



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

86TH LEGISLATIVE DAY

THURSDAY, MARCH 9, 2006

11:57 O'CLOCK A.M.

SENATE
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86th Legislative Day

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The Senate met pursuant to adjournment.
Honorable Emil Jones, Jr., Chicago, Illinois, presiding.
Prayer by Reverend Charlotte Poetschner, Greenview United Presbyterian Church, Greenview, Illinois.

Senator Haine led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, March 8, 2006, be postponed, pending arrival of the printed Journal.

The motion prevailed.

LEGISLATIVE MEASURES FILED

The following Floor amendment to the Senate Resolution listed below has been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 3 to Senate Resolution No. 578

The following Committee amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Committee Amendment No. 1 to House Bill 1620

Senate Committee Amendment No. 1 to House Bill 5260

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 670

Offered by Senators Viverito, E. Jones and all Senators:

Mourns the death of Evelyn E. Young (nee Jahnsen).

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

COMMUNICATION FROM MINORITY LEADER

ILLINOIS STATE SENATE
FRANK C. WATSON
STATE SENATOR
51ST SENATE DISTRICT

March 8, 2006

Linda Hawker
Secretary of the Senate
401 State House
Springfield, Illinois 62706

Dear Secretary Hawker:

Pursuant to Senate Rule 3-2(c), I hereby appoint Senator Peter Roskam to temporarily replace Senator Adeline Geo-Karis as a member of the Executive Appointments Committee.

This appointment is effective immediately and will expire on March 10, 2006.

Sincerely,
s/Frank Watson

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Senate Republican Leader

cc: Senate President Jones.
 Senator Hendon
 Senator Geo-Karis
 Senator Roskam

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1084, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2712, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3127, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3517, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3624, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3674, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4727, sponsored by Senator Munoz, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4740, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5219, sponsored by Senator Risinger, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5550, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Rules.

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Winkel was excused from attendance due to personal business, Senator Cronin was excused from attendance due to family business, and Senator Geo-Karis was excused from attendance due to illness.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Sandoval, **House Bill No. 542** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 3183** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Risinger, **House Bill No. 4196** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Haine, **House Bill No. 4222** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4222

AMENDMENT NO. 1. Amend House Bill 4222 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Identification Act is amended by changing Section 8 as follows:

(20 ILCS 2630/8) (from Ch. 38, par. 206-8)

Sec. 8. Crime statistics; sex offenders.

(a) The Department shall be a central repository and custodian of crime statistics for the State and it shall have all power incident thereto to carry out the purposes of this Act, including the power to demand and receive cooperation in the submission of crime statistics from all units of government. On an annual basis, the Illinois Criminal Justice Information Authority shall make available compilations published by the Authority of crime statistics required to be reported by each policing body of the State, the clerks of the circuit court of each county, the Illinois Department of Corrections, the Sheriff of each county, and the State's Attorney of each county, including, but not limited to, criminal arrest, charge and disposition information.

(b) The Department shall develop information relating to the number of sex offenders and sexual predators as defined in Section 2 of the Sex Offender Registration Act who are placed on parole, mandatory supervised release, or extended mandatory supervised release and who are subject to electronic monitoring.

(Source: P.A. 86-701.)

Section 10. The Unified Code of Corrections is amended by changing Section 3-3-7 and by adding Section 5-8A-6 as follows:

(730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

Sec. 3-3-7. Conditions of Parole or Mandatory Supervised Release.

(a) The conditions of parole or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the subject in leading a law-abiding life. The conditions of every parole and mandatory supervised release are that the subject:

(1) not violate any criminal statute of any jurisdiction during the parole or release term;

(2) refrain from possessing a firearm or other dangerous weapon;

(3) report to an agent of the Department of Corrections;

(4) permit the agent to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent to discharge his or her duties;

(5) attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release;

(6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;

(7) report all arrests to an agent of the Department of Corrections as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody;

(7.5) if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;

(7.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;

(7.7) if convicted for an offense that would qualify the accused as a sexual predator under the Sex Offender Registration Act on or after the effective date of this amendatory Act of the 94th General

Assembly, wear an approved electronic monitoring device as defined in Section 5-8A-2 for the duration of the person's parole, mandatory supervised release term, or extended mandatory supervised release term, provided funding is appropriated by the General Assembly;

