



Sen. Kwame Raoul

Filed: 2/27/2012

09700SB3638sam001

LRB097 20230 MRW 66432 a

1 AMENDMENT TO SENATE BILL 3638

2 AMENDMENT NO. _____. Amend Senate Bill 3638 by replacing
3 everything after the enacting clause with the following:

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.

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

2 "Address of record" means the designated address recorded
3 by the Department in the applicant's or licensee's application
4 file or license file maintained by the Department's licensure
5 maintenance unit.

6 "Associate sex offender provider" means a person licensed
7 under this Act to conduct sex offender evaluations or provide
8 sex offender treatment services under the supervision of a
9 licensed sex offender treatment evaluator or a licensed sex
10 offender treatment provider.

11 "Board" means the Sex Offender Evaluation and Treatment
12 Licensing and Disciplinary Board.

13 "Department" means the Department of Financial and
14 Professional Regulation.

15 "Licensee" means a person who has obtained a license under
16 this Act.

17 "Secretary" means the Secretary of Financial and
18 Professional Regulation.

19 "Sex offender evaluation" means a sex-offender specific
20 evaluation that systematically uses a variety of standardized
21 measurements, assessments and information gathered
22 collaterally and through face-to-face interviews. Sex-offender
23 specific evaluations assess risk to the community; identify and
24 document treatment and developmental needs, including safe and
25 appropriate placement settings; determine amenability to

1 treatment; and are the foundation of treatment, supervision,
2 and placement recommendations.

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

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

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

25 Section 15. Duties of the Department. The Department shall

1 exercise the powers and duties prescribed by the Civil
2 Administrative Code of Illinois for administration of
3 licensing acts and shall exercise other powers and duties
4 necessary for effectuating the purpose of this Act. The
5 Department shall adopt rules to implement, interpret, or make
6 specific the provisions and purposes of this Act; however, none
7 of these rules shall be adopted by the Department except upon
8 review by the Board.

9 Section 20. Sex Offender Evaluation and Treatment Provider
10 Licensing and Disciplinary Board.

11 (a) There is established within the Department the Sex
12 Offender Evaluation and Treatment Licensing and Disciplinary
13 Board to be appointed by the Secretary. The Board shall be
14 composed of 7 persons who shall serve in an advisory capacity
15 to the Secretary. The Board shall elect a chairperson and a
16 vice chairperson.

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

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

25 (d) One member shall represent the Department of

1 Corrections.

2 (e) One member shall represent the Department of Human
3 Services.

4 (f) One Member shall represent the Administrative Office of
5 Illinois Courts representing the interests of probation
6 services.

7 (g) One member shall be representative of the general
8 public who has no direct affiliation or work experience with
9 the practice of sex offender evaluation and treatment and who
10 clearly represent consumer interests.

11 (h) Board members shall be appointed for a term of 4 years,
12 except that any person chosen to fill a vacancy shall be
13 appointed only for the unexpired term of the Board member whom
14 he or she shall succeed. Upon the expiration of his or her term
15 of office, a Board member shall continue to serve until a
16 successor is appointed and qualified. No member shall be
17 reappointed to the Board for a term that would cause continuous
18 service on the Board to be longer than 8 years.

19 (i) The membership of the Board shall reasonably reflect
20 representation from the various geographic areas of the State.

21 (j) A member of the Board shall be immune from suit in any
22 action based upon any disciplinary proceedings or other
23 activities performed in good faith as a member of the Board.

24 (k) The Secretary may remove a member of the Board for any
25 cause that, in the opinion of the Secretary, reasonably
26 justifies termination.

1 (1) The Secretary may consider the recommendations of the
2 Board on questions of standards of professional conduct,
3 discipline, and qualification of candidates or licensees under
4 this Act.

5 (m) The members of the Board shall be reimbursed for all
6 legitimate, necessary, and authorized expenses.

7 (n) A majority of the Board members currently appointed
8 shall constitute a quorum. A vacancy in the membership of the
9 Board shall not impair the right of a quorum to exercise all
10 the rights and perform all the duties of the Board.

11 Section 25. Application.

12 (a) Applications for original licensure shall be made to
13 the Department in writing on forms prescribed by the Department
14 and shall be accompanied by the appropriate documentation and
15 the required fee, which fee is nonrefundable. An application
16 shall require information as, in the judgment of the
17 Department, will enable the Department to pass on the
18 qualifications of the applicant for licensing.

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

24 Section 30. Social Security Number on license application.

1 In addition to any other information required to be contained
2 in the application, every application for an original, renewal,
3 reinstated, or restored license under this Act shall include
4 the applicant's Social Security number.

5 Section 35. Qualifications for licensure.

6 (a)(1) A person is qualified for licensure as a sex
7 offender evaluator if that person:

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

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

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

15 (2) A person who applies to the Department shall be issued
16 a sex offender evaluator license by the Department if the
17 person meets the qualifications set forth in paragraph (1) of
18 this subsection (a) and provides evidence to the Department
19 that the person:

20 (A) is a physician licensed to practice medicine in all
21 of its branches under the Medical Practice Act of 1987 or
22 licensed under the laws of another state; an advanced
23 practice nurse with psychiatric specialty licensed under
24 the Nurse Practice Act or licensed under the laws of
25 another state; a clinical psychologist licensed under the

1 Clinical Psychologist Licensing Act or licensed under the
2 laws of another state; a licensed clinical social worker
3 licensed under the Clinical Social Work and Social Work
4 Practice Act or licensed under the laws of another state; a
5 licensed clinical professional counselor licensed under
6 the Professional Counselor and Clinical Professional
7 Counselor Licensing Act or licensed under the laws of
8 another state; or a licensed marriage and family therapist
9 licensed under the Marriage and Family Therapist Licensing
10 Act or licensed under the laws of another state;

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

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

17 (D) has at least 40 hours of documented training in the
18 specialty of sex offender evaluation, treatment, or
19 management.

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

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

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

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

3 (2) A person who applies to the Department shall be issued
4 a sex offender treatment provider license by the Department if
5 the person meets the qualifications set forth in paragraph (1)
6 of this subsection (c) and provides evidence to the Department
7 that the person:

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

24 (B) has 400 hours of supervised experience in the
25 treatment of sex offenders in the last 4 years, at least
26 200 of which are face-to-face therapy with sex offenders;

1 and

2 (C) has at least 40 hours documented training in the
3 specialty of sex offender evaluation, treatment, or
4 management.

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

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

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

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

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

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

24 Section 45. License renewal; restoration.

1 (a) The expiration date and renewal period for a license
2 issued under this Act shall be set by rule. The holder of a
3 license under this Act may renew that license during the 90 day
4 period immediately preceding the expiration date upon payment
5 of the required renewal fees and demonstrating compliance with
6 any continuing education requirements. The Department shall
7 adopt rules establishing minimum requirements of continuing
8 education and means for verification of the completion of the
9 continuing education requirements. The Department may, by
10 rule, specify circumstances under which the continuing
11 education requirements may be waived.

12 (b) A licensee who has permitted his or her license to
13 expire or who has had his or her license on inactive status may
14 have his or her license restored by making application to the
15 Department and filing proof acceptable to the Department, as
16 defined by rule, of his or her fitness to have his or her
17 license restored, including evidence certifying to active
18 practice in another jurisdiction satisfactory to the
19 Department and by paying the required restoration fee.

20 (c) A licensee whose license expired while he or she was
21 (1) in Federal Service on active duty with the Armed Forces of
22 the United States, or the State Militia called into service or
23 training, or (2) in training or education under the supervision
24 of the United States preliminary to induction into the military
25 service, may have his or her license renewed or restored
26 without paying any lapsed renewal fees if within 2 years after

1 honorable termination of service, training or education he or
2 she furnishes the Department with satisfactory evidence to the
3 effect that he or she has been so engaged and that his or her
4 service, training or education has been terminated.

5 Section 50. Inactive status.

6 (a) A licensee who notifies the Department in writing on
7 forms prescribed by the Department, may elect to place his or
8 her license on an inactive status and shall, subject to rules
9 of the Department, be excused from payment of renewal fees
10 until he or she notifies the Department in writing of his or
11 her intent to restore his or her license.

12 (b) A licensee requesting restoration from inactive status
13 shall be required to pay the current renewal fee and shall be
14 required to restore his or her license as provided in Section
15 45 of this Act.

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

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

22 Section 55. Fees. The fees for the administration and
23 enforcement of this Act, including but not limited to original
24 licensure, renewal, and restoration, shall be set by rule of

1 the Department. The fees shall be nonrefundable.

2 Section 60. Deposit of fees and fines. All of the fees and
3 fines collected under this Act shall be deposited into the
4 General Professions Dedicated Fund.

5 Section 65. Payments; penalty for insufficient funds. A
6 person who delivers a check or other payment to the Department
7 that is returned to the Department unpaid by the financial
8 institution upon which it is drawn shall pay to the Department,
9 in addition to the amount already owed to the Department, a
10 fine of \$50. The fines imposed by this Section are in addition
11 to any other discipline provided under this Act prohibiting
12 unlicensed practice or practice on a nonrenewed license. The
13 Department shall notify the person that payment of fees and
14 fines shall be paid to the Department by certified check or
15 money order within 30 calendar days after notification. If,
16 after the expiration of 30 days from the date of the
17 notification, the person has failed to submit the necessary
18 remittance, the Department shall automatically terminate the
19 license or deny the application, without hearing. If, after
20 termination or denial, the person seeks a license, he or she
21 shall apply to the Department for restoration or issuance of
22 the license and pay all fees and fines due to the Department.
23 The Department may establish a fee for the processing of an
24 application for restoration of a license to pay all expenses of

1 processing the application. The Secretary may waive the fines
2 due under this Section in individual cases where the Secretary
3 finds that the fines would be unreasonable or unnecessarily
4 burdensome.

5 Section 70. Roster; address change.

6 (a) The Department shall maintain a roster of names and
7 addresses of all persons who hold valid licenses and all
8 persons whose licenses have been suspended or revoked within
9 the previous year. This roster shall be available upon request
10 and payment of the required fee.

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

15 Section 75. Refusal, revocation, or suspension.

16 (a) The Department may refuse to issue or renew, or may
17 revoke, suspend, place on probation, reprimand, or take other
18 disciplinary or non disciplinary action, as the Department
19 considers appropriate, including the imposition of fines not to
20 exceed \$10,000 for each violation, with regard to any license
21 or licensee for any one or more of the following:

22 (1) violations of this Act or of the rules adopted
23 under this Act;

24 (2) discipline by the Department under other state law

1 and rules which the licensee is subject to;

2 (3) conviction by plea of guilty or nolo contendere,
3 finding of guilt, jury verdict, or entry of judgment or by
4 sentencing for any crime, including, but not limited to,
5 convictions, preceding sentences of supervision,
6 conditional discharge, or first offender probation, under
7 the laws of any jurisdiction of the United States: (i) that
8 is a felony; or (ii) that is a misdemeanor, an essential
9 element of which is dishonesty, or that is directly related
10 to the practice of the profession;

11 (4) professional incompetence;

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

14 (6) aiding, abetting, assisting, procuring, advising,
15 employing, or contracting with any unlicensed person to
16 provide sex offender evaluation or treatment services
17 contrary to any rules or provisions of this Act;

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

21 (8) engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public;

24 (9) practicing or offering to practice beyond the scope
25 permitted by law or accepting and performing professional
26 responsibilities which the licensee knows or has reason to

1 know that he or she is not competent to perform;

2 (10) knowingly delegating professional
3 responsibilities to a person unqualified by training,
4 experience, or licensure to perform;

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

7 (12) having a habitual or excessive use of or addiction
8 to alcohol, narcotics, stimulants, or any other chemical
9 agent or drug which results in the inability to practice
10 with reasonable judgment, skill, or safety;

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

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

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

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

24 (17) making a material misstatement in furnishing
25 information to the Department or otherwise making
26 misleading, deceptive, untrue, or fraudulent

1 representations in violation of this Act or otherwise in
2 the practice of the profession;

3 (18) fraud or misrepresentation in applying for or
4 procuring a license under this Act or in connection with
5 applying for renewal of a license under this Act;

6 (19) inability to practice the profession with
7 reasonable judgment, skill, or safety as a result of
8 physical illness, including, but not limited to,
9 deterioration through the aging process, loss of motor
10 skill, or a mental illness or disability;

11 (20) charging for professional services not rendered,
12 including filing false statements for the collection of
13 fees for which services are not rendered; or

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

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

18 (b) The Department shall revoke any license issued under
19 this Act of any person who is convicted of any crime that
20 subjects the licensee to compliance with the requirements of
21 the Sex Offender Registration Act.

