



Rep. Michael P. McAuliffe

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LRB093 16718 RLC 49168 a

1 AMENDMENT TO HOUSE BILL 4426

2 AMENDMENT NO. _____. Amend House Bill 4426 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Arsonist Registration Act.

6 Section 5. Definitions. In this Act:

7 (a) "Arsonist" means any person who is:

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

13 (i) is convicted of such offense or an attempt to
14 commit such offense; or

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

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

21 (iv) is the subject of a finding not resulting in
22 an acquittal at a hearing conducted under subsection
23 (a) of Section 104-25 of the Code of Criminal Procedure
24 of 1963 for the alleged commission or attempted

1 commission of such offense; or

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

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

16 (2) adjudicated a juvenile delinquent as the result of
17 committing or attempting to commit an act which, if
18 committed by an adult, would constitute any of the offenses
19 specified in subsection (b) of this Section or a violation
20 of any substantially similar federal, Uniform Code of
21 Military Justice, sister state, or foreign country law, or
22 found guilty under Act V of the Juvenile Court Act of 1987
23 of committing or attempting to commit an act which, if
24 committed by an adult, would constitute any of the offenses
25 specified in subsection (b) of this Section or a violation
26 of any substantially similar federal, Uniform Code of
27 Military Justice, sister state, or foreign country law.
28 Convictions that result from or are connected with the same
29 act, or result from offenses committed at the same time,
30 shall be counted for the purpose of this Act as one
31 conviction. Any conviction set aside under law is not a
32 conviction for purposes of this Act. For purposes of this
33 Section, "convicted" shall have the same meaning as
34 "adjudicated".

1 (b) "Arson offense" means:

2 (1) A violation of any of the following Sections of the
3 Criminal Code of 1961:

4 (i) 20-1 (arson),

5 (ii) 20-1.1 (aggravated arson),

6 (iii) 20-1.2 (residential arson),

7 (iv) 20-1.3 (place of worship arson),

8 (v) 20-2 (possession of explosives or explosive or
9 incendiary devices), or

10 (vi) An attempt to commit any of the offenses
11 listed in clauses (i) through (v).

12 (2) A violation of any former law of this State
13 substantially equivalent to any offense listed in
14 subsection (b) of this Section.

15 (c) A conviction for an offense of federal law, Uniform
16 Code of Military Justice, or the law of another state or a
17 foreign country that is substantially equivalent to any offense
18 listed in subsections (b) of this Section shall constitute a
19 conviction for the purpose of this Act.

20 (d) "Law enforcement agency having jurisdiction" means the
21 Chief of Police in each of the municipalities in which the
22 arsonist expects to reside, work, or attend school (1) upon his
23 or her discharge, parole or release or (2) during the service
24 of his or her sentence of probation or conditional discharge,
25 or the Sheriff of the county, in the event no Police Chief
26 exists or if the offender intends to reside, work, or attend
27 school in an unincorporated area. "Law enforcement agency
28 having jurisdiction" includes the location where out-of-state
29 students attend school and where out-of-state employees are
30 employed or are otherwise required to register.

31 (e) "Out-of-state student" means any arsonist, as defined
32 in this Section, who is enrolled in Illinois, on a full-time or
33 part-time basis, in any public or private educational
34 institution, including, but not limited to, any secondary

1 school, trade or professional institution, or institution of
2 higher learning.

3 (f) "Out-of-state employee" means any arsonist, as defined
4 in this Section, who works in Illinois, regardless of whether
5 the individual receives payment for services performed, for a
6 period of time of 10 or more days or for an aggregate period of
7 time of 30 or more days during any calendar year. Persons who
8 operate motor vehicles in the State accrue one day of
9 employment time for any portion of a day spent in Illinois.

10 (g) "I-CLEAR" means the Illinois Citizens and Law
11 Enforcement Analysis and Reporting System.

12 Section 10. Duty to register.

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

19 (1) with the chief of police in each of the
20 municipalities in which he or she attends school, is
21 employed, resides or is temporarily domiciled for a period
22 of time of 10 or more days, unless the municipality is the
23 City of Chicago, in which case he or she shall register at
24 the Chicago Police Department Headquarters; or

25 (2) with the sheriff in each of the counties in which
26 he or she attends school, is employed, resides or is
27 temporarily domiciled in an unincorporated area or, if
28 incorporated, no police chief exists. For purposes of this
29 Act, the place of residence or temporary domicile is
30 defined as any and all places where the arsonist resides
31 for an aggregate period of time of 10 or more days during
32 any calendar year. The arsonist shall provide accurate
33 information as required by the Department of State Police.

