

SB3354



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3354

Introduced 2/19/2016, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

730 ILCS 148/10
730 ILCS 150/3
730 ILCS 154/10

Amends the Arsonist Registration Act, the Sex Offender Registration Act, and the Murderer and Violent Offender Against Youth Registration Act. Provides that the place of registration for a person who is required to register under any of the Acts with the Chicago Police Department is at a fixed location designated by the Superintendent of the Chicago Police Department (rather than at the Chicago Police Department Headquarters). Effective immediately.

LRB099 18323 RLC 42697 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Arsonist Registration Act is amended by
5 changing Section 10 as follows:

6 (730 ILCS 148/10)

7 Sec. 10. Duty to register.

8 (a) An arsonist shall, within the time period prescribed in
9 subsections (b) and (c), register in person and provide
10 accurate information as required by the Department of State
11 Police. Such information shall include current address,
12 current place of employment, and school attended. The arsonist
13 shall register:

14 (1) with the chief of police in each of the
15 municipalities in which he or she attends school, is
16 employed, resides or is temporarily domiciled for a period
17 of time of 10 or more days, unless the municipality is the
18 City of Chicago, in which case he or she shall register at
19 a fixed location designated by the Superintendent of the
20 Chicago Police Department ~~the Chicago Police Department~~
21 ~~Headquarters~~; or

22 (2) with the sheriff in each of the counties in which
23 he or she attends school, is employed, resides or is

1 temporarily domiciled in an unincorporated area or, if
2 incorporated, no police chief exists. For purposes of this
3 Act, the place of residence or temporary domicile is
4 defined as any and all places where the arsonist resides
5 for an aggregate period of time of 10 or more days during
6 any calendar year. The arsonist shall provide accurate
7 information as required by the Department of State Police.
8 That information shall include the arsonist's current
9 place of employment.

10 (a-5) An out-of-state student or out-of-state employee
11 shall, within 10 days after beginning school or employment in
12 this State, register in person and provide accurate information
13 as required by the Department of State Police. Such information
14 must include current place of employment, school attended, and
15 address in state of residence:

16 (1) with the chief of police in each of the
17 municipalities in which he or she attends school or is
18 employed for a period of time of 10 or more days or for an
19 aggregate period of time of more than 30 days during any
20 calendar year, unless the municipality is the City of
21 Chicago, in which case he or she shall register at a fixed
22 location designated by the Superintendent of the Chicago
23 Police Department ~~the Chicago Police Department~~
24 ~~Headquarters~~; or

25 (2) with the sheriff in each of the counties in which
26 he or she attends school or is employed for a period of

1 time of 10 or more days or for an aggregate period of time
2 of more than 30 days during any calendar year in an
3 unincorporated area or, if incorporated, no police chief
4 exists. The out-of-state student or out-of-state employee
5 shall provide accurate information as required by the
6 Department of State Police. That information shall include
7 the out-of-state student's current place of school
8 attendance or the out-of-state employee's current place of
9 employment.

10 (b) An arsonist as defined in Section 5 of this Act,
11 regardless of any initial, prior, or other registration, shall,
12 within 10 days of beginning school, or establishing a
13 residence, place of employment, or temporary domicile in any
14 county, register in person as set forth in subsection (a) or
15 (a-5).

16 (c) The registration for any person required to register
17 under this Act shall be as follows:

18 (1) Except as provided in paragraph (3) of this
19 subsection (c), any person who has not been notified of his
20 or her responsibility to register shall be notified by a
21 criminal justice entity of his or her responsibility to
22 register. Upon notification the person must then register
23 within 10 days of notification of his or her requirement to
24 register. If notification is not made within the offender's
25 10 year registration requirement, and the Department of
26 State Police determines no evidence exists or indicates the

1 offender attempted to avoid registration, the offender
2 will no longer be required to register under this Act.

3 (2) Except as provided in paragraph (3) of this
4 subsection (c), any person convicted on or after the
5 effective date of this Act shall register in person within
6 10 days after the entry of the sentencing order based upon
7 his or her conviction.

8 (3) Any person unable to comply with the registration
9 requirements of this Act because he or she is confined,
10 institutionalized, or imprisoned in Illinois on or after
11 the effective date of this Act shall register in person
12 within 10 days of discharge, parole or release.