22 (c) The Department may refuse to issue or may suspend the
23 license of any person who fails to file a tax return, to pay
24 the tax, penalty, or interest shown in a filed tax return, or
25 to pay any final assessment of tax, penalty, or interest, as
26 required by any tax Act administered by the Illinois Department

1 of Revenue, until such time as the requirements of the tax Act
2 are satisfied in accordance with subsection (g) of Section
3 2105-15 of the Civil Administrative Code of Illinois.

4 (d) The Department shall deny a license or renewal
5 authorized by this Act to a person who has defaulted on an
6 educational loan or scholarship provided or guaranteed by the
7 Illinois Student Assistance Commission or any governmental
8 agency of this State in accordance with item (5) of subsection
9 (g) of Section 2105-15 of the Civil Administrative Code of
10 Illinois.

11 (e) In cases where the Department of Healthcare and Family
12 Services has previously determined that a licensee or a
13 potential licensee is more than 30 days delinquent in the
14 payment of child support and has subsequently certified the
15 delinquency to the Department, the Department may refuse to
16 issue or renew or may revoke or suspend that person's license
17 or may take other disciplinary action against that person based
18 solely upon the certification of delinquency made by the
19 Department of Healthcare and Family Services in accordance with
20 item (5) of subsection (g) of Section 2105-15 of the Civil
21 Administrative Code of Illinois.

22 (f) The determination by a circuit court that a licensee is
23 subject to involuntary admission or judicial admission, as
24 provided in the Mental Health and Developmental Disabilities
25 Code, operates as an automatic suspension. The suspension will
26 end only upon a finding by a court that the patient is no

1 longer subject to involuntary admission or judicial admission
2 and the issuance of a court order so finding and discharging
3 the patient.

4 (g) In enforcing this Act, the Department or Board, upon a
5 showing of a possible violation, may compel an individual
6 licensed to practice under this Act, or who has applied for
7 licensure under this Act, to submit to a mental or physical
8 examination, or both, as required by and at the expense of the
9 Department. The Department or Board may order the examining
10 physician to present testimony concerning the mental or
11 physical examination of the licensee or applicant. No
12 information shall be excluded by reason of any common law or
13 statutory privilege relating to communications between the
14 licensee or applicant and the examining physician. The
15 examining physicians shall be specifically designated by the
16 Board or Department. The individual to be examined may have, at
17 his or her own expense, another physician of his or her choice
18 present during all aspects of this examination. The examination
19 shall be performed by a physician licensed to practice medicine
20 in all its branches. Failure of an individual to submit to a
21 mental or physical examination, when directed, shall result in
22 an automatic suspension without hearing.

23 A person holding a license under this Act or who has
24 applied for a license under this Act who, because of a physical
25 or mental illness or disability, including, but not limited to,
26 deterioration through the aging process or loss of motor skill,

1 is unable to practice the profession with reasonable judgment,
2 skill, or safety, may be required by the Department to submit
3 to care, counseling, or treatment by physicians approved or
4 designated by the Department as a condition, term, or
5 restriction for continued, reinstated, or renewed licensure to
6 practice. Submission to care, counseling, or treatment as
7 required by the Department shall not be considered discipline
8 of a license. If the licensee refuses to enter into a care,
9 counseling, or treatment agreement or fails to abide by the
10 terms of the agreement, the Department may file a complaint to
11 revoke, suspend, or otherwise discipline the license of the
12 individual. The Secretary may order the license suspended
13 immediately, pending a hearing by the Department. Fines shall
14 not be assessed in disciplinary actions involving physical or
15 mental illness or impairment.

16 In instances in which the Secretary immediately suspends a
17 person's license under this Section, a hearing on that person's
18 license must be convened by the Department within 15 days after
19 the suspension and completed without appreciable delay. The
20 Department and Board shall have the authority to review the
21 subject individual's record of treatment and counseling
22 regarding the impairment to the extent permitted by applicable
23 federal statutes and regulations safeguarding the
24 confidentiality of medical records.

25 An individual licensed under this Act and subject to action
26 under this Section shall be afforded an opportunity to

1 demonstrate to the Department or Board that he or she can
2 resume practice in compliance with acceptable and prevailing
3 standards under the provisions of his or her license.

4 Section 80. Continuing education. The Department shall
5 adopt rules for continuing education for persons licensed under
6 this Act that require a completion of 20 hours of approved sex
7 offender specific continuing education per license renewal
8 period. The Department shall establish by rule a means for the
9 verification of completion of the continuing education
10 required by this Section. This verification may be accomplished
11 through audits of records maintained by the licensee, by
12 requiring the filing of continuing education certificates with
13 the Department, or by other means established by the
14 Department.

15 Section 85. Violations; injunctions; cease and desist
16 order.

17 (a) If a person violates a provision of this Act, the
18 Secretary may, in the name of the People of the State of
19 Illinois, through the Attorney General, petition for an order
20 enjoining the violation or for an order enforcing compliance
21 with this Act. Upon the filing of a verified petition in court,
22 the court may issue a temporary restraining order, without
23 notice or bond, and may preliminarily and permanently enjoin
24 the violation. If it is established that the person has

1 violated or is violating the injunction, the Court may punish
2 the offender for contempt of court. Proceedings under this
3 Section are in addition to, and not in lieu of, all other
4 remedies and penalties provided by this Act.

5 (b) If a person engages in sex offender evaluation or
6 treatment or holds himself or herself out as licensee without
7 having a valid license under this Act, then any licensee, any
8 interested party or any person injured thereby may, in addition
9 to the Secretary, petition for relief as provided in subsection
10 (a) of this Section.

11 (c) Whenever in the opinion of the Department a person has
12 violated any provision of this Act, the Department may issue a
13 rule to show cause why an order to cease and desist should not
14 be entered against him or her. The rule shall clearly set forth
15 the grounds relied upon by the Department and shall provide a
16 period of 7 days from the date of the rule to file an answer to
17 the satisfaction of the Department. Failure to answer to the
18 satisfaction of the Department shall cause an order to cease
19 and desist to be issued immediately.

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

21 (a) A person who practices, offers to practice, attempts to
22 practice, or holds himself or herself out to practice as a
23 licensee without being licensed under this Act shall, in
24 addition to any other penalty provided by law, pay a civil
25 penalty to the Department in an amount not to exceed \$10,000

1 for each offense, as determined by the Department. The civil
2 penalty shall be assessed by the Department after a hearing is
3 held in accordance with the provisions of this Act regarding a
4 hearing for the discipline of a licensee.

5 (b) The Department may investigate any and all unlicensed
6 activity.

7 (c) The civil penalty shall be paid within 60 days after
8 the effective date of the order imposing the civil penalty. The
9 order shall constitute a judgment and may be filed and
10 execution had thereon in the same manner as any judgment from
11 any court of record.

12 Section 95. Investigation; notice and hearing. The
13 Department may investigate the actions or qualifications of any
14 person or persons holding or claiming to hold a license. Before
15 suspending, revoking, placing on probationary status, or
16 taking any other disciplinary action as the Department may deem
17 proper with regard to any license, at least 30 days before the
18 date set for the hearing, the Department shall (i) notify the
19 accused in writing of any charges made and the time and place
20 for a hearing on the charges before the Board, (ii) direct him
21 or her to file a written answer to the charges with the Board
22 under oath within 20 days after the service on him or her of
23 the notice, and (iii) inform him or her that if he or she fails
24 to file an answer, default will be taken against him or her and
25 his or her license may be suspended, revoked, placed on

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

1 opportunity to present statements, testimony, evidence, and
2 argument as may be pertinent to the charges or to the defense
3 thereto. The Department may continue the hearing from time to
4 time. At the discretion of the Secretary after having first
5 received the recommendation of the Board, the accused person's
6 license may be suspended or revoked, if the evidence
7 constitutes sufficient grounds for that action under this Act.

8 Section 100. Record of proceeding. The Department, at its
9 expense, shall preserve a record of all proceedings at the
10 formal hearing of any case. The notice of hearing, complaint
11 and all other documents in the nature of pleadings and written
12 motions filed in the proceedings, the transcript of testimony,
13 the report of the Board and orders of the Department shall be
14 in the record of the proceedings. The Department shall furnish
15 a transcript of the record to any person interested in the
16 hearing upon payment of the fee required under Section 2105-115
17 of the Department of Professional Regulation Law.

18 Section 105. Subpoenas; oaths; attendance of witnesses.
19 The Department has the power to subpoena and to bring before it
20 any person and to take testimony either orally or by
21 deposition, or both, with the same fees and mileage and in the
22 same manner as prescribed in civil cases in the courts of this
23 State.

24 The Secretary, the designated hearing officer, and every

1 member of the Board has power to administer oaths to witnesses
2 at any hearing that the Department is authorized to conduct and
3 any other oaths authorized in any Act administered by the
4 Department. A circuit court may, upon application of the
5 Department or its designee, or of the applicant or licensee
6 against whom proceedings under this Act are pending, enter an
7 order requiring the attendance of witnesses and their
8 testimony, and the production of documents, papers, files,
9 books and records in connection with any hearing or
10 investigation. The court may compel obedience to its order by
11 proceedings for contempt.

12 Section 110. Recommendations for disciplinary action. At
13 the conclusion of the hearing, the Board shall present to the
14 Secretary a written report of its findings and recommendations.
15 The report shall contain a finding whether or not the accused
16 person violated this Act or failed to comply with the
17 conditions required in this Act. The Board shall specify the
18 nature of the violation or failure to comply, and shall make
19 its recommendations to the Secretary.

20 The report of findings and recommendations of the Board
21 shall be the basis for the Department's order for refusal or
22 for the granting of a license, or for any disciplinary action,
23 unless the Secretary shall determine that the Board's report is
24 contrary to the manifest weight of the evidence, in which case
25 the Secretary may issue an order in contravention of the

1 Board's report. The finding is not admissible in evidence
2 against the person in a criminal prosecution brought for the
3 violation of this Act, but the hearing and finding are not a
4 bar to a criminal prosecution brought for the violation of this
5 Act.

