

SB2201



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2201

Introduced 12/4/2015, by Sen. Jennifer Bertino-Tarrant

SYNOPSIS AS INTRODUCED:

730 ILCS 150/3

Amends the Sex Offender Registration Act. Provides for registration under the Act of a person convicted of a battery when the court: (1) finds that the battery was sexually motivated as defined in the Sex Offender Management Board Act; and (2) in its discretion requires the person to register under the Act.

LRB099 15388 RLC 39655 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

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, as defined in Section 2 of this Act, or a
10 person convicted of a battery when the court: (1) finds that
11 the battery was sexually motivated as defined in Section 10 of
12 the Sex Offender Management Board Act; and (2) in its
13 discretion requires the person to register under this Act,
14 shall, within the time period prescribed in subsections (b) and
15 (c), register in person and provide accurate information as
16 required by the Department of State Police. Such information
17 shall include a current photograph, current address, current
18 place of employment, the sex offender's or sexual predator's
19 telephone number, including cellular telephone number, the
20 employer's telephone number, school attended, all e-mail
21 addresses, instant messaging identities, chat room identities,
22 and other Internet communications identities that the sex
23 offender uses or plans to use, all Uniform Resource Locators

1 (URLs) registered or used by the sex offender, all blogs and
2 other Internet sites maintained by the sex offender or to which
3 the sex offender has uploaded any content or posted any
4 messages or information, extensions of the time period for
5 registering as provided in this Article and, if an extension
6 was granted, the reason why the extension was granted and the
7 date the sex offender was notified of the extension. The
8 information shall also include a copy of the terms and
9 conditions of parole or release signed by the sex offender and
10 given to the sex offender by his or her supervising officer or
11 aftercare specialist, the county of conviction, license plate
12 numbers for every vehicle registered in the name of the sex
13 offender, the age of the sex offender at the time of the
14 commission of the offense, the age of the victim at the time of
15 the commission of the offense, and any distinguishing marks
16 located on the body of the sex offender. A sex offender
17 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
18 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012
19 shall provide all Internet protocol (IP) addresses in his or
20 her residence, registered in his or her name, accessible at his
21 or her place of employment, or otherwise under his or her
22 control or custody. If the sex offender is a child sex offender
23 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
24 1961 or the Criminal Code of 2012, the sex offender shall
25 report to the registering agency whether he or she is living in
26 a household with a child under 18 years of age who is not his or

1 her own child, provided that his or her own child is not the
2 victim of the sex offense. The sex offender or sexual predator
3 shall register:

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

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

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

16 (i) with:

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

23 (B) the sheriff in the county in which he or she is
24 employed or attends an institution of higher education
25 located in an unincorporated area, or if incorporated,
26 no police chief exists; and

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

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

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

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

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

1 registration to include all the locations where the person has
2 stayed during the past 7 days.

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

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

20 (1) with:

21 (A) the chief of police in the municipality in
22 which he or she attends school or is employed for a
23 period of time of 5 or more days or for an aggregate
24 period of time of more than 30 days during any calendar
25 year, unless the municipality is the City of Chicago,
26 in which case he or she shall register at the Chicago

1 Police Department Headquarters; or

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

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

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

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

21 (a-10) Any law enforcement agency registering sex
22 offenders or sexual predators in accordance with subsections
23 (a) or (a-5) of this Section shall forward to the Attorney
24 General a copy of sex offender registration forms from persons
25 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
26 11-21 of the Criminal Code of 1961 or the Criminal Code of

1 2012, including periodic and annual registrations under
2 Section 6 of this Act.

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

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

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

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

22 (2.1) A sex offender or sexual predator, who has never
23 previously been required to register under this Act, has a
24 duty to register if the person has been convicted of any
25 felony offense after July 1, 2011. A person who previously
26 was required to register under this Act for a period of 10

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

9 (2.5) Except as provided in subsection (c)(4), any
10 person who has not been notified of his or her
11 responsibility to register shall be notified by a criminal
12 justice entity of his or her responsibility to register.
13 Upon notification the person must then register within 3
14 days of notification of his or her requirement to register.
15 Except as provided in subsection (c)(2.1), if notification
16 is not made within the offender's 10 year registration
17 requirement, and the Department of State Police determines
18 no evidence exists or indicates the offender attempted to
19 avoid registration, the offender will no longer be required
20 to register under this Act.

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

25 (4) Any person unable to comply with the registration
26 requirements of this Article because he or she is confined,

1 institutionalized, or imprisoned in Illinois on or after
2 January 1, 1996, shall register in person within 3 days of
3 discharge, parole or release.

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

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

20 (A) Five dollars of the initial registration fee
21 and \$5 of the annual fee shall be remitted to the State
22 Treasurer who shall deposit the moneys into the Sex
23 Offender Management Board Fund under Section 19 of the
24 Sex Offender Management Board Act. Money deposited
25 into the Sex Offender Management Board Fund shall be
26 administered by the Sex Offender Management Board and

1 shall be used by the Board to comply with the
2 provisions of the Sex Offender Management Board Act.

3 (B) Thirty dollars of the initial registration fee
4 and \$30 of the annual renewal fee shall be remitted to
5 the Department of State Police which shall deposit the
6 moneys into the Sex Offender Registration Fund and
7 shall be used by the Department of State Police to
8 maintain and update the Illinois State Police Sex
9 Offender Registry.

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

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

25 (d) Within 3 days after obtaining or changing employment
26 and, if employed on January 1, 2000, within 5 days after that

1 date, a person required to register under this Section must
2 report, in person to the law enforcement agency having
3 jurisdiction, the business name and address where he or she is
4 employed. If the person has multiple businesses or work
5 locations, every business and work location must be reported to
6 the law enforcement agency having jurisdiction.

7 (Source: P.A. 97-155, eff 1-1-12; 97-333, eff. 8-12-11; 97-578,
8 eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109, eff. 1-1-13;
9 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14; 98-612, eff.
10 12-27-13.)