13 (4) The person shall provide positive identification
14 and documentation that substantiates proof of residence at
15 the registering address.

16 (5) The person shall pay a \$10 initial registration fee
17 and a \$5 annual renewal fee. The fees shall be used by the
18 registering agency for official purposes. The agency shall
19 establish procedures to document receipt and use of the
20 funds. The law enforcement agency having jurisdiction may
21 waive the registration fee if it determines that the person
22 is indigent and unable to pay the registration fee.

23 (d) Within 10 days after obtaining or changing employment,
24 a person required to register under this Section must report,
25 in person or in writing to the law enforcement agency having
26 jurisdiction, the business name and address where he or she is

1 employed. If the person has multiple businesses or work
2 locations, every business and work location must be reported to
3 the law enforcement agency having jurisdiction.

4 (Source: P.A. 93-949, eff. 1-1-05.)

5 Section 10. The Sex Offender Registration Act is amended by
6 changing Section 3 as follows:

7 (730 ILCS 150/3)

8 Sec. 3. Duty to register.

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

1 this Article and, if an extension was granted, the reason why
2 the extension was granted and the date the sex offender was
3 notified of the extension. The information shall also include a
4 copy of the terms and conditions of parole or release signed by
5 the sex offender and given to the sex offender by his or her
6 supervising officer or aftercare specialist, the county of
7 conviction, license plate numbers for every vehicle registered
8 in the name of the sex offender, the age of the sex offender at
9 the time of the commission of the offense, the age of the
10 victim at the time of the commission of the offense, and any
11 distinguishing marks located on the body of the sex offender. A
12 sex offender convicted under Section 11-6, 11-20.1, 11-20.1B,
13 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal
14 Code of 2012 shall provide all Internet protocol (IP) addresses
15 in his or her residence, registered in his or her name,
16 accessible at his or her place of employment, or otherwise
17 under his or her control or custody. If the sex offender is a
18 child sex offender as defined in Section 11-9.3 or 11-9.4 of
19 the Criminal Code of 1961 or the Criminal Code of 2012, the sex
20 offender shall report to the registering agency whether he or
21 she is living in a household with a child under 18 years of age
22 who is not his or her own child, provided that his or her own
23 child is not the victim of the sex offense. The sex offender or
24 sexual predator shall register:

25 (1) with the chief of police in the municipality in
26 which he or she resides or is temporarily domiciled for a

1 period of time of 3 or more days, unless the municipality
2 is the City of Chicago, in which case he or she shall
3 register at a fixed location designated by the
4 Superintendent of the Chicago Police Department ~~the~~
5 ~~Chicago Police Department Headquarters~~; or

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

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

13 (i) with:

14 (A) the chief of police in the municipality in
15 which he or she is employed at or attends an
16 institution of higher education, unless the
17 municipality is the City of Chicago, in which case he
18 or she shall register at a fixed location designated by
19 the Superintendent of the Chicago Police Department
20 ~~the Chicago Police Department Headquarters~~; or

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

25 (ii) with the public safety or security director of the
26 institution of higher education which he or she is employed

1 at or attends.

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

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

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

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

1 The sex offender or sexual predator shall provide accurate
2 information as required by the Department of State Police. That
3 information shall include the sex offender's or sexual
4 predator's current place of employment.

5 (a-5) An out-of-state student or out-of-state employee
6 shall, within 3 days after beginning school or employment in
7 this State, register in person and provide accurate information
8 as required by the Department of State Police. Such information
9 will include current place of employment, school attended, and
10 address in state of residence. A sex offender convicted under
11 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 shall
13 provide all Internet protocol (IP) addresses in his or her
14 residence, registered in his or her name, accessible at his or
15 her place of employment, or otherwise under his or her control
16 or custody. The out-of-state student or out-of-state employee
17 shall register:

18 (1) with:

19 (A) the chief of police in the municipality in
20 which he or she attends school or is employed for a
21 period of time of 5 or more days or for an aggregate
22 period of time of more than 30 days during any calendar
23 year, unless the municipality is the City of Chicago,
24 in which case he or she shall register at a fixed
25 location designated by the Superintendent of the
26 Chicago Police Department ~~the Chicago Police~~

1 ~~Department Headquarters; or~~

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

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

13 The registration fees shall only apply to the municipality
14 or county of primary registration, and not to campus
15 registration.