6 Section 115. Rehearing. In a hearing involving
7 disciplinary action against a licensee, a copy of the Board's
8 report shall be served upon the respondent by the Department,
9 either personally or as provided in this Act for the service of
10 the notice of hearing. Within 20 calendar days after service,
11 the respondent may present to the Department a motion in
12 writing for a rehearing that shall specify the particular
13 grounds for rehearing. If no motion for rehearing is filed,
14 then upon the expiration of the time specified for filing a
15 motion, or if a motion for rehearing is denied, then upon
16 denial, the Secretary may enter an order in accordance with
17 recommendations of the Board, except as provided in this Act.
18 If the respondent orders from the reporting service, and pays
19 for, a transcript of the record within the time for filing a
20 motion for rehearing, the 20 calendar day period within which a
21 motion may be filed shall commence upon the delivery of the
22 transcript to the respondent.

23 Section 120. Hearing by other hearing officer. Whenever
24 the Secretary is not satisfied that substantial justice has

1 been done in the revocation, suspension or refusal to issue or
2 renew a license, the Secretary may order a rehearing by the
3 same or other hearing officer.

4 Section 125. Appointment of a hearing officer. The
5 Secretary has the authority to appoint any attorney duly
6 licensed to practice law in the State of Illinois to serve as
7 the hearing officer in any action for refusal to issue or renew
8 a license, or to discipline a licensee. The hearing officer has
9 full authority to conduct the hearing. The hearing officer
10 shall report his or her findings and recommendations to the
11 Board and the Secretary. The Board has 60 calendar days from
12 receipt of the report to review the report of the hearing
13 officer and present its findings of fact, conclusions of law
14 and recommendations to the Secretary. If the Board fails to
15 present its report within the 60 calendar day period, the
16 respondent may request in writing a direct appeal to the
17 Secretary, in which case the Secretary shall, within 7 calendar
18 days after receipt of the request, issue an order directing the
19 Board to issue its findings of fact, conclusions of law, and
20 recommendations to the Secretary within 30 calendar days after
21 that order. If the Board fails to issue its findings of fact,
22 conclusions of law, and recommendations within that time frame
23 to the Secretary after the entry of the order, the Secretary
24 shall, within 30 calendar days thereafter, issue an order based
25 upon the report of the hearing officer and the record of the

1 proceedings or issue an order remanding the matter back to the
2 hearing officer for additional proceedings in accordance with
3 the order. If (i) a direct appeal is requested, (ii) the Board
4 fails to issue its findings of fact, conclusions of law, and
5 recommendations within the 30 day mandate from the Secretary or
6 the Secretary fails to order the Board to do so, and (iii) the
7 Secretary fails to issue an order within 30 calendar days
8 thereafter, then the hearing officer's report is deemed
9 accepted and a final decision of the Secretary. Notwithstanding
10 any other provision of this Section, if the Secretary, upon
11 review, determines that substantial justice has not been done
12 in the revocation, suspension, or refusal to issue or renew a
13 license or other disciplinary action taken as the result of the
14 entry of the hearing officer's report, the Secretary may order
15 a rehearing by the same or other hearing officer. If the
16 Secretary disagrees with the recommendation of the Board or the
17 hearing officer, the Secretary may issue an order in
18 contravention of the recommendation.

19 Section 130. Order; certified copy. An order or a certified
20 copy of the order, over the seal of the Department and
21 purporting to be signed by the Secretary, shall be prima facie
22 proof:

23 (a) that the signature is the genuine signature of the
24 Secretary;

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

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

2 Section 135. Restoration. At any time after the suspension
3 or revocation of a license, the Department may restore the
4 license to the accused person, upon the written recommendation
5 of the Board, unless after an investigation and a hearing the
6 Board determines that restoration is not in the public
7 interest.

8 Section 140. License surrender. Upon the revocation or
9 suspension of a license, the licensee shall immediately
10 surrender the license to the Department. If the licensee fails
11 to do so, the Department has the right to seize the license.

12 Section 145. Summary suspension. The Secretary may
13 summarily suspend the license of a licensee without a hearing,
14 simultaneously with the institution of proceedings for a
15 hearing provided for in this Act, if the Secretary finds that
16 evidence in his or her possession indicates that a licensee's
17 continuation in practice would constitute an imminent danger to
18 the public. In the event that the Secretary summarily suspends
19 the license of a licensee without a hearing, a hearing by the
20 Board must be held within 30 calendar days after the suspension
21 has occurred.

22 Section 150. Judicial review. All final administrative

1 decisions of the Department are subject to judicial review
2 under the Administrative Review Law and its rules. The term
3 "administrative decision" is defined as in Section 3-101 of the
4 Code of Civil Procedure.

5 Proceedings for judicial review shall be commenced in the
6 circuit court of the county in which the party applying for
7 review resides; but if the party is not a resident of this
8 State, the venue shall be in Sangamon County.

9 Section 155. Certification of records. The Department
10 shall not be required to certify any record to the Court or
11 file any answer in court or otherwise appear in any court in a
12 judicial review proceeding, unless there is filed in the court,
13 with the complaint, a receipt from the Department acknowledging
14 payment of the costs of furnishing and certifying the record.
15 Failure on the part of the plaintiff to file the receipt in
16 Court shall be grounds for dismissal of the action.

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

21 Section 165. Illinois Administrative Procedure Act. The
22 Illinois Administrative Procedure Act is expressly adopted and
23 incorporated in this Act as if all of the provisions of that

1 Act were included in this Act, except that the provision of
2 paragraph (d) of Section 10-65 of the Illinois Administrative
3 Procedure Act, which provides that at hearings the license
4 holder has the right to show compliance with all lawful
5 requirements for retention, continuation or renewal of the
6 certificate, is specifically excluded. For the purpose of this
7 Act the notice required under Section 10-25 of the Illinois
8 Administrative Procedure Act is deemed sufficient when mailed
9 to the last known address of a party.

10 Section 170. Home rule. The regulation and licensing of
11 sex offender evaluators and treatment providers are exclusive
12 powers and functions of the State. A home rule unit may not
13 regulate or license sex offender evaluators and treatment
14 providers. This Section is a denial and limitation of home rule
15 powers and functions under subsection (h) of Section 6 of
16 Article VII of the Illinois Constitution.

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

20 (20 ILCS 4026/5)

21 Sec. 5. Legislative declaration. The General Assembly
22 hereby declares that the comprehensive evaluation, treatment,
23 ~~identification, counseling,~~ and management ~~continued~~

1 ~~monitoring~~ of sex offenders who are subject to the supervision
2 of the criminal or juvenile justice systems or mental health
3 systems is necessary in order to work toward the elimination of
4 recidivism by such offenders. Therefore, the General Assembly
5 hereby creates a program which assists in the education and
6 training of parole, probation, law enforcement, treatment
7 providers and other involved in the management of sex
8 offenders. This program will standardize ~~Therefore, the~~
9 ~~General Assembly hereby creates a program which standardizes~~
10 the evaluation, treatment, identification, counseling, and
11 management ~~continued monitoring~~ of sex offenders at each stage
12 of the criminal or juvenile justice systems or mental health
13 systems so that those offenders will curtail recidivistic
14 behavior and the protection of victims and potential victims
15 will be enhanced. The General Assembly recognizes that some sex
16 offenders cannot or will not respond to counseling and that, in
17 creating the program described in this Act, the General
18 Assembly does not intend to imply that all sex offenders can be
19 successful in treatment ~~counseling~~.

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

21 (20 ILCS 4026/10)

22 Sec. 10. Definitions. In this Act, unless the context
23 otherwise requires:

24 (a) "Board" means the Sex Offender Management Board created
25 in Section 15.

1 (b) "Sex offender" means any person who is convicted or
2 found delinquent in the State of Illinois, or under any
3 substantially similar federal law or law of another state, of
4 any sex offense or attempt of a sex offense as defined in
5 subsection (c) of this Section, or any former statute of this
6 State that defined a felony sex offense, or who has been
7 declared ~~certified~~ as a sexually dangerous person under the
8 Sexually Dangerous Persons Act or declared a sexually violent
9 person under the Sexually Violent Persons Commitment Act, or
10 any substantially similar federal law or law of another state.

11 (c) "Sex offense" means any felony or misdemeanor offense
12 described in this subsection (c) as follows:

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

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

17 (3) Public indecency, in violation of Section 11-9 or
18 11-30 of the Criminal Code of 1961;

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

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

23 (6) Promoting juvenile prostitution or soliciting for
24 a juvenile prostitute, in violation of Section 11-14.4 or
25 11-15.1 of the Criminal Code of 1961;

26 (7) Promoting juvenile prostitution or keeping a place

1 of juvenile prostitution, in violation of Section 11-14.4
2 or 11-17.1 of the Criminal Code of 1961;

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

5 (9) Promoting juvenile prostitution or juvenile
6 pimping, in violation of Section 11-14.4 or 11-19.1 of the
7 Criminal Code of 1961;

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

11 (11) Child pornography, in violation of Section
12 11-20.1 of the Criminal Code of 1961;

13 (11.5) Aggravated child pornography, in violation of
14 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

15 (12) Harmful material, in violation of Section 11-21 of
16 the Criminal Code of 1961;

17 (13) Criminal sexual assault, in violation of Section
18 11-1.20 or 12-13 of the Criminal Code of 1961;

19 (13.5) Grooming, in violation of Section 11-25 of the
20 Criminal Code of 1961;

21 (14) Aggravated criminal sexual assault, in violation
22 of Section 11-1.30 or 12-14 of the Criminal Code of 1961;

23 (14.5) Traveling to meet a minor, in violation of
24 Section 11-26 of the Criminal Code of 1961;

25 (15) Predatory criminal sexual assault of a child, in
26 violation of Section 11-1.40 or 12-14.1 of the Criminal

1 Code of 1961;

2 (16) Criminal sexual abuse, in violation of Section
3 11-1.50 or 12-15 of the Criminal Code of 1961;

4 (17) Aggravated criminal sexual abuse, in violation of
5 Section 11-1.60 or 12-16 of the Criminal Code of 1961;

6 (18) Ritualized abuse of a child, in violation of
7 Section 12-33 of the Criminal Code of 1961;

8 (19) An attempt to commit any of the offenses
9 enumerated in this subsection (c); or

10 (20) Any felony offense under Illinois law that is
11 sexually motivated.

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

15 (e) "Sexually motivated" means one or more of the facts of
16 the underlying offense indicates conduct that is of a sexual
17 nature or that shows an intent to engage in behavior of a
18 sexual nature.

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

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

25 (h) "Associate sex offender provider" means a person
26 licensed under the Sex Offender Evaluation and Treatment

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

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

6 (20 ILCS 4026/15)

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

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

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

14 (1) ~~(2)~~ One member appointed by the Governor
15 representing Probation Services based on the
16 recommendation of the Illinois Probation and Court
17 Services Association;

18 (2) ~~(3)~~ One member appointed by the Governor
19 representing the Department of Corrections;

20 (3) One member appointed by the Governor representing
21 the Department of Juvenile Justice;

22 (4) One member appointed by the Governor representing
23 the Department of Human Services;

24 (5) One member appointed by the Governor representing
25 the Illinois State Police;

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

3 (7) One member appointed by the Attorney General
4 representing the Office of the Attorney General;

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

8 (9) Two members appointed by the Attorney General who
9 are State's Attorneys or assistant State's Attorneys, one
10 representing juvenile court matters and one representing
11 felony court matters;

12 (10) One member being the Director of the
13 Administrative Office of Illinois Courts or his or her
14 designee;

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

17 (12) ~~(11)~~ One member being the Director of the State's
18 Attorneys Appellate Prosecutor or his or her designee;

19 (13) ~~(12)~~ One member being the Cook County Public
20 Defender or his or her designee;

21 (14) ~~(13)~~ Two members appointed by the Governor who are
22 representatives of law enforcement, at least one juvenile
23 officer with juvenile sex offender experience ~~and one sex~~
24 ~~crime investigator;~~

25 (15) ~~(14)~~ Two members appointed by the Attorney General
26 who are recognized experts in the field of sexual assault

1 and who can represent sexual assault victims and victims'
2 rights organizations;

3 (16) ~~(15)~~ One member being the State Appellate Defender
4 or his or her designee; ~~and~~

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

7 (18) ~~(16)~~ One member being the Executive Director of
8 the Criminal Justice Information Authority or his or her
9 designee; and

10 (19) One member being the President of the Illinois
11 Chapter of the Association for the Treatment of Sexual
12 Abusers or his or her designee.

