



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3489

Introduced 2/16/2018, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

730 ILCS 154/12 new
730 ILCS 154/13 new
730 ILCS 154/46 new
730 ILCS 154/85

Amends the Murderer and Violent Offender Against Youth Registration Act. Provides that any person who is required to register under this Act may file a Petition to Review Registrant Status with the county where he or she is required to register, seeking a hearing for early removal from the Murderer and Violent Offender Against Youth Registry. Provides that the registrant shall be removed from the registry if he or she can demonstrate exemplary conduct within his or her community, in addition to successful completion of the terms and conditions of his or her registration for 5 consecutive years on the registry. Provides exemplary conduct shall be successfully demonstrated when the registrant presents testimony, character witnesses, or other evidence to demonstrate rehabilitation and that the registrant has had no felony convictions during the last 5 years of registration. Provides that the office of the State's Attorney shall receive a copy of the petition and shall inform the victim involved of a hearing date, time, and the courtroom scheduled for the hearing. Provides that information on the number of registrants, biographical data such as age, race, relational status, type of conviction, and age of the victim shall be collected and be accessible on the Statewide Murderer and Violent Offender Against Youth Database.

LRB100 19620 RLC 34893 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 Murderer and Violent Offender Against Youth
5 Registration Act is amended by changing Section 85 and by
6 adding Sections 12, 13, and 46 as follows:

7 (730 ILCS 154/12 new)

8 Sec. 12. Petition for early removal.

9 (a) Any person who is required to register under this Act
10 may file a Petition to Review Registrant Status with the county
11 where he or she is required to register, seeking a hearing for
12 early removal from the Murderer and Violent Offender Against
13 Youth registry.

14 (b) The person filing the petition under subsection (a) of
15 this Section shall provide a copy of the petition to the office
16 of the State's Attorney. Upon receipt of a Petition to Review
17 Registrant Status, the State's Attorney shall notify the victim
18 involved of a hearing date, time, and the courtroom scheduled
19 for the hearing.

20 (c) The court may remove a person from the registry if he
21 or she can demonstrate exemplary conduct within his or her
22 community, in addition to successful completion of the terms
23 and conditions of his or her registration for 5 consecutive

1 years on the registry. Exemplary conduct shall be successfully
2 demonstrated when the registrant presents testimony, character
3 witnesses, or other evidence to demonstrate rehabilitation and
4 that the registrant has had no felony convictions during the
5 last 5 years of registration.

6 (d) A person who is required to register under this Act may
7 appeal the findings of the circuit court which considered his
8 or her Petition to Review Registrant Status.

9 (730 ILCS 154/13 new)

10 Sec. 13. Request for Review.

11 (a) Any person who is required to register under this Act
12 may file a Request for Review with the office of the State's
13 Attorney of the county in which he or she is required to
14 register, and request that the office of the State's Attorney
15 review his or her registration information. Upon receipt of a
16 Request for Review, the State's Attorney shall review the
17 information provided by the offender, and if he or she
18 determines that the information currently relied upon for
19 registration is inaccurate, the State's Attorney shall correct
20 the error before reporting the offender's personal information
21 to the Department of State Police. If the State's Attorney
22 makes a determination to deny a Request for Review, the State's
23 Attorney shall give the reason why and the information relied
24 upon for denying the Request for Review.

25 (b) Within 60 days of a denial of a request for review an

1 offender may appeal the decision of the State's Attorney to
2 deny the Request for Review in the circuit court.

3 (730 ILCS 154/46 new)

4 Sec. 46. Notification of case information from the office
5 of the State's Attorney. The office of the State's Attorney
6 shall provide the Department of State Police all relevant case
7 information that determines a registrant's place on the
8 registry, including, but not limited to, the name of the
9 offender, the date of birth of the offender, the nature of the
10 crime, and the date of birth of the victim in order to
11 facilitate proper registry placement and to prevent the
12 necessity for future Requests for Review of a registrant's
13 information.

14 (730 ILCS 154/85)

15 Sec. 85. Murderer and Violent Offender Against Youth
16 Database.

17 (a) The Department of State Police shall establish and
18 maintain a Statewide Murderer and Violent Offender Against
19 Youth Database for the purpose of identifying violent offenders
20 against youth and making that information available to the
21 persons specified in Section 95. The Database shall be created
22 from the Law Enforcement Agencies Data System (LEADS)
23 established under Section 6 of the Intergovernmental Missing
24 Child Recovery Act of 1984. The Department of State Police

1 shall examine its LEADS database for persons registered as
2 violent offenders against youth under this Act and shall
3 identify those who are violent offenders against youth and
4 shall add all the information, including photographs if
5 available, on those violent offenders against youth to the
6 Statewide Murderer and Violent Offender Against Youth
7 Database.

8 (b) The Department of State Police must make the
9 information contained in the Statewide Murderer and Violent
10 Offender Against Youth Database accessible on the Internet by
11 means of a hyperlink labeled "Murderer and Violent Offender
12 Against Youth Information" on the Department's World Wide Web
13 home page. The Department of State Police must update that
14 information as it deems necessary.

15 The Department of State Police may require that a person
16 who seeks access to the violent offender against youth
17 information submit biographical information about himself or
18 herself before permitting access to the violent offender
19 against youth information. The Department of State Police must
20 promulgate rules in accordance with the Illinois
21 Administrative Procedure Act to implement this subsection (b)
22 and those rules must include procedures to ensure that the
23 information in the database is accurate.

24 (c) The Department of State Police must develop and conduct
25 training to educate all those entities involved in the Murderer
26 and Violent Offender Against Youth Registration Program.

1 (d) The Department of State Police shall commence the
2 duties prescribed in the Murderer and Violent Offender Against
3 Youth Registration Act within 12 months after the effective
4 date of this Act.

5 (e) Information on number of registrants, biographical
6 data such as age, race, relational status, type of conviction,
7 and age of the victim shall be collected and made publicly
8 accessible on the Department of State Police website.
9 Departmental or other agencies involved with maintaining or
10 monitoring registrants, or both, on the Murderer and Violent
11 Offender Against Youth Registry shall adhere to the following:

12 (1) each office of the State's Attorney shall be
13 responsible for recording data on each violent offender
14 against youth registrant who has been prosecuted for
15 failing to adhere to the requirements of the Registry. Each
16 State's Attorney shall submit the data to the Department of
17 State Police on a monthly basis;

18 (2) the Department of Corrections shall record all
19 violators of the conditions of registration under this Act
20 who are on parole or mandatory supervised release, which
21 record shall consist of the date of violation, condition of
22 parole or mandatory supervised release violated, and
23 violations of the provisions of this Act. The information
24 shall be submitted to the Department of State Police; and

25 (3) upon receipt of the data recording violation, the
26 Department of State Police shall upload the data into the

1 Statewide Murderer and Violent Offender Against Youth
2 Database.

3 (Source: P.A. 97-154, eff. 1-1-12.)