



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 1397

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1397, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by  
6 changing Sections 11-19.2, 12-13, and 12-14.1 as follows:

7 (720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)

8 Sec. 11-19.2. Exploitation of a child.

9 (A) A person commits exploitation of a child when he or she  
10 confines a child under the age of 16 or a severely or  
11 profoundly mentally retarded person against his or her will by  
12 the infliction or threat of imminent infliction of great bodily  
13 harm, permanent disability or disfigurement or by  
14 administering to the child or severely or profoundly mentally  
15 retarded person without his or her consent or by threat or  
16 deception and for other than medical purposes, any alcoholic

1 intoxicant or a drug as defined in the Illinois Controlled  
2 Substances Act or the Cannabis Control Act or methamphetamine  
3 as defined in the Methamphetamine Control and Community  
4 Protection Act and:

5 (1) compels the child or severely or profoundly  
6 mentally retarded person to become a prostitute; or

7 (2) arranges a situation in which the child or severely  
8 or profoundly mentally retarded person may practice  
9 prostitution; or

10 (3) receives any money, property, token, object, or  
11 article or anything of value from the child or severely or  
12 profoundly mentally retarded person knowing it was  
13 obtained in whole or in part from the practice of  
14 prostitution.

15 (B) For purposes of this Section, administering drugs, as  
16 defined in subsection (A), or an alcoholic intoxicant to a  
17 child under the age of 13 or a severely or profoundly mentally  
18 retarded person shall be deemed to be without consent if such  
19 administering is done without the consent of the parents or  
20 legal guardian.

21 (C) Exploitation of a child is a Class X felony, for which  
22 the person shall be sentenced to a term of imprisonment of not  
23 less than 6 years and not more than 60 years.

24 (D) Any person convicted under this Section is subject to  
25 the forfeiture provisions of Section 11-20.1A of this Act.

26 (Source: P.A. 94-556, eff. 9-11-05.)

1 (720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

2 Sec. 12-13. Criminal Sexual Assault.

3 (a) The accused commits criminal sexual assault if he or  
4 she:

5 (1) commits an act of sexual penetration by the use of  
6 force or threat of force; or

7 (2) commits an act of sexual penetration and the  
8 accused knew that the victim was unable to understand the  
9 nature of the act or was unable to give knowing consent; or

10 (3) commits an act of sexual penetration with a victim  
11 who was under 18 years of age when the act was committed  
12 and the accused was a family member; or

13 (4) commits an act of sexual penetration with a victim  
14 who was at least 13 years of age but under 18 years of age  
15 when the act was committed and the accused was 17 years of  
16 age or over and held a position of trust, authority or  
17 supervision in relation to the victim.

18 (b) Sentence.

19 (1) Criminal sexual assault is a Class 1 felony.

20 (2) A person who is convicted of the offense of  
21 criminal sexual assault as defined in paragraph (a)(1) or  
22 (a)(2) after having previously been convicted of the  
23 offense of criminal sexual assault or the offense of  
24 exploitation of a child, or who is convicted of the offense  
25 of criminal sexual assault as defined in paragraph (a)(1)

1 or (a) (2) after having previously been convicted under the  
2 laws of this State or any other state of an offense that is  
3 substantially equivalent to the offense of criminal sexual  
4 assault or to the offense of exploitation of a child,  
5 commits a Class X felony for which the person shall be  
6 sentenced to a term of imprisonment of not less than 30  
7 years and not more than 60 years. The commission of the  
8 second or subsequent offense is required to have been after  
9 the initial conviction for this paragraph (2) to apply.

10 (3) A person who is convicted of the offense of  
11 criminal sexual assault as defined in paragraph (a) (1) or  
12 (a) (2) after having previously been convicted of the  
13 offense of aggravated criminal sexual assault or the  
14 offense of predatory criminal sexual assault of a child, or  
15 who is convicted of the offense of criminal sexual assault  
16 as defined in paragraph (a) (1) or (a) (2) after having  
17 previously been convicted under the laws of this State or  
18 any other state of an offense that is substantially  
19 equivalent to the offense of aggravated criminal sexual  
20 assault or the offense of criminal predatory sexual assault  
21 shall be sentenced to a term of natural life imprisonment.  
22 The commission of the second or subsequent offense is  
23 required to have been after the initial conviction for this  
24 paragraph (3) to apply.

25 (4) A second or subsequent conviction for a violation  
26 of paragraph (a) (3) or (a) (4) or under any similar statute

1 of this State or any other state for any offense involving  
2 criminal sexual assault that is substantially equivalent  
3 to or more serious than the sexual assault prohibited under  
4 paragraph (a) (3) or (a) (4) is a Class X felony.

5 (5) When a person has any such prior conviction, the  
6 information or indictment charging that person shall state  
7 such prior conviction so as to give notice of the State's  
8 intention to treat the charge as a Class X felony. The fact  
9 of such prior conviction is not an element of the offense  
10 and may not be disclosed to the jury during trial unless  
11 otherwise permitted by issues properly raised during such  
12 trial.

13 (Source: P.A. 90-396, eff. 1-1-98.)