13 (b) The Governor and the Attorney General shall appoint a
14 presiding officer for the Board from among the board members
15 appointed under subsection (a) of this Section, which presiding
16 officer shall serve at the pleasure of the Governor and the
17 Attorney General.

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

20 (d) (1) Any member of the Board created in subsection (a)
21 of this Section who is appointed under paragraphs (1) through
22 (7) of subsection (a) of this Section shall serve at the
23 pleasure of the official who appointed that member, for a term
24 of 5 years and may be reappointed. The members shall serve
25 without additional compensation.

26 (2) Any member of the Board created in subsection (a) of

1 this Section who is appointed under paragraphs (8) through (19)
2 ~~(14)~~ of subsection (a) of this Section shall serve for a term
3 of 5 years and may be reappointed. However, the term ~~terms~~ of
4 the member ~~members~~ appointed under paragraph ~~paragraphs~~ (8) of
5 subsection (a) of this Section shall end on January 1, 2012 ~~the~~
6 ~~effective date of this amendatory Act of the 97th General~~
7 ~~Assembly.~~ Within 30 days after January 1, 2012 ~~the effective~~
8 ~~date of this amendatory Act of the 97th General Assembly,~~ the
9 Attorney General shall appoint a member under paragraph (8) of
10 subsection (a) of this Section to fill the vacancy created by
11 this amendatory Act of the 97th General Assembly. A person who
12 has previously served as a member of the Board may be
13 reappointed. The term ~~terms~~ of the ~~President of the Illinois~~
14 ~~Polygraph Society or his or her designee,~~ the ~~President of the~~
15 ~~Illinois Chapter of the Association for the Treatment of Sexual~~
16 ~~Abusers or his or her designee,~~ and the member representing the
17 Illinois Principal Association ends ~~end~~ on January 1, 2012 ~~the~~
18 ~~effective date of this amendatory Act of the 97th General~~
19 ~~Assembly.~~ The members shall serve without compensation.

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

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

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

26 (1) The ~~Not later than December 31, 2001,~~ the Board

1 shall develop and prescribe ~~separate~~ standardized
2 procedures for the evaluation and management
3 ~~identification~~ of the offender ~~and recommend behavior~~
4 ~~management, monitoring, and treatment based upon the~~
5 ~~knowledge that sex offenders are extremely habituated and~~
6 ~~that there is no known cure for the propensity to commit~~
7 ~~sex abuse.~~ Periodically, the Board shall review and modify
8 as necessary the standardized procedures based upon
9 current best practices. ~~The Board shall develop and~~
10 ~~implement measures of success based upon a no cure policy~~
11 ~~for intervention. The Board shall develop and implement~~
12 ~~methods of intervention for sex offenders which have as a~~
13 ~~priority the physical and psychological safety of victims~~
14 ~~and potential victims and which are appropriate to the~~
15 ~~needs of the particular offender, so long as there is no~~
16 ~~reduction of the safety of victims and potential victims.~~

17 (2) These standardized procedures that are based on
18 current best practices ~~Not later than December 31, 2001,~~
19 ~~the Board shall develop separate guidelines and standards~~
20 ~~for a system of programs for the evaluation and treatment~~
21 ~~of both juvenile and adult sex offenders which shall be~~
22 utilized with ~~by~~ offenders who are placed on probation,
23 committed to the Department of Corrections, Department of
24 Juvenile Justice, or Department of Human Services, or
25 placed on mandatory supervised release or parole. The
26 programs developed under this paragraph (f) shall be as

1 flexible as possible so that the programs may be utilized
2 by each offender to prevent the offender from harming
3 victims and potential victims. The programs ~~shall be~~
4 ~~structured in such a manner that the programs~~ provide a
5 ~~continuing monitoring process as well as a~~ continuum of
6 evaluation and treatment ~~counseling programs~~ for each
7 offender as that offender proceeds through the justice
8 system. Also, the programs shall be developed in such a
9 manner that, to the extent possible, the programs may be
10 accessed by all offenders in the justice system.

11 (2.5) Not later than July 1, 2013 and annually
12 thereafter, the Board shall provide trainings for agencies
13 that provide supervision and management to sex offenders on
14 best practices for the treatment, evaluation, and
15 supervision of sex offenders. The training program may
16 include other matters relevant to the supervision and
17 management of sex offenders, including, but not limited to,
18 legislative developments and national best practices
19 models. The Board shall hold not less than 2 trainings per
20 year. The Board may develop other training and education
21 programs to promote the utilization of best practices for
22 the effective management of sex offenders as it deems
23 necessary.

24 (3) There is established the Sex Offender Management
25 Board Fund in the State Treasury into which funds received
26 under any provision of law or from public or private

1 sources shall be deposited, and from which funds shall be
2 appropriated for the purposes set forth in Section 19 of
3 this Act, ~~Section 5-6-3 of the Unified Code of Corrections,~~
4 ~~and Section 3 of the Sex Offender Registration Act,~~ and the
5 remainder shall be appropriated to the Sex Offender
6 Management Board to carry out its duties and comply with
7 the provisions of this Act ~~for planning and research.~~

8 (4) (Blank). ~~The Board shall develop and prescribe a~~
9 ~~plan to research and analyze the effectiveness of the~~
10 ~~evaluation, identification, and counseling procedures and~~
11 ~~programs developed under this Act. The Board shall also~~
12 ~~develop and prescribe a system for implementation of the~~
13 ~~guidelines and standards developed under paragraph (2) of~~
14 ~~this subsection (f) and for tracking offenders who have~~
15 ~~been subjected to evaluation, identification, and~~
16 ~~treatment under this Act. In addition, the Board shall~~
17 ~~develop a system for monitoring offender behaviors and~~
18 ~~offender adherence to prescribed behavioral changes. The~~
19 ~~results of the tracking and behavioral monitoring shall be~~
20 ~~a part of any analysis made under this paragraph (4).~~

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

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

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

2 (20 ILCS 4026/16)

3 Sec. 16. Sex offender evaluation and identification
4 required.

5 (a) Beginning on January 1, 2004 ~~the effective date of this~~
6 ~~amendatory Act of the 93rd General Assembly,~~ each felony sex
7 offender who is to be considered for probation shall be
8 required as part of the pre-sentence or social investigation to
9 submit to an evaluation for treatment, an evaluation for risk,
10 and procedures for monitoring of behavior to protect victims
11 and potential victims ~~developed~~ pursuant to item (1) of
12 subsection (f) of Section 15 of this Act.

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

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

21 (20 ILCS 4026/17)

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

24 (a) Each felony sex offender sentenced by the court for a

1 sex offense shall be required as a part of any sentence to
2 probation, conditional release, or periodic imprisonment to
3 undergo treatment based upon the recommendations of the
4 evaluation made pursuant to Section 16 or based upon any
5 subsequent recommendations by the Administrative Office of the
6 Illinois Courts or the county probation department, whichever
7 is appropriate. Beginning on January 1, 2014 the ~~Any such~~
8 ~~treatment and monitoring~~ shall be ~~at a facility or~~ with a sex
9 offender treatment provider or associate sex offender provider
10 as defined in Section 10 of this Act ~~person approved by the~~
11 ~~Board~~ and at the ~~such~~ offender's own expense based upon the
12 offender's ability to pay for such treatment.

13 (b) Beginning on January 1, 2004 ~~the effective date of this~~
14 ~~amendatory Act of the 93rd General Assembly,~~ each sex offender
15 placed on parole or mandatory supervised release by the
16 Prisoner Review Board shall be required as a condition of
17 parole to undergo treatment based upon any evaluation or
18 subsequent reevaluation regarding such offender during the
19 offender's incarceration or any period of parole. Beginning on
20 January 1, 2014 the ~~Any such~~ treatment shall be by a sex
21 offender treatment provider or associate sex offender provider
22 as defined in Section 10 of this Act ~~an individual approved by~~
23 ~~the Board~~ and at the offender's expense based upon the
24 offender's ability to pay for such treatment.

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

1 (20 ILCS 4026/18)

2 Sec. 18. Sex offender treatment contracts with providers.
3 The county probation department or the Department of Human
4 Services shall not employ or contract with and shall not allow
5 a sex offender to employ or contract with any individual or
6 entity to provide sex offender evaluation or treatment services
7 pursuant to this Act unless the sex offender evaluation or
8 treatment services provided are by a person licensed under the
9 Sex Offender Evaluation and Treatment Provider Act ~~an~~
10 ~~individual approved by the Board~~ pursuant to item (2) of
11 subsection (f) of Section 15 of this Act.

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

13 (20 ILCS 4026/19)

14 Sec. 19. Sex Offender Management Board Fund. All
15 unobligated and unexpended moneys remaining in the Sex Offender
16 Management Board Fund on the effective date of this amendatory
17 Act of the 97th General Assembly shall be transferred into the
18 General Professions Dedicated Fund, a special fund in the State
19 treasury, to be expended for use by the Department of Financial
20 and Professional Regulation for the purpose of implementing the
21 provisions of the Sex Offender Evaluation and Treatment
22 Provider Act with the exception of \$5,000 which shall remain in
23 the Fund for use by the Board.

24 (a) ~~Any and all practices endorsed or required under this~~
25 ~~Act, including but not limited to evaluation, treatment, or~~

1 ~~monitoring of programs that are or may be developed by the~~
2 ~~agency providing supervision or the Department of Corrections~~
3 ~~shall be at the expense of the person evaluated or treated,~~
4 ~~based upon the person's ability to pay. If it is determined by~~
5 ~~the agency providing supervision or the Department of~~
6 ~~Corrections that the person does not have the ability to pay~~
7 ~~for practices endorsed or required by this Act, the agency~~
8 ~~providing supervision of the sex offender shall request~~
9 ~~reimbursement for services required under this Act for which~~
10 ~~the agency has provided funding. The agency providing~~
11 ~~supervision or the Department of Corrections shall develop~~
12 ~~factors to be considered and criteria to determine a person's~~
13 ~~ability to pay. The Sex Offender Management Board shall~~
14 ~~coordinate the expenditures of moneys from the Sex Offender~~
15 ~~Management Board Fund. The Board shall allocate moneys~~
16 ~~deposited in this Fund among the agency providing supervision~~
17 ~~or the Department of Corrections.~~

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

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

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

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

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

6 (20 ILCS 4026/20)

7 Sec. 20. Report to the General Assembly. The Board shall
8 submit an annual report to the General Assembly regarding the
9 training and educational programs developed and presented ~~Upon~~
10 ~~completion of the duties prescribed in paragraphs (1) and (2)~~
11 ~~of subsection (f) of Section 15, the Board shall make a report~~
12 ~~to the General Assembly regarding the standardized procedures~~
13 ~~developed under this Act, the standardized programs developed~~
14 ~~under this Act, the plans for implementation developed under~~
15 ~~this Act, and the plans for research and analysis developed~~
16 under this Act.

