

1 AN ACT concerning State government.

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

4 Section 1. Short title. This Act may be cited as the Sex
5 Offender Evaluation and Treatment Provider Act.

6 Section 5. Declaration of public policy. The practice of
7 sex offender evaluation and treatment in Illinois is hereby
8 declared to affect the public health, safety and welfare, and
9 to be subject to regulations in the public interest. The
10 purpose of this Act is to establish standards of qualifications
11 for sex offender evaluators and sex offender treatment
12 providers, thereby protecting the public from persons who are
13 unauthorized or unqualified to represent themselves as
14 licensed sex offender evaluators and sex offender treatment
15 providers, and from unprofessional conduct by persons licensed
16 to practice sex offender evaluation and treatment.

17 Section 10. Definitions. As used in this Act:

18 "Address of record" means the designated address recorded
19 by the Department in the applicant's or licensee's application
20 file or license file maintained by the Department's licensure
21 maintenance unit.

22 "Associate sex offender provider" means a person licensed

1 under this Act to conduct sex offender evaluations or provide
2 sex offender treatment services under the supervision of a
3 licensed sex offender evaluator or a licensed sex offender
4 treatment provider.

5 "Board" means the Sex Offender Evaluation and Treatment
6 Licensing and Disciplinary Board.

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "Licensee" means a person who has obtained a license under
10 this Act.

11 "Secretary" means the Secretary of Financial and
12 Professional Regulation.

13 "Sex offender evaluation" means a sex-offender specific
14 evaluation that systematically uses a variety of standardized
15 measurements, assessments and information gathered
16 collaterally and through face-to-face interviews. Sex-offender
17 specific evaluations assess risk to the community; identify and
18 document treatment and developmental needs, including safe and
19 appropriate placement settings; determine amenability to
20 treatment; and are the foundation of treatment, supervision,
21 and placement recommendations.

22 "Sex offender evaluator" means a person licensed under this
23 Act to conduct sex offender evaluations.

24 "Sex offender treatment" means a comprehensive set of
25 planned therapeutic interventions and experiences to reduce
26 the risk of further sexual offending and abusive behaviors by

1 the offender. Treatment may include adjunct therapies to
2 address the unique needs of the individual, but must include
3 offense specific services by a treatment provider who meets the
4 qualifications in Section 30 of this Act. Treatment focuses on
5 the situations, thoughts, feelings, and behavior that have
6 preceded and followed past offending (abuse cycles) and
7 promotes change in each area relevant to the risk of continued
8 abusive, offending, or deviant sexual behaviors. Due to the
9 heterogeneity of the persons who commit sex offenses, treatment
10 is provided based on the individualized evaluation and
11 assessment. Treatment is designed to stop sex offending and
12 abusive behavior, while increasing the offender's ability to
13 function as a healthy, pro-social member of the community.
14 Progress in treatment is measured by change rather than the
15 passage of time.

16 "Sex offender treatment provider" means a person licensed
17 under this Act to provide sex offender treatment.

18 Section 15. Duties of the Department. The Department shall
19 exercise the powers and duties prescribed by the Civil
20 Administrative Code of Illinois for administration of
21 licensing acts and shall exercise other powers and duties
22 necessary for effectuating the purpose of this Act. The
23 Department shall adopt rules to implement, interpret, or make
24 specific the provisions and purposes of this Act.

1 Section 20. Sex Offender Evaluation and Treatment Provider
2 Licensing and Disciplinary Board.

3 (a) There is established within the Department the Sex
4 Offender Evaluation and Treatment Licensing and Disciplinary
5 Board to be appointed by the Secretary. The Board shall be
6 composed of 8 persons who shall serve in an advisory capacity
7 to the Secretary. The Board shall elect a chairperson and a
8 vice chairperson.

9 (b) In appointing members of the Board, the Secretary shall
10 give due consideration to recommendations by members of the
11 profession of sex offender evaluation and treatment.

12 (c) Three members of the Board shall be sex offender
13 evaluation or treatment providers, or both, who have been in
14 active practice for at least 5 years immediately preceding
15 their appointment. The appointees shall be licensed under this
16 Act.

17 (d) One member shall represent the Department of
18 Corrections.

19 (e) One member shall represent the Department of Human
20 Services.

21 (f) One member shall represent the Administrative Office of
22 the Illinois Courts representing the interests of probation
23 services.

24 (g) One member shall represent the Sex Offender Management
25 Board.

26 (h) One member shall be representative of the general

1 public who has no direct affiliation or work experience with
2 the practice of sex offender evaluation and treatment and who
3 clearly represent consumer interests.

4 (i) Board members shall be appointed for a term of 4 years,
5 except that any person chosen to fill a vacancy shall be
6 appointed only for the unexpired term of the Board member whom
7 he or she shall succeed. Upon the expiration of his or her term
8 of office, a Board member shall continue to serve until a
9 successor is appointed and qualified. No member shall be
10 reappointed to the Board for a term that would cause continuous
11 service on the Board to be longer than 8 years.

12 (j) The membership of the Board shall reasonably reflect
13 representation from the various geographic areas of the State.

14 (k) A member of the Board shall be immune from suit in any
15 action based upon any disciplinary proceedings or other
16 activities performed in good faith as a member of the Board.

17 (l) The Secretary may remove a member of the Board for any
18 cause that, in the opinion of the Secretary, reasonably
19 justifies termination.

20 (m) The Secretary may consider the recommendations of the
21 Board on questions of standards of professional conduct,
22 discipline, and qualification of candidates or licensees under
23 this Act.

24 (n) The members of the Board shall be reimbursed for all
25 legitimate, necessary, and authorized expenses.

26 (o) A majority of the Board members currently appointed

1 shall constitute a quorum. A vacancy in the membership of the
2 Board shall not impair the right of a quorum to exercise all
3 the rights and perform all the duties of the Board.

4 Section 25. Application.

5 (a) Applications for original licensure shall be made to
6 the Department in writing on forms prescribed by the Department
7 and shall be accompanied by the appropriate documentation and
8 the required fee, which fee is nonrefundable. An application
9 shall require information as, in the judgment of the
10 Department, will enable the Department to pass on the
11 qualifications of the applicant for licensing.

12 (b) A license shall not be denied to an applicant because
13 of the applicant's race, religion, creed, national origin,
14 political beliefs or activities, age, sex, sexual orientation,
15 or physical disability that does not affect a person's ability
16 to practice with reasonable judgment, skill, or safety.

17 Section 30. Social Security Number on license application.
18 In addition to any other information required to be contained
19 in the application, every application for an original, renewal,
20 reinstated, or restored license under this Act shall include
21 the applicant's Social Security number.

22 Section 35. Qualifications for licensure.

23 (a)(1) A person is qualified for licensure as a sex

1 offender evaluator if that person:

2 (A) has applied in writing on forms prepared and
3 furnished by the Department;

4 (B) has not engaged or is not engaged in any practice
5 or conduct that would be grounds for disciplining a
6 licensee under Section 75 of this Act; and

7 (C) satisfies the licensure and experience
8 requirements of paragraph (2) of this subsection (a).

9 (2) A person who applies to the Department shall be issued
10 a sex offender evaluator license by the Department if the
11 person meets the qualifications set forth in paragraph (1) of
12 this subsection (a) and provides evidence to the Department
13 that the person:

14 (A) is a physician licensed to practice medicine in all
15 of its branches under the Medical Practice Act of 1987 or
16 licensed under the laws of another state; an advanced
17 practice nurse with psychiatric specialty licensed under
18 the Nurse Practice Act or licensed under the laws of
19 another state; a clinical psychologist licensed under the
20 Clinical Psychologist Licensing Act or licensed under the
21 laws of another state; a licensed clinical social worker
22 licensed under the Clinical Social Work and Social Work
23 Practice Act or licensed under the laws of another state; a
24 licensed clinical professional counselor licensed under
25 the Professional Counselor and Clinical Professional
26 Counselor Licensing Act or licensed under the laws of

1 another state; or a licensed marriage and family therapist
2 licensed under the Marriage and Family Therapist Licensing
3 Act or licensed under the laws of another state;

4 (B) has 400 hours of supervised experience in the
5 treatment or evaluation of sex offenders in the last 4
6 years, at least 200 of which are face-to-face therapy or
7 evaluation with sex offenders;

8 (C) has completed at least 10 sex offender evaluations
9 under supervision in the past 4 years; and

10 (D) has at least 40 hours of documented training in the
11 specialty of sex offender evaluation, treatment, or
12 management.

13 (b)(1) A person is qualified for licensure as a sex
14 offender treatment provider if that person:

15 (A) has applied in writing on forms prepared and
16 furnished by the Department;

17 (B) has not engaged or is not engaged in any practice
18 or conduct that would be grounds for disciplining a
19 licensee under Section 75 of this Act; and

20 (C) satisfies the licensure and experience
21 requirements of paragraph (2) of this subsection (b).

22 (2) A person who applies to the Department shall be issued
23 a sex offender treatment provider license by the Department if
24 the person meets the qualifications set forth in paragraph (1)
25 of this subsection (b) and provides evidence to the Department
26 that the person:

1 (A) is a physician licensed to practice medicine in all
2 of its branches under the Medical Practice Act of 1987 or
3 licensed under the laws of another state; an advanced
4 practice nurse with psychiatric specialty licensed under
5 the Nurse Practice Act or licensed under the laws of
6 another state; a clinical psychologist licensed under the
7 Clinical Psychologist Licensing Act or licensed under the
8 laws of another state; a licensed clinical social worker
9 licensed under the Clinical Social Work and Social Work
10 Practice Act or licensed under the laws of another state; a
11 licensed clinical professional counselor licensed under
12 the Professional Counselor and Clinical Professional
13 Counselor Licensing Act or licensed under the laws of
14 another state; or a licensed marriage and family therapist
15 licensed under the Marriage and Family Therapist Licensing
16 Act or licensed under the laws of another state;

17 (B) has 400 hours of supervised experience in the
18 treatment of sex offenders in the last 4 years, at least
19 200 of which are face-to-face therapy with sex offenders;
20 and

21 (C) has at least 40 hours documented training in the
22 specialty of sex offender evaluation, treatment, or
23 management.

24 (c) (1) A person is qualified for licensure as an associate
25 sex offender provider if that person:

26 (A) has applied in writing on forms prepared and

1 furnished by the Department;

2 (B) has not engaged or is not engaged in any practice
3 or conduct that would be grounds for disciplining a
4 licensee under Section 75 of this Act; and

5 (C) satisfies the education and experience
6 requirements of paragraph (2) of this subsection (c).

7 (2) A person who applies to the Department shall be issued
8 an associate sex offender provider license by the Department if
9 the person meets the qualifications set forth in paragraph (1)
10 of this subsection (c) and provides evidence to the Department
11 that the person holds a master's degree or higher in social
12 work, psychology, marriage and family therapy, counseling or
13 closely related behavioral science degree, or psychiatry.

14 Section 40. Exemptions. This Act does not prohibit a
15 person licensed under any other Act in this State from engaging
16 in the practice for which he or she is licensed.

17 Section 45. License renewal; restoration.

18 (a) The expiration date and renewal period for a license
19 issued under this Act shall be set by rule. The holder of a
20 license under this Act may renew that license during the 90 day
21 period immediately preceding the expiration date upon payment
22 of the required renewal fees and demonstrating compliance with
23 any continuing education requirements. The Department shall
24 adopt rules establishing minimum requirements of continuing

1 education and means for verification of the completion of the
2 continuing education requirements. The Department may, by
3 rule, specify circumstances under which the continuing
4 education requirements may be waived.

5 (b) A licensee who has permitted his or her license to
6 expire or who has had his or her license on inactive status may
7 have his or her license restored by making application to the
8 Department and filing proof acceptable to the Department, as
9 defined by rule, of his or her fitness to have his or her
10 license restored, including evidence certifying to active
11 practice in another jurisdiction satisfactory to the
12 Department and by paying the required restoration fee.

13 (c) A licensee whose license expired while he or she was
14 (1) in Federal Service on active duty with the Armed Forces of
15 the United States, or the State Militia called into service or
16 training, or (2) in training or education under the supervision
17 of the United States preliminary to induction into the military
18 service, may have his or her license renewed or restored
19 without paying any lapsed renewal fees if within 2 years after
20 honorable termination of service, training or education, he or
21 she furnishes the Department with satisfactory evidence to the
22 effect that he or she has been so engaged and that his or her
23 service, training or education has been terminated.

24 Section 50. Inactive status.

25 (a) A licensee who notifies the Department in writing on

1 forms prescribed by the Department may elect to place his or
2 her license on an inactive status and shall, subject to rules
3 of the Department, be excused from payment of renewal fees
4 until he or she notifies the Department in writing of his or
5 her intent to restore his or her license.

6 (b) A licensee requesting restoration from inactive status
7 shall be required to pay the current renewal fee and shall be
8 required to restore his or her license as provided in Section
9 45 of this Act.

10 (c) A licensee whose license is in an inactive status shall
11 not practice in the State of Illinois.

12 (d) A licensee who provides sex offender evaluation or
13 treatment services while his or her license is lapsed or on
14 inactive status shall be considered to be practicing without a
15 license which shall be grounds for discipline under this Act.

16 Section 55. Fees. The fees for the administration and
17 enforcement of this Act, including but not limited to original
18 licensure, renewal, and restoration, shall be set by rule of
19 the Department. The fees shall be nonrefundable.

20 Section 60. Deposit of fees and fines. All of the fees and
21 fines collected under this Act shall be deposited into the
22 General Professions Dedicated Fund.

