register in person and provide accurate information
6 as required by the Department of State Police. Such information
7 will include current place of employment, school attended, and
8 address in state of residence. A sex offender convicted under
9 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
10 Criminal Code of 1961 shall provide all Internet protocol (IP)
11 addresses in his or her residence, registered in his or her
12 name, accessible at his or her place of employment, or
13 otherwise under his or her control or custody. The out-of-state
14 student or out-of-state employee shall register:

15 (1) with:

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

23 (B) the sheriff in the county in which he or she
24 attends school or is employed for a period of time of 5
25 or more days or for an aggregate period of time of more
26 than 30 days during any calendar year in an

1 unincorporated area or, if incorporated, no police
2 chief exists; and

3 (2) with the public safety or security director of the
4 institution of higher education he or she is employed at or
5 attends for a period of time of 5 or more days or for an
6 aggregate period of time of more than 30 days during a
7 calendar year.

8 The registration fees shall only apply to the municipality
9 or county of primary registration, and not to campus
10 registration.

11 The out-of-state student or out-of-state employee shall
12 provide accurate information as required by the Department of
13 State Police. That information shall include the out-of-state
14 student's current place of school attendance or the
15 out-of-state employee's current place of employment.

16 (a-10) Any law enforcement agency registering sex
17 offenders or sexual predators in accordance with subsections
18 (a) or (a-5) of this Section shall forward to the Attorney
19 General a copy of sex offender registration forms from persons
20 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
21 11-21 of the Criminal Code of 1961, including periodic and
22 annual registrations under Section 6 of this Act.

23 (b) Any sex offender, as defined in Section 2 of this Act,
24 or sexual predator, regardless of any initial, prior, or other
25 registration, shall, within 3 days of beginning school, or
26 establishing a residence, place of employment, or temporary

1 domicile in any county, register in person as set forth in
2 subsection (a) or (a-5).

3 (c) The registration for any person required to register
4 under this Article shall be as follows:

5 (1) Any person registered under the Habitual Child Sex
6 Offender Registration Act or the Child Sex Offender
7 Registration Act prior to January 1, 1996, shall be deemed
8 initially registered as of January 1, 1996; however, this
9 shall not be construed to extend the duration of
10 registration set forth in Section 7.

11 (2) Except as provided in subsection (c)(2.1) or
12 (c)(4), any person convicted or adjudicated prior to
13 January 1, 1996, whose liability for registration under
14 Section 7 has not expired, shall register in person prior
15 to January 31, 1996.

16 (2.1) A sex offender or sexual predator, who has never
17 previously been required to register under this Act, has a
18 duty to register if the person has been convicted of any
19 felony offense after July 1, 2011. A person who previously
20 was required to register under this Act for a period of 10
21 years and successfully completed that registration period
22 has a duty to register if: (i) the person has been
23 convicted of any felony offense after July 1, 2011, and
24 (ii) the offense for which the 10 year registration was
25 served currently requires a registration period of more
26 than 10 years. Notification of an offender's duty to

1 register under this subsection shall be pursuant to Section
2 5-7 of this Act.

3 (2.5) Except as provided in subsection (c)(4), any
4 person who has not been notified of his or her
5 responsibility to register shall be notified by a criminal
6 justice entity of his or her responsibility to register.
7 Upon notification the person must then register within 3
8 days of notification of his or her requirement to register.
9 Except as provided in subsection (c)(2.1), if notification
10 is not made within the offender's 10 year registration
11 requirement, and the Department of State Police determines
12 no evidence exists or indicates the offender attempted to
13 avoid registration, the offender will no longer be required
14 to register under this Act.

15 (3) Except as provided in subsection (c)(4), any person
16 convicted on or after January 1, 1996, shall register in
17 person within 3 days after the entry of the sentencing
18 order based upon his or her conviction.

19 (4) Any person unable to comply with the registration
20 requirements of this Article because he or she is confined,
21 institutionalized, or imprisoned in Illinois on or after
22 January 1, 1996, shall register in person within 3 days of
23 discharge, parole or release.

24 (5) The person shall provide positive identification
25 and documentation that substantiates proof of residence at
26 the registering address.