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

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

20 (30 ILCS 105/6z-38)

21 Sec. 6z-38. General Professions Dedicated Fund. The
22 General Professions Dedicated Fund is created in the State
23 treasury. Moneys in the Fund shall be invested and earnings on

1 the investments shall be retained in the Fund. Moneys in the
2 Fund shall be appropriated to the Department of Professional
3 Regulation for the ordinary and contingent expenses of the
4 Department, except for moneys transferred under Section 19 of
5 the Sex Offender Management Board Act which shall be
6 appropriated for the purpose of implementing the provisions of
7 the Sex Offender Evaluation and Treatment Provider Act. Moneys
8 in the Fund may be transferred to the Professions Indirect Cost
9 Fund as authorized by Section 2105-300 of the Department of
10 Professional Regulation Law (20 ILCS 2105/2105-300).

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

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

14 (725 ILCS 205/8) (from Ch. 38, par. 105-8)

15 Sec. 8. If the respondent is found to be a sexually
16 dangerous person then the court shall appoint the Director of
17 Corrections guardian of the person found to be sexually
18 dangerous and such person shall stand committed to the custody
19 of such guardian. The Director of Corrections as guardian shall
20 keep safely the person so committed until the person has
21 recovered and is released as hereinafter provided. The Director
22 of Corrections as guardian shall provide care and treatment for
23 the person committed to him designed to effect recovery. Any
24 treatment provided under this Section shall be in conformance

1 with the standards promulgated by the Sex Offender Management
2 Board Act and conducted by a treatment provider licensed under
3 the Sex Offender Evaluation and Treatment Provider Act ~~approved~~
4 ~~by the Board~~. The Director may place that ward in any facility
5 in the Department of Corrections or portion thereof set aside
6 for the care and treatment of sexually dangerous persons. The
7 Department of Corrections may also request another state
8 Department or Agency to examine such person and upon such
9 request, such Department or Agency shall make such examination
10 and the Department of Corrections may, with the consent of the
11 chief executive officer of such other Department or Agency,
12 thereupon place such person in the care and treatment of such
13 other Department or Agency.

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

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

17 (725 ILCS 207/10)

18 Sec. 10. Notice to the Attorney General and State's
19 Attorney.

20 (a) In this Act, "agency with jurisdiction" means the
21 agency with the authority or duty to release or discharge the
22 person.

23 (b) If an agency with jurisdiction has control or custody
24 over a person who may meet the criteria for commitment as a

1 sexually violent person, the agency with jurisdiction shall
2 inform the Attorney General and the State's Attorney in a
3 position to file a petition under paragraph (a)(2) of Section
4 15 of this Act regarding the person as soon as possible
5 beginning 3 months prior to the applicable date of the
6 following:

7 (1) The anticipated release from imprisonment or the
8 anticipated entry into mandatory supervised release of a
9 person who has been convicted of a sexually violent
10 offense.

11 (2) The anticipated release from a Department of
12 Corrections correctional facility or juvenile correctional
13 facility of a person adjudicated delinquent under Section
14 5-20 of the Juvenile Court Act of 1987 (now repealed) or
15 found guilty under Section 5-620 of that Act, on the basis
16 of a sexually violent offense.

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

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

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

25 (2) A comprehensive evaluation of the person's mental
26 condition, the basis upon which a determination has been

1 made that the person is subject to commitment under
2 subsection (b) of Section 15 of this Act and a
3 recommendation for action in furtherance of the purposes of
4 this Act. The evaluation shall be conducted in conformance
5 with the standards developed under the Sex Offender
6 Management Board Act and by an evaluator licensed under the
7 Sex Offender Evaluation and Treatment Provider Act
8 ~~approved by the Board~~; and

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

11 (d) Any agency or officer, employee or agent of an agency
12 is immune from criminal or civil liability for any acts or
13 omissions as the result of a good faith effort to comply with
14 this Section.

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

16 (725 ILCS 207/40)

17 Sec. 40. Commitment.

18 (a) If a court or jury determines that the person who is
19 the subject of a petition under Section 15 of this Act is a
20 sexually violent person, the court shall order the person to be
21 committed to the custody of the Department for control, care
22 and treatment until such time as the person is no longer a
23 sexually violent person.

24 (b) (1) The court shall enter an initial commitment order
25 under this Section pursuant to a hearing held as soon as

1 practicable after the judgment is entered that the person
2 who is the subject of a petition under Section 15 is a
3 sexually violent person. If the court lacks sufficient
4 information to make the determination required by
5 paragraph (b)(2) of this Section immediately after trial,
6 it may adjourn the hearing and order the Department to
7 conduct a predisposition investigation or a supplementary
8 mental examination, or both, to assist the court in framing
9 the commitment order. If the Department's examining
10 evaluator previously rendered an opinion that the person
11 who is the subject of a petition under Section 15 does not
12 meet the criteria to be found a sexually violent person,
13 then another evaluator shall conduct the predisposition
14 investigation and/or supplementary mental examination. A
15 supplementary mental examination under this Section shall
16 be conducted in accordance with Section 3-804 of the Mental
17 Health and Developmental Disabilities Code. The State has
18 the right to have the person evaluated by experts chosen by
19 the State.

20 (2) An order for commitment under this Section shall
21 specify either institutional care in a secure facility, as
22 provided under Section 50 of this Act, or conditional
23 release. In determining whether commitment shall be for
24 institutional care in a secure facility or for conditional
25 release, the court shall consider the nature and
26 circumstances of the behavior that was the basis of the

1 allegation in the petition under paragraph (b)(1) of
2 Section 15, the person's mental history and present mental
3 condition, and what arrangements are available to ensure
4 that the person has access to and will participate in
5 necessary treatment. All treatment, whether in
6 institutional care, in a secure facility, or while on
7 conditional release, shall be conducted in conformance
8 with the standards developed under the Sex Offender
9 Management Board Act and conducted by a treatment provider
10 licensed under the Sex Offender Evaluation and Treatment
11 Provider Act ~~approved by the Board~~. The Department shall
12 arrange for control, care and treatment of the person in
13 the least restrictive manner consistent with the
14 requirements of the person and in accordance with the
15 court's commitment order.

16 (3) If the court finds that the person is appropriate
17 for conditional release, the court shall notify the
18 Department. The Department shall prepare a plan that
19 identifies the treatment and services, if any, that the
20 person will receive in the community. The plan shall
21 address the person's need, if any, for supervision,
22 counseling, medication, community support services,
23 residential services, vocational services, and alcohol or
24 other drug abuse treatment. The Department may contract
25 with a county health department, with another public agency
26 or with a private agency to provide the treatment and

1 services identified in the plan. The plan shall specify who
2 will be responsible for providing the treatment and
3 services identified in the plan. The plan shall be
4 presented to the court for its approval within 60 days
5 after the court finding that the person is appropriate for
6 conditional release, unless the Department and the person
7 to be released request additional time to develop the plan.
8 The conditional release program operated under this
9 Section is not subject to the provisions of the Mental
10 Health and Developmental Disabilities Confidentiality Act.

11 (4) An order for conditional release places the person
12 in the custody and control of the Department. A person on
13 conditional release is subject to the conditions set by the
14 court and to the rules of the Department. Before a person
15 is placed on conditional release by the court under this
16 Section, the court shall so notify the municipal police
17 department and county sheriff for the municipality and
18 county in which the person will be residing. The
19 notification requirement under this Section does not apply
20 if a municipal police department or county sheriff submits
21 to the court a written statement waiving the right to be
22 notified. Notwithstanding any other provision in the Act,
23 the person being supervised on conditional release shall
24 not reside at the same street address as another sex
25 offender being supervised on conditional release under
26 this Act, mandatory supervised release, parole, probation,

1 or any other manner of supervision. If the Department
2 alleges that a released person has violated any condition
3 or rule, or that the safety of others requires that
4 conditional release be revoked, he or she may be taken into
5 custody under the rules of the Department.

6 At any time during which the person is on conditional
7 release, if the Department determines that the person has
8 violated any condition or rule, or that the safety of
9 others requires that conditional release be revoked, the
10 Department may request the Attorney General or State's
11 Attorney to request the court to issue an emergency ex
12 parte order directing any law enforcement officer to take
13 the person into custody and transport the person to the
14 county jail. The Department may request, or the Attorney
15 General or State's Attorney may request independently of
16 the Department, that a petition to revoke conditional
17 release be filed. When a petition is filed, the court may
18 order the Department to issue a notice to the person to be
19 present at the Department or other agency designated by the
20 court, order a summons to the person to be present, or
21 order a body attachment for all law enforcement officers to
22 take the person into custody and transport him or her to
23 the county jail, hospital, or treatment facility. The
24 Department shall submit a statement showing probable cause
25 of the detention and a petition to revoke the order for
26 conditional release to the committing court within 48 hours

1 after the detention. The court shall hear the petition
2 within 30 days, unless the hearing or time deadline is
3 waived by the detained person. Pending the revocation
4 hearing, the Department may detain the person in a jail, in
5 a hospital or treatment facility. The State has the burden
6 of proving by clear and convincing evidence that any rule
7 or condition of release has been violated, or that the
8 safety of others requires that the conditional release be
9 revoked. If the court determines after hearing that any
10 rule or condition of release has been violated, or that the
11 safety of others requires that conditional release be
12 revoked, it may revoke the order for conditional release
13 and order that the released person be placed in an
14 appropriate institution until the person is discharged
15 from the commitment under Section 65 of this Act or until
16 again placed on conditional release under Section 60 of
17 this Act.

