



Sen. William R. Haine

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09800SB2235sam002

LRB098 08605 MRW 44011 a

1 AMENDMENT TO SENATE BILL 2235

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2235, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Sex Offender Registration Act is amended by  
6 changing Sections 3 and 10 as follows:

7 (730 ILCS 150/3)

8 Sec. 3. Duty to register.

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

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

1 1961 or the Criminal Code of 2012, the sex offender shall  
2 report to the registering agency whether he or she is living in  
3 a household with a child under 18 years of age who is not his or  
4 her own child, provided that his or her own child is not the  
5 victim of the sex offense. The sex offender or sexual predator  
6 shall register:

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

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

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

19 (i) with:

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

26 (B) the sheriff in the county in which he or she is

1           employed or attends an institution of higher education  
2           located in an unincorporated area, or if incorporated,  
3           no police chief exists; and

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

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

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

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

25          Any person who lacks a fixed residence must report weekly,  
26          in person, with the sheriff's office of the county in which he

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

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

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

23 (1) with:

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

1 period of time of more than 30 days during any calendar  
2 year, unless the municipality is the City of Chicago,  
3 in which case he or she shall register at the Chicago  
4 Police Department Headquarters; or

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

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

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

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

24 (a-10) Any law enforcement agency registering sex  
25 offenders or sexual predators in accordance with subsections  
26 (a) or (a-5) of this Section shall forward to the Attorney

1 General a copy of sex offender registration forms from persons  
2 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
3 11-21 of the Criminal Code of 1961 or the Criminal Code of  
4 2012, including periodic and annual registrations under  
5 Section 6 of this Act.

6 (b) Any sex offender, as defined in Section 2 of this Act,  
7 or sexual predator, regardless of any initial, prior, or other  
8 registration, shall, within 3 days of beginning school, or  
9 establishing a residence, place of employment, or temporary  
10 domicile in any county, register in person as set forth in  
11 subsection (a) or (a-5).

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

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

20 (2) Except as provided in subsection (c)(2.1) or  
21 (c)(4), any person convicted or adjudicated prior to  
22 January 1, 1996, whose liability for registration under  
23 Section 7 has not expired, shall register in person prior  
24 to January 31, 1996.

25 (2.1) A sex offender or sexual predator, who has never  
26 previously been required to register under this Act, has a

1 duty to register if the person has been convicted of any  
2 felony offense after July 1, 2011. A person who previously  
3 was required to register under this Act for a period of 10  
4 years and successfully completed that registration period  
5 has a duty to register if: (i) the person has been  
6 convicted of any felony offense after July 1, 2011, and  
7 (ii) the offense for which the 10 year registration was  
8 served currently requires a registration period of more  
9 than 10 years. Notification of an offender's duty to  
10 register under this subsection shall be pursuant to Section  
11 5-7 of this Act.

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

24 (3) Except as provided in subsection (c)(4), any person  
25 convicted on or after January 1, 1996, shall register in  
26 person within 3 days after the entry of the sentencing



1 order based upon his or her conviction.

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

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

10 (6) The person shall pay a \$100 ~~initial~~ registration  
11 fee at the time of initial registration and at the time of  
12 each annual registration renewal to the registering law  
13 enforcement agency having jurisdiction. If the person is  
14 unable to pay the full amount of the fee in one lump sum,  
15 the registering law enforcement agency may establish a  
16 payment plan. If the person signs a statement under penalty  
17 of perjury affirming the person is indigent and unable to  
18 pay the registration fee in a lump sum or installments, the  
19 person shall perform 100 hours of community service within  
20 90 days of registration, if community service is available.  
21 Thirty-five dollars of the \$100 fee shall be retained and  
22 and a \$100 annual renewal fee. The fees shall be used by  
23 the registering agency for official purposes. The agency  
24 shall establish procedures to document receipt and use of  
25 the funds. The law enforcement agency having jurisdiction  
26 may waive the registration fee if it determines that the

1 ~~person is indigent and unable to pay the registration fee.~~  
2 ~~Thirty five dollars for the initial registration fee and~~  
3 ~~\$35 of the annual renewal fee shall be used by the~~  
4 registering agency for official purposes. Having retained  
5 \$35 of the initial registration fee and \$35 of the annual  
6 renewal fee, the registering agency shall remit the  
7 remaining \$65 of the fee to State agencies within 30 days  
8 of receipt for deposit into the State funds as follows:

9           (A) Five dollars of the initial registration fee  
10 and \$5 of the annual fee shall be remitted to the State  
11 Treasurer who shall deposit the moneys ~~deposited~~ into  
12 the Sex Offender Management Board Fund under Section 19  
13 of the Sex Offender Management Board Act. Money  
14 deposited into the Sex Offender Management Board Fund  
15 shall be administered by the Sex Offender Management  
16 Board and shall be used by the Board to comply with the  
17 provisions of the Sex Offender Management Board Act.