14 (720 ILCS 5/12-14.1)

15 Sec. 12-14.1. Predatory criminal sexual assault of a child.

16 (a) The accused commits predatory criminal sexual assault  
17 of a child if:

18 (1) the accused was 17 years of age or over and commits  
19 an act of sexual penetration with a victim who was under 13  
20 years of age when the act was committed; or

21 (1.1) the accused was 17 years of age or over and,  
22 while armed with a firearm, commits an act of sexual  
23 penetration with a victim who was under 13 years of age  
24 when the act was committed; or

25 (1.2) the accused was 17 years of age or over and

1 commits an act of sexual penetration with a victim who was  
2 under 13 years of age when the act was committed and,  
3 during the commission of the offense, the accused  
4 personally discharged a firearm; or

5 (2) the accused was 17 years of age or over and commits  
6 an act of sexual penetration with a victim who was under 13  
7 years of age when the act was committed and the accused  
8 caused great bodily harm to the victim that:

9 (A) resulted in permanent disability; or

10 (B) was life threatening; or

11 (3) the accused was 17 years of age or over and commits  
12 an act of sexual penetration with a victim who was under 13  
13 years of age when the act was committed and the accused  
14 delivered (by injection, inhalation, ingestion, transfer  
15 of possession, or any other means) to the victim without  
16 his or her consent, or by threat or deception, and for  
17 other than medical purposes, any controlled substance.

18 (b) Sentence.

19 (1) A person convicted of a violation of subsection  
20 (a)(1) commits a Class X felony, for which the person shall  
21 be sentenced to a term of imprisonment of not less than 6  
22 years and not more than 60 years. A person convicted of a  
23 violation of subsection (a)(1.1) commits a Class X felony  
24 for which 15 years shall be added to the term of  
25 imprisonment imposed by the court. A person convicted of a  
26 violation of subsection (a)(1.2) commits a Class X felony

1 for which 20 years shall be added to the term of  
2 imprisonment imposed by the court. A person convicted of a  
3 violation of subsection (a)(2) commits a Class X felony for  
4 which the person shall be sentenced to a term of  
5 imprisonment of not less than 50 years or up to a term of  
6 natural life imprisonment.

7 (1.1) A person convicted of a violation of subsection  
8 (a)(3) commits a Class X felony for which the person shall  
9 be sentenced to a term of imprisonment of not less than 50  
10 years and not more than 60 years.

11 (1.2) A person convicted of predatory criminal sexual  
12 assault of a child committed against 2 or more persons  
13 regardless of whether the offenses occurred as the result  
14 of the same act or of several related or unrelated acts  
15 shall be sentenced to a term of natural life imprisonment.

16 (2) A person who is convicted of a second or subsequent  
17 offense of predatory criminal sexual assault of a child, or  
18 who is convicted of the offense of predatory criminal  
19 sexual assault of a child after having previously been  
20 convicted of the offense of criminal sexual assault or the  
21 offense of aggravated criminal sexual assault, or who is  
22 convicted of the offense of predatory criminal sexual  
23 assault of a child after having previously been convicted  
24 under the laws of this State or any other state of an  
25 offense that is substantially equivalent to the offense of  
26 predatory criminal sexual assault of a child, the offense

1 of aggravated criminal sexual assault or the offense of  
2 criminal sexual assault, shall be sentenced to a term of  
3 natural life imprisonment. The commission of the second or  
4 subsequent offense is required to have been after the  
5 initial conviction for this paragraph (2) to apply.

6 (Source: P.A. 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; 92-16,  
7 eff. 6-28-01.)

8 Section 10. The Unified Code of Corrections is amended by  
9 changing Section 3-3-7 as follows:

10 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

11 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
12 Release.

13 (a) The conditions of parole or mandatory supervised  
14 release shall be such as the Prisoner Review Board deems  
15 necessary to assist the subject in leading a law-abiding life.  
16 The conditions of every parole and mandatory supervised release  
17 are that the subject:

18 (1) not violate any criminal statute of any  
19 jurisdiction during the parole or release term;

20 (2) refrain from possessing a firearm or other  
21 dangerous weapon;

22 (3) report to an agent of the Department of  
23 Corrections;

24 (4) permit the agent to visit him or her at his or her



1 home, employment, or elsewhere to the extent necessary for  
2 the agent to discharge his or her duties;

3 (5) attend or reside in a facility established for the  
4 instruction or residence of persons on parole or mandatory  
5 supervised release;

6 (6) secure permission before visiting or writing a  
7 committed person in an Illinois Department of Corrections  
8 facility;

9 (7) report all arrests to an agent of the Department of  
10 Corrections as soon as permitted by the arresting authority  
11 but in no event later than 24 hours after release from  
12 custody;

13 (7.5) if convicted of a sex offense as defined in the  
14 Sex Offender Management Board Act, the individual shall  
15 undergo and successfully complete sex offender treatment  
16 conducted in conformance with the standards developed by  
17 the Sex Offender Management Board Act by a treatment  
18 provider approved by the Board;

19 (7.6) if convicted of a sex offense as defined in the  
20 Sex Offender Management Board Act, refrain from residing at  
21 the same address or in the same condominium unit or  
22 apartment unit or in the same condominium complex or  
23 apartment complex with another person he or she knows or  
24 reasonably should know is a convicted sex offender or has  
25 been placed on supervision for a sex offense; the  
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of  
2 Corrections licensed transitional housing facility for sex  
3 offenders, or is in any facility operated or licensed by  
4 the Department of Children and Family Services or by the  
5 Department of Human Services, or is in any licensed medical  
6 facility;

7 (7.7) if convicted for an offense that would qualify  
8 the accused as a sexual predator under the Sex Offender  
9 Registration Act on or after the effective date of this  
10 amendatory Act of the 94th General Assembly, wear an  
11 approved electronic monitoring device as defined in  
12 Section 5-8A-2 for the duration of the person's parole,  
13 mandatory supervised release term, or extended mandatory  
14 supervised release term, ~~provided funding is appropriated~~  
15 ~~by the General Assembly;~~