18 (5) An order for conditional release places the person
19 in the custody, care, and control of the Department. The
20 court shall order the person be subject to the following
21 rules of conditional release, in addition to any other
22 conditions ordered, and the person shall be given a
23 certificate setting forth the conditions of conditional
24 release. These conditions shall be that the person:

25 (A) not violate any criminal statute of any
26 jurisdiction;

1 (B) report to or appear in person before such
2 person or agency as directed by the court and the
3 Department;

4 (C) refrain from possession of a firearm or other
5 dangerous weapon;

6 (D) not leave the State without the consent of the
7 court or, in circumstances in which the reason for the
8 absence is of such an emergency nature, that prior
9 consent by the court is not possible without the prior
10 notification and approval of the Department;

11 (E) at the direction of the Department, notify
12 third parties of the risks that may be occasioned by
13 his or her criminal record or sexual offending history
14 or characteristics, and permit the supervising officer
15 or agent to make the notification requirement;

16 (F) attend and fully participate in assessment,
17 treatment, and behavior monitoring including, but not
18 limited to, medical, psychological or psychiatric
19 treatment specific to sexual offending, drug
20 addiction, or alcoholism, to the extent appropriate to
21 the person based upon the recommendation and findings
22 made in the Department evaluation or based upon any
23 subsequent recommendations by the Department;

24 (G) waive confidentiality allowing the court and
25 Department access to assessment or treatment results
26 or both;

1 (H) work regularly at a Department approved
2 occupation or pursue a course of study or vocational
3 training and notify the Department within 72 hours of
4 any change in employment, study, or training;

5 (I) not be employed or participate in any volunteer
6 activity that involves contact with children, except
7 under circumstances approved in advance and in writing
8 by the Department officer;

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

12 (K) financially support his or her dependents and
13 provide the Department access to any requested
14 financial information;

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

17 (i) remain within the interior premises of the
18 place designated for his or her confinement during
19 the hours designated by the Department;

20 (ii) admit any person or agent designated by
21 the Department into the offender's place of
22 confinement at any time for purposes of verifying
23 the person's compliance with the condition of his
24 or her confinement;

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

1 (M) comply with the terms and conditions of an
2 order of protection issued by the court pursuant to the
3 Illinois Domestic Violence Act of 1986. A copy of the
4 order of protection shall be transmitted to the
5 Department by the clerk of the court;

6 (N) refrain from entering into a designated
7 geographic area except upon terms the Department finds
8 appropriate. The terms may include consideration of
9 the purpose of the entry, the time of day, others
10 accompanying the person, and advance approval by the
11 Department;

12 (O) refrain from having any contact, including
13 written or oral communications, directly or
14 indirectly, with certain specified persons including,
15 but not limited to, the victim or the victim's family,
16 and report any incidental contact with the victim or
17 the victim's family to the Department within 72 hours;
18 refrain from entering onto the premises of, traveling
19 past, or loitering near the victim's residence, place
20 of employment, or other places frequented by the
21 victim;

22 (P) refrain from having any contact, including
23 written or oral communications, directly or
24 indirectly, with particular types of persons,
25 including but not limited to members of street gangs,
26 drug users, drug dealers, or prostitutes;

1 (Q) refrain from all contact, direct or indirect,
2 personally, by telephone, letter, or through another
3 person, with minor children without prior
4 identification and approval of the Department;

5 (R) refrain from having in his or her body the
6 presence of alcohol or any illicit drug prohibited by
7 the Cannabis Control Act, the Illinois Controlled
8 Substances Act, or the Methamphetamine Control and
9 Community Protection Act, unless prescribed by a
10 physician, and submit samples of his or her breath,
11 saliva, blood, or urine for tests to determine the
12 presence of alcohol or any illicit drug;

13 (S) not establish a dating, intimate, or sexual
14 relationship with a person without prior written
15 notification to the Department;

16 (T) neither possess or have under his or her
17 control any material that is pornographic, sexually
18 oriented, or sexually stimulating, or that depicts or
19 alludes to sexual activity or depicts minors under the
20 age of 18, including but not limited to visual,
21 auditory, telephonic, electronic media, or any matter
22 obtained through access to any computer or material
23 linked to computer access use;

24 (U) not patronize any business providing sexually
25 stimulating or sexually oriented entertainment nor
26 utilize "900" or adult telephone numbers or any other

1 sex-related telephone numbers;

2 (V) not reside near, visit, or be in or about
3 parks, schools, day care centers, swimming pools,
4 beaches, theaters, or any other places where minor
5 children congregate without advance approval of the
6 Department and report any incidental contact with
7 minor children to the Department within 72 hours;

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

10 (X) not publish any materials or print any
11 advertisements without providing a copy of the
12 proposed publications to the Department officer and
13 obtaining permission prior to publication;

14 (Y) not leave the county except with prior
15 permission of the Department and provide the
16 Department officer or agent with written travel routes
17 to and from work and any other designated destinations;

18 (Z) not possess or have under his or her control
19 certain specified items of contraband related to the
20 incidence of sexually offending items including video
21 or still camera items or children's toys;

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

24 (BB) comply with all other special conditions that
25 the Department may impose that restrict the person from
26 high-risk situations and limit access or potential

1 victims.

2 (6) A person placed on conditional release and who
3 during the term undergoes mandatory drug or alcohol testing
4 or is assigned to be placed on an approved electronic
5 monitoring device may be ordered to pay all costs
6 incidental to the mandatory drug or alcohol testing and all
7 costs incidental to the approved electronic monitoring in
8 accordance with the person's ability to pay those costs.
9 The Department may establish reasonable fees for the cost
10 of maintenance, testing, and incidental expenses related
11 to the mandatory drug or alcohol testing and all costs
12 incidental to approved electronic monitoring.

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

14 (725 ILCS 207/55)

15 Sec. 55. Periodic reexamination; report.

16 (a) If a person has been committed under Section 40 of this
17 Act and has not been discharged under Section 65 of this Act,
18 the Department shall submit a written report to the court on
19 his or her mental condition within 6 months after an initial
20 commitment under Section 40 and then at least once every 12
21 months thereafter for the purpose of determining whether the
22 person has made sufficient progress to be conditionally
23 released or discharged. At the time of a reexamination under
24 this Section, the person who has been committed may retain or,
25 if he or she is indigent and so requests, the court may appoint

1 a qualified expert or a professional person to examine him or
2 her.

3 (b) Any examiner conducting an examination under this
4 Section shall prepare a written report of the examination no
5 later than 30 days after the date of the examination. The
6 examiner shall place a copy of the report in the person's
7 health care records and shall provide a copy of the report to
8 the court that committed the person under Section 40. The
9 examination shall be conducted in conformance with the
10 standards developed under the Sex Offender Management Board Act
11 and by an evaluator licensed under the Sex Offender Evaluation
12 and Treatment Provider Act ~~approved by the Board.~~

13 (c) Notwithstanding subsection (a) of this Section, the
14 court that committed a person under Section 40 may order a
15 reexamination of the person at any time during the period in
16 which the person is subject to the commitment order. Any
17 examiner conducting an examination under this Section shall
18 prepare a written report of the examination no later than 30
19 days after the date of the examination.

20 (d) Petitions for discharge after reexamination must
21 follow the procedure outlined in Section 65 of this Act.

22 (Source: P.A. 93-616, eff. 1-1-04; 93-885, eff. 8-6-04.)

23 (725 ILCS 207/60)

24 Sec. 60. Petition for conditional release.

25 (a) Any person who is committed for institutional care in a

1 secure facility or other facility under Section 40 of this Act
2 may petition the committing court to modify its order by
3 authorizing conditional release if at least 6 months have
4 elapsed since the initial commitment order was entered, an
5 order continuing commitment was entered pursuant to Section 65,
6 the most recent release petition was denied or the most recent
7 order for conditional release was revoked. The director of the
8 facility at which the person is placed may file a petition
9 under this Section on the person's behalf at any time. If the
10 evaluator on behalf of the Department recommends that the
11 committed person is appropriate for conditional release, then
12 the director or designee shall, within 30 days of receipt of
13 the evaluator's report, file with the committing court notice
14 of his or her intention whether or not to petition for
15 conditional release on the committed person's behalf.

16 (b) If the person files a timely petition without counsel,
17 the court shall serve a copy of the petition on the Attorney
18 General or State's Attorney, whichever is applicable and,
19 subject to paragraph (c)(1) of Section 25 of this Act, appoint
20 counsel. If the person petitions through counsel, his or her
21 attorney shall serve the Attorney General or State's Attorney,
22 whichever is applicable.

23 (c) Within 20 days after receipt of the petition, upon the
24 request of the committed person or on the court's own motion,
25 the court may appoint an examiner having the specialized
26 knowledge determined by the court to be appropriate, who shall

1 examine the mental condition of the person and furnish a
2 written report of the examination to the court within 30 days
3 after appointment. The examiners shall have reasonable access
4 to the person for purposes of examination and to the person's
5 past and present treatment records and patient health care
6 records. If any such examiner believes that the person is
7 appropriate for conditional release, the examiner shall report
8 on the type of treatment and services that the person may need
9 while in the community on conditional release. The State has
10 the right to have the person evaluated by experts chosen by the
11 State. Any examination or evaluation conducted under this
12 Section shall be in conformance with the standards developed
13 under the Sex Offender Management Board Act and conducted by an
14 evaluator licensed under the Sex Offender Evaluation and
15 Treatment Provider Act ~~approved by the Board~~. The court shall
16 set a probable cause hearing as soon as practical after the
17 examiners' reports are filed. The probable cause hearing shall
18 consist of a review of the examining evaluators' reports and
19 arguments on behalf of the parties. If the court determines at
20 the probable cause hearing that cause exists to believe that it
21 is not substantially probable that the person will engage in
22 acts of sexual violence if on release or conditional release,
23 the court shall set a hearing on the issue.

24 (d) The court, without a jury, shall hear the petition as
25 soon as practical after the reports of all examiners are filed
26 with the court. The court shall grant the petition unless the

1 State proves by clear and convincing evidence that the person
2 has not made sufficient progress to be conditionally released.
3 In making a decision under this subsection, the court must
4 consider the nature and circumstances of the behavior that was
5 the basis of the allegation in the petition under paragraph
6 (b)(1) of Section 15 of this Act, the person's mental history
7 and present mental condition, and what arrangements are
8 available to ensure that the person has access to and will
9 participate in necessary treatment.

10 (e) Before the court may enter an order directing
11 conditional release to a less restrictive alternative it must
12 find the following: (1) the person will be treated by a
13 Department approved treatment provider, (2) the treatment
14 provider has presented a specific course of treatment and has
15 agreed to assume responsibility for the treatment and will
16 report progress to the Department on a regular basis, and will
17 report violations immediately to the Department, consistent
18 with treatment and supervision needs of the respondent, (3)
19 housing exists that is sufficiently secure to protect the
20 community, and the person or agency providing housing to the
21 conditionally released person has agreed in writing to accept
22 the person, to provide the level of security required by the
23 court, and immediately to report to the Department if the
24 person leaves the housing to which he or she has been assigned
25 without authorization, (4) the person is willing to or has
26 agreed to comply with the treatment provider, the Department,

1 and the court, and (5) the person has agreed or is willing to
2 agree to comply with the behavioral monitoring requirements
3 imposed by the court and the Department.

4 (f) If the court finds that the person is appropriate for
5 conditional release, the court shall notify the Department. The
6 Department shall prepare a plan that identifies the treatment
7 and services, if any, that the person will receive in the
8 community. The plan shall address the person's need, if any,
9 for supervision, counseling, medication, community support
10 services, residential services, vocational services, and
11 alcohol or other drug abuse treatment. The Department may
12 contract with a county health department, with another public
13 agency or with a private agency to provide the treatment and
14 services identified in the plan. The plan shall specify who
15 will be responsible for providing the treatment and services
16 identified in the plan. The plan shall be presented to the
17 court for its approval within 60 days after the court finding
18 that the person is appropriate for conditional release, unless
19 the Department and the person to be released request additional
20 time to develop the plan.

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

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

1 Sec. 65. Petition for discharge; procedure.

2 (a) (1) If the Secretary determines at any time that a
3 person committed under this Act is no longer a sexually violent
4 person, the Secretary shall authorize the person to petition
5 the committing court for discharge. If the evaluator on behalf
6 of the Department recommends that the committed person is no
7 longer a sexually violent person, then the Secretary or
8 designee shall, within 30 days of receipt of the evaluator's
9 report, file with the committing court notice of his or her
10 determination whether or not to authorize the committed person
11 to petition the committing court for discharge. The person
12 shall file the petition with the court and serve a copy upon
13 the Attorney General or the State's Attorney's office that
14 filed the petition under subsection (a) of Section 15 of this
15 Act, whichever is applicable. The court, upon receipt of the
16 petition for discharge, shall order a hearing to be held as
17 soon as practical after the date of receipt of the petition.