23 Section 65. Payments; penalty for insufficient funds. A

1 person who delivers a check or other payment to the Department
2 that is returned to the Department unpaid by the financial
3 institution upon which it is drawn shall pay to the Department,
4 in addition to the amount already owed to the Department, a
5 fine of \$50. The fines imposed by this Section are in addition
6 to any other discipline provided under this Act prohibiting
7 unlicensed practice or practice on a nonrenewed license. The
8 Department shall notify the person that payment of fees and
9 fines shall be paid to the Department by certified check or
10 money order within 30 calendar days after notification. If
11 after the expiration of 30 days from the date of the
12 notification the person has failed to submit the necessary
13 remittance, the Department shall automatically terminate the
14 license or deny the application without hearing. If after
15 termination or denial the person seeks a license, he or she
16 shall apply to the Department for restoration or issuance of
17 the license and pay all fees and fines due to the Department.
18 The Department may establish a fee for the processing of an
19 application for restoration of a license to pay all expenses of
20 processing the application. The Secretary may waive the fines
21 due under this Section in individual cases where the Secretary
22 finds that the fines would be unreasonable or unnecessarily
23 burdensome.

24 Section 70. Roster; address change.

25 (a) The Department shall maintain a roster of names and

1 addresses of all persons who hold valid licenses and all
2 persons whose licenses have been suspended or revoked within
3 the previous year. This roster shall be available upon request
4 and payment of the required fee.

5 (b) It is the duty of the applicant or licensee to inform
6 the Department of any change of address, and that change must
7 be made either through the Department's website or by
8 contacting the Department's licensure maintenance unit.

9 Section 75. Refusal, revocation, or suspension.

10 (a) The Department may refuse to issue or renew, or may
11 revoke, suspend, place on probation, reprimand, or take other
12 disciplinary or nondisciplinary action, as the Department
13 considers appropriate, including the imposition of fines not to
14 exceed \$10,000 for each violation, with regard to any license
15 or licensee for any one or more of the following:

16 (1) violations of this Act or of the rules adopted
17 under this Act;

18 (2) discipline by the Department under other state law
19 and rules which the licensee is subject to;

20 (3) conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or by
22 sentencing for any crime, including, but not limited to,
23 convictions, preceding sentences of supervision,
24 conditional discharge, or first offender probation, under
25 the laws of any jurisdiction of the United States: (i) that

1 is a felony; or (ii) that is a misdemeanor, an essential
2 element of which is dishonesty, or that is directly related
3 to the practice of the profession;

4 (4) professional incompetence;

5 (5) advertising in a false, deceptive, or misleading
6 manner;

7 (6) aiding, abetting, assisting, procuring, advising,
8 employing, or contracting with any unlicensed person to
9 provide sex offender evaluation or treatment services
10 contrary to any rules or provisions of this Act;

11 (7) engaging in immoral conduct in the commission of
12 any act, such as sexual abuse, sexual misconduct, or sexual
13 exploitation, related to the licensee's practice;

14 (8) engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public;

17 (9) practicing or offering to practice beyond the scope
18 permitted by law or accepting and performing professional
19 responsibilities which the licensee knows or has reason to
20 know that he or she is not competent to perform;

21 (10) knowingly delegating professional
22 responsibilities to a person unqualified by training,
23 experience, or licensure to perform;

24 (11) failing to provide information in response to a
25 written request made by the Department within 60 days;

26 (12) having a habitual or excessive use of or addiction

1 to alcohol, narcotics, stimulants, or any other chemical
2 agent or drug which results in the inability to practice
3 with reasonable judgment, skill, or safety;

4 (13) having a pattern of practice or other behavior
5 that demonstrates incapacity or incompetence to practice
6 under this Act;

7 (14) discipline by another state, District of
8 Columbia, territory, or foreign nation, if at least one of
9 the grounds for the discipline is the same or substantially
10 equivalent to those set forth in this Section;

11 (15) a finding by the Department that the licensee,
12 after having his or her license placed on probationary
13 status, has violated the terms of probation;

14 (16) willfully making or filing false records or
15 reports in his or her practice, including, but not limited
16 to, false records filed with State agencies or departments;

17 (17) making a material misstatement in furnishing
18 information to the Department or otherwise making
19 misleading, deceptive, untrue, or fraudulent
20 representations in violation of this Act or otherwise in
21 the practice of the profession;

22 (18) fraud or misrepresentation in applying for or
23 procuring a license under this Act or in connection with
24 applying for renewal of a license under this Act;

25 (19) inability to practice the profession with
26 reasonable judgment, skill, or safety as a result of

1 physical illness, including, but not limited to,
2 deterioration through the aging process, loss of motor
3 skill, or a mental illness or disability;

4 (20) charging for professional services not rendered,
5 including filing false statements for the collection of
6 fees for which services are not rendered; or

7 (21) practicing under a false or, except as provided by
8 law, an assumed name.

9 All fines shall be paid within 60 days of the effective
10 date of the order imposing the fine.

11 (b) The Department may refuse to issue or may suspend the
12 license of any person who fails to file a tax return, to pay
13 the tax, penalty, or interest shown in a filed tax return, or
14 to pay any final assessment of tax, penalty, or interest, as
15 required by any tax Act administered by the Illinois Department
16 of Revenue, until such time as the requirements of the tax Act
17 are satisfied in accordance with subsection (g) of Section
18 2105-15 of the Civil Administrative Code of Illinois.

19 (c) The Department shall deny a license or renewal
20 authorized by this Act to a person who has defaulted on an
21 educational loan or scholarship provided or guaranteed by the
22 Illinois Student Assistance Commission or any governmental
23 agency of this State in accordance with item (5) of subsection
24 (g) of Section 2105-15 of the Civil Administrative Code of
25 Illinois.

26 (d) In cases where the Department of Healthcare and Family

1 Services has previously determined that a licensee or a
2 potential licensee is more than 30 days delinquent in the
3 payment of child support and has subsequently certified the
4 delinquency to the Department, the Department may refuse to
5 issue or renew or may revoke or suspend that person's license
6 or may take other disciplinary action against that person based
7 solely upon the certification of delinquency made by the
8 Department of Healthcare and Family Services in accordance with
9 item (5) of subsection (g) of Section 2105-15 of the Civil
10 Administrative Code of Illinois.

11 (e) The determination by a circuit court that a licensee is
12 subject to involuntary admission or judicial admission, as
13 provided in the Mental Health and Developmental Disabilities
14 Code, operates as an automatic suspension. The suspension will
15 end only upon a finding by a court that the patient is no
16 longer subject to involuntary admission or judicial admission
17 and the issuance of a court order so finding and discharging
18 the patient.

19 (f) In enforcing this Act, the Department or Board, upon a
20 showing of a possible violation, may compel an individual
21 licensed to practice under this Act, or who has applied for
22 licensure under this Act, to submit to a mental or physical
23 examination, or both, as required by and at the expense of the
24 Department. The Department or Board may order the examining
25 physician to present testimony concerning the mental or
26 physical examination of the licensee or applicant. No

1 information shall be excluded by reason of any common law or
2 statutory privilege relating to communications between the
3 licensee or applicant and the examining physician. The
4 examining physician shall be specifically designated by the
5 Board or Department. The individual to be examined may have, at
6 his or her own expense, another physician of his or her choice
7 present during all aspects of this examination. The examination
8 shall be performed by a physician licensed to practice medicine
9 in all its branches. Failure of an individual to submit to a
10 mental or physical examination, when directed, shall result in
11 an automatic suspension without hearing.

12 A person holding a license under this Act or who has
13 applied for a license under this Act who, because of a physical
14 or mental illness or disability, including, but not limited to,
15 deterioration through the aging process or loss of motor skill,
16 is unable to practice the profession with reasonable judgment,
17 skill, or safety, may be required by the Department to submit
18 to care, counseling, or treatment by physicians approved or
19 designated by the Department as a condition, term, or
20 restriction for continued, reinstated, or renewed licensure to
21 practice. Submission to care, counseling, or treatment as
22 required by the Department shall not be considered discipline
23 of a license. If the licensee refuses to enter into a care,
24 counseling, or treatment agreement or fails to abide by the
25 terms of the agreement, the Department may file a complaint to
26 revoke, suspend, or otherwise discipline the license of the

1 individual. The Secretary may order the license suspended
2 immediately, pending a hearing by the Department. Fines shall
3 not be assessed in disciplinary actions involving physical or
4 mental illness or impairment.

5 In instances in which the Secretary immediately suspends a
6 person's license under this Section, a hearing on that person's
7 license must be convened by the Department within 15 days after
8 the suspension and completed without appreciable delay. The
9 Department and Board shall have the authority to review the
10 subject individual's record of treatment and counseling
11 regarding the impairment to the extent permitted by applicable
12 federal statutes and regulations safeguarding the
13 confidentiality of medical records.

14 An individual licensed under this Act and subject to action
15 under this Section shall be afforded an opportunity to
16 demonstrate to the Department or Board that he or she can
17 resume practice in compliance with acceptable and prevailing
18 standards under the provisions of his or her license.

19 Section 80. Continuing education. The Department shall
20 adopt rules for continuing education for persons licensed under
21 this Act that require a completion of 20 hours of approved sex
22 offender specific continuing education per license renewal
23 period. The Department shall establish by rule a means for the
24 verification of completion of the continuing education
25 required by this Section. This verification may be accomplished

1 through audits of records maintained by the licensee, by
2 requiring the filing of continuing education certificates with
3 the Department, or by other means established by the
4 Department.

5 Section 85. Violations; injunctions; cease and desist
6 order.

7 (a) If a person violates a provision of this Act, the
8 Secretary may, in the name of the People of the State of
9 Illinois, through the Attorney General, petition for an order
10 enjoining the violation or for an order enforcing compliance
11 with this Act. Upon the filing of a verified petition in court,
12 the court may issue a temporary restraining order, without
13 notice or bond, and may preliminarily and permanently enjoin
14 the violation. If it is established that the person has
15 violated or is violating the injunction, the court may punish
16 the offender for contempt of court. Proceedings under this
17 Section are in addition to, and not in lieu of, all other
18 remedies and penalties provided by this Act.

19 (b) If a person engages in sex offender evaluation or
20 treatment or holds himself or herself out as licensee without
21 having a valid license under this Act, then any licensee, any
22 interested party or any person injured thereby may, in addition
23 to the Secretary, petition for relief as provided in subsection
24 (a) of this Section.

25 (c) Whenever in the opinion of the Department a person has

1 violated any provision of this Act, the Department may issue a
2 rule to show cause why an order to cease and desist should not
3 be entered against him or her. The rule shall clearly set forth
4 the grounds relied upon by the Department and shall provide a
5 period of 7 days from the date of the rule to file an answer to
6 the satisfaction of the Department. Failure to answer to the
7 satisfaction of the Department shall cause an order to cease
8 and desist to be issued immediately.

9 Section 90. Unlicensed practice; violation; civil penalty.

10 (a) A person who practices, offers to practice, attempts to
11 practice, or holds himself or herself out to practice as a
12 licensee without being licensed under this Act shall, in
13 addition to any other penalty provided by law, pay a civil
14 penalty to the Department in an amount not to exceed \$10,000
15 for each offense, as determined by the Department. The civil
16 penalty shall be assessed by the Department after a hearing is
17 held in accordance with the provisions of this Act regarding a
18 hearing for the discipline of a licensee.

19 (b) The Department may investigate any and all unlicensed
20 activity.

21 (c) The civil penalty shall be paid within 60 days after
22 the effective date of the order imposing the civil penalty. The
23 order shall constitute a judgment and may be filed and
24 execution had thereon in the same manner as any judgment from
25 any court of record.

1 Section 95. Investigation; notice and hearing. The
2 Department may investigate the actions or qualifications of any
3 person or persons holding or claiming to hold a license. Before
4 suspending, revoking, placing on probationary status, or
5 taking any other disciplinary action as the Department may deem
6 proper with regard to any license, at least 30 days before the
7 date set for the hearing, the Department shall (i) notify the
8 accused in writing of any charges made and the time and place
9 for a hearing on the charges before the Board, (ii) direct him
10 or her to file a written answer to the charges with the Board
11 under oath within 20 days after the service on him or her of
12 the notice, and (iii) inform him or her that if he or she fails
13 to file an answer, default will be taken against him or her and
14 his or her license may be suspended, revoked, placed on
15 probationary status, or other disciplinary action taken with
16 regard to the license, including limiting the scope, nature, or
17 extent of his or her practice, as the Department may deem
18 proper. In case the person, after receiving notice, fails to
19 file an answer, his or her license may, in the discretion of
20 the Department, be suspended, revoked, placed on probationary
21 status, or the Department may take whatever disciplinary action
22 is deemed proper, including limiting the scope, nature, or
23 extent of the person's practice or the imposition of a fine,
24 without a hearing, if the act or acts charged constitute
25 sufficient grounds for that action under this Act. Written

1 notice may be served by personal delivery or by registered or
2 certified mail to the applicant or licensee at his or her last
3 address of record with the Department. In case the person fails
4 to file an answer after receiving notice, his or her license
5 may, in the discretion of the Department, be suspended,
6 revoked, or placed on probationary status, or the Department
7 may take whatever disciplinary action is deemed proper,
8 including limiting the scope, nature, or extent of the person's
9 practice or the imposition of a fine, without a hearing, if the
10 act or acts charged constitute sufficient grounds for that
11 action under this Act. The written answer shall be served by
12 personal delivery, certified delivery, or certified or
13 registered mail to the Department. At the time and place fixed
14 in the notice, the Department shall proceed to hear the charges
15 and the parties or their counsel shall be accorded ample
16 opportunity to present statements, testimony, evidence, and
17 argument as may be pertinent to the charges or to the defense
18 thereto. The Department may continue the hearing from time to
19 time. At the discretion of the Secretary after having first
20 received the recommendation of the Board, the accused person's
21 license may be suspended or revoked, if the evidence
22 constitutes sufficient grounds for that action under this Act.