16 The out-of-state student or out-of-state employee shall
17 provide accurate information as required by the Department of
18 State Police. That information shall include the out-of-state
19 student's current place of school attendance or the
20 out-of-state employee's current place of employment.

21 (a-10) Any law enforcement agency registering sex
22 offenders or sexual predators in accordance with subsections
23 (a) or (a-5) of this Section shall forward to the Attorney
24 General a copy of sex offender registration forms from persons
25 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
26 11-21 of the Criminal Code of 1961 or the Criminal Code of

1 2012, including periodic and annual registrations under
2 Section 6 of this Act.

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

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

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

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

22 (2.1) A sex offender or sexual predator, who has never
23 previously been required to register under this Act, has a
24 duty to register if the person has been convicted of any
25 felony offense after July 1, 2011. A person who previously
26 was required to register under this Act for a period of 10

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

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

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

25 (4) Any person unable to comply with the registration
26 requirements of this Article because he or she is confined,

1 institutionalized, or imprisoned in Illinois on or after
2 January 1, 1996, shall register in person within 3 days of
3 discharge, parole or release.

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

7 (6) The person shall pay a \$100 initial registration
8 fee and a \$100 annual renewal fee to the registering law
9 enforcement agency having jurisdiction. The registering
10 agency may waive the registration fee if it determines that
11 the person is indigent and unable to pay the registration
12 fee. Thirty-five dollars for the initial registration fee
13 and \$35 of the annual renewal fee shall be retained and
14 used by the registering agency for official purposes.
15 Having retained \$35 of the initial registration fee and \$35
16 of the annual renewal fee, the registering agency shall
17 remit the remainder of the fee to State agencies within 30
18 days of receipt for deposit into the State funds as
19 follows:

20 (A) Five dollars of the initial registration fee
21 and \$5 of the annual fee shall be remitted to the State
22 Treasurer who shall deposit the moneys into the Sex
23 Offender Management Board Fund under Section 19 of the
24 Sex Offender Management Board Act. Money deposited
25 into the Sex Offender Management Board Fund shall be
26 administered by the Sex Offender Management Board and

1 shall be used by the Board to comply with the
2 provisions of the Sex Offender Management Board Act.

3 (B) Thirty dollars of the initial registration fee
4 and \$30 of the annual renewal fee shall be remitted to
5 the Department of State Police which shall deposit the
6 moneys into the Sex Offender Registration Fund and
7 shall be used by the Department of State Police to
8 maintain and update the Illinois State Police Sex
9 Offender Registry.

10 (C) Thirty dollars of the initial registration fee
11 and \$30 of the annual renewal fee shall be remitted to
12 the Attorney General who shall deposit the moneys into
13 the Attorney General Sex Offender Awareness, Training,
14 and Education Fund. Moneys deposited into the Fund
15 shall be used by the Attorney General to administer the
16 I-SORT program and to alert and educate the public,
17 victims, and witnesses of their rights under various
18 victim notification laws and for training law
19 enforcement agencies, State's Attorneys, and medical
20 providers of their legal duties concerning the
21 prosecution and investigation of sex offenses.

22 The registering agency shall establish procedures to
23 document the receipt and remittance of the \$100 initial
24 registration fee and \$100 annual renewal fee.

25 (d) Within 3 days after obtaining or changing employment
26 and, if employed on January 1, 2000, within 5 days after that

1 date, a person required to register under this Section must
2 report, in person to the law enforcement agency having
3 jurisdiction, the business name and address where he or she is
4 employed. If the person has multiple businesses or work
5 locations, every business and work location must be reported to
6 the law enforcement agency having jurisdiction.

7 (Source: P.A. 97-155, eff 1-1-12; 97-333, eff. 8-12-11; 97-578,
8 eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109, eff. 1-1-13;
9 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14; 98-612, eff.
10 12-27-13.)