- (8) obtain permission of an agent of the Department of Corrections before leaving the State of Illinois;
 - (9) obtain permission of an agent of the Department of Corrections before changing his or her residence or employment;
 - (10) consent to a search of his or her person, property, or residence under his or her control;
 - (11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections;
 - (12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;
 - (13) not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;
 - (14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole or mandatory supervised release or to his or her conduct while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections;
 - (15) follow any specific instructions provided by the parole agent that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and objectives of his or her parole or mandatory supervised release or to protect the public. These instructions by the parole agent may be modified at any time, as the agent deems appropriate; and
 - (16) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.
- (b) The Board may in addition to other conditions require that the subject:
- (1) work or pursue a course of study or vocational training;
 - (2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
 - (3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;
 - (4) support his dependents;
 - (5) (blank);
 - (6) (blank);
 - (7) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, enacted by the 84th General Assembly, or an order of protection issued by the court of another state, tribe, or United States territory; and
 - (8) in addition, if a minor:
 - (i) reside with his parents or in a foster home;
 - (ii) attend school;
 - (iii) attend a non-residential program for youth; or
 - (iv) contribute to his own support at home or in a foster home.
- (b-1) In addition to the conditions set forth in subsections (a) and (b), persons required to register as sex offenders pursuant to the Sex Offender Registration Act, upon release from the custody of the Illinois Department of Corrections, may be required by the Board to comply with the following specific conditions of release:
- (1) reside only at a Department approved location;
 - (2) comply with all requirements of the Sex Offender Registration Act;
 - (3) notify third parties of the risks that may be occasioned by his or her criminal record;
 - (4) obtain the approval of an agent of the Department of Corrections prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to

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any change in employment, study, or training;

(5) not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department of Corrections;

(6) be electronically monitored for a minimum of 12 months from the date of release as determined by the Board;

(7) refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department of Corrections. The terms may include consideration of the purpose of the entry, the time of day, and others accompanying the person;

(8) refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department of Corrections;

(9) refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor children without prior identification and approval of an agent of the Department of Corrections;

(10) neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material describing sexual intercourse or that depicts or alludes to sexual activity, including but not limited to visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;

(11) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers;

(12) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of an agent of the Department of Corrections and immediately report any incidental contact with minor children to the Department;

(13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department of Corrections;

(14) may be required to provide a written daily log of activities if directed by an agent of the Department of Corrections;

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

(c) The conditions under which the parole or mandatory supervised release is to be served shall be communicated to the person in writing prior to his release, and he shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection where one had been issued by the criminal court, shall be retained by the person and another copy forwarded to the officer in charge of his supervision.

(d) After a hearing under Section 3-3-9, the Prisoner Review Board may modify or enlarge the conditions of parole or mandatory supervised release.

(e) The Department shall inform all offenders committed to the Department of the optional services available to them upon release and shall assist inmates in availing themselves of such optional services upon their release on a voluntary basis.

(Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; revised 8-19-05.)

(730 ILCS 5/5-8A-6 new)

Sec. 5-8A-6. Electronic monitoring of certain sex offenders. For a sexual predator subject to electronic home monitoring under paragraph (7.7) of subsection (a) of Section 3-3-7, the Department of Corrections must use a system that actively monitors and identifies the offender's current location and timely reports or records the offender's presence and that alerts the Department of the offender's presence within a prohibited area described in Sections 11-9.3 and 11-9.4 of the Criminal Code of 1961, in a court order, or as a condition of the offender's parole, mandatory supervised release, or extended mandatory supervised release and the offender's departure from specified geographic limitations, provided funding is appropriated by the General Assembly for this purpose.

Section 15. The Sex Offender Registration Act is amended by changing Sections 6, 8-5, and 10 as follows:

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(730 ILCS 150/6) (from Ch. 38, par. 226)

Sec. 6. Duty to report; change of address, school, or employment; duty to inform. A person who has been adjudicated to be sexually dangerous or is a sexually violent person and is later released, or found to be no longer sexually dangerous or no longer a sexually violent person and discharged, or convicted of a violation of this Act after July 1, 2005, shall report in person to the law enforcement agency with whom he or she last registered no later than 90 days after the date of his or her last registration and every 90 days thereafter and at such other times at the request of the law enforcement agency not to exceed 4 times a year. Any person who lacks a fixed residence must report weekly, in person, to the appropriate law enforcement agency where the sex offender is located. Any other person who is required to register under this Article shall report in person to the appropriate law enforcement agency with whom he or she last registered within ~~6 months~~ ~~one year~~ from the date of last registration and every ~~6 months~~ ~~year~~ thereafter and at such other times at the request of the law enforcement agency not to exceed 4 times a year. If any person required to register under this Article lacks a fixed residence or temporary domicile, he or she must notify, in person, the agency of jurisdiction of his or her last known address within 5 days after ceasing to have a fixed residence and if the offender leaves the last jurisdiction of residence, he or she, must within 48 hours after leaving register in person with the new agency of jurisdiction. If any other person required to register under this Article changes his or her residence address, place of employment, or school, he or she shall report in person to ~~the~~ law enforcement agency with whom he or she last registered of his or her new address, change in employment, or school and register, in person, with the appropriate law enforcement agency within the time period specified in Section 3. The law enforcement agency shall, within 3 days of the reporting in person by the person required to register under this Article, notify the Department of State Police of the new place of residence, change in employment, or school.

