



Rep. Elizabeth Hernandez

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LRB098 02638 RLC 42687 a

1 AMENDMENT TO HOUSE BILL 1189

2 AMENDMENT NO. _____. Amend House Bill 1189 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Sex Offender Registration Act is amended by
5 changing Section 3 as follows:

6 (730 ILCS 150/3)

7 Sec. 3. Duty to register.

8 (a) A sex offender, as defined in Section 2 of this Act, or
9 sexual predator shall, within the time period prescribed in
10 subsections (b) and (c), register in person and provide
11 accurate information as required by the Department of State
12 Police. Such information shall include a current photograph,
13 current address, current place of employment, the sex
14 offender's or sexual predator's telephone number, including
15 cellular telephone number, the employer's telephone number,
16 school attended, all e-mail addresses, instant messaging

1 identities, chat room identities, and other Internet
2 communications identities that the sex offender uses or plans
3 to use, all Uniform Resource Locators (URLs) registered or used
4 by the sex offender, all blogs and other Internet sites
5 maintained by the sex offender or to which the sex offender has
6 uploaded any content or posted any messages or information,
7 extensions of the time period for registering as provided in
8 this Article and, if an extension was granted, the reason why
9 the extension was granted and the date the sex offender was
10 notified of the extension. The information shall also include a
11 copy of the terms and conditions of parole or release signed by
12 the sex offender and given to the sex offender by his or her
13 supervising officer, the county of conviction, license plate
14 numbers for every vehicle registered in the name of the sex
15 offender, the age of the sex offender at the time of the
16 commission of the offense, the age of the victim at the time of
17 the commission of the offense, and any distinguishing marks
18 located on the body of the sex offender. A sex offender
19 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
20 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012
21 shall provide all Internet protocol (IP) addresses in his or
22 her residence, registered in his or her name, accessible at his
23 or her place of employment, or otherwise under his or her
24 control or custody. If the sex offender is a child sex offender
25 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
26 1961 or the Criminal Code of 2012, the sex offender shall

1 report to the registering agency whether he or she is living in
2 a household with a child under 18 years of age who is not his or
3 her own child, provided that his or her own child is not the
4 victim of the sex offense. The sex offender or sexual predator
5 shall register:

6 (1) with the chief of police in the municipality in
7 which he or she resides or is temporarily domiciled for a
8 period of time of 3 or more days, unless the municipality
9 is the City of Chicago, in which case he or she shall
10 register at the Chicago Police Department Headquarters; or

11 (2) with the sheriff in the county in which he or she
12 resides or is temporarily domiciled for a period of time of
13 3 or more days in an unincorporated area or, if
14 incorporated, no police chief exists.

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

18 (i) with:

19 (A) the chief of police in the municipality in
20 which he or she is employed at or attends an
21 institution of higher education, unless the
22 municipality is the City of Chicago, in which case he
23 or she shall register at the Chicago Police Department
24 Headquarters; or

25 (B) the sheriff in the county in which he or she is
26 employed or attends an institution of higher education

1 located in an unincorporated area, or if incorporated,
2 no police chief exists; and

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

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

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

17 A sex offender or sexual predator who is temporarily absent
18 from his or her current address of registration for 3 or more
19 days shall notify the law enforcement agency having
20 jurisdiction of his or her current registration, including the
21 itinerary for travel, in the manner provided in Section 6 of
22 this Act for notification to the law enforcement agency having
23 jurisdiction of change of address.

24 Any person who lacks a fixed residence must report weekly,
25 in person, with the sheriff's office of the county in which he
26 or she is located in an unincorporated area, or with the chief

1 of police in the municipality in which he or she is located.
2 The agency of jurisdiction will document each weekly
3 registration to include all the locations where the person has
4 stayed during the past 7 days.

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

9 (a-5) An out-of-state student or out-of-state employee
10 shall, within 3 days after beginning school or employment in
11 this State, register in person and provide accurate information
12 as required by the Department of State Police. Such information
13 will include current place of employment, school attended, and
14 address in state of residence. A sex offender convicted under
15 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 shall
17 provide all Internet protocol (IP) addresses in his or her
18 residence, registered in his or her name, accessible at his or
19 her place of employment, or otherwise under his or her control
20 or custody. The out-of-state student or out-of-state employee
21 shall register:

22 (1) with:

23 (A) the chief of police in the municipality in
24 which he or she attends school or is employed for a
25 period of time of 5 or more days or for an aggregate
26 period of time of more than 30 days during any calendar

1 year, unless the municipality is the City of Chicago,
2 in which case he or she shall register at the Chicago
3 Police Department Headquarters; or