18 (2) At a hearing under this subsection, the Attorney
19 General or State's Attorney, whichever filed the original
20 petition, shall represent the State and shall have the right to
21 have the petitioner examined by an expert or professional
22 person of his or her choice. The examination shall be conducted
23 in conformance with the standards developed under the Sex
24 Offender Management Board Act and by an evaluator licensed
25 under the Sex Offender Evaluation and Treatment Provider Act
26 ~~approved by the Board~~. The committed person or the State may

1 elect to have the hearing before a jury. The State has the
2 burden of proving by clear and convincing evidence that the
3 petitioner is still a sexually violent person.

4 (3) If the court or jury is satisfied that the State has
5 not met its burden of proof under paragraph (a)(2) of this
6 Section, the petitioner shall be discharged from the custody or
7 supervision of the Department. If the court is satisfied that
8 the State has met its burden of proof under paragraph (a)(2),
9 the court may proceed under Section 40 of this Act to determine
10 whether to modify the petitioner's existing commitment order.

11 (b)(1) A person may petition the committing court for
12 discharge from custody or supervision without the Secretary's
13 approval. At the time of an examination under subsection (a) of
14 Section 55 of this Act, the Secretary shall provide the
15 committed person with a written notice of the person's right to
16 petition the court for discharge over the Secretary's
17 objection. The notice shall contain a waiver of rights. The
18 Secretary shall forward the notice and waiver form to the court
19 with the report of the Department's examination under Section
20 55 of this Act. If the person does not affirmatively waive the
21 right to petition, the court shall set a probable cause hearing
22 to determine whether facts exist that warrant a hearing on
23 whether the person is still a sexually violent person. If a
24 person does not file a petition for discharge, yet fails to
25 waive the right to petition under this Section, then the
26 probable cause hearing consists only of a review of the

1 reexamination reports and arguments on behalf of the parties.
2 The committed person has a right to have an attorney represent
3 him or her at the probable cause hearing, but the person is not
4 entitled to be present at the probable cause hearing. The
5 probable cause hearing under this Section must be held as soon
6 as practical after the filing of the reexamination report under
7 Section 55 of this Act.

8 (2) If the court determines at the probable cause hearing
9 under paragraph (b)(1) of this Section that probable cause
10 exists to believe that the committed person is no longer a
11 sexually violent person, then the court shall set a hearing on
12 the issue. At a hearing under this Section, the committed
13 person is entitled to be present and to the benefit of the
14 protections afforded to the person under Section 25 of this
15 Act. The committed person or the State may elect to have a
16 hearing under this Section before a jury. A verdict of a jury
17 under this Section is not valid unless it is unanimous. The
18 Attorney General or State's Attorney, whichever filed the
19 original petition, shall represent the State at a hearing under
20 this Section. The State has the right to have the committed
21 person evaluated by experts chosen by the State. The
22 examination shall be conducted in conformance with the
23 standards developed under the Sex Offender Management Board Act
24 and by an evaluator licensed under the Sex Offender Evaluation
25 and Treatment Provider Act ~~approved by the Board~~. At the
26 hearing, the State has the burden of proving by clear and

1 convincing evidence that the committed person is still a
2 sexually violent person.

3 (3) If the court or jury is satisfied that the State has
4 not met its burden of proof under paragraph (b)(2) of this
5 Section, the person shall be discharged from the custody or
6 supervision of the Department. If the court or jury is
7 satisfied that the State has met its burden of proof under
8 paragraph (b)(2) of this Section, the court may proceed under
9 Section 40 of this Act to determine whether to modify the
10 person's existing commitment order.

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

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

14 (730 ILCS 150/2) (from Ch. 38, par. 222)

15 Sec. 2. Definitions.

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

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

23 (a) is convicted of such offense or an attempt to
24 commit such offense; or

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

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

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

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

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

26 (2) declared ~~certified~~ as a sexually dangerous person

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

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

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

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

24 Convictions that result from or are connected with the same
25 act, or result from offenses committed at the same time, shall
26 be counted for the purpose of this Article as one conviction.

1 Any conviction set aside pursuant to law is not a conviction
2 for purposes of this Article.

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

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

6 (1) A violation of any of the following Sections of the
7 Criminal Code of 1961:

8 11-20.1 (child pornography),

9 11-20.1B or 11-20.3 (aggravated child
10 pornography),

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

12 11-9.1 (sexual exploitation of a child),

13 11-9.2 (custodial sexual misconduct),

14 11-9.5 (sexual misconduct with a person with a
15 disability),

16 11-14.4 (promoting juvenile prostitution),

17 11-15.1 (soliciting for a juvenile prostitute),

18 11-18.1 (patronizing a juvenile prostitute),

19 11-17.1 (keeping a place of juvenile
20 prostitution),

21 11-19.1 (juvenile pimping),

22 11-19.2 (exploitation of a child),

23 11-25 (grooming),

24 11-26 (traveling to meet a minor),

25 11-1.20 or 12-13 (criminal sexual assault),

26 11-1.30 or 12-14 (aggravated criminal sexual

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

8 An attempt to commit any of these offenses.

9 (1.5) A violation of any of the following Sections of
10 the Criminal Code of 1961, when the victim is a person
11 under 18 years of age, the defendant is not a parent of the
12 victim, the offense was sexually motivated as defined in
13 Section 10 of the Sex Offender Evaluation and Treatment Act
14 ~~Sex Offender Management Board Act~~, and the offense was
15 committed on or after January 1, 1996:

16 10-1 (kidnapping),
17 10-2 (aggravated kidnapping),
18 10-3 (unlawful restraint),
19 10-3.1 (aggravated unlawful restraint).

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

25 (1.6) First degree murder under Section 9-1 of the
26 Criminal Code of 1961, provided the offense was sexually

1 motivated as defined in Section 10 of the Sex Offender
2 Management Board Act.

3 (1.7) (Blank).

4 (1.8) A violation or attempted violation of Section
5 11-11 (sexual relations within families) of the Criminal
6 Code of 1961, and the offense was committed on or after
7 June 1, 1997. If the offense was committed before June 1,
8 1997, it is a sex offense requiring registration only when
9 the person is convicted of any felony after July 1, 2011,
10 and paragraph (2.1) of subsection (c) of Section 3 of this
11 Act applies.

12 (1.9) Child abduction under paragraph (10) of
13 subsection (b) of Section 10-5 of the Criminal Code of 1961
14 committed by luring or attempting to lure a child under the
15 age of 16 into a motor vehicle, building, house trailer, or
16 dwelling place without the consent of the parent or lawful
17 custodian of the child for other than a lawful purpose and
18 the offense was committed on or after January 1, 1998,
19 provided the offense was sexually motivated as defined in
20 Section 10 of the Sex Offender Management Board Act. If the
21 offense was committed before January 1, 1998, it is a sex
22 offense requiring registration only when the person is
23 convicted of any felony after July 1, 2011, and paragraph
24 (2.1) of subsection (c) of Section 3 of this Act applies.

25 (1.10) A violation or attempted violation of any of the
26 following Sections of the Criminal Code of 1961 when the

1 offense was committed on or after July 1, 1999:

2 10-4 (forcible detention, if the victim is under 18
3 years of age), provided the offense was sexually
4 motivated as defined in Section 10 of the Sex Offender
5 Management Board Act,

6 11-6.5 (indecent solicitation of an adult),

7 11-14.3 that involves soliciting for a prostitute,
8 or 11-15 (soliciting for a prostitute, if the victim is
9 under 18 years of age),

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

13 11-18 (patronizing a prostitute, if the victim is
14 under 18 years of age),

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

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

23 (1.11) A violation or attempted violation of any of the
24 following Sections of the Criminal Code of 1961 when the
25 offense was committed on or after August 22, 2002:

26 11-9 or 11-30 (public indecency for a third or

1 subsequent conviction).

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

7 (1.12) A violation or attempted violation of Section
8 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
9 Criminal Code of 1961 (permitting sexual abuse) when the
10 offense was committed on or after August 22, 2002. If the
11 offense was committed before August 22, 2002, it is a sex
12 offense requiring registration only when the person is
13 convicted of any felony after July 1, 2011, and paragraph
14 (2.1) of subsection (c) of Section 3 of this Act applies.

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

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

1 Dangerous Persons Act or the Sexually Violent Persons
2 Commitment Act shall constitute an adjudication for the
3 purposes of this Article.

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

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

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

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

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

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

23 (1) Convicted for an offense of federal, Uniform Code
24 of Military Justice, sister state, or foreign country law
25 that is substantially equivalent to any offense listed in
26 subsection (E) or (E-5) of this Section shall constitute a

1 conviction for the purpose of this Article. Convicted of a
2 violation or attempted violation of any of the following
3 Sections of the Criminal Code of 1961:

4 11-14.4 that involves keeping a place of juvenile
5 prostitution, or 11-17.1 (keeping a place of juvenile
6 prostitution),

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

9 subdivision (a) (4) of Section 11-14.4, or Section
10 11-19.2 (exploitation of a child),

11 11-20.1 (child pornography),

12 11-20.1B or 11-20.3 (aggravated child
13 pornography),

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

21 12-33 (ritualized abuse of a child);

22 (2) (blank);

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

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

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

11 (6) convicted of a second or subsequent offense of
12 luring a minor under Section 10-5.1 of the Criminal Code of
13 1961; or

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

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

23 (1) Section 9-1 (first degree murder, when the victim
24 was a person under 18 years of age and the defendant was at
25 least 17 years of age at the time of the commission of the
26 offense, provided the offense was sexually motivated as

1 defined in Section 10 of the Sex Offender Management Board
2 Act);

3 (2) Section 11-9.5 (sexual misconduct with a person
4 with a disability);

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

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

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

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

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

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

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

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

1 (Source: P.A. 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11;
2 96-1551, eff. 7-1-11; 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;
3 revised 9-27-11.)

4 (730 ILCS 150/3)

5 Sec. 3. Duty to register.

6 (a) A sex offender, as defined in Section 2 of this Act, or
7 sexual predator shall, within the time period prescribed in
8 subsections (b) and (c), register in person and provide
9 accurate information as required by the Department of State
10 Police. Such information shall include a current photograph,
11 current address, current place of employment, the sex
12 offender's or sexual predator's telephone number, including
13 cellular telephone number, the employer's telephone number,
14 school attended, all e-mail addresses, instant messaging
15 identities, chat room identities, and other Internet
16 communications identities that the sex offender uses or plans
17 to use, all Uniform Resource Locators (URLs) registered or used
18 by the sex offender, all blogs and other Internet sites
19 maintained by the sex offender or to which the sex offender has
20 uploaded any content or posted any messages or information,
21 extensions of the time period for registering as provided in
22 this Article and, if an extension was granted, the reason why
23 the extension was granted and the date the sex offender was
24 notified of the extension. The information shall also include a
25 copy of the terms and conditions of parole or release signed by

1 the sex offender and given to the sex offender by his or her
2 supervising officer, the county of conviction, license plate
3 numbers for every vehicle registered in the name of the sex
4 offender, the age of the sex offender at the time of the
5 commission of the offense, the age of the victim at the time of
6 the commission of the offense, and any distinguishing marks
7 located on the body of the sex offender. A sex offender
8 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
9 11-21 of the Criminal Code of 1961 shall provide all Internet
10 protocol (IP) addresses in his or her residence, registered in
11 his or her name, accessible at his or her place of employment,
12 or otherwise under his or her control or custody. If the sex
13 offender is a child sex offender as defined in Section 11-9.3
14 or 11-9.4 of the Criminal Code of 1961, the sex offender shall
15 report to the registering agency whether he or she is living in
16 a household with a child under 18 years of age who is not his or
17 her own child, provided that his or her own child is not the
18 victim of the sex offense. The sex offender or sexual predator
19 shall register:

20 (1) with the chief of police in the municipality in
21 which he or she resides or is temporarily domiciled for a
22 period of time of 3 or more days, unless the municipality
23 is the City of Chicago, in which case he or she shall
24 register at the Chicago Police Department Headquarters; or

25 (2) with the sheriff in the county in which he or she
26 resides or is temporarily domiciled for a period of time of

1 3 or more days in an unincorporated area or, if
2 incorporated, no police chief exists.