If any person required to register under this Article intends to establish a residence or employment outside of the State of Illinois, at least 10 days before establishing that residence or employment, he or she shall report in person to the law enforcement agency with which he or she last registered of his or her out-of-state intended residence or employment. The law enforcement agency with which such person last registered shall, within 3 days after the reporting in person of the person required to register under this Article of an address or employment change, notify the Department of State Police. The Department of State Police shall forward such information to the out-of-state law enforcement agency having jurisdiction in the form and manner prescribed by the Department of State Police.

(Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

(730 ILCS 150/8-5)

Sec. 8-5. Verification requirements.

(a) Address verification. The agency having jurisdiction shall verify the address of sex offenders, as defined in Section 2 of this Act, or sexual predators required to register with their agency at least once per year. The verification must be documented in LEADS in the form and manner required by the Department of State Police.

(b) Registration verification. The supervising officer shall, within 15 days of sentencing to probation or release from an Illinois Department of Corrections facility, contact the law enforcement agency in the jurisdiction in which the sex offender or sexual predator designated as his or her intended residence and verify compliance with the requirements of this Act. Revocation proceedings shall be immediately commenced against a sex offender or sexual predator on probation, parole, or mandatory supervised release who fails to comply with the requirements of this Act.

(c) In an effort to ensure that sexual predators and sex offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner, the Department of State Police shall share information with local law enforcement agencies. The Department shall use analytical resources to assist local law enforcement agencies to determine the potential whereabouts of any sexual predator or sex offender who fails to respond to address-verification attempts or who otherwise absconds from registration. The Department shall review and analyze all available information concerning any such predator or offender who fails to respond to address-verification attempts or who otherwise absconds from registration and provide the information to local law enforcement agencies in order to assist the agencies in locating and apprehending the sexual predator or sex offender.

(Source: P.A. 92-828, eff. 8-22-02; 93-979, eff. 8-20-04.)

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

Sec. 10. Penalty.

(a) Any person who is required to register under this Article who violates any of the provisions of this Article and any person who is required to register under this Article who seeks to change his or her name

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under Article 21 of the Code of Civil Procedure is guilty of a Class 3 felony. Any person who is convicted for a violation of this Act for a second or subsequent time is guilty of a Class 2 felony. Any person who is required to register under this Article who knowingly or wilfully gives material information required by this Article that is false is guilty of a Class 3 felony. Any person convicted of a violation of any provision of this Article shall, in addition to any other penalty required by law, be required to serve a minimum period of 7 days confinement in the local county jail. The court shall impose a mandatory minimum fine of \$500 for failure to comply with any provision of this Article. These fines shall be deposited in the Sex Offender Registration Fund. Any sex offender, as defined in Section 2 of this Act, or sexual predator who violates any provision of this Article may be arrested and tried in any Illinois county where the sex offender can be located. The local police department or sheriff's office is not required to determine whether the person is living within its jurisdiction.

(b) Any person, not covered by privilege under Part 8 of Article VIII of the Code of Civil Procedure or the Illinois Supreme Court's Rules of Professional Conduct, who has reason to believe that a sexual predator is not complying, or has not complied, with the requirements of this Article and who, with the intent to assist the sexual predator in eluding a law enforcement agency that is seeking to find the sexual predator to question the sexual predator about, or to arrest the sexual predator for, his or her noncompliance with the requirements of this Article is guilty of a Class 3 felony if he or she:

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

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

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

(c) Subsection (b) does not apply if the sexual predator is incarcerated in or is in the custody of a State correctional facility, a private correctional facility, a county or municipal jail, or a federal correctional facility.

(Source: P.A. 93-979, eff. 8-20-04; 94-168, eff. 1-1-06.)"

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 4313** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **House Bill No. 4315** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 4349** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4419** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 4462** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 5243** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 5249** was taken up, read by title a second time and ordered to a third reading.

EXCUSED FROM ATTENDANCE

On motion of Senator Halvorson, Senator Meeks and Senator Garrett were excused from attendance due to personal business, and Senator Silverstein and Senator Ronen were excused from attendance due to legislative business.

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RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 668

Offered by Senator Collins and all Senators:
Mourns the death of Ruth Payne Jones of Chicago.

SENATE RESOLUTION 669

Offered by Senator J. Sullivan and all Senators:
Mourns the death of David Crum Sinclair, Mayor of Virginia, Illinois.

SENATE RESOLUTION 670

Offered by Senators Viverito, E. Jones and all Senators:
Mourns the death of Evelyn E. Young (nee Jahnsen).

Senator E. Jones moved the adoption of the foregoing resolutions. The motion prevailed, and the resolutions were adopted.

PRESENTATION OF RESOLUTION

Senator Halvorson offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 84

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, March 09, 2006, it stands adjourned until Tuesday, March 14, 2006 at 12:00 o'clock noon; and when the House of Representatives adjourns on Friday, March 03, 2006, it stands adjourned until Tuesday, March 14, 2006 at 1:00 o'clock p.m.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 12:14 o'clock p.m., pursuant to **Senate Joint Resolution No. 84**, the Chair announced the Senate stand adjourned until Tuesday, March 14, 2006, at 12:00 o'clock noon.