23 Section 100. Record of proceeding. The Department, at its
24 expense, shall preserve a record of all proceedings at the
25 formal hearing of any case. The notice of hearing, complaint

1 and all other documents in the nature of pleadings and written
2 motions filed in the proceedings, the transcript of testimony,
3 the report of the Board and orders of the Department shall be
4 in the record of the proceedings. The Department shall furnish
5 a transcript of the record to any person interested in the
6 hearing upon payment of the fee required under Section 2105-115
7 of the Department of Professional Regulation Law.

8 Section 105. Subpoenas; oaths; attendance of witnesses.
9 The Department has the power to subpoena and to bring before it
10 any person and to take testimony either orally or by
11 deposition, or both, with the same fees and mileage and in the
12 same manner as prescribed in civil cases in the courts of this
13 State.

14 The Secretary, the designated hearing officer, and every
15 member of the Board has power to administer oaths to witnesses
16 at any hearing that the Department is authorized to conduct and
17 any other oaths authorized in any Act administered by the
18 Department. A circuit court may, upon application of the
19 Department or its designee, or of the applicant or licensee
20 against whom proceedings under this Act are pending, enter an
21 order requiring the attendance of witnesses and their
22 testimony, and the production of documents, papers, files,
23 books and records in connection with any hearing or
24 investigation. The court may compel obedience to its order by
25 proceedings for contempt.

1 Section 110. Recommendations for disciplinary action. At
2 the conclusion of the hearing, the Board shall present to the
3 Secretary a written report of its findings and recommendations.
4 The report shall contain a finding whether or not the accused
5 person violated this Act or failed to comply with the
6 conditions required in this Act. The Board shall specify the
7 nature of the violation or failure to comply, and shall make
8 its recommendations to the Secretary.

9 The report of findings and recommendations of the Board
10 shall be the basis for the Department's order for refusal or
11 for the granting of a license, or for any disciplinary action,
12 unless the Secretary shall determine that the Board's report is
13 contrary to the manifest weight of the evidence, in which case
14 the Secretary may issue an order in contravention of the
15 Board's report. The finding is not admissible in evidence
16 against the person in a criminal prosecution brought for the
17 violation of this Act, but the hearing and finding are not a
18 bar to a criminal prosecution brought for the violation of this
19 Act.

20 Section 115. Rehearing. In a hearing involving
21 disciplinary action against a licensee, a copy of the Board's
22 report shall be served upon the respondent by the Department,
23 either personally or as provided in this Act for the service of
24 the notice of hearing. Within 20 calendar days after service,

1 the respondent may present to the Department a motion in
2 writing for a rehearing that shall specify the particular
3 grounds for rehearing. If no motion for rehearing is filed,
4 then upon the expiration of the time specified for filing a
5 motion, or if a motion for rehearing is denied, then upon
6 denial, the Secretary may enter an order in accordance with
7 recommendations of the Board, except as provided in this Act.
8 If the respondent orders from the reporting service, and pays
9 for, a transcript of the record within the time for filing a
10 motion for rehearing, the 20 calendar day period within which a
11 motion may be filed shall commence upon the delivery of the
12 transcript to the respondent.

13 Section 120. Hearing by other hearing officer. Whenever
14 the Secretary is not satisfied that substantial justice has
15 been done in the revocation, suspension or refusal to issue or
16 renew a license, the Secretary may order a rehearing by the
17 same or other hearing officer.

18 Section 125. Appointment of a hearing officer. The
19 Secretary has the authority to appoint any attorney duly
20 licensed to practice law in the State of Illinois to serve as
21 the hearing officer in any action for refusal to issue or renew
22 a license, or to discipline a licensee. The hearing officer has
23 full authority to conduct the hearing. The hearing officer
24 shall report his or her findings and recommendations to the

1 Board and the Secretary. The Board has 60 calendar days from
2 receipt of the report to review the report of the hearing
3 officer and present its findings of fact, conclusions of law
4 and recommendations to the Secretary. If the Board fails to
5 present its report within the 60 calendar day period, the
6 respondent may request in writing a direct appeal to the
7 Secretary, in which case the Secretary shall, within 7 calendar
8 days after receipt of the request, issue an order directing the
9 Board to issue its findings of fact, conclusions of law, and
10 recommendations to the Secretary within 30 calendar days after
11 that order. If the Board fails to issue its findings of fact,
12 conclusions of law, and recommendations within that time frame
13 to the Secretary after the entry of the order, the Secretary
14 shall, within 30 calendar days thereafter, issue an order based
15 upon the report of the hearing officer and the record of the
16 proceedings or issue an order remanding the matter back to the
17 hearing officer for additional proceedings in accordance with
18 the order. If (i) a direct appeal is requested, (ii) the Board
19 fails to issue its findings of fact, conclusions of law, and
20 recommendations within the 30 day mandate from the Secretary or
21 the Secretary fails to order the Board to do so, and (iii) the
22 Secretary fails to issue an order within 30 calendar days
23 thereafter, then the hearing officer's report is deemed
24 accepted and a final decision of the Secretary. Notwithstanding
25 any other provision of this Section, if the Secretary, upon
26 review, determines that substantial justice has not been done

1 in the revocation, suspension, or refusal to issue or renew a
2 license or other disciplinary action taken as the result of the
3 entry of the hearing officer's report, the Secretary may order
4 a rehearing by the same or other hearing officer. If the
5 Secretary disagrees with the recommendation of the Board or the
6 hearing officer, the Secretary may issue an order in
7 contravention of the recommendation.

8 Section 130. Order; certified copy. An order or a certified
9 copy of the order, over the seal of the Department and
10 purporting to be signed by the Secretary, shall be prima facie
11 proof:

12 (a) that the signature is the genuine signature of the
13 Secretary;

14 (b) that the Secretary is duly appointed and qualified; and

15 (c) that the Board and its members are qualified to act.

16 Section 135. Restoration. At any time after the suspension
17 or revocation of a license, the Department may restore the
18 license to the accused person, upon the written recommendation
19 of the Board, unless after an investigation and a hearing the
20 Board determines that restoration is not in the public
21 interest.

22 Section 140. License surrender. Upon the revocation or
23 suspension of a license, the licensee shall immediately

1 surrender the license to the Department. If the licensee fails
2 to do so, the Department has the right to seize the license.

3 Section 145. Summary suspension. The Secretary may
4 summarily suspend the license of a licensee without a hearing,
5 simultaneously with the institution of proceedings for a
6 hearing provided for in this Act, if the Secretary finds that
7 evidence in his or her possession indicates that a licensee's
8 continuation in practice would constitute an imminent danger to
9 the public. In the event that the Secretary summarily suspends
10 the license of a licensee without a hearing, a hearing by the
11 Board must be held within 30 calendar days after the suspension
12 has occurred.

13 Section 150. Judicial review. All final administrative
14 decisions of the Department are subject to judicial review
15 under the Administrative Review Law and its rules. The term
16 "administrative decision" is defined as in Section 3-101 of the
17 Code of Civil Procedure.

18 Proceedings for judicial review shall be commenced in the
19 circuit court of the county in which the party applying for
20 review resides; but if the party is not a resident of this
21 State, the venue shall be in Sangamon County.

22 Section 155. Certification of records. The Department
23 shall not be required to certify any record to the court or

1 file any answer in court or otherwise appear in any court in a
2 judicial review proceeding, unless there is filed in the court,
3 with the complaint, a receipt from the Department acknowledging
4 payment of the costs of furnishing and certifying the record.
5 Failure on the part of the plaintiff to file the receipt in
6 court shall be grounds for dismissal of the action.

7 Section 160. Violations; penalties. A person who is found
8 to have violated any provision of this Act is guilty of a Class
9 A misdemeanor for the first offense, and a Class 4 felony for a
10 second and subsequent offense.

11 Section 165. Illinois Administrative Procedure Act. The
12 Illinois Administrative Procedure Act is expressly adopted and
13 incorporated in this Act as if all of the provisions of that
14 Act were included in this Act, except that the provision of
15 paragraph (d) of Section 10-65 of the Illinois Administrative
16 Procedure Act, which provides that at hearings the license
17 holder has the right to show compliance with all lawful
18 requirements for retention, continuation or renewal of the
19 certificate, is specifically excluded. For the purpose of this
20 Act, the notice required under Section 10-25 of the Illinois
21 Administrative Procedure Act is deemed sufficient when mailed
22 to the last known address of a party.

23 Section 170. Home rule. The regulation and licensing of

1 sex offender evaluators and treatment providers are exclusive
2 powers and functions of the State. A home rule unit may not
3 regulate or license sex offender evaluators and treatment
4 providers. This Section is a denial and limitation of home rule
5 powers and functions under subsection (h) of Section 6 of
6 Article VII of the Illinois Constitution.

7 Section 172. Confidentiality. All information collected by
8 the Department in the course of an examination or investigation
9 of a licensee or applicant, including, but not limited to, any
10 complaint against a licensee filed with the Department and
11 information collected to investigate the complaint, shall be
12 maintained for the confidential use of the Department and shall
13 not be disclosed. The Department may not disclose the
14 information except to law enforcement officials, other
15 regulatory agencies that have an appropriate regulatory
16 interest as determined by the Secretary, or to a party
17 presenting a lawful subpoena to the Department. Information and
18 documents disclosed to a federal, State, county, or local law
19 enforcement agency shall not be disclosed by the agency for any
20 purpose to any other agency or person. A formal complaint filed
21 against a licensee by the Department or any order issued by the
22 Department against a licensee or applicant shall be a public
23 record, except as otherwise prohibited by law.

24 Section 174. Multiple licensure. When a licensee under this

1 Act, who is also a licensee under another statute enforced by
2 the Department, is subject to any disciplinary action including
3 but not limited to the probation, suspension or revocation of
4 any license issued by the Department, the disciplinary action
5 is automatically applied to all licenses held by the licensee
6 by operation of law.

7 Section 175. The Sex Offender Management Board Act is
8 amended by changing Sections 5, 10, 15, 16, 17, 18, 19, and 20
9 as follows:

10 (20 ILCS 4026/5)

11 Sec. 5. Legislative declaration. The General Assembly
12 hereby declares that the comprehensive evaluation, treatment,
13 ~~identification, counseling,~~ and management ~~continued~~
14 ~~monitoring~~ of sex offenders who are subject to the supervision
15 of the criminal or juvenile justice systems or mental health
16 systems is necessary in order to work toward the elimination of
17 recidivism by such offenders. Therefore, the General Assembly
18 hereby creates a program which assists in the education and
19 training of parole, probation, law enforcement, treatment
20 providers and others involved in the management of sex
21 offenders. This program will standardize ~~Therefore, the~~
22 ~~General Assembly hereby creates a program which standardizes~~
23 the evaluation, treatment, ~~identification, counseling,~~ and
24 management ~~continued monitoring~~ of sex offenders at each stage

1 of the criminal or juvenile justice systems or mental health
2 systems so that those offenders will curtail recidivistic
3 behavior and the protection of victims and potential victims
4 will be enhanced. The General Assembly recognizes that some sex
5 offenders cannot or will not respond to counseling and that, in
6 creating the program described in this Act, the General
7 Assembly does not intend to imply that all sex offenders can be
8 successful in treatment ~~counseling~~.

9 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98.)

10 (20 ILCS 4026/10)

11 Sec. 10. Definitions. In this Act, unless the context
12 otherwise requires:

13 (a) "Board" means the Sex Offender Management Board created
14 in Section 15.

15 (b) "Sex offender" means any person who is convicted or
16 found delinquent in the State of Illinois, or under any
17 substantially similar federal law or law of another state, of
18 any sex offense or attempt of a sex offense as defined in
19 subsection (c) of this Section, or any former statute of this
20 State that defined a felony sex offense, or who has been
21 declared ~~certified~~ as a sexually dangerous person under the
22 Sexually Dangerous Persons Act or declared a sexually violent
23 person under the Sexually Violent Persons Commitment Act, or
24 any substantially similar federal law or law of another state.

