


A Guide to Sex Offender Registration in Illinois

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Illinois Criminal Justice Agencies
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The History of Sex Offender Registration in Illinois, 730 ILCS 150 et. Seq.

Habitual Child Sex Offender Registration Act - (Effective August 15, 1986)

A person convicted after this date could be certified as a child sex offender only upon his or her second or subsequent conviction of a sex crime against a victim less than 18 years of age.

Child Sex Offender Registration Act - (Effective January 1, 1993)

The Habitual Child Sex Offender Registration Act was amended and named the Child Sex Offender Registration Act. The amended statute, 730 ILCS 150/1, required an offender to be certified as a child sex offender after his or her first conviction for a sex crime against a victim less than 18 years of age.

Sex Offender Registration Act - (Effective January 1, 1996)

The Child Sex Offender Registration Act was amended and named the Sex Offender Registration Act. Any person convicted of a felony sex crime¹ or an attempt to commit a felony sex crime is required to register as a sex offender regardless of the victim's age. Provisions are retroactive to include any person either released from prison or sentenced to probation within the last 10 years.

Sex Offender Registration Act and the Child Sex Offender and Child Murderer Community Notification Law - (Effective June 1, 1996)

The Sex Offender Registration Act was amended and renamed the Sex Offender Registration Act, and Child Sex Offender and Child Murderer Community Notification Law. The following registrable offenses, including attempts of these offenses, were added, when the conviction occurred after May 31, 1996.

¹See Chapter 2.

- First degree murder when the victim was under the age of 18 and the defendant was at least 17 years of age at the time of the offense;
- kidnaping, aggravated kidnaping, unlawful restraint, and aggravated unlawful restraint, when the victim was under the age of 18 years of age and the defendant is not a parent of the victim and the offense was committed on or after January 1, 1996;
- predatory criminal sexual assault of a child, when the victim was under the age of 13 and the offender was over the age of 17 and committed an act of sexual penetration; and
- predatory criminal sexual assault of a child, when the victim was under the age of 13 and the offender was over the age of 17 and committed an act of sexual penetration and caused great bodily harm to the victim that resulted in permanent disability or was life threatening.

The name, address, and offense of the registered child sex offenders was authorized for release under the following circumstances:

- Law enforcement agencies are required to provide a list of all child sex offenders registered within their jurisdiction to all schools and licensed child care facilities;
- law enforcement agencies have the discretion to notify anyone likely to encounter the offender; and
- any person may obtain this information from the police department or sheriff's office.

Sex Offender Registration Act and the Sex Offender and Child Murderer Community Notification Law (Effective July 24, 1997)

The Sex Offender Registration Act and the Sex Offender and the Child Murderer Community Notification Law was amended and includes the following changes:

- Information on all sex offenders required to register will be released to the public;
- secondary dissemination of sex offender information is not prohibited;
- the sex offender's date of birth is authorized for community notification;
- the Sex Offender Registration Fund is established;
- sex offenders are required to pay a \$10 initial registration fee and \$5 annual re-registration fees; these fees will be retained by the registering police department and sheriffs' offices;
- failure to comply with the Act is punishable by a minimum \$500 fine;
- the fund is established and maintained by the Illinois State Police, at least 50 percent of the funds will be "earmarked" for police departments and sheriffs' offices;
- the agency having jurisdiction may waive the registration fee, if they determine the registrant is indigent;
- any person convicted of a misdemeanor violation of indecent solicitation of a child, sexual exploitation of a child, criminal sexual abuse; or sexual relations

- within families when the victim was a person under 18 years of age must register a sex offender can be adjudicated or convicted as a sexually dangerous person regardless of the victim's age. Sexually dangerous persons must register every 90 days for their natural life;
- any person found sexually dangerous and later released or found to be no longer sexually dangerous and discharged, shall register for the period of his or her natural life;
- all sex offenders are required to provide positive identification and documentation that substantiates proof of residence at the time of registration;
- all sex offenders are required to register in person within 10 days of discharge, release or parole from any facility or institution, and at change of address or residence move;
- all sex offenders released on probation or discharged upon payment of fine shall register within 10 days of release on probation or payment of fine;
- any person required to register, who establishes a residence in another state, shall inform the previous Illinois agency of jurisdiction in writing of the move and register with the new out-of-state agency of jurisdiction within 10 days of moving;
- treatment facilities are required to notify sex offenders of their duty to register upon release and provide a copy of the notification form to the Illinois State Police, Sex Offender Registration Unit, 400 Iles Park Place, Suite 140, Springfield, IL 62718-1004;
- address confirmation forms are sent out annually to every sex offender required to register and shall be completed, signed, and returned to the Illinois State Police within 10 days of the mailing date; failure to return the verification letter to the Illinois State Police within 10 days of the mailing date shall be considered a violation of the law;
- sheriffs' offices are required to notify schools and child care facilities of the sex offenders residing within their respective counties with the exception of Cook County. In Cook County, the Chicago Police Department will be responsible for notifying entities within Chicago. The Cook County Sheriff's Office will be responsible for the remainder of Cook County;
- the Illinois State Police shall be given access to state of Illinois databases for the purpose of implementing the provisions of the Act and the law; and
- the Illinois State Police shall make sex offender information available to the federal government, including treatment information for sexually dangerous persons.