16 (7.8) if convicted for an offense that would qualify  
17 the accused as a sex offender or sexual predator under the  
18 Sex Offender Registration Act on or after the effective  
19 date of this amendatory Act of the 95th General Assembly,  
20 not possess prescription drugs for erectile dysfunction;

21 (8) obtain permission of an agent of the Department of  
22 Corrections before leaving the State of Illinois;

23 (9) obtain permission of an agent of the Department of  
24 Corrections before changing his or her residence or  
25 employment;

26 (10) consent to a search of his or her person,

1 property, or residence under his or her control;

2 (11) refrain from the use or possession of narcotics or  
3 other controlled substances in any form, or both, or any  
4 paraphernalia related to those substances and submit to a  
5 urinalysis test as instructed by a parole agent of the  
6 Department of Corrections;

7 (12) not frequent places where controlled substances  
8 are illegally sold, used, distributed, or administered;

9 (13) not knowingly associate with other persons on  
10 parole or mandatory supervised release without prior  
11 written permission of his or her parole agent and not  
12 associate with persons who are members of an organized gang  
13 as that term is defined in the Illinois Streetgang  
14 Terrorism Omnibus Prevention Act;

15 (14) provide true and accurate information, as it  
16 relates to his or her adjustment in the community while on  
17 parole or mandatory supervised release or to his or her  
18 conduct while incarcerated, in response to inquiries by his  
19 or her parole agent or of the Department of Corrections;

20 (15) follow any specific instructions provided by the  
21 parole agent that are consistent with furthering  
22 conditions set and approved by the Prisoner Review Board or  
23 by law, exclusive of placement on electronic detention, to  
24 achieve the goals and objectives of his or her parole or  
25 mandatory supervised release or to protect the public.  
26 These instructions by the parole agent may be modified at

1 any time, as the agent deems appropriate; and

2 (16) if convicted of a sex offense as defined in  
3 subsection (a-5) of Section 3-1-2 of this Code, unless the  
4 offender is a parent or guardian of the person under 18  
5 years of age present in the home and no non-familial minors  
6 are present, not participate in a holiday event involving  
7 children under 18 years of age, such as distributing candy  
8 or other items to children on Halloween, wearing a Santa  
9 Claus costume on or preceding Christmas, being employed as  
10 a department store Santa Claus, or wearing an Easter Bunny  
11 costume on or preceding Easter.

12 (b) The Board may in addition to other conditions require  
13 that the subject:

14 (1) work or pursue a course of study or vocational  
15 training;

16 (2) undergo medical or psychiatric treatment, or  
17 treatment for drug addiction or alcoholism;

18 (3) attend or reside in a facility established for the  
19 instruction or residence of persons on probation or parole;

20 (4) support his dependents;

21 (5) (blank);

22 (6) (blank);

23 (7) comply with the terms and conditions of an order of  
24 protection issued pursuant to the Illinois Domestic  
25 Violence Act of 1986, enacted by the 84th General Assembly,  
26 or an order of protection issued by the court of another

1 state, tribe, or United States territory; and

2 (8) in addition, if a minor:

3 (i) reside with his parents or in a foster home;

4 (ii) attend school;

5 (iii) attend a non-residential program for youth;

6 or

7 (iv) contribute to his own support at home or in a

8 foster home.

9 (b-1) In addition to the conditions set forth in  
10 subsections (a) and (b), persons required to register as sex  
11 offenders pursuant to the Sex Offender Registration Act, upon  
12 release from the custody of the Illinois Department of  
13 Corrections, may be required by the Board to comply with the  
14 following specific conditions of release:

15 (1) reside only at a Department approved location;

16 (2) comply with all requirements of the Sex Offender  
17 Registration Act;

18 (3) notify third parties of the risks that may be  
19 occasioned by his or her criminal record;

20 (4) obtain the approval of an agent of the Department  
21 of Corrections prior to accepting employment or pursuing a  
22 course of study or vocational training and notify the  
23 Department prior to any change in employment, study, or  
24 training;

25 (5) not be employed or participate in any volunteer  
26 activity that involves contact with children, except under

1           circumstances approved in advance and in writing by an  
2           agent of the Department of Corrections;

3           (6) be electronically monitored for a minimum of 12  
4           months from the date of release as determined by the Board;

5           (7) refrain from entering into a designated geographic  
6           area except upon terms approved in advance by an agent of  
7           the Department of Corrections. The terms may include  
8           consideration of the purpose of the entry, the time of day,  
9           and others accompanying the person;

10          (8) refrain from having any contact, including written  
11          or oral communications, directly or indirectly, personally  
12          or by telephone, letter, or through a third party with  
13          certain specified persons including, but not limited to,  
14          the victim or the victim's family without the prior written  
15          approval of an agent of the Department of Corrections;

16          (9) refrain from all contact, directly or indirectly,  
17          personally, by telephone, letter, or through a third party,  
18          with minor children without prior identification and  
19          approval of an agent of the Department of Corrections;

20          (10) neither possess or have under his or her control  
21          any material that is sexually oriented, sexually  
22          stimulating, or that shows male or female sex organs or any  
23          pictures depicting children under 18 years of age nude or  
24          any written or audio material describing sexual  
25          intercourse or that depicts or alludes to sexual activity,  
26          including but not limited to visual, auditory, telephonic,

1 or electronic media, or any matter obtained through access  
2 to any computer or material linked to computer access use;

3 (11) not patronize any business providing sexually  
4 stimulating or sexually oriented entertainment nor utilize  
5 "900" or adult telephone numbers;