11 Section 15. The Murderer and Violent Offender Against Youth
12 Registration Act is amended by changing Section 10 as follows:

13 (730 ILCS 154/10)

14 Sec. 10. Duty to register.

15 (a) A violent offender against youth shall, within the time
16 period prescribed in subsections (b) and (c), register in
17 person and provide accurate information as required by the
18 Department of State Police. Such information shall include a
19 current photograph, current address, current place of
20 employment, the employer's telephone number, school attended,
21 extensions of the time period for registering as provided in
22 this Act and, if an extension was granted, the reason why the
23 extension was granted and the date the violent offender against
24 youth was notified of the extension. A person who has been

1 adjudicated a juvenile delinquent for an act which, if
2 committed by an adult, would be a violent offense against youth
3 shall register as an adult violent offender against youth
4 within 10 days after attaining 17 years of age. The violent
5 offender against youth shall register:

6 (1) with the chief of police in the municipality in
7 which he or she resides or is temporarily domiciled for a
8 period of time of 5 or more days, unless the municipality
9 is the City of Chicago, in which case he or she shall
10 register at a fixed location designated by the
11 Superintendent of the Chicago Police Department ~~the~~
12 ~~Chicago Police Department Headquarters~~; or

13 (2) with the sheriff in the county in which he or she
14 resides or is temporarily domiciled for a period of time of
15 5 or more days in an unincorporated area or, if
16 incorporated, no police chief exists.

17 If the violent offender against youth is employed at or
18 attends an institution of higher education, he or she shall
19 register:

20 (i) with the chief of police in the municipality in
21 which he or she is employed at or attends an institution of
22 higher education, unless the municipality is the City of
23 Chicago, in which case he or she shall register at a fixed
24 location designated by the Superintendent of the Chicago
25 Police Department ~~the Chicago Police Department~~
26 ~~Headquarters~~; or

1 (ii) with the sheriff in the county in which he or she
2 is employed or attends an institution of higher education
3 located in an unincorporated area, or if incorporated, no
4 police chief exists.

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

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

20 The violent offender against youth shall provide accurate
21 information as required by the Department of State Police. That
22 information shall include the current place of employment of
23 the violent offender against youth.

24 (a-5) An out-of-state student or out-of-state employee
25 shall, within 5 days after beginning school or employment in
26 this State, register in person and provide accurate information

1 as required by the Department of State Police. Such information
2 will include current place of employment, school attended, and
3 address in state of residence. The out-of-state student or
4 out-of-state employee shall register:

5 (1) with the chief of police in the municipality in
6 which he or she attends school or is employed for a period
7 of time of 5 or more days or for an aggregate period of
8 time of more than 30 days during any calendar year, unless
9 the municipality is the City of Chicago, in which case he
10 or she shall register at a fixed location designated by the
11 Superintendent of the Chicago Police Department ~~the~~
12 ~~Chicago Police Department Headquarters~~; or

13 (2) with the sheriff in the county in which he or she
14 attends school or is employed for a period of time of 5 or
15 more days or for an aggregate period of time of more than
16 30 days during any calendar year in an unincorporated area
17 or, if incorporated, no police chief exists.

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

23 (b) Any violent offender against youth regardless of any
24 initial, prior, or other registration, shall, within 5 days of
25 beginning school, or establishing a residence, place of
26 employment, or temporary domicile in any county, register in

1 person as set forth in subsection (a) or (a-5).

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

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

15 (2) Except as provided in paragraph (3) of this
16 subsection (c), any person convicted on or after the
17 effective date of this Act shall register in person within
18 5 days after the entry of the sentencing order based upon
19 his or her conviction.

20 (3) Any person unable to comply with the registration
21 requirements of this Act because he or she is confined,
22 institutionalized, or imprisoned in Illinois on or after
23 the effective date of this Act shall register in person
24 within 5 days of discharge, parole or release.

25 (4) The person shall provide positive identification
26 and documentation that substantiates proof of residence at

1 the registering address.

2 (5) The person shall pay a \$20 initial registration fee
3 and a \$10 annual renewal fee. The fees shall be deposited
4 into the Murderer and Violent Offender Against Youth
5 Registration Fund. The fees shall be used by the
6 registering agency for official purposes. The agency shall
7 establish procedures to document receipt and use of the
8 funds. The law enforcement agency having jurisdiction may
9 waive the registration fee if it determines that the person
10 is indigent and unable to pay the registration fee.

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

18 (Source: P.A. 97-154, eff. 1-1-12.)

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