25 (c) "Sex offense" means any felony or misdemeanor offense

1 described in this subsection (c) as follows:

2 (1) Indecent solicitation of a child, in violation of
3 Section 11-6 of the Criminal Code of 1961;

4 (2) Indecent solicitation of an adult, in violation of
5 Section 11-6.5 of the Criminal Code of 1961;

6 (3) Public indecency, in violation of Section 11-9 or
7 11-30 of the Criminal Code of 1961;

8 (4) Sexual exploitation of a child, in violation of
9 Section 11-9.1 of the Criminal Code of 1961;

10 (5) Sexual relations within families, in violation of
11 Section 11-11 of the Criminal Code of 1961;

12 (6) Promoting juvenile prostitution or soliciting for
13 a juvenile prostitute, in violation of Section 11-14.4 or
14 11-15.1 of the Criminal Code of 1961;

15 (7) Promoting juvenile prostitution or keeping a place
16 of juvenile prostitution, in violation of Section 11-14.4
17 or 11-17.1 of the Criminal Code of 1961;

18 (8) Patronizing a juvenile prostitute, in violation of
19 Section 11-18.1 of the Criminal Code of 1961;

20 (9) Promoting juvenile prostitution or juvenile
21 pimping, in violation of Section 11-14.4 or 11-19.1 of the
22 Criminal Code of 1961;

23 (10) promoting juvenile prostitution or exploitation
24 of a child, in violation of Section 11-14.4 or 11-19.2 of
25 the Criminal Code of 1961;

26 (11) Child pornography, in violation of Section

- 1 11-20.1 of the Criminal Code of 1961;
- 2 (11.5) Aggravated child pornography, in violation of
- 3 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;
- 4 (12) Harmful material, in violation of Section 11-21 of
- 5 the Criminal Code of 1961;
- 6 (13) Criminal sexual assault, in violation of Section
- 7 11-1.20 or 12-13 of the Criminal Code of 1961;
- 8 (13.5) Grooming, in violation of Section 11-25 of the
- 9 Criminal Code of 1961;
- 10 (14) Aggravated criminal sexual assault, in violation
- 11 of Section 11-1.30 or 12-14 of the Criminal Code of 1961;
- 12 (14.5) Traveling to meet a minor, in violation of
- 13 Section 11-26 of the Criminal Code of 1961;
- 14 (15) Predatory criminal sexual assault of a child, in
- 15 violation of Section 11-1.40 or 12-14.1 of the Criminal
- 16 Code of 1961;
- 17 (16) Criminal sexual abuse, in violation of Section
- 18 11-1.50 or 12-15 of the Criminal Code of 1961;
- 19 (17) Aggravated criminal sexual abuse, in violation of
- 20 Section 11-1.60 or 12-16 of the Criminal Code of 1961;
- 21 (18) Ritualized abuse of a child, in violation of
- 22 Section 12-33 of the Criminal Code of 1961;
- 23 (19) An attempt to commit any of the offenses
- 24 enumerated in this subsection (c); or
- 25 (20) Any felony offense under Illinois law that is
- 26 sexually motivated.

1 (d) "Management" means treatment, ~~counseling, monitoring,~~
2 and supervision of any sex offender that conforms to the
3 standards created by the Board under Section 15.

4 (e) "Sexually motivated" means one or more of the facts of
5 the underlying offense indicates conduct that is of a sexual
6 nature or that shows an intent to engage in behavior of a
7 sexual nature.

8 (f) "Sex offender evaluator" means a person licensed under
9 the Sex Offender Evaluation and Treatment Provider Act to
10 conduct sex offender evaluations.

11 (g) "Sex offender treatment provider" means a person
12 licensed under the Sex Offender Evaluation and Treatment
13 Provider Act to provide sex offender treatment services.

14 (h) "Associate sex offender provider" means a person
15 licensed under the Sex Offender Evaluation and Treatment
16 Provider Act to provide sex offender evaluations and to provide
17 sex offender treatment under the supervision of a licensed sex
18 offender evaluator or a licensed sex offender treatment
19 provider.

20 (Source: P.A. 96-1551, eff. 7-1-11.)

21 (20 ILCS 4026/15)

22 Sec. 15. Sex Offender Management Board; creation; duties.

23 (a) There is created the Sex Offender Management Board,
24 which shall consist of 22 ~~20~~ members. The membership of the
25 Board shall consist of the following persons:

1 ~~(1) Two members appointed by the Governor representing~~
2 ~~the judiciary, one representing juvenile court matters and~~
3 ~~one representing adult criminal court matters;~~

4 (1) ~~(2)~~ One member appointed by the Governor
5 representing Probation Services based on the
6 recommendation of the Illinois Probation and Court
7 Services Association;

8 (2) ~~(3)~~ One member appointed by the Governor
9 representing the Department of Corrections;

10 (3) One member appointed by the Governor representing
11 the Department of Juvenile Justice;

12 (4) One member appointed by the Governor representing
13 the Department of Human Services;

14 (5) One member appointed by the Governor representing
15 the Illinois State Police;

16 (6) One member appointed by the Governor representing
17 the Department of Children and Family Services;

18 (7) One member appointed by the Attorney General
19 representing the Office of the Attorney General;

20 (8) One member appointed by the Attorney General who is
21 a licensed mental health professional with documented
22 expertise in the treatment of sex offenders;

23 (9) Two members appointed by the Attorney General who
24 are State's Attorneys or assistant State's Attorneys, one
25 representing juvenile court matters and one representing
26 felony court matters;

1 (10) One member being the Director of the
2 Administrative Office of the Illinois Courts or his or her
3 designee;

4 (11) One member being the Cook County State's Attorney
5 or his or her designee;

6 (12) ~~(11)~~ One member being the Director of the State's
7 Attorneys Appellate Prosecutor or his or her designee;

8 (13) ~~(12)~~ One member being the Cook County Public
9 Defender or his or her designee;

10 (14) ~~(13)~~ Two members appointed by the Governor who are
11 representatives of law enforcement, at least one juvenile
12 officer with juvenile sex offender experience ~~and one sex~~
13 ~~crime investigator;~~

14 (15) ~~(14)~~ Two members appointed by the Attorney General
15 who are recognized experts in the field of sexual assault
16 and who can represent sexual assault victims and victims'
17 rights organizations;

18 (16) ~~(15)~~ One member being the State Appellate Defender
19 or his or her designee; ~~and~~

20 (17) One member being the President of the Illinois
21 Polygraph Society of his or her designee;

22 (18) ~~(16)~~ One member being the Executive Director of
23 the Criminal Justice Information Authority or his or her
24 designee; and

25 (19) One member being the President of the Illinois
26 Chapter of the Association for the Treatment of Sexual

1 Abusers or his or her designee.

2 (b) The Governor and the Attorney General shall appoint a
3 presiding officer for the Board from among the board members
4 appointed under subsection (a) of this Section, which presiding
5 officer shall serve at the pleasure of the Governor and the
6 Attorney General.

7 (c) Each member of the Board shall demonstrate substantial
8 expertise and experience in the field of sexual assault.

9 (d) (1) Any member of the Board created in subsection (a)
10 of this Section who is appointed under paragraphs (1) through
11 (7) of subsection (a) of this Section shall serve at the
12 pleasure of the official who appointed that member, for a term
13 of 5 years and may be reappointed. The members shall serve
14 without additional compensation.

15 (2) Any member of the Board created in subsection (a) of
16 this Section who is appointed under paragraphs (8) through (19)
17 ~~(14)~~ of subsection (a) of this Section shall serve for a term
18 of 5 years and may be reappointed. However, the term ~~terms~~ of
19 the member ~~members~~ appointed under paragraph ~~paragraphs~~ (8) of
20 subsection (a) of this Section shall end on January 1, 2012 ~~the~~
21 ~~effective date of this amendatory Act of the 97th General~~
22 ~~Assembly~~. Within 30 days after January 1, 2012 ~~the effective~~
23 ~~date of this amendatory Act of the 97th General Assembly~~, the
24 Attorney General shall appoint a member under paragraph (8) of
25 subsection (a) of this Section to fill the vacancy created by
26 this amendatory Act of the 97th General Assembly. A person who

1 has previously served as a member of the Board may be
2 reappointed. The term ~~terms~~ of the ~~President of the Illinois~~
3 ~~Polygraph Society or his or her designee, the President of the~~
4 ~~Illinois Chapter of the Association for the Treatment of Sexual~~
5 ~~Abusers or his or her designee, and the~~ member representing the
6 Illinois Principal Association ~~ends~~ ~~end~~ on January 1, 2012 ~~the~~
7 ~~effective date of this amendatory Act of the 97th General~~
8 ~~Assembly~~. The members shall serve without compensation.

9 (3) The travel costs associated with membership on the
10 Board created in subsection (a) of this Section may ~~will~~ be
11 reimbursed subject to availability of funds.

12 (e) (Blank). ~~The first meeting of this Board shall be held~~
13 ~~within 45 days of the effective date of this Act.~~

14 (f) The Board shall carry out the following duties:

15 (1) The ~~Not later than December 31, 2001,~~ the Board
16 shall develop and prescribe ~~separate~~ standardized
17 procedures for the evaluation and management
18 ~~identification~~ of the offender ~~and recommend behavior~~
19 ~~management, monitoring, and treatment based upon the~~
20 ~~knowledge that sex offenders are extremely habituated and~~
21 ~~that there is no known cure for the propensity to commit~~
22 ~~sex abuse~~. Periodically, the Board shall review and modify
23 as necessary the standardized procedures based upon
24 current best practices. ~~The Board shall develop and~~
25 ~~implement measures of success based upon a no cure policy~~
26 ~~for intervention. The Board shall develop and implement~~

1 ~~methods of intervention for sex offenders which have as a~~
2 ~~priority the physical and psychological safety of victims~~
3 ~~and potential victims and which are appropriate to the~~
4 ~~needs of the particular offender, so long as there is no~~
5 ~~reduction of the safety of victims and potential victims.~~

6 (2) These standardized procedures that are based on
7 current best practices ~~Not later than December 31, 2001,~~
8 ~~the Board shall develop separate guidelines and standards~~
9 ~~for a system of programs for the evaluation and treatment~~
10 ~~of both juvenile and adult sex offenders which shall be~~
11 utilized with ~~by~~ offenders who are placed on probation,
12 committed to the Department of Corrections, Department of
13 Juvenile Justice, or Department of Human Services, or
14 placed on mandatory supervised release or parole. The
15 programs developed under this paragraph (f) shall be as
16 flexible as possible so that the programs may be utilized
17 by each offender to prevent the offender from harming
18 victims and potential victims. The programs ~~shall be~~
19 ~~structured in such a manner that the programs~~ provide a
20 ~~continuing monitoring process as well as a~~ continuum of
21 evaluation and treatment ~~counseling programs~~ for each
22 offender as that offender proceeds through the justice
23 system. Also, the programs shall be developed in such a
24 manner that, to the extent possible, the programs may be
25 accessed by all offenders in the justice system.

26 (2.5) Not later than July 1, 2013 and annually

1 thereafter, the Board shall provide trainings for agencies
2 that provide supervision and management to sex offenders on
3 best practices for the treatment, evaluation, and
4 supervision of sex offenders. The training program may
5 include other matters relevant to the supervision and
6 management of sex offenders, including, but not limited to,
7 legislative developments and national best practices
8 models. The Board shall hold not less than 2 trainings per
9 year. The Board may develop other training and education
10 programs to promote the utilization of best practices for
11 the effective management of sex offenders as it deems
12 necessary.

13 (3) There is established the Sex Offender Management
14 Board Fund in the State Treasury into which funds received
15 under any provision of law or from public or private
16 sources shall be deposited, and from which funds shall be
17 appropriated for the purposes set forth in Section 19 of
18 this Act, ~~Section 5-6-3 of the Unified Code of Corrections,~~
19 ~~and Section 3 of the Sex Offender Registration Act,~~ and the
20 remainder shall be appropriated to the Sex Offender
21 Management Board to carry out its duties and comply with
22 the provisions of this Act ~~for planning and research.~~

23 (4) (Blank). ~~The Board shall develop and prescribe a~~
24 ~~plan to research and analyze the effectiveness of the~~
25 ~~evaluation, identification, and counseling procedures and~~
26 ~~programs developed under this Act. The Board shall also~~

1 ~~develop and prescribe a system for implementation of the~~
2 ~~guidelines and standards developed under paragraph (2) of~~
3 ~~this subsection (f) and for tracking offenders who have~~
4 ~~been subjected to evaluation, identification, and~~
5 ~~treatment under this Act. In addition, the Board shall~~
6 ~~develop a system for monitoring offender behaviors and~~
7 ~~offender adherence to prescribed behavioral changes. The~~
8 ~~results of the tracking and behavioral monitoring shall be~~
9 ~~a part of any analysis made under this paragraph (4).~~

10 (g) The Board may promulgate rules as are necessary to
11 carry out the duties of the Board.

12 (h) The Board and the individual members of the Board shall
13 be immune from any liability, whether civil or criminal, for
14 the good faith performance of the duties of the Board as
15 specified in this Section.

16 (Source: P.A. 97-257, eff. 1-1-12.)

17 (20 ILCS 4026/16)

18 Sec. 16. Sex offender evaluation and identification
19 required.

20 (a) Beginning on January 1, 2004 ~~the effective date of this~~
21 ~~amendatory Act of the 93rd General Assembly,~~ each felony sex
22 offender who is to be considered for probation shall be
23 required as part of the pre-sentence or social investigation to
24 submit to an evaluation for treatment, an evaluation for risk,
25 and procedures for monitoring of behavior to protect victims

1 and potential victims ~~developed~~ pursuant to item (1) of
2 subsection (f) of Section 15 of this Act.

3 (b) Beginning on January 1, 2014, the ~~The~~ evaluation
4 required by subsection (a) of this Section shall be by a sex
5 offender evaluator or associate sex offender provider as
6 defined in Section 10 of this Act ~~an evaluator approved by the~~
7 ~~Sex Offender Management Board~~ and shall be at the expense of
8 the person evaluated, based upon that person's ability to pay
9 for such treatment.

10 (Source: P.A. 93-616, eff. 1-1-04.)

11 (20 ILCS 4026/17)

12 Sec. 17. Sentencing of sex offenders; treatment based upon
13 evaluation ~~and identification~~ required.

14 (a) Each felony sex offender sentenced by the court for a
15 sex offense shall be required as a part of any sentence to
16 probation, conditional release, or periodic imprisonment to
17 undergo treatment based upon the recommendations of the
18 evaluation made pursuant to Section 16 or based upon any
19 subsequent recommendations by the Administrative Office of the
20 Illinois Courts or the county probation department, whichever
21 is appropriate. Beginning on January 1, 2014, the ~~Any such~~
22 ~~treatment and monitoring~~ shall be ~~at a facility or~~ with a sex
23 offender treatment provider or associate sex offender provider
24 as defined in Section 10 of this Act ~~person approved by the~~
25 ~~Board~~ and at the ~~such~~ offender's own expense based upon the

1 offender's ability to pay for such treatment.