6 (12) not reside near, visit, or be in or about parks,  
7 schools, day care centers, swimming pools, beaches,  
8 theaters, or any other places where minor children  
9 congregate without advance approval of an agent of the  
10 Department of Corrections and immediately report any  
11 incidental contact with minor children to the Department;

12 (13) not possess or have under his or her control  
13 certain specified items of contraband related to the  
14 incidence of sexually offending as determined by an agent  
15 of the Department of Corrections;

16 (14) may be required to provide a written daily log of  
17 activities if directed by an agent of the Department of  
18 Corrections;

19 (15) comply with all other special conditions that the  
20 Department may impose that restrict the person from  
21 high-risk situations and limit access to potential  
22 victims; -

23 (16) take an annual polygraph exam;

24 (17) maintain a log of his or her travel; or

25 (18) obtain prior approval of his or her parole officer  
26 before driving alone in a motor vehicle.

1 (c) The conditions under which the parole or mandatory  
2 supervised release is to be served shall be communicated to the  
3 person in writing prior to his release, and he shall sign the  
4 same before release. A signed copy of these conditions,  
5 including a copy of an order of protection where one had been  
6 issued by the criminal court, shall be retained by the person  
7 and another copy forwarded to the officer in charge of his  
8 supervision.

9 (d) After a hearing under Section 3-3-9, the Prisoner  
10 Review Board may modify or enlarge the conditions of parole or  
11 mandatory supervised release.

12 (e) The Department shall inform all offenders committed to  
13 the Department of the optional services available to them upon  
14 release and shall assist inmates in availing themselves of such  
15 optional services upon their release on a voluntary basis.

16 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,  
17 eff. 7-11-05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)

18 Section 15. The Sex Offender Registration Act is amended by  
19 changing Sections 3, 4, 5, 5-5, 6, 6-5, and 7 as follows:

20 (730 ILCS 150/3) (from Ch. 38, par. 223)

21 Sec. 3. Duty to register.

22 (a) A sex offender, as defined in Section 2 of this Act, or  
23 sexual predator shall, within the time period prescribed in  
24 subsections (b) and (c), register in person and provide



1 accurate information as required by the Department of State  
2 Police. Such information shall include a current photograph,  
3 current address, current place of employment, the employer's  
4 telephone number, school attended, extensions of the time  
5 period for registering as provided in this Article and, if an  
6 extension was granted, the reason why the extension was granted  
7 and the date the sex offender was notified of the extension.  
8 The information shall also include the county of conviction,  
9 license plate numbers for every vehicle registered in the name  
10 of the sex offender, the age of the sex offender at the time of  
11 the commission of the offense, the age of the victim at the  
12 time of the commission of the offense, and any distinguishing  
13 marks located on the body of the sex offender. A person who has  
14 been adjudicated a juvenile delinquent for an act which, if  
15 committed by an adult, would be a sex offense shall register as  
16 an adult sex offender within 10 days after attaining 17 years  
17 of age. The sex offender or sexual predator shall register:

18 (1) with the chief of police in the municipality in  
19 which he or she resides or is temporarily domiciled for a  
20 period of time of 5 or more days, unless the municipality  
21 is the City of Chicago, in which case he or she shall  
22 register at the Chicago Police Department Headquarters; or

23 (2) with the sheriff in the county in which he or she  
24 resides or is temporarily domiciled for a period of time of  
25 5 or more days in an unincorporated area or, if  
26 incorporated, no police chief exists.

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

4           (i) with the chief of police in the municipality in  
5 which he or she is employed at or attends an institution of  
6 higher education, unless the municipality is the City of  
7 Chicago, in which case he or she shall register at the  
8 Chicago Police Department Headquarters; or

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

13 For purposes of this Article, the place of residence or  
14 temporary domicile is defined as any and all places where the  
15 sex offender resides for an aggregate period of time of 5 or  
16 more days during any calendar year. Any person required to  
17 register under this Article who lacks a fixed address or  
18 temporary domicile must notify, in person, the agency of  
19 jurisdiction of his or her last known address within 48 hours ~~5~~  
20 ~~days~~ after ceasing to have a fixed residence.

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

1 stayed during the past 7 days.

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

6 (a-5) An out-of-state student or out-of-state employee  
7 shall, within 48 hours ~~5 days~~ after beginning school or  
8 employment in this State, register in person and provide  
9 accurate information as required by the Department of State  
10 Police. Such information will include current place of  
11 employment, school attended, and address in state of residence.  
12 The out-of-state student or out-of-state employee shall  
13 register:

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

21 (2) with the sheriff in the county in which he or she  
22 attends school or is employed for a period of time of 5 or  
23 more days or for an aggregate period of time of more than  
24 30 days during any calendar year in an unincorporated area  
25 or, if incorporated, no police chief exists.

26 The out-of-state student or out-of-state employee shall

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

5 (b) Any sex offender, as defined in Section 2 of this Act,  
6 or sexual predator, regardless of any initial, prior, or other  
7 registration, shall, within 48 hours ~~5 days~~ of beginning  
8 school, or establishing a residence, place of employment, or  
9 temporary domicile in any county, register in person as set  
10 forth in subsection (a) or (a-5).

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

13 (1) Any person registered under the Habitual Child Sex  
14 Offender Registration Act or the Child Sex Offender  
15 Registration Act prior to January 1, 1996, shall be deemed  
16 initially registered as of January 1, 1996; however, this  
17 shall not be construed to extend the duration of  
18 registration set forth in Section 7.