1 That information shall include the arsonist's current
2 place of employment.

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

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

16 (2) with the sheriff in each of the counties in which
17 he or she attends school or is employed for a period of
18 time of 10 or more days or for an aggregate period of time
19 of more than 30 days during any calendar year in an
20 unincorporated area or, if incorporated, no police chief
21 exists. The out-of-state student or out-of-state employee
22 shall provide accurate information as required by the
23 Department of State Police. That information shall include
24 the out-of-state student's current place of school
25 attendance or the out-of-state employee's current place of
26 employment.

27 (b) An arsonist as defined in Section 5 of this Act,
28 regardless of any initial, prior, or other registration, shall,
29 within 10 days of beginning school, or establishing a
30 residence, place of employment, or temporary domicile in any
31 county, register in person as set forth in subsection (a) or
32 (a-5).

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

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

12 (2) Except as provided in paragraph (3) of this
13 subsection (c), any person convicted on or after the
14 effective date of this Act shall register in person within
15 10 days after the entry of the sentencing order based upon
16 his or her conviction.

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

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

25 (5) The person shall pay a \$10 initial registration fee
26 and a \$5 annual renewal fee. The fees shall be used by the
27 registering agency for official purposes. The agency shall
28 establish procedures to document receipt and use of the
29 funds. The law enforcement agency having jurisdiction may
30 waive the registration fee if it determines that the person
31 is indigent and unable to pay the registration fee.

32 (d) Within 10 days after obtaining or changing employment,
33 a person required to register under this Section must report,
34 in person or in writing to the law enforcement agency having

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

5 Section 15. Discharge of arsonist from penal institution.
6 Any arsonist who is discharged, paroled or released from a
7 Department of Corrections facility, a facility where such
8 person was placed by the Department of Corrections or another
9 penal institution, and whose liability for registration has not
10 terminated under Section 45 shall, within 10 days prior to
11 discharge, parole, or release from the facility or institution,
12 be informed of his or her duty to register in person under this
13 Act by the facility or institution in which he or she was
14 confined. The facility or institution shall also inform any
15 person who must register that if he or she establishes a
16 residence outside of the State of Illinois, is employed outside
17 of the State of Illinois, or attends school outside of the
18 State of Illinois, he or she must register in the new state
19 within 10 days after establishing the residence, beginning
20 employment, or beginning school. The facility shall require the
21 person to read and sign such form as may be required by the
22 Department of State Police stating that the duty to register
23 and the procedure for registration has been explained to him or
24 her and that he or she understands the duty to register and the
25 procedure for registration. The facility shall further advise
26 the person in writing that the failure to register or other
27 violation of this Act shall result in revocation of parole,
28 mandatory supervised release or conditional release. The
29 facility shall obtain information about where the person
30 expects to reside, work, and attend school upon his or her
31 discharge, parole or release and shall report the information
32 to the Department of State Police. The facility shall give one
33 copy of the form to the person and shall send one copy to each

1 of the law enforcement agencies having jurisdiction where the
2 person expects to reside, work, and attend school upon his or
3 her discharge, parole or release and retain one copy for the
4 files. Electronic data files that includes all notification
5 form information and photographs of arsonists being released
6 from an Illinois Department of Corrections facility shall be
7 shared on a regular basis as determined between the Department
8 of State Police and the Department of Corrections.

9 Section 20. Release of arsonist on probation. An arsonist
10 who is released on probation shall, prior to such release, be
11 informed of his or her duty to register under this Act by the
12 court in which he or she was convicted. The court shall also
13 inform any person who must register that if he or she
14 establishes a residence outside of the State of Illinois, is
15 employed outside of the State of Illinois, or attends school
16 outside of the State of Illinois, he or she must register in
17 the new state within 10 days after establishing the residence,
18 beginning employment, or beginning school. The court shall
19 require the person to read and sign such form as may be
20 required by the Department of State Police stating that the
21 duty to register and the procedure for registration has been
22 explained to him or her and that he or she understands the duty
23 to register and the procedure for registration. The court shall
24 further advise the person in writing that the failure to
25 register or other violation of this Act shall result in
26 probation revocation. The court shall obtain information about
27 where the person expects to reside, work, and attend school
28 upon his or her release, and shall report the information to
29 the Department of State Police. The court shall give one copy
30 of the form to the person and retain the original in the court
31 records. The Department of State Police shall notify the law
32 enforcement agencies having jurisdiction where the person
33 expects to reside, work and attend school upon his or her

1 release.