18           (B) Thirty dollars of the initial registration fee  
19 and \$30 of the annual renewal fee shall be remitted to  
20 the Department of State Police who shall deposit the  
21 moneys ~~deposited~~ into the Sex Offender Registration  
22 Fund and shall be used by the Department of State  
23 Police to maintain and update the Illinois State Police  
24 Sex Offender Registry.

25           (C) Thirty dollars of the initial registration fee  
26 and \$30 of the annual renewal fee shall be remitted to

1           the Attorney General who shall deposit the moneys  
2           ~~deposited~~ into the Attorney General Sex Offender  
3           Awareness, Training, and Education Fund. Moneys  
4           deposited into the Fund shall be used by the Attorney  
5           General to administer the I-SORT program and to alert  
6           and educate the public, victims, and witnesses of their  
7           rights under various victim notification laws and for  
8           training law enforcement agencies, State's Attorneys,  
9           and medical providers of their legal duties concerning  
10          the prosecution and investigation of sex offenses.

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

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

22          (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;  
23          96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.  
24          1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.  
25          8-12-11; 97-578, eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109,  
26          eff. 1-1-13; 97-1150, eff. 1-25-13.)

1 (730 ILCS 150/10) (from Ch. 38, par. 230)

2 Sec. 10. Penalty.

3 (a) Any person who is required to register under this  
4 Article who fails to comply with paragraph (6) of subsection  
5 (c) of Section 3 is guilty of a Class 4 felony. Any person who  
6 is required to register under this Article who violates any of  
7 the provisions of this Article, except paragraph (6) of  
8 subsection (c) of Section 3, is guilty of a Class 3 felony. Any  
9 ~~and any~~ person who is required to register under this Article  
10 who seeks to change his or her name under Article 21 of the  
11 Code of Civil Procedure is guilty of a Class 3 felony. Any  
12 person who is convicted for a violation of this Act for a  
13 second or subsequent time is guilty of a Class 2 felony. Any  
14 person who is required to register under this Article who  
15 knowingly or wilfully gives material information required by  
16 this Article that is false is guilty of a Class 3 felony. Any  
17 person convicted of a violation of any provision of this  
18 Article shall, in addition to any other penalty required by  
19 law, be required to serve a minimum period of 7 days  
20 confinement in the local county jail. The court shall impose a  
21 mandatory minimum fine of \$500 for failure to comply with any  
22 provision of this Article, except paragraph (6) of subsection  
23 (c) of Section 3. These fines shall be deposited in the Sex  
24 Offender Registration Fund. Any sex offender, as defined in  
25 Section 2 of this Act, or sexual predator who violates any

1 provision of this Article may be arrested and tried in any  
2 Illinois county where the sex offender can be located. The  
3 local police department or sheriff's office is not required to  
4 determine whether the person is living within its jurisdiction.

5 (b) Any person, not covered by privilege under Part 8 of  
6 Article VIII of the Code of Civil Procedure or the Illinois  
7 Supreme Court's Rules of Professional Conduct, who has reason  
8 to believe that a sexual predator is not complying, or has not  
9 complied, with the requirements of this Article and who, with  
10 the intent to assist the sexual predator in eluding a law  
11 enforcement agency that is seeking to find the sexual predator  
12 to question the sexual predator about, or to arrest the sexual  
13 predator for, his or her noncompliance with the requirements of  
14 this Article is guilty of a Class 3 felony if he or she:

15 (1) provides false information to the law enforcement  
16 agency having jurisdiction about the sexual predator's  
17 noncompliance with the requirements of this Article, and,  
18 if known, the whereabouts of the sexual predator;

19 (2) harbors, or attempts to harbor, or assists another  
20 person in harboring or attempting to harbor, the sexual  
21 predator; or

22 (3) conceals or attempts to conceal, or assists another  
23 person in concealing or attempting to conceal, the sexual  
24 predator.

25 (c) Subsection (b) does not apply if the sexual predator is  
26 incarcerated in or is in the custody of a State correctional

1 facility, a private correctional facility, a county or  
2 municipal jail, a State mental health facility or a State  
3 treatment and detention facility, or a federal correctional  
4 facility.

5 (d) Subsections (a) and (b) do not apply if the sex  
6 offender accurately registered his or her Internet protocol  
7 address under this Act, and the address subsequently changed  
8 without his or her knowledge or intent.

9 (Source: P.A. 94-168, eff. 1-1-06; 94-988, eff. 1-1-07; 95-579,  
10 eff. 6-1-08.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law."