2 (b) Beginning on January 1, 2004 ~~the effective date of this~~
3 ~~amendatory Act of the 93rd General Assembly~~, each sex offender
4 placed on parole or mandatory supervised release by the
5 Prisoner Review Board shall be required as a condition of
6 parole to undergo treatment based upon any evaluation or
7 subsequent reevaluation regarding such offender during the
8 offender's incarceration or any period of parole. Beginning on
9 January 1, 2014, the ~~Any such~~ treatment shall be by a sex
10 offender treatment provider or associate sex offender provider
11 as defined in Section 10 of this Act ~~an individual approved by~~
12 ~~the Board~~ and at the offender's expense based upon the
13 offender's ability to pay for such treatment.

14 (Source: P.A. 93-616, eff. 1-1-04.)

15 (20 ILCS 4026/18)

16 Sec. 18. Sex offender treatment contracts with providers.
17 The county probation department or the Department of Human
18 Services shall not employ or contract with and shall not allow
19 a sex offender to employ or contract with any individual or
20 entity to provide sex offender evaluation or treatment services
21 pursuant to this Act unless the sex offender evaluation or
22 treatment services provided are by a person licensed under the
23 Sex Offender Evaluation and Treatment Provider Act ~~an~~
24 ~~individual approved by the Board~~ pursuant to item (2) of
25 subsection (f) of Section 15 of this Act.

1 (Source: P.A. 93-616, eff. 1-1-04.)

2 (20 ILCS 4026/19)

3 Sec. 19. Sex Offender Management Board Fund. All
4 unobligated and unexpended moneys remaining in the Sex Offender
5 Management Board Fund on the effective date of this amendatory
6 Act of the 97th General Assembly shall be transferred into the
7 General Professions Dedicated Fund, a special fund in the State
8 treasury, to be expended for use by the Department of Financial
9 and Professional Regulation for the purpose of implementing the
10 provisions of the Sex Offender Evaluation and Treatment
11 Provider Act with the exception of \$5,000 which shall remain in
12 the Fund for use by the Board.

13 (a) ~~Any and all practices endorsed or required under this~~
14 ~~Act, including but not limited to evaluation, treatment, or~~
15 ~~monitoring of programs that are or may be developed by the~~
16 ~~agency providing supervision or the Department of Corrections~~
17 ~~shall be at the expense of the person evaluated or treated,~~
18 ~~based upon the person's ability to pay. If it is determined by~~
19 ~~the agency providing supervision or the Department of~~
20 ~~Corrections that the person does not have the ability to pay~~
21 ~~for practices endorsed or required by this Act, the agency~~
22 ~~providing supervision of the sex offender shall request~~
23 ~~reimbursement for services required under this Act for which~~
24 ~~the agency has provided funding. The agency providing~~
25 ~~supervision or the Department of Corrections shall develop~~

1 ~~factors to be considered and criteria to determine a person's~~
2 ~~ability to pay.~~ The Sex Offender Management Board shall
3 coordinate the expenditures of moneys from the Sex Offender
4 Management Board Fund. ~~The Board shall allocate moneys~~
5 ~~deposited in this Fund among the agency providing supervision~~
6 ~~or the Department of Corrections.~~

7 (b) (Blank). ~~Up to 20% of this Fund shall be retained by~~
8 ~~the Sex Offender Management Board for administrative costs,~~
9 ~~including staff, incurred pursuant to this Act.~~

10 (c) Monies expended for this Fund shall be used to comply
11 with the provisions of this Act ~~supplement, not replace~~
12 ~~offenders' self-pay, or county appropriations for probation~~
13 ~~and court services.~~

14 (d) Interest earned on monies deposited in this Fund may be
15 used by the Board for its administrative costs and expenses.

16 (e) In addition to the funds provided by the sex offender,
17 counties, or Departments providing treatment, the Board shall
18 explore funding sources including but not limited to State,
19 federal, and private funds.

20 (Source: P.A. 93-616, eff. 1-1-04; 94-706, eff. 6-1-06.)

21 (20 ILCS 4026/20)

22 Sec. 20. Report to the General Assembly. The Board shall
23 submit an annual report to the General Assembly regarding the
24 training and educational programs developed and presented ~~Upon~~
25 ~~completion of the duties prescribed in paragraphs (1) and (2)~~

1 ~~of subsection (f) of Section 15, the Board shall make a report~~
2 ~~to the General Assembly regarding the standardized procedures~~
3 ~~developed under this Act, the standardized programs developed~~
4 ~~under this Act, the plans for implementation developed under~~
5 ~~this Act, and the plans for research and analysis developed~~
6 under this Act.

7 (Source: P.A. 90-133, eff. 7-22-97.)

8 Section 180. The State Finance Act is amended by changing
9 Section 6z-38 as follows:

10 (30 ILCS 105/6z-38)

11 Sec. 6z-38. General Professions Dedicated Fund. The
12 General Professions Dedicated Fund is created in the State
13 treasury. Moneys in the Fund shall be invested and earnings on
14 the investments shall be retained in the Fund. Moneys in the
15 Fund shall be appropriated to the Department of Professional
16 Regulation for the ordinary and contingent expenses of the
17 Department, except for moneys transferred under Section 19 of
18 the Sex Offender Management Board Act which shall be
19 appropriated for the purpose of implementing the provisions of
20 the Sex Offender Evaluation and Treatment Provider Act. Moneys
21 in the Fund may be transferred to the Professions Indirect Cost
22 Fund as authorized by Section 2105-300 of the Department of
23 Professional Regulation Law (20 ILCS 2105/2105-300).

24 (Source: P.A. 91-239, eff. 1-1-00.)

1 Section 185. The Sexually Dangerous Persons Act is amended
2 by changing Section 8 as follows:

3 (725 ILCS 205/8) (from Ch. 38, par. 105-8)

4 Sec. 8. If the respondent is found to be a sexually
5 dangerous person then the court shall appoint the Director of
6 Corrections guardian of the person found to be sexually
7 dangerous and such person shall stand committed to the custody
8 of such guardian. The Director of Corrections as guardian shall
9 keep safely the person so committed until the person has
10 recovered and is released as hereinafter provided. The Director
11 of Corrections as guardian shall provide care and treatment for
12 the person committed to him designed to effect recovery. Any
13 treatment provided under this Section shall be in conformance
14 with the standards promulgated by the Sex Offender Management
15 Board Act and conducted by a treatment provider licensed under
16 the Sex Offender Evaluation and Treatment Provider Act ~~approved~~
17 ~~by the Board~~. The Director may place that ward in any facility
18 in the Department of Corrections or portion thereof set aside
19 for the care and treatment of sexually dangerous persons. The
20 Department of Corrections may also request another state
21 Department or Agency to examine such person and upon such
22 request, such Department or Agency shall make such examination
23 and the Department of Corrections may, with the consent of the
24 chief executive officer of such other Department or Agency,

1 thereupon place such person in the care and treatment of such
2 other Department or Agency.

3 (Source: P.A. 92-786, eff. 8-6-02; 93-616, eff. 1-1-04.)

4 Section 190. The Sexually Violent Persons Commitment Act is
5 amended by changing Sections 10, 40, 55, 60, and 65 as follows:

6 (725 ILCS 207/10)

7 Sec. 10. Notice to the Attorney General and State's
8 Attorney.

9 (a) In this Act, "agency with jurisdiction" means the
10 agency with the authority or duty to release or discharge the
11 person.

12 (b) If an agency with jurisdiction has control or custody
13 over a person who may meet the criteria for commitment as a
14 sexually violent person, the agency with jurisdiction shall
15 inform the Attorney General and the State's Attorney in a
16 position to file a petition under paragraph (a)(2) of Section
17 15 of this Act regarding the person as soon as possible
18 beginning 3 months prior to the applicable date of the
19 following:

20 (1) The anticipated release from imprisonment or the
21 anticipated entry into mandatory supervised release of a
22 person who has been convicted of a sexually violent
23 offense.

24 (2) The anticipated release from a Department of

1 Corrections correctional facility or juvenile correctional
2 facility of a person adjudicated delinquent under Section
3 5-20 of the Juvenile Court Act of 1987 (now repealed) or
4 found guilty under Section 5-620 of that Act, on the basis
5 of a sexually violent offense.

6 (3) The discharge or conditional release of a person
7 who has been found not guilty of a sexually violent offense
8 by reason of insanity under Section 5-2-4 of the Unified
9 Code of Corrections.

10 (c) The agency with jurisdiction shall provide the Attorney
11 General and the State's Attorney with all of the following:

12 (1) The person's name, identifying factors,
13 anticipated future residence and offense history;

14 (2) A comprehensive evaluation of the person's mental
15 condition, the basis upon which a determination has been
16 made that the person is subject to commitment under
17 subsection (b) of Section 15 of this Act and a
18 recommendation for action in furtherance of the purposes of
19 this Act. The evaluation shall be conducted in conformance
20 with the standards developed under the Sex Offender
21 Management Board Act and by an evaluator licensed under the
22 Sex Offender Evaluation and Treatment Provider Act
23 ~~approved by the Board~~; and

24 (3) If applicable, documentation of any treatment and
25 the person's adjustment to any institutional placement.

26 (d) Any agency or officer, employee or agent of an agency

1 is immune from criminal or civil liability for any acts or
2 omissions as the result of a good faith effort to comply with
3 this Section.

4 (Source: P.A. 93-616, eff. 1-1-04.)

5 (725 ILCS 207/40)

6 Sec. 40. Commitment.

7 (a) If a court or jury determines that the person who is
8 the subject of a petition under Section 15 of this Act is a
9 sexually violent person, the court shall order the person to be
10 committed to the custody of the Department for control, care
11 and treatment until such time as the person is no longer a
12 sexually violent person.

13 (b) (1) The court shall enter an initial commitment order
14 under this Section pursuant to a hearing held as soon as
15 practicable after the judgment is entered that the person
16 who is the subject of a petition under Section 15 is a
17 sexually violent person. If the court lacks sufficient
18 information to make the determination required by
19 paragraph (b)(2) of this Section immediately after trial,
20 it may adjourn the hearing and order the Department to
21 conduct a predisposition investigation or a supplementary
22 mental examination, or both, to assist the court in framing
23 the commitment order. If the Department's examining
24 evaluator previously rendered an opinion that the person
25 who is the subject of a petition under Section 15 does not

1 meet the criteria to be found a sexually violent person,
2 then another evaluator shall conduct the predisposition
3 investigation and/or supplementary mental examination. A
4 supplementary mental examination under this Section shall
5 be conducted in accordance with Section 3-804 of the Mental
6 Health and Developmental Disabilities Code. The State has
7 the right to have the person evaluated by experts chosen by
8 the State.

9 (2) An order for commitment under this Section shall
10 specify either institutional care in a secure facility, as
11 provided under Section 50 of this Act, or conditional
12 release. In determining whether commitment shall be for
13 institutional care in a secure facility or for conditional
14 release, the court shall consider the nature and
15 circumstances of the behavior that was the basis of the
16 allegation in the petition under paragraph (b)(1) of
17 Section 15, the person's mental history and present mental
18 condition, and what arrangements are available to ensure
19 that the person has access to and will participate in
20 necessary treatment. All treatment, whether in
21 institutional care, in a secure facility, or while on
22 conditional release, shall be conducted in conformance
23 with the standards developed under the Sex Offender
24 Management Board Act and conducted by a treatment provider
25 licensed under the Sex Offender Evaluation and Treatment
26 Provider Act ~~approved by the Board~~. The Department shall

1 arrange for control, care and treatment of the person in
2 the least restrictive manner consistent with the
3 requirements of the person and in accordance with the
4 court's commitment order.

5 (3) If the court finds that the person is appropriate
6 for conditional release, the court shall notify the
7 Department. The Department shall prepare a plan that
8 identifies the treatment and services, if any, that the
9 person will receive in the community. The plan shall
10 address the person's need, if any, for supervision,
11 counseling, medication, community support services,
12 residential services, vocational services, and alcohol or
13 other drug abuse treatment. The Department may contract
14 with a county health department, with another public agency
15 or with a private agency to provide the treatment and
16 services identified in the plan. The plan shall specify who
17 will be responsible for providing the treatment and
18 services identified in the plan. The plan shall be
19 presented to the court for its approval within 60 days
20 after the court finding that the person is appropriate for
21 conditional release, unless the Department and the person
22 to be released request additional time to develop the plan.
23 The conditional release program operated under this
24 Section is not subject to the provisions of the Mental
25 Health and Developmental Disabilities Confidentiality Act.

26 (4) An order for conditional release places the person

1 in the custody and control of the Department. A person on
2 conditional release is subject to the conditions set by the
3 court and to the rules of the Department. Before a person
4 is placed on conditional release by the court under this
5 Section, the court shall so notify the municipal police
6 department and county sheriff for the municipality and
7 county in which the person will be residing. The
8 notification requirement under this Section does not apply
9 if a municipal police department or county sheriff submits
10 to the court a written statement waiving the right to be
11 notified. Notwithstanding any other provision in the Act,
12 the person being supervised on conditional release shall
13 not reside at the same street address as another sex
14 offender being supervised on conditional release under
15 this Act, mandatory supervised release, parole, probation,
16 or any other manner of supervision. If the Department
17 alleges that a released person has violated any condition
18 or rule, or that the safety of others requires that
19 conditional release be revoked, he or she may be taken into
20 custody under the rules of the Department.