1 (6) The person shall pay a \$100 initial registration
2 fee and a \$100 annual renewal fee. The fees shall be used
3 by the registering agency for official purposes. The agency
4 shall establish procedures to document receipt and use of
5 the funds. The law enforcement agency having jurisdiction
6 may waive the registration fee if it determines that the
7 person is indigent and unable to pay the registration fee.
8 Thirty dollars for the initial registration fee and \$30 of
9 the annual renewal fee shall be used by the registering
10 agency for official purposes. Ten dollars of the initial
11 registration fee and \$10 of the annual fee shall be
12 deposited into the Sex Offender Management Board Fund under
13 Section 19 of the Sex Offender Management Board Act. Money
14 deposited into the Sex Offender Management Board Fund shall
15 be administered by the Sex Offender Management Board and
16 shall be used to fund practices endorsed or required by the
17 Sex Offender Management Board Act including but not limited
18 to sex offenders evaluation, treatment, or monitoring
19 programs that are or may be developed, as well as for
20 administrative costs, including staff, incurred by the
21 Board. Thirty dollars of the initial registration fee and
22 \$30 of the annual renewal fee shall be deposited into the
23 Sex Offender Registration Fund and shall be used by the
24 Department of State Police to maintain and update the
25 Illinois State Police Sex Offender Registry. Thirty
26 dollars of the initial registration fee and \$30 of the

1 annual renewal fee shall be deposited into the Attorney
2 General Sex Offender Awareness, Training, and Education
3 Fund. Moneys deposited into the Fund shall be used by the
4 Attorney General to administer the I-SORT program and to
5 alert and educate the public, victims, and witnesses of
6 their rights under various victim notification laws and for
7 training law enforcement agencies, State's Attorneys, and
8 medical providers of their legal duties concerning the
9 prosecution and investigation of sex offenses.

10 (d) Within 3 days after obtaining or changing employment
11 and, if employed on January 1, 2000, within 5 days after that
12 date, a person required to register under this Section must
13 report, in person to the law enforcement agency having
14 jurisdiction, the business name and address where he or she is
15 employed. If the person has multiple businesses or work
16 locations, every business and work location must be reported to
17 the law enforcement agency having jurisdiction.

18 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
19 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.
20 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.
21 8-12-11; 97-578, eff. 1-1-12; revised 9-15-11.)

22 (730 ILCS 150/10) (from Ch. 38, par. 230)

23 Sec. 10. Penalty.

24 (a) Any person who is required to register under this
25 Article who violates any of the provisions of this Article, ~~and~~

1 any person who is required to register under this Article who
2 seeks to change his or her name under Article 21 of the Code of
3 Civil Procedure, and a person who is required to register under
4 this Article who uses for an unlawful purpose a public or
5 private Wi-Fi network, Internet-based data storage service, or
6 mobile device capable of storing data is guilty of a Class 3
7 felony. Any person who is convicted for a violation of this Act
8 for a second or subsequent time is guilty of a Class 2 felony.
9 Any person who is required to register under this Article who
10 knowingly or wilfully gives material information required by
11 this Article that is false is guilty of a Class 3 felony. Any
12 person convicted of a violation of any provision of this
13 Article shall, in addition to any other penalty required by
14 law, be required to serve a minimum period of 7 days
15 confinement in the local county jail. The court shall impose a
16 mandatory minimum fine of \$500 for failure to comply with any
17 provision of this Article. These fines shall be deposited in
18 the Sex Offender Registration Fund. Any sex offender, as
19 defined in Section 2 of this Act, or sexual predator who
20 violates any provision of this Article may be arrested and
21 tried in any Illinois county where the sex offender can be
22 located. The local police department or sheriff's office is not
23 required to determine whether the person is living within its
24 jurisdiction.

25 (b) Any person, not covered by privilege under Part 8 of
26 Article VIII of the Code of Civil Procedure or the Illinois

1 Supreme Court's Rules of Professional Conduct, who has reason
2 to believe that a sexual predator is not complying, or has not
3 complied, with the requirements of this Article and who, with
4 the intent to assist the sexual predator in eluding a law
5 enforcement agency that is seeking to find the sexual predator
6 to question the sexual predator about, or to arrest the sexual
7 predator for, his or her noncompliance with the requirements of
8 this Article is guilty of a Class 3 felony if he or she:

9 (1) provides false information to the law enforcement
10 agency having jurisdiction about the sexual predator's
11 noncompliance with the requirements of this Article, and,
12 if known, the whereabouts of the sexual predator;

13 (2) harbors, or attempts to harbor, or assists another
14 person in harboring or attempting to harbor, the sexual
15 predator; or

16 (3) conceals or attempts to conceal, or assists another
17 person in concealing or attempting to conceal, the sexual
18 predator.

19 (c) Subsection (b) does not apply if the sexual predator is
20 incarcerated in or is in the custody of a State correctional
21 facility, a private correctional facility, a county or
22 municipal jail, a State mental health facility or a State
23 treatment and detention facility, or a federal correctional
24 facility.

25 (d) Subsections (a) and (b) do not apply if the sex
26 offender accurately registered his or her Internet protocol

1 address under this Act, and the address subsequently changed
2 without his or her knowledge or intent.

3 (Source: P.A. 94-168, eff. 1-1-06; 94-988, eff. 1-1-07; 95-579,
4 eff. 6-1-08.)