



Sen. Bill Cunningham

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1 AMENDMENT TO SENATE BILL 3104

2 AMENDMENT NO. _____. Amend Senate Bill 3104 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 11-30 as follows:

6 (720 ILCS 5/11-30) (was 720 ILCS 5/11-9)

7 Sec. 11-30. Public indecency.

8 (a) Any person of the age of 17 years and upwards who
9 performs any of the following acts in a public place or while
10 confined in a penal institution, commits a public indecency:

11 (1) An act of sexual penetration or sexual conduct; or

12 (2) A lewd exposure of the body done with intent to
13 arouse or to satisfy the sexual desire of the person.

14 Breast-feeding of infants is not an act of public
15 indecency.

16 (a-5) For purposes of this Section, "penal institution"

1 does not include a facility of the Department of Juvenile
2 Justice or a juvenile detention facility.

3 (b) "Public place" for purposes of this Section means any
4 place where the conduct may reasonably be expected to be viewed
5 by others.

6 (c) Sentence.

7 Public indecency is a Class A misdemeanor. A person
8 convicted of a third or subsequent violation for public
9 indecency is guilty of a Class 4 felony. Public indecency is a
10 Class 4 felony if committed by a person 18 years of age or
11 older who is on or within 500 feet of elementary or secondary
12 school grounds when children are present on the grounds.

13 (Source: P.A. 96-1098, eff. 1-1-11; 96-1551, eff. 7-1-11.)

14 Section 10. The Sex Offender Registration Act is amended by
15 changing Section 2 as follows:

16 (730 ILCS 150/2) (from Ch. 38, par. 222)

17 Sec. 2. Definitions.

18 (A) As used in this Article, "sex offender" means any
19 person who is:

20 (1) charged pursuant to Illinois law, or any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law, with a sex
23 offense set forth in subsection (B) of this Section or the
24 attempt to commit an included sex offense, and:

1 (a) is convicted of such offense or an attempt to
2 commit such offense; or

3 (b) is found not guilty by reason of insanity of
4 such offense or an attempt to commit such offense; or

5 (c) is found not guilty by reason of insanity
6 pursuant to Section 104-25(c) of the Code of Criminal
7 Procedure of 1963 of such offense or an attempt to
8 commit such offense; or

9 (d) is the subject of a finding not resulting in an
10 acquittal at a hearing conducted pursuant to Section
11 104-25(a) of the Code of Criminal Procedure of 1963 for
12 the alleged commission or attempted commission of such
13 offense; or

14 (e) is found not guilty by reason of insanity
15 following a hearing conducted pursuant to a federal,
16 Uniform Code of Military Justice, sister state, or
17 foreign country law substantially similar to Section
18 104-25(c) of the Code of Criminal Procedure of 1963 of
19 such offense or of the attempted commission of such
20 offense; or

21 (f) is the subject of a finding not resulting in an
22 acquittal at a hearing conducted pursuant to a federal,
23 Uniform Code of Military Justice, sister state, or
24 foreign country law substantially similar to Section
25 104-25(a) of the Code of Criminal Procedure of 1963 for
26 the alleged violation or attempted commission of such

1 offense; or

2 (2) declared as a sexually dangerous person pursuant to
3 the Illinois Sexually Dangerous Persons Act, or any
4 substantially similar federal, Uniform Code of Military
5 Justice, sister state, or foreign country law; or

6 (3) subject to the provisions of Section 2 of the
7 Interstate Agreements on Sexually Dangerous Persons Act;
8 or

9 (4) found to be a sexually violent person pursuant to
10 the Sexually Violent Persons Commitment Act or any
11 substantially similar federal, Uniform Code of Military
12 Justice, sister state, or foreign country law; or

13 (5) adjudicated a juvenile delinquent as the result of
14 committing or attempting to commit an act which, if
15 committed by an adult, would constitute any of the offenses
16 specified in item (B), (C), or (C-5) of this Section or a
17 violation of any substantially similar federal, Uniform
18 Code of Military Justice, sister state, or foreign country
19 law, or found guilty under Article V of the Juvenile Court
20 Act of 1987 of committing or attempting to commit an act
21 which, if committed by an adult, would constitute any of
22 the offenses specified in item (B), (C), or (C-5) of this
23 Section or a violation of any substantially similar
24 federal, Uniform Code of Military Justice, sister state, or
25 foreign country law.

26 Convictions that result from or are connected with the same

1 act, or result from offenses committed at the same time, shall
2 be counted for the purpose of this Article as one conviction.
3 Any conviction set aside pursuant to law is not a conviction
4 for purposes of this Article.