19 (2) Except as provided in subsection (c)(4), any person  
20 convicted or adjudicated prior to January 1, 1996, whose  
21 liability for registration under Section 7 has not expired,  
22 shall register in person prior to January 31, 1996.

23 (2.5) Except as provided in subsection (c)(4), any  
24 person who has not been notified of his or her  
25 responsibility to register shall be notified by a criminal  
26 justice entity of his or her responsibility to register.

1           Upon notification the person must then register within 48  
2           hours ~~5 days~~ of notification of his or her requirement to  
3           register. If notification is not made within the offender's  
4           10 year registration requirement, and the Department of  
5           State Police determines no evidence exists or indicates the  
6           offender attempted to avoid registration, the offender  
7           will no longer be required to register under this Act.

8           (3) Except as provided in subsection (c) (4), any person  
9           convicted on or after January 1, 1996, shall register in  
10          person within 48 hours ~~5 days~~ after the entry of the  
11          sentencing order based upon his or her conviction.

12          (4) Any person unable to comply with the registration  
13          requirements of this Article because he or she is confined,  
14          institutionalized, or imprisoned in Illinois on or after  
15          January 1, 1996, shall register in person within 48 hours ~~5~~  
16          ~~days~~ of discharge, parole or release.

17          (5) The person shall provide positive identification  
18          and documentation that substantiates proof of residence at  
19          the registering address.

20          (6) The person shall pay a \$20 initial registration fee  
21          and a \$10 annual renewal fee. The fees shall be used by the  
22          registering agency for official purposes. The agency shall  
23          establish procedures to document receipt and use of the  
24          funds. The law enforcement agency having jurisdiction may  
25          waive the registration fee if it determines that the person  
26          is indigent and unable to pay the registration fee. Ten

1 dollars for the initial registration fee and \$5 of the  
2 annual renewal fee shall be used by the registering agency  
3 for official purposes. Ten dollars of the initial  
4 registration fee and \$5 of the annual fee shall be  
5 deposited into the Sex Offender Management Board Fund under  
6 Section 19 of the Sex Offender Management Board Act. Money  
7 deposited into the Sex Offender Management Board Fund shall  
8 be administered by the Sex Offender Management Board and  
9 shall be used to fund practices endorsed or required by the  
10 Sex Offender Management Board Act including but not limited  
11 to sex offenders evaluation, treatment, or monitoring  
12 programs that are or may be developed, as well as for  
13 administrative costs, including staff, incurred by the  
14 Board.

15 (d) Within 48 hours ~~5 days~~ after obtaining or changing  
16 employment and, if employed on January 1, 2000, within 5 days  
17 after that date, a person required to register under this  
18 Section must report, in person to the law enforcement agency  
19 having jurisdiction, the business name and address where he or  
20 she is employed. If the person has multiple businesses or work  
21 locations, every business and work location must be reported to  
22 the law enforcement agency having jurisdiction.

23 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;  
24 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

1           Sec. 4. Discharge of sex offender, as defined in Section 2  
2 of this Act, or sexual predator from Department of Corrections  
3 facility or other penal institution; duties of official in  
4 charge. Any sex offender, as defined in Section 2 of this Act,  
5 or sexual predator, as defined by this Article, who is  
6 discharged, paroled or released from a Department of  
7 Corrections facility, a facility where such person was placed  
8 by the Department of Corrections or another penal institution,  
9 and whose liability for registration has not terminated under  
10 Section 7 shall, prior to discharge, parole or release from the  
11 facility or institution, be informed of his or her duty to  
12 register in person within 48 hours ~~5 days~~ of release by the  
13 facility or institution in which he or she was confined. The  
14 facility or institution shall also inform any person who must  
15 register that if he or she establishes a residence outside of  
16 the State of Illinois, is employed outside of the State of  
17 Illinois, or attends school outside of the State of Illinois,  
18 he or she must register in the new state within 48 hours ~~5 days~~  
19 after establishing the residence, beginning employment, or  
20 beginning school.

21           The facility shall require the person to read and sign such  
22 form as may be required by the Department of State Police  
23 stating that the duty to register and the procedure for  
24 registration has been explained to him or her and that he or  
25 she understands the duty to register and the procedure for  
26 registration. The facility shall further advise the person in

1 writing that the failure to register or other violation of this  
2 Article shall result in revocation of parole, mandatory  
3 supervised release or conditional release. The facility shall  
4 obtain information about where the person expects to reside,  
5 work, and attend school upon his or her discharge, parole or  
6 release and shall report the information to the Department of  
7 State Police. The facility shall give one copy of the form to  
8 the person and shall send one copy to each of the law  
9 enforcement agencies having jurisdiction where the person  
10 expects to reside, work, and attend school upon his or her  
11 discharge, parole or release and retain one copy for the files.  
12 Electronic data files which includes all notification form  
13 information and photographs of sex offenders being released  
14 from an Illinois Department of Corrections facility will be  
15 shared on a regular basis as determined between the Department  
16 of State Police and the Department of Corrections.

17 (Source: P.A. 94-168, eff. 1-1-06.)