3 If the sex offender or sexual predator is employed at or
4 attends an institution of higher education, he or she shall
5 also register:

6 (i) with:

7 (A) the chief of police in the municipality in
8 which he or she is employed at or attends an
9 institution of higher education, unless the
10 municipality is the City of Chicago, in which case he
11 or she shall register at the Chicago Police Department
12 Headquarters; or

13 (B) the sheriff in the county in which he or she is
14 employed or attends an institution of higher education
15 located in an unincorporated area, or if incorporated,
16 no police chief exists; and

17 (ii) with the public safety or security director of the
18 institution of higher education which he or she is employed
19 at or attends.

20 The registration fees shall only apply to the municipality
21 or county of primary registration, and not to campus
22 registration.

23 For purposes of this Article, the place of residence or
24 temporary domicile is defined as any and all places where the
25 sex offender resides for an aggregate period of time of 3 or
26 more days during any calendar year. Any person required to

1 register under this Article who lacks a fixed address or
2 temporary domicile must notify, in person, the agency of
3 jurisdiction of his or her last known address within 3 days
4 after ceasing to have a fixed residence.

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

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

19 The sex offender or sexual predator shall provide accurate
20 information as required by the Department of State Police. That
21 information shall include the sex offender's or sexual
22 predator's current place of employment.

23 (a-5) An out-of-state student or out-of-state employee
24 shall, within 3 days after beginning school or employment in
25 this State, register in person and provide accurate information
26 as required by the Department of State Police. Such information

1 will include current place of employment, school attended, and
2 address in state of residence. A sex offender convicted under
3 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
4 Criminal Code of 1961 shall provide all Internet protocol (IP)
5 addresses in his or her residence, registered in his or her
6 name, accessible at his or her place of employment, or
7 otherwise under his or her control or custody. The out-of-state
8 student or out-of-state employee shall register:

9 (1) with:

10 (A) the chief of police in the municipality in
11 which he or she attends school or is employed for a
12 period of time of 5 or more days or for an aggregate
13 period of time of more than 30 days during any calendar
14 year, unless the municipality is the City of Chicago,
15 in which case he or she shall register at the Chicago
16 Police Department Headquarters; or

17 (B) the sheriff in the county in which he or she
18 attends school or is employed for a period of time of 5
19 or more days or for an aggregate period of time of more
20 than 30 days during any calendar year in an
21 unincorporated area or, if incorporated, no police
22 chief exists; and

23 (2) with the public safety or security director of the
24 institution of higher education he or she is employed at or
25 attends for a period of time of 5 or more days or for an
26 aggregate period of time of more than 30 days during a

1 calendar year.

2 The registration fees shall only apply to the municipality
3 or county of primary registration, and not to campus
4 registration.

5 The out-of-state student or out-of-state employee shall
6 provide accurate information as required by the Department of
7 State Police. That information shall include the out-of-state
8 student's current place of school attendance or the
9 out-of-state employee's current place of employment.

10 (a-10) Any law enforcement agency registering sex
11 offenders or sexual predators in accordance with subsections
12 (a) or (a-5) of this Section shall forward to the Attorney
13 General a copy of sex offender registration forms from persons
14 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
15 11-21 of the Criminal Code of 1961, including periodic and
16 annual registrations under Section 6 of this Act.

17 (b) Any sex offender, as defined in Section 2 of this Act,
18 or sexual predator, regardless of any initial, prior, or other
19 registration, shall, within 3 days of beginning school, or
20 establishing a residence, place of employment, or temporary
21 domicile in any county, register in person as set forth in
22 subsection (a) or (a-5).

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

25 (1) Any person registered under the Habitual Child Sex
26 Offender Registration Act or the Child Sex Offender

1 Registration Act prior to January 1, 1996, shall be deemed
2 initially registered as of January 1, 1996; however, this
3 shall not be construed to extend the duration of
4 registration set forth in Section 7.

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

10 (2.1) A sex offender or sexual predator, who has never
11 previously been required to register under this Act, has a
12 duty to register if the person has been convicted of any
13 felony offense after July 1, 2011. A person who previously
14 was required to register under this Act for a period of 10
15 years and successfully completed that registration period
16 has a duty to register if: (i) the person has been
17 convicted of any felony offense after July 1, 2011, and
18 (ii) the offense for which the 10 year registration was
19 served currently requires a registration period of more
20 than 10 years. Notification of an offender's duty to
21 register under this subsection shall be pursuant to Section
22 5-7 of this Act.

23 (2.5) Except as provided in subsection (c)(4), any
24 person who has not been notified of his or her
25 responsibility to register shall be notified by a criminal
26 justice entity of his or her responsibility to register.

1 Upon notification the person must then register within 3
2 days of notification of his or her requirement to register.
3 Except as provided in subsection (c)(2.1), if notification
4 is not made within the offender's 10 year registration
5 requirement, and the Department of State Police determines
6 no evidence exists or indicates the offender attempted to
7 avoid registration, the offender will no longer be required
8 to register under this Act.

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

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

18 (5) The person shall provide positive identification
19 and documentation that substantiates proof of residence at
20 the registering address.

21 (6) The person shall pay a \$100 initial registration
22 fee and a \$100 annual renewal fee. The fees shall be used
23 by the registering agency for official purposes. The agency
24 shall establish procedures to document receipt and use of
25 the funds. The law enforcement agency having jurisdiction
26 may waive the registration fee if it determines that the

1 person is indigent and unable to pay the registration fee.
2 Thirty-five ~~Thirty~~ dollars for the initial registration
3 fee and \$35 ~~\$30~~ of the annual renewal fee shall be used by
4 the registering agency for official purposes. Five ~~Ten~~
5 dollars of the initial registration fee and \$5 ~~\$10~~ of the
6 annual fee shall be deposited into the Sex Offender
7 Management Board Fund under Section 19 of the Sex Offender
8 Management Board Act. Money deposited into the Sex Offender
9 Management Board Fund shall be administered by the Sex
10 Offender Management Board and shall be used by the Board to
11 comply with the provisions of the Sex Offender Management
12 Board Act ~~to fund practices endorsed or required by the Sex~~
13 ~~Offender Management Board Act including but not limited to~~
14 ~~sex offenders evaluation, treatment, or monitoring~~
15 ~~programs that are or may be developed, as well as for~~
16 ~~administrative costs, including staff, incurred by the~~
17 ~~Board.~~ Thirty dollars of the initial registration fee and
18 \$30 of the annual renewal fee shall be deposited into the
19 Sex Offender Registration Fund and shall be used by the
20 Department of State Police to maintain and update the
21 Illinois State Police Sex Offender Registry. Thirty
22 dollars of the initial registration fee and \$30 of the
23 annual renewal fee shall be deposited into the Attorney
24 General Sex Offender Awareness, Training, and Education
25 Fund. Moneys deposited into the Fund shall be used by the
26 Attorney General to administer the I-SORT program and to

1 alert and educate the public, victims, and witnesses of
2 their rights under various victim notification laws and for
3 training law enforcement agencies, State's Attorneys, and
4 medical providers of their legal duties concerning the
5 prosecution and investigation of sex offenses.

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

14 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
15 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.
16 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.
17 8-12-11; 97-578, eff. 1-1-12; revised 9-15-11.)

18 (730 ILCS 150/3-5)

19 Sec. 3-5. Application of Act to adjudicated juvenile
20 delinquents.

21 (a) In all cases involving an adjudicated juvenile
22 delinquent who meets the definition of sex offender as set
23 forth in paragraph (5) of subsection (A) of Section 2 of this
24 Act, the court shall order the minor to register as a sex
25 offender.

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

6 (c) For a minor adjudicated delinquent for an offense
7 which, if charged as an adult, would be a felony, no less than
8 5 years after registration ordered pursuant to subsection (a)
9 of this Section, the minor may petition for the termination of
10 the term of registration. For a minor adjudicated delinquent
11 for an offense which, if charged as an adult, would be a
12 misdemeanor, no less than 2 years after registration ordered
13 pursuant to subsection (a) of this Section, the minor may
14 petition for termination of the term of registration.

15 (d) The court may upon a hearing on the petition for
16 termination of registration, terminate registration if the
17 court finds that the registrant poses no risk to the community
18 by a preponderance of the evidence based upon the factors set
19 forth in subsection (e).

20 Notwithstanding any other provisions of this Act to the
21 contrary, no registrant whose registration has been terminated
22 under this Section shall be required to register under the
23 provisions of this Act for the offense or offenses which were
24 the subject of the successful petition for termination of
25 registration. This exemption shall apply only to those offenses
26 which were the subject of the successful petition for

1 termination of registration, and shall not apply to any other
2 or subsequent offenses requiring registration under this Act.

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

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

9 (2) the sex offender history of the adjudicated
10 juvenile delinquent;

11 (3) evidence of the adjudicated juvenile delinquent's
12 rehabilitation;

13 (4) the age of the adjudicated juvenile delinquent at
14 the time of the offense;

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

18 (6) victim impact statements; and

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

20 (f) At the hearing set forth in subsections (c) and (d), a
21 registrant shall be represented by counsel and may present a
22 risk assessment conducted by an evaluator who is licensed under
23 the Sex Offender Evaluation and Treatment Provider Act ~~a~~
24 ~~licensed psychiatrist, psychologist, or other mental health~~
25 ~~professional, and who has demonstrated clinical experience in~~
26 ~~juvenile sex offender treatment.~~

1 (g) After a registrant completes the term of his or her
2 registration, his or her name, address, and all other
3 identifying information shall be removed from all State and
4 local registries.

5 (h) This Section applies retroactively to cases in which
6 adjudicated juvenile delinquents who registered or were
7 required to register before the effective date of this
8 amendatory Act of the 95th General Assembly. On or after the
9 effective date of this amendatory Act of the 95th General
10 Assembly, a person adjudicated delinquent before the effective
11 date of this amendatory Act of the 95th General Assembly may
12 request a hearing regarding status of registration by filing a
13 Petition Requesting Registration Status with the clerk of the
14 court. Upon receipt of the Petition Requesting Registration
15 Status, the clerk of the court shall provide notice to the
16 parties and set the Petition for hearing pursuant to
17 subsections (c) through (e) of this Section.

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

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

21 Section 999. Effective date. This Act takes effect July 1,
22 2013, except that this Section, Section 175, Section 180, and
23 the amendatory changes to Sections 2 and 3 of the Sex Offender
24 Registration Act take effect on January 1, 2013, the other
25 amendatory changes to Section 3-5 of the Sex Offender

1 Registration Act, the amendatory changes to the Sexually
2 Dangerous Persons Act, and the amendatory changes to the
3 Sexually Violent Persons Commitment Act take effect January 1,
4 2014.".