2 Section 25. Discharge of arsonist from hospital or other
3 treatment facility. Any arsonist who is discharged or released
4 from a hospital or other treatment facility where he or she was
5 confined shall be informed by the hospital or treatment
6 facility in which he or she was confined, prior to discharge or
7 release from the hospital or treatment facility, of his or her
8 duty to register under this Act. The facility shall require the
9 person to read and sign such form as may be required by the
10 Department of State Police stating that the duty to register
11 and the procedure for registration has been explained to him or
12 her and that he or she understands the duty to register and the
13 procedure for registration. The facility shall give one copy of
14 the form to the person, retain one copy for its records, and
15 forward the original to the Department of State Police. The
16 facility shall obtain information about where the person
17 expects to reside, work, and attend school upon his or her
18 discharge, parole, or release and shall report the information
19 to the Department of State Police within 3 days. The facility
20 or institution shall also inform any person who must register
21 that if he or she establishes a residence outside of the State
22 of Illinois, is employed outside of the State of Illinois, or
23 attends school outside of the State of Illinois, he or she must
24 register in the new state within 10 days after establishing the
25 residence, beginning school, or beginning employment. The
26 Department of State Police shall notify the law enforcement
27 agencies having jurisdiction where the person expects to
28 reside, work, and attend school upon his or her release.

29 Section 30. Nonforwardable verification letter. The
30 Department of State Police shall mail an annual nonforwardable
31 verification letter to a person registered under this Act
32 beginning one year from the date of his or her last

1 registration. A person required to register under this Act who
2 is mailed a verification letter shall complete, sign, and
3 return the enclosed verification form to the Department of
4 State Police postmarked within 10 days after the mailing date
5 of the letter. A person's failure to return the verification
6 form to the Department of State Police within 10 days after the
7 mailing date of the letter shall be considered a violation of
8 this Act; however it is an affirmative defense to a prosecution
9 for failure of a person who is required to return a
10 verification form to the Department of State Police if the post
11 office fails to deliver the verification form to the Department
12 of State Police or if it can be proven that the form has been
13 lost by the Department.

14 Section 35. Duty to report change of address, school, or
15 employment. Any person who is required to register under this
16 Act shall report in person to the appropriate law enforcement
17 agency with whom he or she last registered within one year from
18 the date of last registration and every year thereafter. If any
19 person required to register under this Act changes his or her
20 residence address, place of employment, or school, he or she
21 shall, in writing, within 10 days inform the law enforcement
22 agency with whom he or she last registered of his or her new
23 address, change in employment, or school and register with the
24 appropriate law enforcement agency within the time period
25 specified in Section 10. The law enforcement agency shall,
26 within 3 days of receipt, notify the Department of State Police
27 and the law enforcement agency having jurisdiction of the new
28 place of residence, change in employment, or school. If any
29 person required to register under this Act establishes a
30 residence or employment outside of the State of Illinois,
31 within 10 days after establishing that residence or employment,
32 he or she shall, in writing, inform the law enforcement agency
33 with which he or she last registered of his or her out-of-state

1 residence or employment. The law enforcement agency with which
2 such person last registered shall, within 3 days notice of an
3 address or employment change, notify the Department of State
4 Police. The Department of State Police shall forward such
5 information to the out-of-state law enforcement agency having
6 jurisdiction in the form and manner prescribed by the
7 Department of State Police.

8 Section 40. Out-of-State employee or student. Every
9 out-of-state student or out-of-state employee must notify the
10 agency having jurisdiction of any change of employment or
11 change of educational status, in writing, within 10 days of the
12 change. The law enforcement agency shall, within 3 days after
13 receiving the notice, enter the appropriate changes into
14 I-CLEAR.

15 Section 45. Duration of registration. Any person, other
16 than a person who was adjudicated a delinquent minor for an
17 offense for which the person is required to register under this
18 Act, who is required to register under this Act shall be
19 required to register for a period of 10 years after conviction
20 if not confined to a penal institution, hospital or any other
21 institution or facility, and if confined, for a period of 10
22 years after parole, discharge or release from any such
23 facility. A person who has been adjudicated a delinquent minor
24 for an offense for which the person is required to register
25 under this Act shall be required to register for a period of 10
26 years after his or her adjudication of delinquency for an
27 offense for which the person is required to register under this
28 Act. An arsonist who is allowed to leave a county, State, or
29 federal facility for the purposes of work release, education,
30 or overnight visitations shall be required to register within
31 10 days of beginning such a program. Liability for registration
32 terminates at the expiration of 10 years from the date of

1 conviction if not confined to a penal institution, hospital or
2 any other institution or facility and if confined, at the
3 expiration of 10 years from the date of parole, discharge or
4 release from any such facility, providing such person does not,
5 during that period, again become liable to register under the
6 provisions of this Act. In the case of a person adjudicated as
7 a delinquent minor, liability for registration terminates 10
8 years after the adjudication of delinquency. The Director of
9 State Police, consistent with administrative rules, shall
10 extend for 10 years the registration period of any arsonist who
11 fails to comply with the provisions of this Act.

