

SB3361



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3361

Introduced 2/7/2012, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

20 ILCS 4026/15

Amends the Sex Offender Management Board Act. Makes a technical change in a Section concerning the creation and duties of the Sex Offender Management Board.

LRB097 17619 RLC 62826 b

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sex Offender Management Board Act is amended
5 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 ~~created~~ the Sex Offender Management
9 Board, which shall consist of 20 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;

17 (3) One member appointed by the Governor representing
18 the Department of Corrections;

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

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

23 (6) One member appointed by the Governor representing

1 the Department of Children and Family Services;

2 (7) One member appointed by the Attorney General
3 representing the Office of the Attorney General;

4 (8) One member appointed by the Attorney General who is
5 a licensed mental health professional with documented
6 expertise in the treatment of sex offenders;

7 (9) Two members appointed by the Attorney General who
8 are State's Attorneys or assistant State's Attorneys, one
9 representing juvenile court matters and one representing
10 felony court matters;

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

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

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

17 (13) Two members appointed by the Governor who are
18 representatives of law enforcement, one juvenile officer
19 and one sex crime investigator;

20 (14) Two members appointed by the Attorney General who
21 are recognized experts in the field of sexual assault and
22 who can represent sexual assault victims and victims'
23 rights organizations;

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

26 (16) One member being the Executive Director of the

1 Criminal Justice Information Authority or his or her
2 designee.

3 (b) The Governor and the Attorney General shall appoint a
4 presiding officer for the Board from among the board members
5 appointed under subsection (a) of this Section, which presiding
6 officer shall serve at the pleasure of the Governor and the
7 Attorney General.

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

10 (d) (1) Any member of the Board created in subsection (a)
11 of this Section who is appointed under paragraphs (1) through
12 (7) of subsection (a) of this Section shall serve at the
13 pleasure of the official who appointed that member, for a term
14 of 5 years and may be reappointed. The members shall serve
15 without additional compensation.

16 (2) Any member of the Board created in subsection (a) of
17 this Section who is appointed under paragraphs (8) through (14)
18 of subsection (a) of this Section shall serve for a term of 5
19 years and may be reappointed. However, the terms of the members
20 appointed under paragraphs (8) of subsection (a) of this
21 Section shall end on the effective date of this amendatory Act
22 of the 97th General Assembly. Within 30 days after the
23 effective date of this amendatory Act of the 97th General
24 Assembly, the Attorney General shall appoint a member under
25 paragraph (8) of subsection (a) of this Section to fill the
26 vacancy created by this amendatory Act of the 97th General

1 Assembly. A person who has previously served as a member of the
2 Board may be reappointed. The terms of the President of the
3 Illinois Polygraph Society or his or her designee, the
4 President of the Illinois Chapter of the Association for the
5 Treatment of Sexual Abusers or his or her designee, and the
6 member representing the Illinois Principal Association end on
7 the effective date of this amendatory Act of the 97th General
8 Assembly. The members shall serve without compensation.

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

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

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

15 (1) Not later than December 31, 2001, the Board shall
16 develop and prescribe separate standardized procedures for
17 the evaluation and identification of the offender and
18 recommend behavior management, monitoring, and treatment
19 based upon the knowledge that sex offenders are extremely
20 habituated and that there is no known cure for the
21 propensity to commit sex abuse. The Board shall develop and
22 implement measures of success based upon a no-cure policy
23 for intervention. The Board shall develop and implement
24 methods of intervention for sex offenders which have as a
25 priority the physical and psychological safety of victims
26 and potential victims and which are appropriate to the

1 needs of the particular offender, so long as there is no
2 reduction of the safety of victims and potential victims.

3 (2) Not later than December 31, 2001, the Board shall
4 develop separate guidelines and standards for a system of
5 programs for the evaluation and treatment of both juvenile
6 and adult sex offenders which shall be utilized by
7 offenders who are placed on probation, committed to the
8 Department of Corrections or Department of Human Services,
9 or placed on mandatory supervised release or parole. The
10 programs developed under this paragraph (f) shall be as
11 flexible as possible so that the programs may be utilized
12 by each offender to prevent the offender from harming
13 victims and potential victims. The programs shall be
14 structured in such a manner that the programs provide a
15 continuing monitoring process as well as a continuum of
16 counseling programs for each offender as that offender
17 proceeds through the justice system. Also, the programs
18 shall be developed in such a manner that, to the extent
19 possible, the programs may be accessed by all offenders in
20 the justice system.

21 (3) There is established the Sex Offender Management
22 Board Fund in the State Treasury into which funds received
23 under any provision of law or from public or private
24 sources shall be deposited, and from which funds shall be
25 appropriated for the purposes set forth in Section 19 of
26 this Act, Section 5-6-3 of the Unified Code of Corrections,

1 and Section 3 of the Sex Offender Registration Act, and the
2 remainder shall be appropriated to the Sex Offender
3 Management Board for planning and research.

4 (4) The Board shall develop and prescribe a plan to
5 research and analyze the effectiveness of the evaluation,
6 identification, and counseling procedures and programs
7 developed under this Act. The Board shall also develop and
8 prescribe a system for implementation of the guidelines and
9 standards developed under paragraph (2) of this subsection
10 (f) and for tracking offenders who have been subjected to
11 evaluation, identification, and treatment under this Act.
12 In addition, the Board shall develop a system for
13 monitoring offender behaviors and offender adherence to
14 prescribed behavioral changes. The results of the tracking
15 and behavioral monitoring shall be a part of any analysis
16 made under this paragraph (4).

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

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

23 (Source: P.A. 97-257, eff. 1-1-12.)