5 For purposes of this Section, "convicted" shall have the
6 same meaning as "adjudicated".

7 (B) As used in this Article, "sex offense" means:

8 (1) A violation of any of the following Sections of the
9 Criminal Code of 1961 or the Criminal Code of 2012:

10 11-20.1 (child pornography),
11 11-20.1B or 11-20.3 (aggravated child
12 pornography),
13 11-6 (indecent solicitation of a child),
14 11-9.1 (sexual exploitation of a child),
15 11-9.2 (custodial sexual misconduct),
16 11-9.5 (sexual misconduct with a person with a
17 disability),
18 11-14.4 (promoting juvenile prostitution),
19 11-15.1 (soliciting for a juvenile prostitute),
20 11-18.1 (patronizing a juvenile prostitute),
21 11-17.1 (keeping a place of juvenile
22 prostitution),
23 11-19.1 (juvenile pimping),
24 11-19.2 (exploitation of a child),
25 11-25 (grooming),
26 11-26 (traveling to meet a minor or traveling to

1 meet a child),
2 11-1.20 or 12-13 (criminal sexual assault),
3 11-1.30 or 12-14 (aggravated criminal sexual
4 assault),
5 11-1.40 or 12-14.1 (predatory criminal sexual
6 assault of a child),
7 11-1.50 or 12-15 (criminal sexual abuse),
8 11-1.60 or 12-16 (aggravated criminal sexual
9 abuse),
10 12-33 (ritualized abuse of a child).

11 An attempt to commit any of these offenses.

12 (1.5) A violation of any of the following Sections of
13 the Criminal Code of 1961 or the Criminal Code of 2012,
14 when the victim is a person under 18 years of age, the
15 defendant is not a parent of the victim, the offense was
16 sexually motivated as defined in Section 10 of the Sex
17 Offender Evaluation and Treatment Act, and the offense was
18 committed on or after January 1, 1996:

19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint).

23 If the offense was committed before January 1, 1996, it
24 is a sex offense requiring registration only when the
25 person is convicted of any felony after July 1, 2011, and
26 paragraph (2.1) of subsection (c) of Section 3 of this Act

1 applies.

2 (1.6) First degree murder under Section 9-1 of the
3 Criminal Code of 1961 or the Criminal Code of 2012,
4 provided the offense was sexually motivated as defined in
5 Section 10 of the Sex Offender Management Board Act.

6 (1.7) (Blank).

7 (1.8) A violation or attempted violation of Section
8 11-11 (sexual relations within families) of the Criminal
9 Code of 1961 or the Criminal Code of 2012, and the offense
10 was committed on or after June 1, 1997. If the offense was
11 committed before June 1, 1997, it is a sex offense
12 requiring registration only when the person is convicted of
13 any felony after July 1, 2011, and paragraph (2.1) of
14 subsection (c) of Section 3 of this Act applies.

15 (1.9) Child abduction under paragraph (10) of
16 subsection (b) of Section 10-5 of the Criminal Code of 1961
17 or the Criminal Code of 2012 committed by luring or
18 attempting to lure a child under the age of 16 into a motor
19 vehicle, building, house trailer, or dwelling place
20 without the consent of the parent or lawful custodian of
21 the child for other than a lawful purpose and the offense
22 was committed on or after January 1, 1998, provided the
23 offense was sexually motivated as defined in Section 10 of
24 the Sex Offender Management Board Act. If the offense was
25 committed before January 1, 1998, it is a sex offense
26 requiring registration only when the person is convicted of

1 any felony after July 1, 2011, and paragraph (2.1) of
2 subsection (c) of Section 3 of this Act applies.

3 (1.10) A violation or attempted violation of any of the
4 following Sections of the Criminal Code of 1961 or the
5 Criminal Code of 2012 when the offense was committed on or
6 after July 1, 1999:

7 10-4 (forcible detention, if the victim is under 18
8 years of age), provided the offense was sexually
9 motivated as defined in Section 10 of the Sex Offender
10 Management Board Act,

11 11-6.5 (indecent solicitation of an adult),

12 11-14.3 that involves soliciting for a prostitute,
13 or 11-15 (soliciting for a prostitute, if the victim is
14 under 18 years of age),

15 subdivision (a)(2)(A) or (a)(2)(B) of Section
16 11-14.3, or Section 11-16 (pandering, if the victim is
17 under 18 years of age),

18 11-18 (patronizing a prostitute, if the victim is
19 under 18 years of age),

20 subdivision (a)(2)(C) of Section 11-14.3, or
21 Section 11-19 (pimping, if the victim is under 18 years
22 of age).

23 If the offense was committed before July 1, 1999, it is
24 a sex offense requiring registration only when the person
25 is convicted of any felony after July 1, 2011, and
26 paragraph (2.1) of subsection (c) of Section 3 of this Act

1 applies.