21 At any time during which the person is on conditional
22 release, if the Department determines that the person has
23 violated any condition or rule, or that the safety of
24 others requires that conditional release be revoked, the
25 Department may request the Attorney General or State's
26 Attorney to request the court to issue an emergency ex

1 parte order directing any law enforcement officer to take
2 the person into custody and transport the person to the
3 county jail. The Department may request, or the Attorney
4 General or State's Attorney may request independently of
5 the Department, that a petition to revoke conditional
6 release be filed. When a petition is filed, the court may
7 order the Department to issue a notice to the person to be
8 present at the Department or other agency designated by the
9 court, order a summons to the person to be present, or
10 order a body attachment for all law enforcement officers to
11 take the person into custody and transport him or her to
12 the county jail, hospital, or treatment facility. The
13 Department shall submit a statement showing probable cause
14 of the detention and a petition to revoke the order for
15 conditional release to the committing court within 48 hours
16 after the detention. The court shall hear the petition
17 within 30 days, unless the hearing or time deadline is
18 waived by the detained person. Pending the revocation
19 hearing, the Department may detain the person in a jail, in
20 a hospital or treatment facility. The State has the burden
21 of proving by clear and convincing evidence that any rule
22 or condition of release has been violated, or that the
23 safety of others requires that the conditional release be
24 revoked. If the court determines after hearing that any
25 rule or condition of release has been violated, or that the
26 safety of others requires that conditional release be

1 revoked, it may revoke the order for conditional release
2 and order that the released person be placed in an
3 appropriate institution until the person is discharged
4 from the commitment under Section 65 of this Act or until
5 again placed on conditional release under Section 60 of
6 this Act.

7 (5) An order for conditional release places the person
8 in the custody, care, and control of the Department. The
9 court shall order the person be subject to the following
10 rules of conditional release, in addition to any other
11 conditions ordered, and the person shall be given a
12 certificate setting forth the conditions of conditional
13 release. These conditions shall be that the person:

14 (A) not violate any criminal statute of any
15 jurisdiction;

16 (B) report to or appear in person before such
17 person or agency as directed by the court and the
18 Department;

19 (C) refrain from possession of a firearm or other
20 dangerous weapon;

21 (D) not leave the State without the consent of the
22 court or, in circumstances in which the reason for the
23 absence is of such an emergency nature, that prior
24 consent by the court is not possible without the prior
25 notification and approval of the Department;

26 (E) at the direction of the Department, notify

1 third parties of the risks that may be occasioned by
2 his or her criminal record or sexual offending history
3 or characteristics, and permit the supervising officer
4 or agent to make the notification requirement;

5 (F) attend and fully participate in assessment,
6 treatment, and behavior monitoring including, but not
7 limited to, medical, psychological or psychiatric
8 treatment specific to sexual offending, drug
9 addiction, or alcoholism, to the extent appropriate to
10 the person based upon the recommendation and findings
11 made in the Department evaluation or based upon any
12 subsequent recommendations by the Department;

13 (G) waive confidentiality allowing the court and
14 Department access to assessment or treatment results
15 or both;

16 (H) work regularly at a Department approved
17 occupation or pursue a course of study or vocational
18 training and notify the Department within 72 hours of
19 any change in employment, study, or training;

20 (I) not be employed or participate in any volunteer
21 activity that involves contact with children, except
22 under circumstances approved in advance and in writing
23 by the Department officer;

24 (J) submit to the search of his or her person,
25 residence, vehicle, or any personal or real property
26 under his or her control at any time by the Department;

1 (K) financially support his or her dependents and
2 provide the Department access to any requested
3 financial information;

4 (L) serve a term of home confinement, the
5 conditions of which shall be that the person:

6 (i) remain within the interior premises of the
7 place designated for his or her confinement during
8 the hours designated by the Department;

9 (ii) admit any person or agent designated by
10 the Department into the offender's place of
11 confinement at any time for purposes of verifying
12 the person's compliance with the condition of his
13 or her confinement;

14 (iii) if deemed necessary by the Department,
15 be placed on an electronic monitoring device;

16 (M) comply with the terms and conditions of an
17 order of protection issued by the court pursuant to the
18 Illinois Domestic Violence Act of 1986. A copy of the
19 order of protection shall be transmitted to the
20 Department by the clerk of the court;

21 (N) refrain from entering into a designated
22 geographic area except upon terms the Department finds
23 appropriate. The terms may include consideration of
24 the purpose of the entry, the time of day, others
25 accompanying the person, and advance approval by the
26 Department;

1 (O) refrain from having any contact, including
2 written or oral communications, directly or
3 indirectly, with certain specified persons including,
4 but not limited to, the victim or the victim's family,
5 and report any incidental contact with the victim or
6 the victim's family to the Department within 72 hours;
7 refrain from entering onto the premises of, traveling
8 past, or loitering near the victim's residence, place
9 of employment, or other places frequented by the
10 victim;

11 (P) refrain from having any contact, including
12 written or oral communications, directly or
13 indirectly, with particular types of persons,
14 including but not limited to members of street gangs,
15 drug users, drug dealers, or prostitutes;

16 (Q) refrain from all contact, direct or indirect,
17 personally, by telephone, letter, or through another
18 person, with minor children without prior
19 identification and approval of the Department;

20 (R) refrain from having in his or her body the
21 presence of alcohol or any illicit drug prohibited by
22 the Cannabis Control Act, the Illinois Controlled
23 Substances Act, or the Methamphetamine Control and
24 Community Protection Act, unless prescribed by a
25 physician, and submit samples of his or her breath,
26 saliva, blood, or urine for tests to determine the

1 presence of alcohol or any illicit drug;

2 (S) not establish a dating, intimate, or sexual
3 relationship with a person without prior written
4 notification to the Department;

5 (T) neither possess or have under his or her
6 control any material that is pornographic, sexually
7 oriented, or sexually stimulating, or that depicts or
8 alludes to sexual activity or depicts minors under the
9 age of 18, including but not limited to visual,
10 auditory, telephonic, electronic media, or any matter
11 obtained through access to any computer or material
12 linked to computer access use;

13 (U) not patronize any business providing sexually
14 stimulating or sexually oriented entertainment nor
15 utilize "900" or adult telephone numbers or any other
16 sex-related telephone numbers;

17 (V) not reside near, visit, or be in or about
18 parks, schools, day care centers, swimming pools,
19 beaches, theaters, or any other places where minor
20 children congregate without advance approval of the
21 Department and report any incidental contact with
22 minor children to the Department within 72 hours;

23 (W) not establish any living arrangement or
24 residence without prior approval of the Department;

25 (X) not publish any materials or print any
26 advertisements without providing a copy of the

1 proposed publications to the Department officer and
2 obtaining permission prior to publication;

3 (Y) not leave the county except with prior
4 permission of the Department and provide the
5 Department officer or agent with written travel routes
6 to and from work and any other designated destinations;

7 (Z) not possess or have under his or her control
8 certain specified items of contraband related to the
9 incidence of sexually offending items including video
10 or still camera items or children's toys;

11 (AA) provide a written daily log of activities as
12 directed by the Department;

13 (BB) comply with all other special conditions that
14 the Department may impose that restrict the person from
15 high-risk situations and limit access or potential
16 victims.

17 (6) A person placed on conditional release and who
18 during the term undergoes mandatory drug or alcohol testing
19 or is assigned to be placed on an approved electronic
20 monitoring device may be ordered to pay all costs
21 incidental to the mandatory drug or alcohol testing and all
22 costs incidental to the approved electronic monitoring in
23 accordance with the person's ability to pay those costs.
24 The Department may establish reasonable fees for the cost
25 of maintenance, testing, and incidental expenses related
26 to the mandatory drug or alcohol testing and all costs

1 incidental to approved electronic monitoring.

2 (Source: P.A. 96-1128, eff. 1-1-11.)

3 (725 ILCS 207/55)

4 Sec. 55. Periodic reexamination; report.

5 (a) If a person has been committed under Section 40 of this
6 Act and has not been discharged under Section 65 of this Act,
7 the Department shall submit a written report to the court on
8 his or her mental condition within 6 months after an initial
9 commitment under Section 40 and then at least once every 12
10 months thereafter for the purpose of determining whether the
11 person has made sufficient progress to be conditionally
12 released or discharged. At the time of a reexamination under
13 this Section, the person who has been committed may retain or,
14 if he or she is indigent and so requests, the court may appoint
15 a qualified expert or a professional person to examine him or
16 her.

17 (b) Any examiner conducting an examination under this
18 Section shall prepare a written report of the examination no
19 later than 30 days after the date of the examination. The
20 examiner shall place a copy of the report in the person's
21 health care records and shall provide a copy of the report to
22 the court that committed the person under Section 40. The
23 examination shall be conducted in conformance with the
24 standards developed under the Sex Offender Management Board Act
25 and by an evaluator licensed under the Sex Offender Evaluation

1 and Treatment Provider Act ~~approved by the Board.~~

2 (c) Notwithstanding subsection (a) of this Section, the
3 court that committed a person under Section 40 may order a
4 reexamination of the person at any time during the period in
5 which the person is subject to the commitment order. Any
6 examiner conducting an examination under this Section shall
7 prepare a written report of the examination no later than 30
8 days after the date of the examination.

9 (d) Petitions for discharge after reexamination must
10 follow the procedure outlined in Section 65 of this Act.
11 (Source: P.A. 93-616, eff. 1-1-04; 93-885, eff. 8-6-04.)

12 (725 ILCS 207/60)

13 Sec. 60. Petition for conditional release.

14 (a) Any person who is committed for institutional care in a
15 secure facility or other facility under Section 40 of this Act
16 may petition the committing court to modify its order by
17 authorizing conditional release if at least 6 months have
18 elapsed since the initial commitment order was entered, an
19 order continuing commitment was entered pursuant to Section 65,
20 the most recent release petition was denied or the most recent
21 order for conditional release was revoked. The director of the
22 facility at which the person is placed may file a petition
23 under this Section on the person's behalf at any time. If the
24 evaluator on behalf of the Department recommends that the
25 committed person is appropriate for conditional release, then

1 the director or designee shall, within 30 days of receipt of
2 the evaluator's report, file with the committing court notice
3 of his or her intention whether or not to petition for
4 conditional release on the committed person's behalf.

5 (b) If the person files a timely petition without counsel,
6 the court shall serve a copy of the petition on the Attorney
7 General or State's Attorney, whichever is applicable and,
8 subject to paragraph (c)(1) of Section 25 of this Act, appoint
9 counsel. If the person petitions through counsel, his or her
10 attorney shall serve the Attorney General or State's Attorney,
11 whichever is applicable.

12 (c) Within 20 days after receipt of the petition, upon the
13 request of the committed person or on the court's own motion,
14 the court may appoint an examiner having the specialized
15 knowledge determined by the court to be appropriate, who shall
16 examine the mental condition of the person and furnish a
17 written report of the examination to the court within 30 days
18 after appointment. The examiners shall have reasonable access
19 to the person for purposes of examination and to the person's
20 past and present treatment records and patient health care
21 records. If any such examiner believes that the person is
22 appropriate for conditional release, the examiner shall report
23 on the type of treatment and services that the person may need
24 while in the community on conditional release. The State has
25 the right to have the person evaluated by experts chosen by the
26 State. Any examination or evaluation conducted under this

1 Section shall be in conformance with the standards developed
2 under the Sex Offender Management Board Act and conducted by an
3 evaluator licensed under the Sex Offender Evaluation and
4 Treatment Provider Act ~~approved by the Board~~. The court shall
5 set a probable cause hearing as soon as practical after the
6 examiners' reports are filed. The probable cause hearing shall
7 consist of a review of the examining evaluators' reports and
8 arguments on behalf of the parties. If the court determines at
9 the probable cause hearing that cause exists to believe that it
10 is not substantially probable that the person will engage in
11 acts of sexual violence if on release or conditional release,
12 the court shall set a hearing on the issue.

13 (d) The court, without a jury, shall hear the petition as
14 soon as practical after the reports of all examiners are filed
15 with the court. The court shall grant the petition unless the
16 State proves by clear and convincing evidence that the person
17 has not made sufficient progress to be conditionally released.
18 In making a decision under this subsection, the court must
19 consider the nature and circumstances of the behavior that was
20 the basis of the allegation in the petition under paragraph
21 (b)(1) of Section 15 of this Act, the person's mental history
22 and present mental condition, and what arrangements are
23 available to ensure that the person has access to and will
24 participate in necessary treatment.

25 (e) Before the court may enter an order directing
26 conditional release to a less restrictive alternative it must

1 find the following: (1) the person will be treated by a
2 Department approved treatment provider, (2) the treatment
3 provider has presented a specific course of treatment and has
4 agreed to assume responsibility for the treatment and will
5 report progress to the Department on a regular basis, and will
6 report violations immediately to the Department, consistent
7 with treatment and supervision needs of the respondent, (3)
8 housing exists that is sufficiently secure to protect the
9 community, and the person or agency providing housing to the
10 conditionally released person has agreed in writing to accept
11 the person, to provide the level of security required by the
12 court, and immediately to report to the Department if the
13 person leaves the housing to which he or she has been assigned
14 without authorization, (4) the person is willing to or has
15 agreed to comply with the treatment provider, the Department,
16 and the court, and (5) the person has agreed or is willing to
17 agree to comply with the behavioral monitoring requirements
18 imposed by the court and the Department.

