

# 101ST GENERAL ASSEMBLY State of Illinois 2019 and 2020 SB3490

Introduced 2/14/2020, by Sen. Jacqueline Y. Collins

#### SYNOPSIS AS INTRODUCED:

730 ILCS 150/3 730 ILCS 150/6 730 ILCS 154/10

Amends the Sex Offender Registration Act and the Murderer and Violent Offender Against Youth Registration Act. Provides that in a municipality having a population of over 2,000,000 inhabitants, the Superintendent of the Police Department shall designate not less than 4 police district offices as registration centers. Provides that if an offender who is required to register under the respective Acts resides, is employed at, or attends an institution of higher education in a municipality having a population of over 2,000,000 inhabitants, the offender shall register at any of the registration centers designated by the Superintendent (rather than in the City of Chicago, where the offender shall register at a fixed location designated by the Superintendent of the Chicago Police Department). Provides that a person who lacks a fixed residence must report not less than every 90 days (rather than weekly), in person, with the sheriff's office of the county in which he or she is located in an unincorporated area, or at any of the locations designated by the chief of police in the municipality in which he or she is located. Provides that if the person lacks a fixed address, he or she does not have to provide documentation of his or her registering address. Provides that the registering agency shall waive all registration fees if the person lacks a fixed address.

LRB101 16063 RLC 65425 b

FISCAL NOTE ACT MAY APPLY

1 AN ACT concerning criminal law.

## Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- Section 5. The Sex Offender Registration Act is amended by changing Sections 3 and 6 as follows:
- 6 (730 ILCS 150/3)
- 7 Sec. 3. Duty to register.
- (a) A sex offender, as defined in Section 2 of this Act, or 8 9 sexual predator shall, within the time period prescribed in subsections (b) and (c), register in person and provide 10 accurate information as required by the Department of State 11 Police. Such information shall include a current photograph, 12 13 current address, current place of employment, the 14 offender's or sexual predator's telephone number, including cellular telephone number, the employer's telephone number, 15 16 school attended, all e-mail addresses, instant messaging identities, chat 17 room identities, and other communications identities that the sex offender uses or plans 18 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, extensions of the time period for registering as provided in 23

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this Article and, if an extension was granted, the reason why the extension was granted and the date the sex offender was notified of the extension. The information shall also include a copy of the terms and conditions of parole or release signed by the sex offender and given to the sex offender by his or her supervising officer or aftercare specialist, the county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense, and any distinguishing marks located on the body of the sex offender. A sex offender convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012 shall provide all Internet protocol (IP) addresses in his or her residence, registered in his or her name, accessible at his or her place of employment, or otherwise under his or her control or custody. If the sex offender is a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, the sex offender shall report to the registering agency whether he or she is living in a household with a child under 18 years of age who is not his or her own child, provided that his or her own child is not the victim of the sex offense. The sex offender or sexual predator shall register:

(1) with the chief of police in the municipality in which he or she resides or is temporarily domiciled for a

period of time of 3 or more days, unless the municipality has a population over 2,000,000 inhabitants. In a municipality having a population of over 2,000,000 inhabitants, the Superintendent of the Police Department shall designate not less than 4 police district offices as registration centers and the sex offender or sexual predator shall register at any of those registration centers designated by the Superintendent is the City of Chicago, in which case he or she shall register at a fixed location designated by the Superintendent of the Chicago Police Department; or

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

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

#### (i) with:

(A) the chief of police in the municipality in which he or she is employed at or attends an institution of higher education, unless the municipality has a population over 2,000,000 inhabitants. In a municipality having a population of over 2,000,000 inhabitants, the Superintendent of the Police Department shall designate not less than 4

| police district offices as registration centers and     |
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| the sex offender or sexual predator shall register at   |
| any of those registration centers designated by the     |
| Superintendent is the City of Chicago, in which case he |
| or she shall register at a fixed location designated by |
| the Superintendent of the Chicago Police Department;    |
| or  |

(B) the sheriff in the county in which he or she is employed or attends an institution of higher education located in an unincorporated area, or if incorporated,

no police chief exists; and

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

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

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

A sex offender or sexual predator who is temporarily absent

from his or her current address of registration for 3 or more days shall notify the law enforcement agency having jurisdiction of his or her current registration, including the itinerary for travel, in the manner provided in Section 6 of this Act for notification to the law enforcement agency having jurisdiction of change of address.