18 (730 ILCS 150/5) (from Ch. 38, par. 225)

19 Sec. 5. Release of sex offender, as defined in Section 2 of  
20 this Act, or sexual predator; duties of the Court. Any sex  
21 offender, as defined in Section 2 of this Act, or sexual  
22 predator, as defined by this Article, who is released on  
23 probation or discharged upon payment of a fine because of the  
24 commission of one of the offenses defined in subsection (B) of  
25 Section 2 of this Article, shall, prior to such release be



1 informed of his or her duty to register under this Article by  
2 the Court in which he or she was convicted. The Court shall  
3 also inform any person who must register that if he or she  
4 establishes a residence outside of the State of Illinois, is  
5 employed outside of the State of Illinois, or attends school  
6 outside of the State of Illinois, he or she must register in  
7 the new state within 48 hours ~~5 days~~ after establishing the  
8 residence, beginning employment, or beginning school. The  
9 Court shall require the person to read and sign such form as  
10 may be required by the Department of State Police stating that  
11 the duty to register and the procedure for registration has  
12 been explained to him or her and that he or she understands the  
13 duty to register and the procedure for registration. The Court  
14 shall further advise the person in writing that the failure to  
15 register or other violation of this Article shall result in  
16 probation revocation. The Court shall obtain information about  
17 where the person expects to reside, work, and attend school  
18 upon his or her release, and shall report the information to  
19 the Department of State Police. The Court shall give one copy  
20 of the form to the person and retain the original in the court  
21 records. The Department of State Police shall notify the law  
22 enforcement agencies having jurisdiction where the person  
23 expects to reside, work and attend school upon his or her  
24 release.

25 (Source: P.A. 94-168, eff. 1-1-06.)

1 (730 ILCS 150/5-5)

2 Sec. 5-5. Discharge of sex offender or sexual predator from  
3 a hospital or other treatment facility; duties of the official  
4 in charge. Any sex offender, as defined in Section 2 of this  
5 Act, or sexual predator, as defined in this Article, who is  
6 discharged or released from a hospital or other treatment  
7 facility where he or she was confined shall be informed by the  
8 hospital or treatment facility in which he or she was confined,  
9 prior to discharge or release from the hospital or treatment  
10 facility, of his or her duty to register under this Article.

11 The facility shall require the person to read and sign such  
12 form as may be required by the Department of State Police  
13 stating that the duty to register and the procedure for  
14 registration has been explained to him or her and that he or  
15 she understands the duty to register and the procedure for  
16 registration. The facility shall give one copy of the form to  
17 the person, retain one copy for their records, and forward the  
18 original to the Department of State Police. The facility shall  
19 obtain information about where the person expects to reside,  
20 work, and attend school upon his or her discharge, parole, or  
21 release and shall report the information to the Department of  
22 State Police within 3 days. The facility or institution shall  
23 also inform any person who must register that if he or she  
24 establishes a residence outside of the State of Illinois, is  
25 employed outside of the State of Illinois, or attends school  
26 outside of the State of Illinois, he or she must register in

1 the new state within 48 hours ~~5 days~~ after establishing the  
2 residence, beginning school, or beginning employment. The  
3 Department of State Police shall notify the law enforcement  
4 agencies having jurisdiction where the person expects to  
5 reside, work, and attend school upon his or her release.

6 (Source: P.A. 94-168, eff. 1-1-06.)

7 (730 ILCS 150/6) (from Ch. 38, par. 226)

8 Sec. 6. Duty to report; change of address, school, or  
9 employment; duty to inform. A person who has been adjudicated  
10 to be sexually dangerous or is a sexually violent person and is  
11 later released, or found to be no longer sexually dangerous or  
12 no longer a sexually violent person and discharged, or  
13 convicted of a violation of this Act after July 1, 2005, shall  
14 report in person to the law enforcement agency with whom he or  
15 she last registered no later than 90 days after the date of his  
16 or her last registration and every 90 days thereafter and at  
17 such other times at the request of the law enforcement agency  
18 not to exceed 4 times a year. Any person who lacks a fixed  
19 residence must report weekly, in person, to the appropriate law  
20 enforcement agency where the sex offender is located. Any other  
21 person who is required to register under this Article shall  
22 report in person to the appropriate law enforcement agency with  
23 whom he or she last registered within one year from the date of  
24 last registration and every year thereafter and at such other  
25 times at the request of the law enforcement agency not to

1 exceed 4 times a year. If any person required to register under  
2 this Article lacks a fixed residence or temporary domicile, he  
3 or she must notify, in person, the agency of jurisdiction of  
4 his or her last known address within 48 hours ~~5 days~~ after  
5 ceasing to have a fixed residence and if the offender leaves  
6 the last jurisdiction of residence, he or she, must within 48  
7 hours after leaving register in person with the new agency of  
8 jurisdiction. If any other person required to register under  
9 this Article changes his or her residence address, place of  
10 employment, or school, he or she shall report in person to ~~5~~  
11 the law enforcement agency with whom he or she last registered  
12 of his or her new address, change in employment, or school and  
13 register, in person, with the appropriate law enforcement  
14 agency within the time period specified in Section 3. The law  
15 enforcement agency shall, within 3 days of the reporting in  
16 person by the person required to register under this Article,  
17 notify the Department of State Police of the new place of  
18 residence, change in employment, or school.

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

1 of the person required to register under this Article of an  
2 address or employment change, notify the Department of State  
3 Police. The Department of State Police shall forward such  
4 information to the out-of-state law enforcement agency having  
5 jurisdiction in the form and manner prescribed by the  
6 Department of State Police.

7 (Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06;  
8 94-168, eff. 1-1-06; revised 8-19-05.)

9 (730 ILCS 150/6-5)

10 Sec. 6-5. Out-of-State employee or student; duty to report  
11 change. Every out-of-state student or out-of-state employee  
12 must notify the agency having jurisdiction of any change of  
13 employment or change of educational status, in writing, within  
14 48 hours ~~5 days~~ of the change. The law enforcement agency  
15 shall, within 3 days after receiving the notice, enter the  
16 appropriate changes into LEADS.