19 (f) If the court finds that the person is appropriate for
20 conditional release, the court shall notify the Department. The
21 Department shall prepare a plan that identifies the treatment
22 and services, if any, that the person will receive in the
23 community. The plan shall address the person's need, if any,
24 for supervision, counseling, medication, community support
25 services, residential services, vocational services, and
26 alcohol or other drug abuse treatment. The Department may

1 contract with a county health department, with another public
2 agency or with a private agency to provide the treatment and
3 services identified in the plan. The plan shall specify who
4 will be responsible for providing the treatment and services
5 identified in the plan. The plan shall be presented to the
6 court for its approval within 60 days after the court finding
7 that the person is appropriate for conditional release, unless
8 the Department and the person to be released request additional
9 time to develop the plan.

10 (g) The provisions of paragraphs (b) (4), (b) (5), and (b) (6)
11 of Section 40 of this Act apply to an order for conditional
12 release issued under this Section.

13 (Source: P.A. 96-1128, eff. 1-1-11.)

14 (725 ILCS 207/65)

15 Sec. 65. Petition for discharge; procedure.

16 (a) (1) If the Secretary determines at any time that a
17 person committed under this Act is no longer a sexually violent
18 person, the Secretary shall authorize the person to petition
19 the committing court for discharge. If the evaluator on behalf
20 of the Department recommends that the committed person is no
21 longer a sexually violent person, then the Secretary or
22 designee shall, within 30 days of receipt of the evaluator's
23 report, file with the committing court notice of his or her
24 determination whether or not to authorize the committed person
25 to petition the committing court for discharge. The person

1 shall file the petition with the court and serve a copy upon
2 the Attorney General or the State's Attorney's office that
3 filed the petition under subsection (a) of Section 15 of this
4 Act, whichever is applicable. The court, upon receipt of the
5 petition for discharge, shall order a hearing to be held as
6 soon as practical after the date of receipt of the petition.

7 (2) At a hearing under this subsection, the Attorney
8 General or State's Attorney, whichever filed the original
9 petition, shall represent the State and shall have the right to
10 have the petitioner examined by an expert or professional
11 person of his or her choice. The examination shall be conducted
12 in conformance with the standards developed under the Sex
13 Offender Management Board Act and by an evaluator licensed
14 under the Sex Offender Evaluation and Treatment Provider Act
15 ~~approved by the Board~~. The committed person or the State may
16 elect to have the hearing before a jury. The State has the
17 burden of proving by clear and convincing evidence that the
18 petitioner is still a sexually violent person.

19 (3) If the court or jury is satisfied that the State has
20 not met its burden of proof under paragraph (a)(2) of this
21 Section, the petitioner shall be discharged from the custody or
22 supervision of the Department. If the court is satisfied that
23 the State has met its burden of proof under paragraph (a)(2),
24 the court may proceed under Section 40 of this Act to determine
25 whether to modify the petitioner's existing commitment order.

26 (b)(1) A person may petition the committing court for

1 discharge from custody or supervision without the Secretary's
2 approval. At the time of an examination under subsection (a) of
3 Section 55 of this Act, the Secretary shall provide the
4 committed person with a written notice of the person's right to
5 petition the court for discharge over the Secretary's
6 objection. The notice shall contain a waiver of rights. The
7 Secretary shall forward the notice and waiver form to the court
8 with the report of the Department's examination under Section
9 55 of this Act. If the person does not affirmatively waive the
10 right to petition, the court shall set a probable cause hearing
11 to determine whether facts exist that warrant a hearing on
12 whether the person is still a sexually violent person. If a
13 person does not file a petition for discharge, yet fails to
14 waive the right to petition under this Section, then the
15 probable cause hearing consists only of a review of the
16 reexamination reports and arguments on behalf of the parties.
17 The committed person has a right to have an attorney represent
18 him or her at the probable cause hearing, but the person is not
19 entitled to be present at the probable cause hearing. The
20 probable cause hearing under this Section must be held as soon
21 as practical after the filing of the reexamination report under
22 Section 55 of this Act.

23 (2) If the court determines at the probable cause hearing
24 under paragraph (b)(1) of this Section that probable cause
25 exists to believe that the committed person is no longer a
26 sexually violent person, then the court shall set a hearing on

1 the issue. At a hearing under this Section, the committed
2 person is entitled to be present and to the benefit of the
3 protections afforded to the person under Section 25 of this
4 Act. The committed person or the State may elect to have a
5 hearing under this Section before a jury. A verdict of a jury
6 under this Section is not valid unless it is unanimous. The
7 Attorney General or State's Attorney, whichever filed the
8 original petition, shall represent the State at a hearing under
9 this Section. The State has the right to have the committed
10 person evaluated by experts chosen by the State. The
11 examination shall be conducted in conformance with the
12 standards developed under the Sex Offender Management Board Act
13 and by an evaluator licensed under the Sex Offender Evaluation
14 and Treatment Provider Act ~~approved by the Board~~. At the
15 hearing, the State has the burden of proving by clear and
16 convincing evidence that the committed person is still a
17 sexually violent person.

18 (3) If the court or jury is satisfied that the State has
19 not met its burden of proof under paragraph (b)(2) of this
20 Section, the person shall be discharged from the custody or
21 supervision of the Department. If the court or jury is
22 satisfied that the State has met its burden of proof under
23 paragraph (b)(2) of this Section, the court may proceed under
24 Section 40 of this Act to determine whether to modify the
25 person's existing commitment order.

26 (Source: P.A. 96-1128, eff. 1-1-11.)

1 Section 195. The Sex Offender Registration Act is amended
2 by changing Sections 2, 3, and 3-5 as follows:

3 (730 ILCS 150/2) (from Ch. 38, par. 222)

4 Sec. 2. Definitions.

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

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

12 (a) is convicted of such offense or an attempt to
13 commit such offense; or

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

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

20 (d) is the subject of a finding not resulting in an
21 acquittal at a hearing conducted pursuant to Section
22 104-25(a) of the Code of Criminal Procedure of 1963 for
23 the alleged commission or attempted commission of such
24 offense; or

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

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

15 (2) declared ~~certified~~ as a sexually dangerous person
16 pursuant to the Illinois Sexually Dangerous Persons Act, or
17 any substantially similar federal, Uniform Code of
18 Military Justice, sister state, or foreign country law; or

19 (3) subject to the provisions of Section 2 of the
20 Interstate Agreements on Sexually Dangerous Persons Act;
21 or

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

26 (5) adjudicated a juvenile delinquent as the result of

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

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

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

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

21 (1) A violation of any of the following Sections of the
22 Criminal Code of 1961:

23 11-20.1 (child pornography),

24 11-20.1B or 11-20.3 (aggravated child
25 pornography),

26 11-6 (indecent solicitation of a child),

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

23 An attempt to commit any of these offenses.

24 (1.5) A violation of any of the following Sections of
25 the Criminal Code of 1961, when the victim is a person
26 under 18 years of age, the defendant is not a parent of the

1 victim, the offense was sexually motivated as defined in
2 Section 10 of the Sex Offender Evaluation and Treatment Act
3 ~~Sex Offender Management Board Act~~, and the offense was
4 committed on or after January 1, 1996:

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint).

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

14 (1.6) First degree murder under Section 9-1 of the
15 Criminal Code of 1961, provided the offense was sexually
16 motivated as defined in Section 10 of the Sex Offender
17 Management Board Act.

18 (1.7) (Blank).

19 (1.8) A violation or attempted violation of Section
20 11-11 (sexual relations within families) of the Criminal
21 Code of 1961, and the offense was committed on or after
22 June 1, 1997. If the offense was committed before June 1,
23 1997, it is a sex offense requiring registration only when
24 the person is convicted of any felony after July 1, 2011,
25 and paragraph (2.1) of subsection (c) of Section 3 of this
26 Act applies.

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

14 (1.10) A violation or attempted violation of any of the
15 following Sections of the Criminal Code of 1961 when the
16 offense was committed on or after July 1, 1999:

17 10-4 (forcible detention, if the victim is under 18
18 years of age), provided the offense was sexually
19 motivated as defined in Section 10 of the Sex Offender
20 Management Board Act,

21 11-6.5 (indecent solicitation of an adult),

22 11-14.3 that involves soliciting for a prostitute,
23 or 11-15 (soliciting for a prostitute, if the victim is
24 under 18 years of age),

25 subdivision (a) (2) (A) or (a) (2) (B) of Section
26 11-14.3, or Section 11-16 (pandering, if the victim is

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

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

12 (1.11) A violation or attempted violation of any of the
13 following Sections of the Criminal Code of 1961 when the
14 offense was committed on or after August 22, 2002:

15 11-9 or 11-30 (public indecency for a third or
16 subsequent conviction).

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

22 (1.12) A violation or attempted violation of Section
23 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
24 Criminal Code of 1961 (permitting sexual abuse) when the
25 offense was committed on or after August 22, 2002. If the
26 offense was committed before August 22, 2002, it is a sex

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

4 (2) A violation of any former law of this State
5 substantially equivalent to any offense listed in
6 subsection (B) of this Section.

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

19 (C-5) A person at least 17 years of age at the time of the
20 commission of the offense who is convicted of first degree
21 murder under Section 9-1 of the Criminal Code of 1961, against
22 a person under 18 years of age, shall be required to register
23 for natural life. A conviction for an offense of federal,
24 Uniform Code of Military Justice, sister state, or foreign
25 country law that is substantially equivalent to any offense
26 listed in subsection (C-5) of this Section shall constitute a

1 conviction for the purpose of this Article. This subsection
2 (C-5) applies to a person who committed the offense before June
3 1, 1996 if: (i) the person is incarcerated in an Illinois
4 Department of Corrections facility on August 20, 2004 (the
5 effective date of Public Act 93-977), or (ii) subparagraph (i)
6 does not apply and the person is convicted of any felony after
7 July 1, 2011, and paragraph (2.1) of subsection (c) of Section
8 3 of this Act applies.

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

21 (D) As used in this Article, "law enforcement agency having
22 jurisdiction" means the Chief of Police in each of the
23 municipalities in which the sex offender expects to reside,
24 work, or attend school (1) upon his or her discharge, parole or
25 release or (2) during the service of his or her sentence of
26 probation or conditional discharge, or the Sheriff of the

1 county, in the event no Police Chief exists or if the offender
2 intends to reside, work, or attend school in an unincorporated
3 area. "Law enforcement agency having jurisdiction" includes
4 the location where out-of-state students attend school and
5 where out-of-state employees are employed or are otherwise
6 required to register.

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

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

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

19 11-14.4 that involves keeping a place of juvenile
20 prostitution, or 11-17.1 (keeping a place of juvenile
21 prostitution),

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

24 subdivision (a) (4) of Section 11-14.4, or Section
25 11-19.2 (exploitation of a child),

26 11-20.1 (child pornography),

1 11-20.1B or 11-20.3 (aggravated child
2 pornography),

3 11-1.20 or 12-13 (criminal sexual assault),

4 11-1.30 or 12-14 (aggravated criminal sexual
5 assault),

6 11-1.40 or 12-14.1 (predatory criminal sexual
7 assault of a child),

8 11-1.60 or 12-16 (aggravated criminal sexual
9 abuse),

10 12-33 (ritualized abuse of a child);

11 (2) (blank);

12 (3) declared ~~certified~~ as a sexually dangerous person
13 pursuant to the Sexually Dangerous Persons Act or any
14 substantially similar federal, Uniform Code of Military
15 Justice, sister state, or foreign country law;

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

20 (5) convicted of a second or subsequent offense which
21 requires registration pursuant to this Act. For purposes of
22 this paragraph (5), "convicted" shall include a conviction
23 under any substantially similar Illinois, federal, Uniform
24 Code of Military Justice, sister state, or foreign country
25 law;

26 (6) convicted of a second or subsequent offense of

1 luring a minor under Section 10-5.1 of the Criminal Code of
2 1961; or

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

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

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

18 (2) Section 11-9.5 (sexual misconduct with a person
19 with a disability);

20 (3) when the victim is a person under 18 years of age,
21 the defendant is not a parent of the victim, the offense
22 was sexually motivated as defined in Section 10 of the Sex
23 Offender Management Board Act, and the offense was
24 committed on or after January 1, 1996: (A) Section 10-1
25 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
26 (C) Section 10-3 (unlawful restraint), and (D) Section

1 10-3.1 (aggravated unlawful restraint); and

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

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

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

23 (G) As used in this Article, "out-of-state employee" means
24 any sex offender, as defined in this Section, or sexual
25 predator who works in Illinois, regardless of whether the
26 individual receives payment for services performed, for a

1 period of time of 10 or more days or for an aggregate period of
2 time of 30 or more days during any calendar year. Persons who
3 operate motor vehicles in the State accrue one day of
4 employment time for any portion of a day spent in Illinois.

5 (H) As used in this Article, "school" means any public or
6 private educational institution, including, but not limited
7 to, any elementary or secondary school, trade or professional
8 institution, or institution of higher education.

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

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

16 (Source: P.A. 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11;
17 96-1551, eff. 7-1-11; 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;
18 revised 9-27-11.)