12 Section 50. Registration requirements. Registration as
13 required by this Act shall consist of a statement in writing
14 signed by the person giving the information that is required by
15 the Department of State Police, which may include the
16 fingerprints and must include a photograph of the person. The
17 registration information must include whether the person is an
18 arsonist. Within 3 days, the registering law enforcement agency
19 shall forward any required information to the Department of
20 State Police. The registering law enforcement agency shall
21 enter the information into I-CLEAR as provided in Section
22 2605-378 of the Department of State Police Law of the Civil
23 Administrative Code of Illinois.

24 Section 55. Address verification requirements. The agency
25 having jurisdiction shall verify the address of arsonists
26 required to register with their agency at least once per
27 calendar year. The verification must be documented in I-CLEAR
28 in the form and manner required by the Department of State
29 Police.

30 Section 60. Public inspection of registration data.

31 (a) Except as otherwise provided in subsection (b), the

1 statements or any other information required by this Act shall
2 not be open to inspection by the public, or by any person other
3 than by a law enforcement officer or other individual as may be
4 authorized by law and shall include law enforcement agencies of
5 this State, any other state, or of the federal government.
6 Similar information may be requested from any law enforcement
7 agency of another state or of the federal government for
8 purposes of this Act. It is a Class B misdemeanor to permit the
9 unauthorized release of any information required by this Act.

10 (b) The Department of State Police shall furnish to the
11 Office of the State Fire Marshal the registration information
12 concerning persons who are required to register under this Act.
13 The Office of the State Fire Marshal shall establish and
14 maintain a Statewide Arsonist Database for the purpose of
15 making that information available to the public on the Internet
16 by means of a hyperlink labeled "Arsonist Information" on the
17 Office of the State Fire Marshal's website.

18 Section 65. Penalty. Any person who is required to register
19 under this Act who violates any of the provisions of this Act
20 and any person who is required to register under this Act who
21 seeks to change his or her name under Article 21 of the Code of
22 Civil Procedure is guilty of a Class 4 felony. Any person who
23 is required to register under this Act who knowingly or
24 wilfully gives material information required by this Act that
25 is false is guilty of a Class 3 felony. Any person convicted of
26 a violation of any provision of this Act shall, in addition to
27 any other penalty required by law, be required to serve a
28 minimum period of 7 days confinement in the local county jail.
29 The court shall impose a mandatory minimum fine of \$500 for
30 failure to comply with any provision of this Act. These fines
31 shall be deposited in the Arsonist Registration Fund. An
32 arsonist who violates any provision of this Act may be tried in
33 any Illinois county where the arsonist can be located.

1 Section 70. Arsonist Registration Fund. There is created in
2 the State treasury the Arsonist Registration Fund. Moneys in
3 the Fund shall be used to cover costs incurred by the criminal
4 justice system to administer this Act. The Department of State
5 Police shall establish and promulgate rules and procedures
6 regarding the administration of this Fund. At least 50% of the
7 moneys in the Fund shall be allocated by the Department for
8 sheriffs' offices and police departments.

9 Section 75. Access to State of Illinois databases. The
10 Department of State Police shall have access to State of
11 Illinois databases containing information that may help in the
12 identification or location of persons required to register
13 under this Act. Interagency agreements shall be implemented,
14 consistent with security and procedures established by the
15 State agency and consistent with the laws governing the
16 confidentiality of the information in the databases.
17 Information shall be used only for administration of this Act.

18 Section 80. Applicability. Until the Department of State
19 Police establishes I-CLEAR throughout this State, this Act
20 applies only to arsonists who reside, are employed, or attend
21 school within the City of Chicago. Once I-CLEAR is established
22 throughout this State, this Act applies throughout the State to
23 arsonists who reside, are employed, or attend school anywhere
24 in this State. Any duties imposed upon the Department of State
25 Police by this Act shall until I-CLEAR is implemented
26 throughout this State be imposed upon the City of Chicago.

27 Section 85. Prospective application of Act. This Act
28 applies only to persons who commit arson on or after the
29 effective date of this Act and shall not apply to any person
30 who committed arson before the effective date of this Act.

1 Section 105. The Department of State Police Law of the
2 Civil Administrative Code of Illinois is amended by adding
3 Section 2605-378 as follows:

4 (20 ILCS 2605/2605-378 new)

5 Sec. 2605-378. I-CLEAR. The Department of State Police
6 shall provide for the entry into the Illinois Citizens and Law
7 Enforcement Analysis and Reporting System (I-CLEAR) of the
8 names and addresses of arsonists as defined in the Arsonist
9 Registration Act who are required to register under that Act.
10 The information shall be immediately accessible to law
11 enforcement agencies and peace officers of this State or any
12 other state or of the federal government. Similar information
13 may be requested from any other state or of the federal
14 government for the purposes of that Act.

15 Section 110. The State Finance Act is amended by adding
16 Section 5.625 as follows:

17 (30 ILCS 105/5.625 new)

18 Sec. 5.625. The Arsonist Registration Fund.

19 Section 999. Effective date. This Act takes effect January
20 1, 2005."