4 (B) the sheriff in the county in which he or she
5 attends school or is employed for a period of time of 5
6 or more days or for an aggregate period of time of more
7 than 30 days during any calendar year in an
8 unincorporated area or, if incorporated, no police
9 chief exists; and

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

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

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

23 (a-10) Any law enforcement agency registering sex
24 offenders or sexual predators in accordance with subsections
25 (a) or (a-5) of this Section shall forward to the Attorney
26 General a copy of sex offender registration forms from persons

1 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
2 11-21 of the Criminal Code of 1961 or the Criminal Code of
3 2012, including periodic and annual registrations under
4 Section 6 of this Act.

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 3 days of beginning school, or
8 establishing a residence, place of employment, or temporary
9 domicile in any county, register in person as set forth in
10 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)(2.1) or
20 (c)(4), any person convicted or adjudicated prior to
21 January 1, 1996, whose liability for registration under
22 Section 7 has not expired, shall register in person prior
23 to January 31, 1996.

24 (2.1) A sex offender or sexual predator, who has never
25 previously been required to register under this Act, has a
26 duty to register if the person has been convicted of any

1 felony offense after July 1, 2011. A person who previously
2 was required to register under this Act for a period of 10
3 years and successfully completed that registration period
4 has a duty to register if: (i) the person has been
5 convicted of any felony offense after July 1, 2011, and
6 (ii) the offense for which the 10 year registration was
7 served currently requires a registration period of more
8 than 10 years. Notification of an offender's duty to
9 register under this subsection shall be pursuant to Section
10 5-7 of this Act.

11 (2.5) Except as provided in subsection (c)(4), any
12 person who has not been notified of his or her
13 responsibility to register shall be notified by a criminal
14 justice entity of his or her responsibility to register.
15 Upon notification the person must then register within 3
16 days of notification of his or her requirement to register.
17 Except as provided in subsection (c)(2.1), if notification
18 is not made within the offender's 10 year registration
19 requirement, and the Department of State Police determines
20 no evidence exists or indicates the offender attempted to
21 avoid registration, the offender will no longer be required
22 to register under this Act.

23 (3) Except as provided in subsection (c)(4), any person
24 convicted on or after January 1, 1996, shall register in
25 person within 3 days after the entry of the sentencing
26 order based upon his or her conviction.

1 (4) Any person unable to comply with the registration
2 requirements of this Article because he or she is confined,
3 institutionalized, or imprisoned in Illinois on or after
4 January 1, 1996, shall register in person within 3 days of
5 discharge, parole or release.

6 (5) The person shall provide positive identification
7 and documentation that substantiates proof of residence at
8 the registering address.

9 (6) The person shall pay a \$100 initial registration
10 fee and a \$100 annual renewal fee to the registering law
11 enforcement agency having jurisdiction. ~~The fees shall be~~
12 ~~used by the registering agency for official purposes. The~~
13 ~~agency shall establish procedures to document receipt and~~
14 ~~use of the funds.~~ The registering agency law enforcement
15 ~~agency having jurisdiction~~ may waive the registration fee
16 if it determines that the person is indigent and unable to
17 pay the registration fee. Thirty-five dollars for the
18 initial registration fee and \$35 of the annual renewal fee
19 shall be retained and used by the registering agency for
20 official purposes. Having retained \$35 of the initial
21 registration fee and \$35 of the annual renewal fee, the
22 registering agency shall remit the remainder of the fee to
23 State agencies within 30 days of receipt for deposit into
24 the State funds as follows:

25 (A) Five dollars of the initial registration fee
26 and \$5 of the annual fee shall be remitted to the State

1 Treasurer who shall deposit the moneys ~~deposited~~ into
2 the Sex Offender Management Board Fund under Section 19
3 of the Sex Offender Management Board Act. Money
4 deposited into the Sex Offender Management Board Fund
5 shall be administered by the Sex Offender Management
6 Board and shall be used by the Board to comply with the
7 provisions of the Sex Offender Management Board Act.

8 (B) Thirty dollars of the initial registration fee
9 and \$30 of the annual renewal fee shall be remitted to
10 the Department of State Police who shall deposit the
11 moneys ~~deposited~~ into the Sex Offender Registration
12 Fund and shall be used by the Department of State
13 Police to maintain and update the Illinois State Police
14 Sex Offender Registry.

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

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

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

12 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
13 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.
14 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.
15 8-12-11; 97-578, eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109,
16 eff. 1-1-13; 97-1150, eff. 1-25-13.)".