Sex Offender Registration Act Amendment (Effective January 1, 1998)

- Add as sex offense, child abduction committed by intentionally luring or attempting to lure a child under 16 years of age into a vehicle or dwelling place without parental consent for an unlawful purpose;
- a second or subsequent violation of child abduction by luring a child into a vehicle or building for an unlawful purpose is a Class 3 felony;
- committing child abduction in a school or on a playground, in a school conveyance, or on a public way within 1,000 feet of a school or playground is

- an aggravating factor for sentencing purposes; and
- knowingly giving false information required by the Sex Offender Registration Act shall be a Class 4 felony.

Sex Offender Registration Act Amendment (Effective July 1, 1999)

- A person convicted or adjudicated of an equivalent criteria sex offense(s) in another state, and does not live in Illinois, but is employed in Illinois or attends an Illinois school, is required by federal law to register in both the state where he/she resides and the state where he/she is employed or attends school;
- recognizes criminal charge or conviction under the law of a foreign country when equivalent to Illinois sex offender statutes;
- establishes the category of sexual predators, who, if convicted after July 1, 1999, are required to register annually for natural life (see Sexual Predator, Chapter 10);
- a person convicted of a second or subsequent offense requiring registration pursuant to the Act after July 1, 1999, is considered a “sexual predator;”
- requires sexually violent persons to register every 90 days and sexual predators to register once a year for natural life;
- medical facilities are required to notify sex offenders, of their duty to register, upon release and forward the notification form to ISP;
- law enforcement agencies are authorized to release additional information contained in the registry, which may help identify the sex offender;
- law enforcement agencies are authorized to release sex offender information via the Internet, including offender’s photograph, by means of the Illinois State Police Home Page;
- juveniles who are adjudicated as a juvenile delinquent after July 1, 1999, are required to register. Notification for juveniles is limited to schools, licensed daycare facilities, local law enforcement, and the community when public safety is at risk;
- failure to comply with the provisions of this Act mandate revocation of parole or probation;
- the Department of State Police is authorized to administratively extend the period of registration by 10 years for those sex offenders who fail to comply with the Act;
- specifically authorizes state’s attorneys to prosecute non-compliant sex offenders in any county in which they can be located;
- requires the agency having jurisdiction to verify the addresses of sex offenders within their jurisdiction at least once each year and document LEADS in the manner required by the Department of State Police;
- requires a person at least 17 years of age convicted of murder against a person under the age of 18 to register for natural life (rather than for 10 years); and
- business name and address must be submitted to the agency having jurisdiction within 10 days of employment.

Other Significant Amendments to Criminal Code 720 ILCS

5/11-9.3

- It is unlawful for a child sex offender to knowingly be present in or loiter on a public way within 500 feet of any school building, school ground, on a school conveyance used to transport students to or from school-related activities when persons under 18 years of age are present:
 - unless the offender is a parent or guardian of a student present in the building, on the grounds or in the conveyance; or
 - unless the offender has permission to be present from the superintendent, the school board, or, in case of a private school, the principal;
 - within public schools, the superintendent or school board president must inform the principal of the school where the sex offender will be present.
 - notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school;
 - the sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property;
 - if the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official;
 - it is a Class 4 felony for any sex offender who violates this provision.
- The criminal code was further amended to prohibit child sex offenders from residing within 500 feet of a school attended by persons under 18 years of age, a playground, or a facility providing programs or services exclusively directed toward persons under 18 years of age. Exempts child sex offenders who owned the property where they reside before the effective date of this amendatory Act.

5/11-9.4

- Approaching, contacting, or communicating with a child within public park zones by child sex offenders is prohibited. "Public park" includes a park, forest preserve, or conservation area under the jurisdiction of the state or a unit of local government.