Any person who lacks a fixed residence must report not less than every 90 days weekly, in person, with the sheriff's office of the county in which he or she is located in an unincorporated area, or at any of the locations designated by with the chief of police in the municipality in which he or she is located. The agency of jurisdiction will document each quarterly weekly registration to include all the locations where the person has stayed during the past 90 7 days.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 3 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. A sex offender convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012 shall

provide all Internet protocol (IP) addresses in his or her residence, registered in his or her name, accessible at his or her place of employment, or otherwise under his or her control or custody. The out-of-state student or out-of-state employee shall register:

#### (1) with:

- (A) the chief of police in the municipality in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality has a population over 2,000,000 inhabitants. In a municipality having a population of over 2,000,000 inhabitants, the Superintendent of the Police Department shall designate not less than 4 police district offices as registration centers and the sex offender or sexual predator shall register at any of those registration centers designated by the Superintendent is the City of Chicago, in which case he or she shall register at a fixed location designated by the Superintendent of the Chicago Police Department; or
- (B) the sheriff in the county in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police

1 chief exists; and

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

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

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

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

(b) Any sex offender, as defined in Section 2 of this Act, or sexual predator, regardless of any initial, prior, or other registration, shall, within 3 days of beginning school, or establishing a residence, place of employment, or temporary

- domicile in any county, register in person as set forth in subsection (a) or (a-5).
  - (c) The registration for any person required to register under this Article shall be as follows:
    - (1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child Sex Offender Registration Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7.
    - (2) Except as provided in subsection (c)(2.1) or (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.
    - (2.1) A sex offender or sexual predator, who has never previously been required to register under this Act, has a duty to register if the person has been convicted of any felony offense after July 1, 2011. A person who previously was required to register under this Act for a period of 10 years and successfully completed that registration period has a duty to register if: (i) the person has been convicted of any felony offense after July 1, 2011, and (ii) the offense for which the 10 year registration was served currently requires a registration period of more than 10 years. Notification of an offender's duty to

register under this subsection shall be pursuant to Section 5-7 of this Act.

- (2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 3 days of notification of his or her requirement to register. Except as provided in subsection (c)(2.1), if notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.
- (3) Except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 3 days after the entry of the sentencing order based upon his or her conviction.
- (4) Any person unable to comply with the registration requirements of this Article because he or she is confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 3 days of discharge, parole or release.
- (5) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address. <u>If the person lacks a fixed</u>

### address, he or she does not have to provide documentation of his or her registering address.

- (6) The person shall pay a \$100 initial registration fee and a \$100 annual renewal fee to the registering law enforcement agency having jurisdiction. The registering agency may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. The registering agency shall waive all registration fees if the person lacks a fixed address. Thirty-five dollars for the initial registration fee and \$35 of the annual renewal fee shall be retained and used by the registering agency for official purposes. Having retained \$35 of the initial registration fee and \$35 of the annual renewal fee, the registering agency shall remit the remainder of the fee to State agencies within 30 days of receipt for deposit into the State funds as follows:
  - (A) Five dollars of the initial registration fee and \$5 of the annual fee shall be remitted to the State Treasurer who shall deposit the moneys into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and shall be used by the Board to comply with the provisions of the Sex Offender Management Board Act.
    - (B) Thirty dollars of the initial registration fee

and \$30 of the annual renewal fee shall be remitted to the Department of State Police which shall deposit the moneys into the Offender Registration Fund.

(C) Thirty dollars of the initial registration fee and \$30 of the annual renewal fee shall be remitted to the Attorney General who shall deposit the moneys into the Attorney General Sex Offender Awareness, Training, and Education Fund. Moneys deposited into the Fund shall be used by the Attorney General to administer the I-SORT program and to alert and educate the public, victims, and witnesses of their rights under various victim notification laws and for training law enforcement agencies, State's Attorneys, and medical providers of their legal duties concerning the prosecution and investigation of sex offenses.

