

HB3788



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3788

by Rep. Juliana Stratton

SYNOPSIS AS INTRODUCED:

730 ILCS 150/3

Amends the Sex Offender Registration Act. Provides that if the person is an adjudicated juvenile delinquent who meets the definition of sex offender as set forth in the Act or if the person is under 18 years of age and prosecuted under the criminal laws of this State and meets the definition of sex offender under the Act, the person is exempt from paying the initial registration fee but is required to pay the annual registration fee when he or she attains 18 years of age.

LRB100 10311 RLC 21713 b

FISCAL NOTE ACT
MAY APPLY

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 Sex Offender Registration Act is amended by
5 changing Section 3 as follows:

6 (730 ILCS 150/3)

7 Sec. 3. Duty to register.

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

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

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

12 (i) with:

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

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

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

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

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

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

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

26 The sex offender or sexual predator shall provide accurate

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

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

17 (1) with:

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

26 (B) the sheriff in the county in which he or she

1 attends school or is employed for a period of time of 5
2 or more days or for an aggregate period of time of more
3 than 30 days during any calendar year in an
4 unincorporated area or, if incorporated, no police
5 chief exists; and

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

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

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

19 (a-10) Any law enforcement agency registering sex
20 offenders or sexual predators in accordance with subsections
21 (a) or (a-5) of this Section shall forward to the Attorney
22 General a copy of sex offender registration forms from persons
23 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
24 11-21 of the Criminal Code of 1961 or the Criminal Code of
25 2012, including periodic and annual registrations under
26 Section 6 of this Act.

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

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

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

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

20 (2.1) A sex offender or sexual predator, who has never
21 previously been required to register under this Act, has a
22 duty to register if the person has been convicted of any
23 felony offense after July 1, 2011. A person who previously
24 was required to register under this Act for a period of 10
25 years and successfully completed that registration period
26 has a duty to register if: (i) the person has been

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

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

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

23 (4) Any person unable to comply with the registration
24 requirements of this Article because he or she is confined,
25 institutionalized, or imprisoned in Illinois on or after
26 January 1, 1996, shall register in person within 3 days of

1 discharge, parole or release.

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

5 (6) The person, if at least 18 years of age, shall pay
6 a \$100 initial registration fee and a \$100 annual renewal
7 fee to the registering law enforcement agency having
8 jurisdiction. The registering agency may waive the
9 registration fee if it determines that the person is
10 indigent and unable to pay the registration fee. If the
11 person is an adjudicated juvenile delinquent who meets the
12 definition of sex offender as set forth in paragraph (5) of
13 subsection (A) of Section 2 of this Act or if the person is
14 under 18 years of age and prosecuted under the criminal
15 laws of this State and meets the definition of sex offender
16 under Section 2 of this Act, the person is exempt from
17 paying the initial registration fee but is required to pay
18 the annual registration fee when he or she attains 18 years
19 of age. Thirty-five dollars for the initial registration
20 fee and \$35 of the annual renewal fee shall be retained and
21 used by the registering agency for official purposes.
22 Having retained \$35 of the initial registration fee and \$35
23 of the annual renewal fee, the registering agency shall
24 remit the remainder of the fee to State agencies within 30
25 days of receipt for deposit into the State funds as
26 follows:

1 (A) Five dollars of the initial registration fee
2 and \$5 of the annual fee shall be remitted to the State
3 Treasurer who shall deposit the moneys into the Sex
4 Offender Management Board Fund under Section 19 of the
5 Sex Offender Management Board Act. Money deposited
6 into the Sex Offender Management Board Fund shall be
7 administered by the Sex Offender Management Board and
8 shall be used by the Board to comply with the
9 provisions of the Sex Offender Management Board Act.

10 (B) Thirty dollars of the initial registration fee
11 and \$30 of the annual renewal fee shall be remitted to
12 the Department of State Police which shall deposit the
13 moneys into the Sex Offender Registration Fund and
14 shall be used by the Department of State Police to
15 maintain and update the Illinois State Police Sex
16 Offender Registry.

17 (C) Thirty dollars of the initial registration fee
18 and \$30 of the annual renewal fee shall be remitted to
19 the Attorney General who shall deposit the moneys into
20 the Attorney General Sex Offender Awareness, Training,
21 and Education Fund. Moneys deposited into the Fund
22 shall be used by the Attorney General to administer the
23 I-SORT program and to alert and educate the public,
24 victims, and witnesses of their rights under various
25 victim notification laws and for training law
26 enforcement agencies, State's Attorneys, and medical

1 providers of their legal duties concerning the
2 prosecution and investigation of sex offenses.

3 The registering agency shall establish procedures to
4 document the receipt and remittance of the \$100 initial
5 registration fee and \$100 annual renewal fee.

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. 98-558, eff. 1-1-14; 98-612, eff. 12-27-13;
15 99-755, eff. 8-5-16.)