19 (730 ILCS 150/3)

20 Sec. 3. Duty to register.

21 (a) A sex offender, as defined in Section 2 of this Act, or
22 sexual predator shall, within the time period prescribed in
23 subsections (b) and (c), register in person and provide
24 accurate information as required by the Department of State
25 Police. Such information shall include a current photograph,

1 current address, current place of employment, the sex
2 offender's or sexual predator's telephone number, including
3 cellular telephone number, the employer's telephone number,
4 school attended, all e-mail addresses, instant messaging
5 identities, chat room identities, and other Internet
6 communications identities that the sex offender uses or plans
7 to use, all Uniform Resource Locators (URLs) registered or used
8 by the sex offender, all blogs and other Internet sites
9 maintained by the sex offender or to which the sex offender has
10 uploaded any content or posted any messages or information,
11 extensions of the time period for registering as provided in
12 this Article and, if an extension was granted, the reason why
13 the extension was granted and the date the sex offender was
14 notified of the extension. The information shall also include a
15 copy of the terms and conditions of parole or release signed by
16 the sex offender and given to the sex offender by his or her
17 supervising officer, the county of conviction, license plate
18 numbers for every vehicle registered in the name of the sex
19 offender, the age of the sex offender at the time of the
20 commission of the offense, the age of the victim at the time of
21 the commission of the offense, and any distinguishing marks
22 located on the body of the sex offender. A sex offender
23 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
24 11-21 of the Criminal Code of 1961 shall provide all Internet
25 protocol (IP) addresses in his or her residence, registered in
26 his or her name, accessible at his or her place of employment,

1 or otherwise under his or her control or custody. If the sex
2 offender is a child sex offender as defined in Section 11-9.3
3 or 11-9.4 of the Criminal Code of 1961, the sex offender shall
4 report to the registering agency whether he or she is living in
5 a household with a child under 18 years of age who is not his or
6 her own child, provided that his or her own child is not the
7 victim of the sex offense. The sex offender or sexual predator
8 shall register:

9 (1) with the chief of police in the municipality in
10 which he or she resides or is temporarily domiciled for a
11 period of time of 3 or more days, unless the municipality
12 is the City of Chicago, in which case he or she shall
13 register at the Chicago Police Department Headquarters; or

14 (2) with the sheriff in the county in which he or she
15 resides or is temporarily domiciled for a period of time of
16 3 or more days in an unincorporated area or, if
17 incorporated, no police chief exists.

18 If the sex offender or sexual predator is employed at or
19 attends an institution of higher education, he or she shall
20 also register:

21 (i) with:

22 (A) the chief of police in the municipality in
23 which he or she is employed at or attends an
24 institution of higher education, unless the
25 municipality is the City of Chicago, in which case he
26 or she shall register at the Chicago Police Department

1 Headquarters; or

2 (B) the sheriff in the county in which he or she is
3 employed or attends an institution of higher education
4 located in an unincorporated area, or if incorporated,
5 no police chief exists; and

6 (ii) with the public safety or security director of the
7 institution of higher education which he or she is employed
8 at or attends.

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

12 For purposes of this Article, the place of residence or
13 temporary domicile is defined as any and all places where the
14 sex offender resides for an aggregate period of time of 3 or
15 more days during any calendar year. Any person required to
16 register under this Article who lacks a fixed address or
17 temporary domicile must notify, in person, the agency of
18 jurisdiction of his or her last known address within 3 days
19 after ceasing to have a fixed residence.

20 A sex offender or sexual predator who is temporarily absent
21 from his or her current address of registration for 3 or more
22 days shall notify the law enforcement agency having
23 jurisdiction of his or her current registration, including the
24 itinerary for travel, in the manner provided in Section 6 of
25 this Act for notification to the law enforcement agency having
26 jurisdiction of change of address.

1 Any person who lacks a fixed residence must report weekly,
2 in person, with the sheriff's office of the county in which he
3 or she is located in an unincorporated area, or with the chief
4 of police in the municipality in which he or she is located.
5 The agency of jurisdiction will document each weekly
6 registration to include all the locations where the person has
7 stayed during the past 7 days.

8 The sex offender or sexual predator shall provide accurate
9 information as required by the Department of State Police. That
10 information shall include the sex offender's or sexual
11 predator's current place of employment.

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

24 (1) with:

25 (A) the chief of police in the municipality in
26 which he or she attends school or is employed for a

1 period of time of 5 or more days or for an aggregate
2 period of time of more than 30 days during any calendar
3 year, unless the municipality is the City of Chicago,
4 in which case he or she shall register at the Chicago
5 Police Department Headquarters; or

6 (B) the sheriff in the county in which he or she
7 attends school or is employed for a period of time of 5
8 or more days or for an aggregate period of time of more
9 than 30 days during any calendar year in an
10 unincorporated area or, if incorporated, no police
11 chief exists; and

12 (2) with the public safety or security director of the
13 institution of higher education he or she is employed at or
14 attends for a period of time of 5 or more days or for an
15 aggregate period of time of more than 30 days during a
16 calendar year.

17 The registration fees shall only apply to the municipality
18 or county of primary registration, and not to campus
19 registration.

20 The out-of-state student or out-of-state employee shall
21 provide accurate information as required by the Department of
22 State Police. That information shall include the out-of-state
23 student's current place of school attendance or the
24 out-of-state employee's current place of employment.

25 (a-10) Any law enforcement agency registering sex
26 offenders or sexual predators in accordance with subsections

1 (a) or (a-5) of this Section shall forward to the Attorney
2 General a copy of sex offender registration forms from persons
3 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
4 11-21 of the Criminal Code of 1961, including periodic and
5 annual registrations under Section 6 of this Act.

6 (b) Any sex offender, as defined in Section 2 of this Act,
7 or sexual predator, regardless of any initial, prior, or other
8 registration, shall, within 3 days of beginning school, or
9 establishing a residence, place of employment, or temporary
10 domicile in any county, register in person as set forth in
11 subsection (a) or (a-5).

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

14 (1) Any person registered under the Habitual Child Sex
15 Offender Registration Act or the Child Sex Offender
16 Registration Act prior to January 1, 1996, shall be deemed
17 initially registered as of January 1, 1996; however, this
18 shall not be construed to extend the duration of
19 registration set forth in Section 7.

20 (2) Except as provided in subsection (c)(2.1) or
21 (c)(4), any person convicted or adjudicated prior to
22 January 1, 1996, whose liability for registration under
23 Section 7 has not expired, shall register in person prior
24 to January 31, 1996.

25 (2.1) A sex offender or sexual predator, who has never
26 previously been required to register under this Act, has a

1 duty to register if the person has been convicted of any
2 felony offense after July 1, 2011. A person who previously
3 was required to register under this Act for a period of 10
4 years and successfully completed that registration period
5 has a duty to register if: (i) the person has been
6 convicted of any felony offense after July 1, 2011, and
7 (ii) the offense for which the 10 year registration was
8 served currently requires a registration period of more
9 than 10 years. Notification of an offender's duty to
10 register under this subsection shall be pursuant to Section
11 5-7 of this Act.

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

24 (3) Except as provided in subsection (c)(4), any person
25 convicted on or after January 1, 1996, shall register in
26 person within 3 days after the entry of the sentencing

1 order based upon his or her conviction.

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

7 (5) The person shall provide positive identification
8 and documentation that substantiates proof of residence at
9 the registering address.

10 (6) The person shall pay a \$100 initial registration
11 fee and a \$100 annual renewal fee. The fees shall be used
12 by the registering agency for official purposes. The agency
13 shall establish procedures to document receipt and use of
14 the funds. The law enforcement agency having jurisdiction
15 may waive the registration fee if it determines that the
16 person is indigent and unable to pay the registration fee.
17 Thirty-five ~~Thirty~~ dollars for the initial registration
18 fee and \$35 ~~\$30~~ of the annual renewal fee shall be used by
19 the registering agency for official purposes. Five ~~Ten~~
20 dollars of the initial registration fee and \$5 ~~\$10~~ of the
21 annual fee shall be deposited into the Sex Offender
22 Management Board Fund under Section 19 of the Sex Offender
23 Management Board Act. Money deposited into the Sex Offender
24 Management Board Fund shall be administered by the Sex
25 Offender Management Board and shall be used by the Board to
26 comply with the provisions of the Sex Offender Management

1 ~~Board Act to fund practices endorsed or required by the Sex~~
2 ~~Offender Management Board Act including but not limited to~~
3 ~~sex offenders evaluation, treatment, or monitoring~~
4 ~~programs that are or may be developed, as well as for~~
5 ~~administrative costs, including staff, incurred by the~~
6 ~~Board.~~ Thirty dollars of the initial registration fee and
7 \$30 of the annual renewal fee shall be deposited into the
8 Sex Offender Registration Fund and shall be used by the
9 Department of State Police to maintain and update the
10 Illinois State Police Sex Offender Registry. Thirty
11 dollars of the initial registration fee and \$30 of the
12 annual renewal fee shall be deposited into the Attorney
13 General Sex Offender Awareness, Training, and Education
14 Fund. Moneys deposited into the Fund shall be used by the
15 Attorney General to administer the I-SORT program and to
16 alert and educate the public, victims, and witnesses of
17 their rights under various victim notification laws and for
18 training law enforcement agencies, State's Attorneys, and
19 medical providers of their legal duties concerning the
20 prosecution and investigation of sex offenses.

21 (d) Within 3 days after obtaining or changing employment
22 and, if employed on January 1, 2000, within 5 days after that
23 date, a person required to register under this Section must
24 report, in person to the law enforcement agency having
25 jurisdiction, the business name and address where he or she is
26 employed. If the person has multiple businesses or work

1 locations, every business and work location must be reported to
2 the law enforcement agency having jurisdiction.

3 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
4 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.
5 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.
6 8-12-11; 97-578, eff. 1-1-12; revised 9-15-11.)

7 (730 ILCS 150/3-5)

8 Sec. 3-5. Application of Act to adjudicated juvenile
9 delinquents.

10 (a) In all cases involving an adjudicated juvenile
11 delinquent who meets the definition of sex offender as set
12 forth in paragraph (5) of subsection (A) of Section 2 of this
13 Act, the court shall order the minor to register as a sex
14 offender.

15 (b) Once an adjudicated juvenile delinquent is ordered to
16 register as a sex offender, the adjudicated juvenile delinquent
17 shall be subject to the registration requirements set forth in
18 Sections 3, 6, 6-5, 8, 8-5, and 10 for the term of his or her
19 registration.

20 (c) For a minor adjudicated delinquent for an offense
21 which, if charged as an adult, would be a felony, no less than
22 5 years after registration ordered pursuant to subsection (a)
23 of this Section, the minor may petition for the termination of
24 the term of registration. For a minor adjudicated delinquent
25 for an offense which, if charged as an adult, would be a

1 misdemeanor, no less than 2 years after registration ordered
2 pursuant to subsection (a) of this Section, the minor may
3 petition for termination of the term of registration.

4 (d) The court may upon a hearing on the petition for
5 termination of registration, terminate registration if the
6 court finds that the registrant poses no risk to the community
7 by a preponderance of the evidence based upon the factors set
8 forth in subsection (e).

9 Notwithstanding any other provisions of this Act to the
10 contrary, no registrant whose registration has been terminated
11 under this Section shall be required to register under the
12 provisions of this Act for the offense or offenses which were
13 the subject of the successful petition for termination of
14 registration. This exemption shall apply only to those offenses
15 which were the subject of the successful petition for
16 termination of registration, and shall not apply to any other
17 or subsequent offenses requiring registration under this Act.

18 (e) To determine whether a registrant poses a risk to the
19 community as required by subsection (d), the court shall
20 consider the following factors:

21 (1) a risk assessment performed by an evaluator
22 licensed under the Sex Offender Evaluation and Treatment
23 Provider Act ~~approved by the Sex Offender Management Board;~~

24 (2) the sex offender history of the adjudicated
25 juvenile delinquent;

26 (3) evidence of the adjudicated juvenile delinquent's

1 rehabilitation;

2 (4) the age of the adjudicated juvenile delinquent at
3 the time of the offense;

4 (5) information related to the adjudicated juvenile
5 delinquent's mental, physical, educational, and social
6 history;

7 (6) victim impact statements; and

8 (7) any other factors deemed relevant by the court.

9 (f) At the hearing set forth in subsections (c) and (d), a
10 registrant shall be represented by counsel and may present a
11 risk assessment conducted by an evaluator who is licensed under
12 the Sex Offender Evaluation and Treatment Provider Act ~~a~~
13 ~~licensed psychiatrist, psychologist, or other mental health~~
14 ~~professional, and who has demonstrated clinical experience in~~
15 ~~juvenile sex offender treatment.~~

16 (g) After a registrant completes the term of his or her
17 registration, his or her name, address, and all other
18 identifying information shall be removed from all State and
19 local registries.

20 (h) This Section applies retroactively to cases in which
21 adjudicated juvenile delinquents who registered or were
22 required to register before the effective date of this
23 amendatory Act of the 95th General Assembly. On or after the
24 effective date of this amendatory Act of the 95th General
25 Assembly, a person adjudicated delinquent before the effective
26 date of this amendatory Act of the 95th General Assembly may

1 request a hearing regarding status of registration by filing a
2 Petition Requesting Registration Status with the clerk of the
3 court. Upon receipt of the Petition Requesting Registration
4 Status, the clerk of the court shall provide notice to the
5 parties and set the Petition for hearing pursuant to
6 subsections (c) through (e) of this Section.

7 (i) This Section does not apply to minors prosecuted under
8 the criminal laws as adults.

9 (Source: P.A. 97-578, eff. 1-1-12.)

10 Section 999. Effective date. This Act takes effect July 1,
11 2013, except that this Section, Section 175, Section 180, and
12 the amendatory changes to Sections 2 and 3 of the Sex Offender
13 Registration Act take effect on January 1, 2013, the other
14 amendatory changes to Section 3-5 of the Sex Offender
15 Registration Act, the amendatory changes to the Sexually
16 Dangerous Persons Act, and the amendatory changes to the
17 Sexually Violent Persons Commitment Act take effect January 1,
18 2014.