2 (1.11) A violation or attempted violation of any of the
3 following Sections of the Criminal Code of 1961 or the
4 Criminal Code of 2012 when the offense was committed on or
5 after August 22, 2002:

6 11-9 or 11-30 (public indecency for a third or
7 subsequent conviction).

8 If the third or subsequent conviction was imposed
9 before August 22, 2002, it is a sex offense requiring
10 registration only when the person is convicted of any
11 felony after July 1, 2011, and paragraph (2.1) of
12 subsection (c) of Section 3 of this Act applies.

13 (1.12) A violation or attempted violation of Section
14 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
15 Criminal Code of 1961 or the Criminal Code of 2012
16 (permitting sexual abuse) when the offense was committed on
17 or after August 22, 2002. If the offense was committed
18 before August 22, 2002, it is a sex offense requiring
19 registration only when the person is convicted of any
20 felony after July 1, 2011, and paragraph (2.1) of
21 subsection (c) of Section 3 of this Act applies.

22 (1.13) A second violation or attempted violation of
23 Section 11-30 (public indecency while confined in a penal
24 institution) of the Criminal Code of 2012 committed on or
25 after the effective date of this amendatory Act of the
26 100th General Assembly.

1 (2) A violation of any former law of this State
2 substantially equivalent to any offense listed in
3 subsection (B) of this Section.

4 (C) A conviction for an offense of federal law, Uniform
5 Code of Military Justice, or the law of another state or a
6 foreign country that is substantially equivalent to any offense
7 listed in subsections (B), (C), (E), and (E-5) of this Section
8 shall constitute a conviction for the purpose of this Article.
9 A finding or adjudication as a sexually dangerous person or a
10 sexually violent person under any federal law, Uniform Code of
11 Military Justice, or the law of another state or foreign
12 country that is substantially equivalent to the Sexually
13 Dangerous Persons Act or the Sexually Violent Persons
14 Commitment Act shall constitute an adjudication for the
15 purposes of this Article.

16 (C-5) A person at least 17 years of age at the time of the
17 commission of the offense who is convicted of first degree
18 murder under Section 9-1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, against a person under 18 years of age,
20 shall be required to register for natural life. A conviction
21 for an offense of federal, Uniform Code of Military Justice,
22 sister state, or foreign country law that is substantially
23 equivalent to any offense listed in subsection (C-5) of this
24 Section shall constitute a conviction for the purpose of this
25 Article. This subsection (C-5) applies to a person who
26 committed the offense before June 1, 1996 if: (i) the person is

1 incarcerated in an Illinois Department of Corrections facility
2 on August 20, 2004 (the effective date of Public Act 93-977),
3 or (ii) subparagraph (i) does not apply and the person is
4 convicted of any felony after July 1, 2011, and paragraph (2.1)
5 of subsection (c) of Section 3 of this Act applies.

6 (C-6) A person who is convicted or adjudicated delinquent
7 of first degree murder as defined in Section 9-1 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, against a
9 person 18 years of age or over, shall be required to register
10 for his or her natural life. A conviction for an offense of
11 federal, Uniform Code of Military Justice, sister state, or
12 foreign country law that is substantially equivalent to any
13 offense listed in subsection (C-6) of this Section shall
14 constitute a conviction for the purpose of this Article. This
15 subsection (C-6) does not apply to those individuals released
16 from incarceration more than 10 years prior to January 1, 2012
17 (the effective date of Public Act 97-154).

18 (D) As used in this Article, "law enforcement agency having
19 jurisdiction" means the Chief of Police in each of the
20 municipalities in which the sex offender expects to reside,
21 work, or attend school (1) upon his or her discharge, parole or
22 release or (2) during the service of his or her sentence of
23 probation or conditional discharge, or the Sheriff of the
24 county, in the event no Police Chief exists or if the offender
25 intends to reside, work, or attend school in an unincorporated
26 area. "Law enforcement agency having jurisdiction" includes

1 the location where out-of-state students attend school and
2 where out-of-state employees are employed or are otherwise
3 required to register.

4 (D-1) As used in this Article, "supervising officer" means
5 the assigned Illinois Department of Corrections parole agent or
6 county probation officer.

