



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4670

Introduced 2/3/2012, by Rep. Norine Hammond

SYNOPSIS AS INTRODUCED:

730 ILCS 150/3
730 ILCS 150/10

from Ch. 38, par. 230

Amends the Sex Offender Registration Act. Provides that the sex offender shall pay a \$100 registration fee at the time of initial registration and at the time of each annual registration. Provides that if the person is unable to pay the full amount of the fee in one lump sum, the registering law enforcement agency may establish a payment plan. Provides that if the person signs a statement under penalty of perjury affirming the person is indigent and unable to pay the registration fee in a lump sum or installments, the person shall perform 100 hours of community service within 90 days of registration. Changes the distribution formula for the fees. Provides that a failure to comply with the registration fee requirements by a person who is required to register as a sex offender is a Class 3 felony. Effective immediately.

LRB097 17255 RLC 62456 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning sex offenders.

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

24 (1) with the chief of police in the municipality in
25 which he or she resides or is temporarily domiciled for a
26 period of time of 3 or more days, unless the municipality

1 is the City of Chicago, in which case he or she shall
2 register at the Chicago Police Department Headquarters; or

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

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

10 (i) with:

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

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

21 (ii) with the public safety or security director of the
22 institution of higher education which he or she is employed
23 at or attends.

24 The registration fees shall only apply to the municipality
25 or county of primary registration, and not to campus
26 registration.

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

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

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

23 The sex offender or sexual predator shall provide accurate
24 information as required by the Department of State Police. That
25 information shall include the sex offender's or sexual
26 predator's current place of employment.

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

13 (1) with:

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

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

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

6 The registration fees shall only apply to the municipality
7 or county of primary registration, and not to campus
8 registration.

9 The out-of-state student or out-of-state employee shall
10 provide accurate information as required by the Department of
11 State Police. That information shall include the out-of-state
12 student's current place of school attendance or the
13 out-of-state employee's current place of employment.

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

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

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

3 (1) Any person registered under the Habitual Child Sex
4 Offender Registration Act or the Child Sex Offender
5 Registration Act prior to January 1, 1996, shall be deemed
6 initially registered as of January 1, 1996; however, this
7 shall not be construed to extend the duration of
8 registration set forth in Section 7.

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

14 (2.1) A sex offender or sexual predator, who has never
15 previously been required to register under this Act, has a
16 duty to register if the person has been convicted of any
17 felony offense after July 1, 2011. A person who previously
18 was required to register under this Act for a period of 10
19 years and successfully completed that registration period
20 has a duty to register if: (i) the person has been
21 convicted of any felony offense after July 1, 2011, and
22 (ii) the offense for which the 10 year registration was
23 served currently requires a registration period of more
24 than 10 years. Notification of an offender's duty to
25 register under this subsection shall be pursuant to Section
26 5-7 of this Act.

1 (2.5) Except as provided in subsection (c)(4), any
2 person who has not been notified of his or her
3 responsibility to register shall be notified by a criminal
4 justice entity of his or her responsibility to register.
5 Upon notification the person must then register within 3
6 days of notification of his or her requirement to register.
7 Except as provided in subsection (c)(2.1), if notification
8 is not made within the offender's 10 year registration
9 requirement, and the Department of State Police determines
10 no evidence exists or indicates the offender attempted to
11 avoid registration, the offender will no longer be required
12 to register under this Act.

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

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

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

25 (6) The person shall pay a \$100 ~~initial~~ registration
26 fee at the time of initial registration and at the time of

1 each annual registration. If the person is unable to pay
2 the full amount of the fee in one lump sum, the registering
3 law enforcement agency may establish a payment plan. If the
4 person signs a statement under penalty of perjury affirming
5 the person is indigent and unable to pay the registration
6 fee in a lump sum or installments, the person shall perform
7 100 hours of community service within 90 days of
8 registration. The registering agency shall establish
9 procedures to document receipt, disbursement and use of the
10 funds. Thirty dollars of the \$100 fee shall be used by the
11 registering agency for official purposes. The registering
12 agency shall deposit the remaining \$70 of the fee as
13 follows:

14 (i) thirty dollars into the Attorney General Sex
15 Offender Awareness, Training and Education Fund.
16 Moneys deposited into the Fund shall be used by the
17 Attorney General to administer the I-SORT program and
18 to alert and educate the public, victims and witnesses
19 of their rights under various victim notification laws
20 and for training law enforcement agencies, State's
21 Attorneys, and medical providers of their legal duties
22 concerning the prosecution and investigation of sex
23 offenses.