The registering agency shall establish procedures to document the receipt and remittance of the \$100 initial registration fee and \$100 annual renewal fee.

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

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1 (Source: P.A. 101-571, eff. 8-23-19.)

#### 2 (730 ILCS 150/6)

Sec. 6. Duty to report; change of address, school, or employment; duty to inform. A person who has been adjudicated to be sexually dangerous or is a sexually violent person and is later released, or found to be no longer sexually dangerous or longer a sexually violent person and discharged, convicted of a violation of this Act after July 1, 2005, shall report in person to the law enforcement agency with whom he or she last registered no later than 90 days after the date of his or her last registration and every 90 days thereafter and at such other times at the request of the law enforcement agency not to exceed 4 times a year. Such sexually dangerous or sexually violent person must report all new or changed e-mail addresses, all new or changed instant messaging identities, all new or changed chat room identities, and all other new or changed Internet communications identities that the sexually dangerous or sexually violent person uses or plans to use, all new or changed Uniform Resource Locators (URLs) registered or used by the sexually dangerous or sexually violent person, and all new or changed blogs and other Internet sites maintained by the sexually dangerous or sexually violent person or to which the sexually dangerous or sexually violent person has uploaded any content or posted any messages or information. Any person who lacks a fixed residence must report not less than every 90

days weekly, in person, to the appropriate law enforcement 1 2 agency where the sex offender is located. Any other person who 3 is required to register under this Article shall report in person to the appropriate law enforcement agency with whom he 4 5 or she last registered within one year from the date of last 6 registration and every year thereafter and at such other times 7 at the request of the law enforcement agency not to exceed 4 8 times a year. If any person required to register under this 9 Article lacks a fixed residence or temporary domicile, he or 10 she must notify, in person, the agency of jurisdiction of his 11 or her last known address within 3 days after ceasing to have a 12 fixed residence and if the offender leaves the last jurisdiction of residence, he or she, must within 3 days after 13 14 leaving register in person with the new agency of jurisdiction. 15 If any other person required to register under this Article 16 changes his or her residence address, place of employment, 17 telephone number, cellular telephone number, or school, he or she shall report in person, to the law enforcement agency with 18 19 whom he or she last registered, his or her new address, change 20 in employment, telephone number, cellular telephone number, or 21 school, all new or changed e-mail addresses, all new or changed 22 instant messaging identities, all new or changed chat room 23 identities, all other and new or changed 24 communications identities that the sex offender uses or plans 25 to use, all new or changed Uniform Resource Locators (URLs) 26 registered or used by the sex offender, and all new or changed

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blogs and other Internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information, and register, in person, with the appropriate law enforcement agency within the time period specified in Section 3. If the sex offender is a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, the sex offender shall within 3 days after beginning to reside in a household with a child under 18 years of age who is not his or her own child, provided that his or her own child is not the victim of the sex offense, report that information to the registering law enforcement agency. The law enforcement agency shall, within 3 days of the reporting in person by the person required to register under this Article, notify the Department of State Police of the new place of residence, change in employment, telephone number, cellular telephone number, or school.

If any person required to register under this Article intends to establish a residence or employment outside of the State of Illinois, at least 10 days before establishing that residence or employment, he or she shall report in person to the law enforcement agency with which he or she last registered of his or her out-of-state intended residence or employment. The law enforcement agency with which such person last registered shall, within 3 days after the reporting in person of the person required to register under this Article of an address or employment change, notify the Department of State

- 1 Police. The Department of State Police shall forward such
- 2 information to the out-of-state law enforcement agency having
- 3 jurisdiction in the form and manner prescribed by the
- 4 Department of State Police.
- 5 (Source: P.A. 96-1094, eff. 1-1-11; 96-1104, eff. 1-1-11;
- 6 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13.)
- 7 Section 10. The Murderer and Violent Offender Against Youth
- 8 Registration Act is amended by changing Section 10 as follows:
- 9 (730 ILCS 154/10)
- 10 Sec. 10. Duty to register.
- 11 (a) A violent offender against youth shall, within the time
- 12 period prescribed in subsections (b) and (c), register in
- 13 person and provide accurate information as required by the
- 14 Department of State Police. Such information shall include a
- 15 current photograph, current address, current place of
- 16 employment, the employer's telephone number, school attended,
- 17 extensions of the time period for registering as provided in
- 18 this Act and, if an extension was granted, the reason why the
- 19 extension was granted and the date the violent offender against
- youth was notified of the extension. A person who has been
- 21 adjudicated a juvenile delinquent for an act which, if
- 22 committed by an adult, would be a violent offense against youth
- 23 shall register as an adult violent offender against youth
- 24 within 10 days after attaining 17 years of age. The violent