17 (Source: P.A. 94-168, eff. 1-1-06.)

18 (730 ILCS 150/7) (from Ch. 38, par. 227)

19 Sec. 7. Duration of registration. A person who has been  
20 adjudicated to be sexually dangerous and is later released or  
21 found to be no longer sexually dangerous and discharged, shall  
22 register for the period of his or her natural life. A sexually  
23 violent person or sexual predator shall register for the period  
24 of his or her natural life after conviction or adjudication if

1 not confined to a penal institution, hospital, or other  
2 institution or facility, and if confined, for the period of his  
3 or her natural life after parole, discharge, or release from  
4 any such facility. Any other person who is required to register  
5 under this Article shall be required to register for a period  
6 of 10 years after conviction or adjudication if not confined to  
7 a penal institution, hospital or any other institution or  
8 facility, and if confined, for a period of 10 years after  
9 parole, discharge or release from any such facility. A sex  
10 offender who is allowed to leave a county, State, or federal  
11 facility for the purposes of work release, education, or  
12 overnight visitations shall be required to register within 48  
13 hours ~~5 days~~ of beginning such a program. Liability for  
14 registration terminates at the expiration of 10 years from the  
15 date of conviction or adjudication if not confined to a penal  
16 institution, hospital or any other institution or facility and  
17 if confined, at the expiration of 10 years from the date of  
18 parole, discharge or release from any such facility, providing  
19 such person does not, during that period, again become liable  
20 to register under the provisions of this Article. Reconfinement  
21 due to a violation of parole or other circumstances that  
22 relates to the original conviction or adjudication shall extend  
23 the period of registration to 10 years after final parole,  
24 discharge, or release. The Director of State Police, consistent  
25 with administrative rules, shall extend for 10 years the  
26 registration period of any sex offender, as defined in Section

1 2 of this Act, who fails to comply with the provisions of this  
2 Article. The registration period for any sex offender who fails  
3 to comply with any provision of the Act shall extend the period  
4 of registration by 10 years beginning from the first date of  
5 registration after the violation. If the registration period is  
6 extended, the Department of State Police shall send a  
7 registered letter to the law enforcement agency where the sex  
8 offender resides within 3 days after the extension of the  
9 registration period. The sex offender shall report to that law  
10 enforcement agency and sign for that letter. One copy of that  
11 letter shall be kept on file with the law enforcement agency of  
12 the jurisdiction where the sex offender resides and one copy  
13 shall be returned to the Department of State Police.

14 (Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06;  
15 94-168, eff. 1-1-06; revised 8-19-05.)

16 Section 20. The Sex Offender Community Notification Law is  
17 amended by changing Section 120 as follows:

18 (730 ILCS 152/120)

19 Sec. 120. Community notification of sex offenders.

20 (a) The sheriff of the county, except Cook County, shall  
21 disclose to the following the name, address, date of birth,  
22 place of employment, school attended, and offense or  
23 adjudication of all sex offenders required to register under  
24 Section 3 of the Sex Offender Registration Act:

1           (1) The boards of institutions of higher education or  
2 other appropriate administrative offices of each  
3 non-public institution of higher education located in the  
4 county where the sex offender is required to register,  
5 resides, is employed, or is attending an institution of  
6 higher education; ~~and~~

7           (2) School boards of public school districts and the  
8 principal or other appropriate administrative officer of  
9 each nonpublic school located in the county where the sex  
10 offender is required to register or is employed; ~~and~~

11           (3) Child care facilities located in the county where  
12 the sex offender is required to register or is employed; ~~and~~

13           (4) Public libraries located in the county where the  
14 sex offender is required to register or is employed;

15           (5) Public housing agencies located in the county where  
16 the sex offender is required to register or is employed;

17           (6) The Illinois Department of Children and Family  
18 Services;

19           (7) Social service agencies providing services to  
20 minors located in the county where the sex offender is  
21 required to register or is employed;

22           (8) Volunteer organizations providing services to  
23 minors located in the county where the sex offender is  
24 required to register or is employed; and

25           (9) Any organization or person who requests  
26 notification located in the county where the sex offender



1           is required to register or is employed.

2           (a-2) The sheriff of Cook County shall disclose to the  
3 following the name, address, date of birth, place of  
4 employment, school attended, and offense or adjudication of all  
5 sex offenders required to register under Section 3 of the Sex  
6 Offender Registration Act:

7           (1) School boards of public school districts and the  
8 principal or other appropriate administrative officer of  
9 each nonpublic school located within the region of Cook  
10 County, as those public school districts and nonpublic  
11 schools are identified in LEADS, other than the City of  
12 Chicago, where the sex offender is required to register or  
13 is employed; ~~and~~

14           (2) Child care facilities located within the region of  
15 Cook County, as those child care facilities are identified  
16 in LEADS, other than the City of Chicago, where the sex  
17 offender is required to register or is employed; ~~and~~

18           (3) The boards of institutions of higher education or  
19 other appropriate administrative offices of each  
20 non-public institution of higher education located in the  
21 county, other than the City of Chicago, where the sex  
22 offender is required to register, resides, is employed, or  
23 attending an institution of higher education; ~~and~~

24           (4) Public libraries located in the county, other than  
25 the City of Chicago, where the sex offender is required to  
26 register, resides, is employed, or attending an

1 institution of higher education;

2 (5) Public housing agencies located in the county,  
3 other than the City of Chicago, where the sex offender is  
4 required to register, resides, is employed, or attending an  
5 institution of higher education;

6 (6) The Illinois Department of Children and Family  
7 Services;

8 (7) Social service agencies providing services to  
9 minors located in the county, other than the City of  
10 Chicago, where the sex offender is required to register,  
11 resides, is employed, or attending an institution of higher  
12 education;

13 (8) Volunteer organizations providing services to  
14 minors located in the county, other than the City of  
15 Chicago, where the sex offender is required to register,  
16 resides, is employed, or attending an institution of higher  
17 education; and

18 (9) Any organization or person who requests  
19 notification located in the county, other than the City of  
20 Chicago, where the sex offender is required to register,  
21 resides, is employed, or attending an institution of higher  
22 education.

