



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 265

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 265 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Sex Offender Management Board Act is  
5 amended by changing Section 15 as follows:

6 (20 ILCS 4026/15)

7 Sec. 15. Sex Offender Management Board; creation; duties.

8 (a) There is created the Sex Offender Management Board,  
9 which shall consist of 20 ~~24~~ members. The membership of the  
10 Board shall consist of the following persons:

11 (1) Two members appointed by the Governor representing  
12 the judiciary, one representing juvenile court matters and  
13 one representing adult criminal court matters;

14 (2) One member appointed by the Governor representing  
15 Probation Services based on the recommendation of the  
16 Illinois Probation and Court Services Association;

1           (3) One member appointed by the Governor representing  
2 the Department of Corrections;

3           (4) One member appointed by the Governor representing  
4 the Department of Human Services;

5           (5) One member appointed by the Governor representing  
6 the Illinois State Police;

7           (6) One member appointed by the Governor representing  
8 the Department of Children and Family Services;

9           (7) One member appointed by the Attorney General  
10 representing the Office of the Attorney General;

11           (8) One member ~~Two members~~ appointed by the Attorney  
12 General who is a ~~are~~ licensed mental health professional  
13 ~~professionals~~ with documented expertise in the treatment  
14 of sex offenders;

15           (9) Two members appointed by the Attorney General who  
16 are State's Attorneys or assistant State's Attorneys, one  
17 representing juvenile court matters and one representing  
18 felony court matters;

19           (10) One member being the Cook County State's Attorney  
20 or his or her designee;

21           (11) One member being the Director of the State's  
22 Attorneys Appellate Prosecutor or his or her designee;

23           (12) One member being the Cook County Public Defender  
24 or his or her designee;

25           (13) Two members appointed by the Governor who are  
26 representatives of law enforcement, one juvenile officer

1 and one sex crime investigator;

2 (14) Two members appointed by the Attorney General who  
3 are recognized experts in the field of sexual assault and  
4 who can represent sexual assault victims and victims'  
5 rights organizations;

6 (15) One member being the State Appellate Defender or  
7 his or her designee; and

8 ~~(16) One member being the President of the Illinois~~  
9 ~~Polygraph Society or his or her designee;~~

10 (16) ~~(17)~~ One member being the Executive Director of  
11 the Criminal Justice Information Authority or his or her  
12 designee. †

13 ~~(18) One member being the President of the Illinois~~  
14 ~~Chapter of the Association for the Treatment of Sexual~~  
15 ~~Abusers or his or her designee; and~~

16 ~~(19) One member representing the Illinois Principal~~  
17 ~~Association.~~

18 (b) The Governor and the Attorney General shall appoint a  
19 presiding officer for the Board from among the board members  
20 appointed under subsection (a) of this Section, which presiding  
21 officer shall serve at the pleasure of the Governor and the  
22 Attorney General.

23 (c) Each member of the Board shall demonstrate substantial  
24 expertise and experience in the field of sexual assault.

25 (d) (1) Any member of the Board created in subsection (a)  
26 of this Section who is appointed under paragraphs (1) through

1 (7) of subsection (a) of this Section shall serve at the  
2 pleasure of the official who appointed that member, for a term  
3 of 5 years and may be reappointed. The members shall serve  
4 without additional compensation.

5 (2) Any member of the Board created in subsection (a) of  
6 this Section who is appointed under paragraphs (8) through (14)  
7 of subsection (a) of this Section shall serve for a term of 5  
8 years and may be reappointed. However, the terms of the members  
9 appointed under paragraphs (8) of subsection (a) of this  
10 Section shall end on the effective date of this amendatory Act  
11 of the 97th General Assembly. Within 30 days after the  
12 effective date of this amendatory Act of the 97th General  
13 Assembly, the Attorney General shall appoint a member under  
14 paragraph (8) of subsection (a) of this Section to fill the  
15 vacancy created by this amendatory Act of the 97th General  
16 Assembly. A person who has previously served as a member of the  
17 Board may be reappointed. The terms of the President of the  
18 Illinois Polygraph Society or his or her designee, the  
19 President of the Illinois Chapter of the Association for the  
20 Treatment of Sexual Abusers or his or her designee, and the  
21 member representing the Illinois Principal Association end on  
22 the effective date of this amendatory Act of the 97th General  
23 Assembly. The members shall serve without compensation.

24 (3) The travel costs associated with membership on the  
25 Board created in subsection (a) of this Section will be  
26 reimbursed subject to availability of funds.

1           (e) The first meeting of this Board shall be held within 45  
2 days of the effective date of this Act.

3           (f) The Board shall carry out the following duties:

4           (1) Not later than December 31, 2001, the Board shall  
5 develop and prescribe separate standardized procedures for  
6 the evaluation and identification of the offender and  
7 recommend behavior management, monitoring, and treatment  
8 based upon the knowledge that sex offenders are extremely  
9 habituated and that there is no known cure for the  
10 propensity to commit sex abuse. The Board shall develop and  
11 implement measures of success based upon a no-cure policy  
12 for intervention. The Board shall develop and implement  
13 methods of intervention for sex offenders which have as a  
14 priority the physical and psychological safety of victims  
15 and potential victims and which are appropriate to the  
16 needs of the particular offender, so long as there is no  
17 reduction of the safety of victims and potential victims.

18           (2) Not later than December 31, 2001, the Board shall  
19 develop separate guidelines and standards for a system of  
20 programs for the evaluation and treatment of both juvenile  
21 and adult sex offenders which shall be utilized by  
22 offenders who are placed on probation, committed to the  
23 Department of Corrections or Department of Human Services,  
24 or placed on mandatory supervised release or parole. The  
25 programs developed under this paragraph (f) shall be as  
26 flexible as possible so that the programs may be utilized

1 by each offender to prevent the offender from harming  
2 victims and potential victims. The programs shall be  
3 structured in such a manner that the programs provide a  
4 continuing monitoring process as well as a continuum of  
5 counseling programs for each offender as that offender  
6 proceeds through the justice system. Also, the programs  
7 shall be developed in such a manner that, to the extent  
8 possible, the programs may be accessed by all offenders in  
9 the justice system.

10 (3) There is established the Sex Offender Management  
11 Board Fund in the State Treasury into which funds received  
12 under any provision of law or from public or private  
13 sources shall be deposited, and from which funds shall be  
14 appropriated for the purposes set forth in Section 19 of  
15 this Act, Section 5-6-3 of the Unified Code of Corrections,  
16 and Section 3 of the Sex Offender Registration Act, and the  
17 remainder shall be appropriated to the Sex Offender  
18 Management Board for planning and research.

19 (4) The Board shall develop and prescribe a plan to  
20 research and analyze the effectiveness of the evaluation,  
21 identification, and counseling procedures and programs  
22 developed under this Act. The Board shall also develop and  
23 prescribe a system for implementation of the guidelines and  
24 standards developed under paragraph (2) of this subsection  
25 (f) and for tracking offenders who have been subjected to  
26 evaluation, identification, and treatment under this Act.

1           In addition, the Board shall develop a system for  
2           monitoring offender behaviors and offender adherence to  
3           prescribed behavioral changes. The results of the tracking  
4           and behavioral monitoring shall be a part of any analysis  
5           made under this paragraph (4).

6           (g) The Board may promulgate rules as are necessary to  
7           carry out the duties of the Board.

8           (h) The Board and the individual members of the Board shall  
9           be immune from any liability, whether civil or criminal, for  
10          the good faith performance of the duties of the Board as  
11          specified in this Section.

12          (Source: P.A. 93-616, eff. 1-1-04.)".