1 offender against youth shall register:

- (1) with the chief of police in the municipality in which he or she resides or is temporarily domiciled for a period of time of 5 or more days, unless the municipality has a population over 2,000,000 inhabitants. In a municipality having a population of over 2,000,000 inhabitants, the Superintendent of the Police Department shall designate not less than 4 police district offices as registration centers and the violent offender against youth shall register at any of those registration centers designated by the Superintendent is the City of Chicago, in which case he or she shall register at a fixed location designated by the Superintendent of the Chicago Police Department; or
- (2) with the sheriff in the county in which he or she resides or is temporarily domiciled for a period of time of 5 or more days in an unincorporated area or, if incorporated, no police chief exists.

If the violent offender against youth is employed at or attends an institution of higher education, he or she shall register:

(i) with the chief of police in the municipality in which he or she is employed at or attends an institution of higher education, unless the municipality has a population over 2,000,000 inhabitants. In a municipality having a population of over 2,000,000 inhabitants, the

Superintendent of the Police Department shall designate not less than 4 police district offices as registration centers and the violent offender against youth shall register at any of those registration centers designated by the Superintendent is the City of Chicago, in which case he or she shall register at a fixed location designated by the Superintendent of the Chicago Police Department; or

(ii) with the sheriff in the county in which he or she is employed or attends an institution of higher education located in an unincorporated area, or if incorporated, no police chief exists.

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

Any person who lacks a fixed residence must report not less than every 90 days weekly, in person, with the sheriff's office of the county in which he or she is located in an unincorporated area, or with the chief of police in the municipality in which he or she is located. The agency of jurisdiction will document each guarterly weekly registration to include all the locations where the person has stayed during

1 the past 90 + 7 days.

The violent offender against youth shall provide accurate information as required by the Department of State Police. That information shall include the current place of employment of the violent offender against youth.

- (a-5) An out-of-state student or out-of-state employee shall, within 5 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. The out-of-state student or out-of-state employee shall register:
  - (1) with the chief of police in the municipality in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality has a population over 2,000,000 inhabitants. In a municipality having a population of over 2,000,000 inhabitants, the Superintendent of the Police Department shall designate not less than 4 police district offices as registration centers and the violent offender against youth shall register at any of those registration centers designated by the Superintendent is the City of Chicago, in which case he or she shall register at a fixed location designated by the Superintendent of the Chicago Police Department; or

(2) with the sheriff in the county in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

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

- (b) Any violent offender against youth regardless of any initial, prior, or other registration, shall, within 5 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).
- (c) The registration for any person required to register under this Act shall be as follows:
  - (1) Except as provided in paragraph (3) of this subsection (c), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 5 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the

offender attempted to avoid registration, the offender will no longer be required to register under this Act.

- (2) Except as provided in paragraph (3) of this subsection (c), any person convicted on or after the effective date of this Act shall register in person within 5 days after the entry of the sentencing order based upon his or her conviction.
- (3) Any person unable to comply with the registration requirements of this Act because he or she is confined, institutionalized, or imprisoned in Illinois on or after the effective date of this Act shall register in person within 5 days of discharge, parole or release.
- (4) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address. <u>If the person lacks a fixed residence</u>, he or she does not have to provide documentation of his or her registering address.
- (5) The person shall pay a \$20 initial registration fee and a \$10 annual renewal fee. The fees shall be deposited into the Offender Registration Fund. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. The registering agency shall waive all registration fees if

#### the person lacks a fixed address.

- (d) Within 5 days after obtaining or changing employment, a person required to register under this Section must report, in person to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.
- 9 (Source: P.A. 101-571, eff. 8-23-19.)