24 (ii) thirty dollars into the Sex Offender
25 Registration Fund and shall be used by the Department
26 of State Police to maintain and update the Illinois

1 State Police Sex Offender Registry.

2 (iii) ten dollars into the Sex Offender Management
3 Board Fund under Section 19 of the Sex Offender
4 Management Board Act. Moneys deposited into the Fund
5 shall be administered by the Sex Offender Management
6 Board and shall be used to fund practices endorsed or
7 required by the Sex Offender Management Board Act
8 including but not limited to sex offenders evaluation,
9 treatment, or monitoring programs that are or may be
10 developed, as well as for administrative costs,
11 including staff, incurred by the Board.

12 The registering agency shall deposit the money at least
13 quarterly. and a \$100 annual renewal fee. The fees shall be
14 used by the registering agency for official purposes. The
15 agency shall establish procedures to document receipt and
16 use of the funds. The law enforcement agency having
17 jurisdiction may waive the registration fee if it
18 determines that the person is indigent and unable to pay
19 the registration fee. Thirty dollars for the initial
20 registration fee and \$30 of the annual renewal fee shall be
21 used by the registering agency for official purposes. Ten
22 dollars of the initial registration fee and \$10 of the
23 annual fee shall be deposited into the Sex Offender
24 Management Board Fund under Section 19 of the Sex Offender
25 Management Board Act. Money deposited into the Sex Offender
26 Management Board Fund shall be administered by the Sex

~~Offender Management Board and shall be used to fund practices endorsed or required by the Sex Offender Management Board Act including but not limited to sex offenders evaluation, treatment, or monitoring programs that are or may be developed, as well as for administrative costs, including staff, incurred by the Board. Thirty dollars of the initial registration fee and \$30 of the annual renewal fee shall be deposited into the Sex Offender Registration Fund and shall be used by the Department of State Police to maintain and update the Illinois State Police Sex Offender Registry. Thirty dollars of the initial registration fee and \$30 of the annual renewal fee shall be deposited into the Attorney General Sex Offender Awareness, Training, and Education Fund. Moneys deposited into the Fund shall be used by the Attorney General to administer the I-SORT program and to alert and educate the public, victims, and witnesses of their rights under various victim notification laws and for training law enforcement agencies, State's Attorneys, and medical providers of their legal duties concerning the prosecution and investigation of sex offenses.~~

(d) Within 3 days after obtaining or changing employment and, if employed on January 1, 2000, within 5 days after that date, a person required to register under this Section must report, in person to the law enforcement agency having 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. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
5 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.
6 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.
7 8-12-11; 97-578, eff. 1-1-12; revised 9-15-11.)

8 (730 ILCS 150/10) (from Ch. 38, par. 230)

9 Sec. 10. Penalty.

10 (a) Any person who is required to register under this
11 Article who violates any of the provisions of this Article, any
12 person who is required to register under this Article who fails
13 to comply with paragraph (6) of subsection (c) of Section 3,
14 and any person who is required to register under this Article
15 who seeks to change his or her name under Article 21 of the
16 Code of Civil Procedure is guilty of a Class 3 felony. Any
17 person who is convicted for a violation of this Act for a
18 second or subsequent time is guilty of a Class 2 felony. Any
19 person who is required to register under this Article who
20 knowingly or wilfully gives material information required by
21 this Article that is false is guilty of a Class 3 felony. Any
22 person convicted of a violation of any provision of this
23 Article shall, in addition to any other penalty required by
24 law, be required to serve a minimum period of 7 days
25 confinement in the local county jail. The court shall impose a

1 mandatory minimum fine of \$500 for failure to comply with any
2 provision of this Article. These fines shall be deposited in
3 the Sex Offender Registration Fund. Any sex offender, as
4 defined in Section 2 of this Act, or sexual predator who
5 violates any provision of this Article may be arrested and
6 tried in any Illinois county where the sex offender can be
7 located. The local police department or sheriff's office is not
8 required to determine whether the person is living within its
9 jurisdiction.

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

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

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

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

4 (c) Subsection (b) does not apply if the sexual predator is
5 incarcerated in or is in the custody of a State correctional
6 facility, a private correctional facility, a county or
7 municipal jail, a State mental health facility or a State
8 treatment and detention facility, or a federal correctional
9 facility.

10 (d) Subsections (a) and (b) do not apply if the sex
11 offender accurately registered his or her Internet protocol
12 address under this Act, and the address subsequently changed
13 without his or her knowledge or intent.

14 (Source: P.A. 94-168, eff. 1-1-06; 94-988, eff. 1-1-07; 95-579,
15 eff. 6-1-08.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.