23 (a-3) The Chicago Police Department shall disclose to the  
24 following the name, address, date of birth, place of  
25 employment, school attended, and offense or adjudication of all  
26 sex offenders required to register under Section 3 of the Sex

1 Offender Registration Act:

2 (1) School boards of public school districts and the  
3 principal or other appropriate administrative officer of  
4 each nonpublic school located in the police district where  
5 the sex offender is required to register or is employed if  
6 the offender is required to register or is employed in the  
7 City of Chicago; ~~and~~

8 (2) Child care facilities located in the police  
9 district where the sex offender is required to register or  
10 is employed if the offender is required to register or is  
11 employed in the City of Chicago; ~~and~~

12 (3) The boards of institutions of higher education or  
13 other appropriate administrative offices of each  
14 non-public institution of higher education located in the  
15 police district where the sex offender is required to  
16 register, resides, is employed, or attending an  
17 institution of higher education in the City of Chicago; ~~and~~

18 (4) Public libraries located in the police district  
19 where the sex offender is required to register, resides, is  
20 employed, or attending an institution of higher education  
21 in the City of Chicago;

22 (5) Public housing agencies located in the police  
23 district where the sex offender is required to register,  
24 resides, is employed, or attending an institution of higher  
25 education in the City of Chicago;

26 (6) The Illinois Department of Children and Family

1        Services;

2            (7) Social service agencies providing services to  
3        minors located in the police district where the sex  
4        offender is required to register, resides, is employed, or  
5        attending an institution of higher education in the City of  
6        Chicago;

7            (8) Volunteer organizations providing services to  
8        minors located in the police district where the sex  
9        offender is required to register, resides, is employed, or  
10       attending an institution of higher education in the City of  
11       Chicago; and

12           (9) Any organization or person who requests  
13       notification located in the police district where the sex  
14       offender is required to register, resides, is employed, or  
15       attending an institution of higher education in the City of  
16       Chicago.

17        (a-4) The Department of State Police shall provide a list  
18        of sex offenders required to register to the Illinois  
19        Department of Children and Family Services.

20        (b) The Department of State Police and any law enforcement  
21        agency may disclose, in the Department's or agency's  
22        discretion, the following information to any person likely to  
23        encounter a sex offender, or sexual predator:

- 24            (1) The offender's name, address, and date of birth.  
25            (2) The offense for which the offender was convicted.  
26            (3) Adjudication as a sexually dangerous person.

1           (4) The offender's photograph or other such  
2 information that will help identify the sex offender.

3           (5) Offender employment information, to protect public  
4 safety.

5           (c) The name, address, date of birth, offense or  
6 adjudication, the county of conviction, license plate numbers  
7 for every vehicle registered in the name of the sex offender,  
8 the age of the sex offender at the time of the commission of  
9 the offense, the age of the victim at the time of the  
10 commission of the offense, and any distinguishing marks located  
11 on the body of the sex offender for sex offenders required to  
12 register under Section 3 of the Sex Offender Registration Act  
13 shall be open to inspection by the public as provided in this  
14 Section. Every municipal police department shall make  
15 available at its headquarters the information on all sex  
16 offenders who are required to register in the municipality  
17 under the Sex Offender Registration Act. The sheriff shall also  
18 make available at his or her headquarters the information on  
19 all sex offenders who are required to register under that Act  
20 and who live in unincorporated areas of the county. Sex  
21 offender information must be made available for public  
22 inspection to any person, no later than 72 hours or 3 business  
23 days from the date of the request. The request must be made in  
24 person, in writing, or by telephone. Availability must include  
25 giving the inquirer access to a facility where the information  
26 may be copied. A department or sheriff may charge a fee, but

1 the fee may not exceed the actual costs of copying the  
2 information. An inquirer must be allowed to copy this  
3 information in his or her own handwriting. A department or  
4 sheriff must allow access to the information during normal  
5 public working hours. The sheriff or a municipal police  
6 department may publish the photographs of sex offenders where  
7 any victim was 13 years of age or younger and who are required  
8 to register in the municipality or county under the Sex  
9 Offender Registration Act in a newspaper or magazine of general  
10 circulation in the municipality or county or may disseminate  
11 the photographs of those sex offenders on the Internet or on  
12 television. The law enforcement agency may make available the  
13 information on all sex offenders residing within any county.

14 (d) The Department of State Police and any law enforcement  
15 agency having jurisdiction may, in the Department's or agency's  
16 discretion, place the information specified in subsection (b)  
17 on the Internet or in other media.

18 (e) (Blank).

19 (f) The administrator of a transitional housing facility  
20 for sex offenders shall comply with the notification procedures  
21 established in paragraph (4) of subsection (b) of Section  
22 3-17-5 of the Unified Code of Corrections.

23 (g) A principal or teacher of a public or private  
24 elementary or secondary school shall notify the parents of  
25 children attending the school during school registration or  
26 during parent-teacher conferences that information about sex

1 offenders is available to the public as provided in this Act.

2 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;

3 94-994, eff. 1-1-07.)".