7 (E) As used in this Article, "sexual predator" means any
8 person who, after July 1, 1999, is:

9 (1) Convicted for an offense of federal, Uniform Code
10 of Military Justice, sister state, or foreign country law
11 that is substantially equivalent to any offense listed in
12 subsection (E) or (E-5) of this Section shall constitute a
13 conviction for the purpose of this Article. Convicted of a
14 violation or attempted violation of any of the following
15 Sections of the Criminal Code of 1961 or the Criminal Code
16 of 2012:

17 10-5.1 (luring of a minor),

18 11-14.4 that involves keeping a place of juvenile
19 prostitution, or 11-17.1 (keeping a place of juvenile
20 prostitution),

21 subdivision (a) (2) or (a) (3) of Section 11-14.4,
22 or Section 11-19.1 (juvenile pimping),

23 subdivision (a) (4) of Section 11-14.4, or Section
24 11-19.2 (exploitation of a child),

25 11-20.1 (child pornography),

26 11-20.1B or 11-20.3 (aggravated child

1 pornography),

2 11-1.20 or 12-13 (criminal sexual assault),

3 11-1.30 or 12-14 (aggravated criminal sexual
4 assault),

5 11-1.40 or 12-14.1 (predatory criminal sexual
6 assault of a child),

7 11-1.60 or 12-16 (aggravated criminal sexual
8 abuse),

9 12-33 (ritualized abuse of a child);

10 (2) (blank);

11 (3) declared as a sexually dangerous person pursuant to
12 the Sexually Dangerous Persons Act or any substantially
13 similar federal, Uniform Code of Military Justice, sister
14 state, or foreign country law;

15 (4) found to be a sexually violent person pursuant to
16 the Sexually Violent Persons Commitment Act or any
17 substantially similar federal, Uniform Code of Military
18 Justice, sister state, or foreign country law;

19 (5) convicted of a second or subsequent offense which
20 requires registration pursuant to this Act. For purposes of
21 this paragraph (5), "convicted" shall include a conviction
22 under any substantially similar Illinois, federal, Uniform
23 Code of Military Justice, sister state, or foreign country
24 law;

25 (6) (blank); or

26 (7) if the person was convicted of an offense set forth

1 in this subsection (E) on or before July 1, 1999, the
2 person is a sexual predator for whom registration is
3 required only when the person is convicted of a felony
4 offense after July 1, 2011, and paragraph (2.1) of
5 subsection (c) of Section 3 of this Act applies.

6 (E-5) As used in this Article, "sexual predator" also means
7 a person convicted of a violation or attempted violation of any
8 of the following Sections of the Criminal Code of 1961 or the
9 Criminal Code of 2012:

10 (1) Section 9-1 (first degree murder, when the victim
11 was a person under 18 years of age and the defendant was at
12 least 17 years of age at the time of the commission of the
13 offense, provided the offense was sexually motivated as
14 defined in Section 10 of the Sex Offender Management Board
15 Act);

16 (2) Section 11-9.5 (sexual misconduct with a person
17 with a disability);

18 (3) when the victim is a person under 18 years of age,
19 the defendant is not a parent of the victim, the offense
20 was sexually motivated as defined in Section 10 of the Sex
21 Offender Management Board Act, and the offense was
22 committed on or after January 1, 1996: (A) Section 10-1
23 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
24 (C) Section 10-3 (unlawful restraint), and (D) Section
25 10-3.1 (aggravated unlawful restraint); and

26 (4) Section 10-5(b)(10) (child abduction committed by

1 luring or attempting to lure a child under the age of 16
2 into a motor vehicle, building, house trailer, or dwelling
3 place without the consent of the parent or lawful custodian
4 of the child for other than a lawful purpose and the
5 offense was committed on or after January 1, 1998, provided
6 the offense was sexually motivated as defined in Section 10
7 of the Sex Offender Management Board Act).

8 (E-10) As used in this Article, "sexual predator" also
9 means a person required to register in another State due to a
10 conviction, adjudication or other action of any court
11 triggering an obligation to register as a sex offender, sexual
12 predator, or substantially similar status under the laws of
13 that State.

14 (F) As used in this Article, "out-of-state student" means
15 any sex offender, as defined in this Section, or sexual
16 predator who is enrolled in Illinois, on a full-time or
17 part-time basis, in any public or private educational
18 institution, including, but not limited to, any secondary
19 school, trade or professional institution, or institution of
20 higher learning.

21 (G) As used in this Article, "out-of-state employee" means
22 any sex offender, as defined in this Section, or sexual
23 predator who works in Illinois, regardless of whether the
24 individual receives payment for services performed, for a
25 period of time of 10 or more days or for an aggregate period of
26 time of 30 or more days during any calendar year. Persons who

1 operate motor vehicles in the State accrue one day of
2 employment time for any portion of a day spent in Illinois.

3 (H) As used in this Article, "school" means any public or
4 private educational institution, including, but not limited
5 to, any elementary or secondary school, trade or professional
6 institution, or institution of higher education.

7 (I) As used in this Article, "fixed residence" means any
8 and all places that a sex offender resides for an aggregate
9 period of time of 5 or more days in a calendar year.

10 (J) As used in this Article, "Internet protocol address"
11 means the string of numbers by which a location on the Internet
12 is identified by routers or other computers connected to the
13 Internet.

14 (Source: P.A. 100-428, eff. 1-1-18.)".