



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1189

by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

730 ILCS 150/3

Amends the Sex Offender Registration Act. Provides that the initial registration fee and the annual renewal fee shall be collected by the registering agency. Provides that \$35 of the initial registration fee and \$35 of the annual renewal fee shall be retained by the registering agency and the remaining \$65 of the initial registration fee and the remaining \$65 of the annual renewal fee shall be remitted by the registering agency within 30 days of receipt to the State Treasurer who shall deposit \$5 of the initial registration fee and \$5 of the annual renewal fee into the Sex Offender Management Board Fund, \$30 of the initial registration fee and \$30 of the annual renewal fee into the Sex Offender Registration Fund, and \$30 of the initial registration fee and \$30 of the annual renewal fee into the Attorney General Sex Offender Awareness, Training, and Education Fund.

LRB098 02638 RLC 32643 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, 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 or the Criminal Code of 2012
14 shall provide all Internet protocol (IP) addresses in his or
15 her residence, registered in his or her name, accessible at his
16 or her place of employment, or otherwise under his or her
17 control or custody. If the sex offender is a child sex offender
18 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
19 1961 or the Criminal Code of 2012, the sex offender shall
20 report to the registering agency whether he or she is living in
21 a household with a child under 18 years of age who is not his or
22 her own child, provided that his or her own child is not the
23 victim of the sex offense. The sex offender or sexual predator
24 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 the Chicago Police Department Headquarters; or

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

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

11 (i) with:

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

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

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

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

1 registration.

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

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

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

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

1 predator's current place of employment.

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

15 (1) with:

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

23 (B) the sheriff in the county in which he or she
24 attends school or is employed for a period of time of 5
25 or more days or for an aggregate period of time of more
26 than 30 days during any calendar year in an

1 unincorporated area or, if incorporated, no police
2 chief exists; and

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

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

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

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

24 (b) Any sex offender, as defined in Section 2 of this Act,
25 or sexual predator, regardless of any initial, prior, or other
26 registration, shall, within 3 days of beginning school, or

1 establishing a residence, place of employment, or temporary
2 domicile in any county, register in person as set forth in
3 subsection (a) or (a-5).

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

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

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

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

1 than 10 years. Notification of an offender's duty to
2 register under this subsection shall be pursuant to Section
3 5-7 of this Act.

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

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

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

25 (5) The person shall provide positive identification
26 and documentation that substantiates proof of residence at

1 the registering address.

2 (6) The person shall pay a \$100 initial registration
3 fee and a \$100 annual renewal fee. The initial registration
4 fee and the annual renewal fee shall be collected by the
5 registering agency. Thirty-five dollars of the initial
6 registration fee and \$35 of the annual renewal fee shall be
7 retained by the registering agency and ~~The fees~~ shall be
8 used by the registering agency for official purposes. The
9 agency shall establish procedures to document receipt and
10 use of the funds. The law enforcement agency having
11 jurisdiction may waive the registration fee if it
12 determines that the person is indigent and unable to pay
13 the registration fee. The remaining \$65 of the initial
14 registration fee and the remaining \$65 of the annual
15 renewal fee shall be remitted by the registering agency
16 within 30 days of receipt to the State Treasurer who shall
17 deposit \$5 ~~Thirty five dollars for the initial~~
18 ~~registration fee and \$35 of the annual renewal fee shall be~~
19 ~~used by the registering agency for official purposes. Five~~
20 ~~dollars~~ of the initial registration fee and \$5 of the
21 annual renewal fee ~~shall be deposited~~ into the Sex Offender
22 Management Board Fund under Section 19 of the Sex Offender
23 Management Board Act. Money deposited into the Sex Offender
24 Management Board Fund shall be administered by the Sex
25 Offender Management Board and shall be used by the Board to
26 comply with the provisions of the Sex Offender Management

1 Board Act. Thirty dollars of the initial registration fee
2 and \$30 of the annual renewal fee shall be deposited by the
3 State Treasurer into the Sex Offender Registration Fund and
4 shall be used by the Department of State Police to maintain
5 and update the Illinois State Police Sex Offender Registry.
6 Thirty dollars of the initial registration fee and \$30 of
7 the annual renewal fee shall be deposited by the State
8 Treasurer into the Attorney General Sex Offender
9 Awareness, Training, and Education Fund. Moneys deposited
10 into the Fund shall be used by the Attorney General to
11 administer the I-SORT program and to alert and educate the
12 public, victims, and witnesses of their rights under
13 various victim notification laws and for training law
14 enforcement agencies, State's Attorneys, and medical
15 providers of their legal duties concerning the prosecution
16 and investigation of sex offenses.

17 (d) Within 3 days after obtaining or changing employment
18 and, if employed on January 1, 2000, within 5 days after that
19 date, a person required to register under this Section must
20 report, in person to the law enforcement agency having
21 jurisdiction, the business name and address where he or she is
22 employed. If the person has multiple businesses or work
23 locations, every business and work location must be reported to
24 the law enforcement agency having jurisdiction.

25 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
26 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.

1 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.
2 8-12-11; 97-578, eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109,
3 eff. 1-1-13.)