



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1446

by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

20 ILCS 4026/15

Amends the Sex Offender Management Board Act. Provides that the appointment by the Governor of the member of the Sex Offender Management Board to represent probation services be based on the recommendation of the Illinois Probation and Court Services Association.

LRB097 05363 RLJ 45418 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sex Offender Management Board Act is amended
5 by changing Section 15 as follows:

6 (20 ILCS 4026/15)

7 Sec. 15. Sex Offender Management Board; creation; duties.

8 (a) There is created the Sex Offender Management Board,
9 which shall consist of 24 members. The membership of the Board
10 shall consist of the following persons:

11 (1) Two members appointed by the Governor representing
12 the judiciary, one representing juvenile court matters and
13 one representing adult criminal court matters;

14 (2) One member appointed by the Governor representing
15 Probation Services based on the recommendation of the
16 Illinois Probation and Court Services Association;

17 (3) One member appointed by the Governor representing
18 the Department of Corrections;

19 (4) One member appointed by the Governor representing
20 the Department of Human Services;

21 (5) One member appointed by the Governor representing
22 the Illinois State Police;

23 (6) One member appointed by the Governor representing

1 the Department of Children and Family Services;

2 (7) One member appointed by the Attorney General
3 representing the Office of the Attorney General;

4 (8) Two members appointed by the Attorney General who
5 are licensed mental health professionals with documented
6 expertise in the treatment of sex offenders;

7 (9) Two members appointed by the Attorney General who
8 are State's Attorneys or assistant State's Attorneys, one
9 representing juvenile court matters and one representing
10 felony court matters;

11 (10) One member being the Cook County State's Attorney
12 or his or her designee;

13 (11) One member being the Director of the State's
14 Attorneys Appellate Prosecutor or his or her designee;

15 (12) One member being the Cook County Public Defender
16 or his or her designee;

17 (13) Two members appointed by the Governor who are
18 representatives of law enforcement, one juvenile officer
19 and one sex crime investigator;

20 (14) Two members appointed by the Attorney General who
21 are recognized experts in the field of sexual assault and
22 who can represent sexual assault victims and victims'
23 rights organizations;

24 (15) One member being the State Appellate Defender or
25 his or her designee;

26 (16) One member being the President of the Illinois

1 Polygraph Society or his or her designee;

2 (17) One member being the Executive Director of the
3 Criminal Justice Information Authority or his or her
4 designee;

5 (18) One member being the President of the Illinois
6 Chapter of the Association for the Treatment of Sexual
7 Abusers or his or her designee; and

8 (19) One member representing the Illinois Principal
9 Association.

10 (b) The Governor and the Attorney General shall appoint a
11 presiding officer for the Board from among the board members
12 appointed under subsection (a) of this Section, which presiding
13 officer shall serve at the pleasure of the Governor and the
14 Attorney General.

15 (c) Each member of the Board shall demonstrate substantial
16 expertise and experience in the field of sexual assault.

17 (d) (1) Any member of the Board created in subsection (a)
18 of this Section who is appointed under paragraphs (1) through
19 (7) of subsection (a) of this Section shall serve at the
20 pleasure of the official who appointed that member, for a term
21 of 5 years and may be reappointed. The members shall serve
22 without additional compensation.

23 (2) Any member of the Board created in subsection (a) of
24 this Section who is appointed under paragraphs (8) through (14)
25 of subsection (a) of this Section shall serve for a term of 5
26 years and may be reappointed. The members shall serve without

1 compensation.

2 (3) The travel costs associated with membership on the
3 Board created in subsection (a) of this Section will be
4 reimbursed subject to availability of funds.

5 (e) The first meeting of this Board shall be held within 45
6 days of the effective date of this Act.

7 (f) The Board shall carry out the following duties:

8 (1) Not later than December 31, 2001, the Board shall
9 develop and prescribe separate standardized procedures for
10 the evaluation and identification of the offender and
11 recommend behavior management, monitoring, and treatment
12 based upon the knowledge that sex offenders are extremely
13 habituated and that there is no known cure for the
14 propensity to commit sex abuse. The Board shall develop and
15 implement measures of success based upon a no-cure policy
16 for intervention. The Board shall develop and implement
17 methods of intervention for sex offenders which have as a
18 priority the physical and psychological safety of victims
19 and potential victims and which are appropriate to the
20 needs of the particular offender, so long as there is no
21 reduction of the safety of victims and potential victims.

22 (2) Not later than December 31, 2001, the Board shall
23 develop separate guidelines and standards for a system of
24 programs for the evaluation and treatment of both juvenile
25 and adult sex offenders which shall be utilized by
26 offenders who are placed on probation, committed to the

1 Department of Corrections or Department of Human Services,
2 or placed on mandatory supervised release or parole. The
3 programs developed under this paragraph (f) shall be as
4 flexible as possible so that the programs may be utilized
5 by each offender to prevent the offender from harming
6 victims and potential victims. The programs shall be
7 structured in such a manner that the programs provide a
8 continuing monitoring process as well as a continuum of
9 counseling programs for each offender as that offender
10 proceeds through the justice system. Also, the programs
11 shall be developed in such a manner that, to the extent
12 possible, the programs may be accessed by all offenders in
13 the justice system.

14 (3) There is established the Sex Offender Management
15 Board Fund in the State Treasury into which funds received
16 under any provision of law or from public or private
17 sources shall be deposited, and from which funds shall be
18 appropriated for the purposes set forth in Section 19 of
19 this Act, Section 5-6-3 of the Unified Code of Corrections,
20 and Section 3 of the Sex Offender Registration Act, and the
21 remainder shall be appropriated to the Sex Offender
22 Management Board for planning and research.

23 (4) The Board shall develop and prescribe a plan to
24 research and analyze the effectiveness of the evaluation,
25 identification, and counseling procedures and programs
26 developed under this Act. The Board shall also develop and

1 prescribe a system for implementation of the guidelines and
2 standards developed under paragraph (2) of this subsection
3 (f) and for tracking offenders who have been subjected to
4 evaluation, identification, and treatment under this Act.
5 In addition, the Board shall develop a system for
6 monitoring offender behaviors and offender adherence to
7 prescribed behavioral changes. The results of the tracking
8 and behavioral monitoring shall be a part of any analysis
9 made under this paragraph (4).

10 (g) The Board may promulgate rules as are necessary to
11 carry out the duties of the Board.

12 (h) The Board and the individual members of the Board shall
13 be immune from any liability, whether civil or criminal, for
14 the good faith performance of the duties of the Board as
15 specified in this Section.

16 (Source: P.A. 93-616, eff. 1-1-04.)