If persons under the age of 18 are present in or on public grounds and the sex offender is not a parent or a legal guardian of those persons present, the sex offender cannot:

- knowingly be present in any public park building, on real property comprising any public park;
- knowingly loiter on a public way within 500 feet of a public park building, on real property comprising any public park;
- knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at any facility providing programs or services exclusively directed towards persons under the age of 18;
- this does not prohibit a child sex offender from owning the real property upon which the programs or services are offered, provided the child sex offender

refrains from being present on the premises for [REDACTED] programs or services are being offered.

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Qualifying Sex Offenses

720 Illinois Compiled Statutes 5/

- 11-6 indecent solicitation of a child
- 11-9.1 sexual exploitation of a child
- 11-15.1 soliciting for a juvenile prostitute
- 11-17.1 keeping a place of juvenile prostitution
- 11-18.1 patronizing a juvenile prostitute
- 11-19.1 juvenile pimping
- 11-19.2 exploitation of a child
- 11-20.1 child pornography
- 12-13 criminal sexual assault
- 12-14 aggravated criminal sexual assault
- 12-14.1 predatory criminal sexual assault of a child
- 12-15 criminal sexual abuse
- 12-16 aggravated criminal sexual abuse
- 12-33 ritualized abuse of a child

A violation of any of the following sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, and the offense was committed on or after January 1, 1996:

- 10-1 kidnaping
- 10-2 aggravated kidnaping
- 10-3 unlawful restraint
- 10-3.1 aggravated unlawful restraint

725 Illinois Compiled Statutes 205/1.01 et. seq.

An adjudication as a sexually dangerous person under 725 ILCS 205/1.01 et. seq. “Sexually Dangerous Persons Act.”

- a finding or adjudication of a **sexually dangerous person** under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act;

Other Qualifying Criteria

- A conviction for attempting any of the above listed offenses;
- a violation of any former law of Illinois substantially equivalent to any offense

listed above;

- persons under the age of 18 convicted of any of the above listed offenses in criminal courts (not adjudicated in juvenile court);
- the offender is found not guilty by reason of insanity;
- the offender is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963; or
- a conviction or adjudication for a violation of federal law or the law of another state that is substantially equivalent to any offense listed above.

720 ILCS 5/ 9-1 of the Criminal Code of 1961 - First Degree Murder of a Person Under 18 Years of Age (effective June 1, 1996)

Any person convicted of first degree murder under this section, when the victim was a person under 18 years of age, the defendant was at least 17 years of age at the time of the offense.

720 ILCS 5/12-14.1 - Predatory Criminal Sexual Assault of a Child (effective June 1, 1996)

A-1. When the victim was under the age of 13 and the offender was 17 years of age or over and committed an act of sexual penetration, Class X Felony; or

A-2. When the victim was under the age of 13 and the offender was 17 years of age or over and committed an act of sexual penetration and caused great bodily harm to the victim that resulted in permanent disability or was life threatening, Class X Felony and carries a mandatory 50-60 year prison term.

720 ILCS 5/11 - A conviction of any of the following misdemeanor violations under Sections of the Criminal Code of 1961 (effective July 24, 1997)

- 11-6 indecent solicitation of a child
- 11-9.1 sexual exploitation of a child
- 12.15 criminal sexual abuse

An attempt to commit any of these offenses.

- A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961 when the victim was a person under 18 years of age (includes felony convictions and all attempts).

725 ILCS 205/10-5 (1.9) - A violation of the Criminal Code of 1961 10-7(Aiding and Abetting under Child Abduction Section 10-5 (b)(10)), 10-5(b)(10) Child Luring (effective January 1, 1998)

- Child Abduction committed by intentionally luring or attempting to lure a child under 16 years of age into a vehicle or dwelling place without parental consent for an unlawful purpose;
- a second or subsequent violation of child abduction by luring a child into a vehicle or building for an unlawful purpose is a Class 3 felony;
- committing child abduction in a school or on a playground, in a school conveyance, or on a public way within 1,000 feet of a school or playground is an aggravation factor for sentencing purposes.

730 ILCS 150/2 (1.10) - A violation or attempted violation of any of the following crimes of the Criminal Code of 1961 (effective July 1, 1999)

- 10-4 forcible detention, if the victim is under 18 years of age
- 11-6.5 indecent solicitation of an adult
- 11-15 soliciting for a prostitute, if the victim is under 18 years of age
- 11-16 pandering, if the victim is under 18 years of age
- 11-18 patronizing a prostitute, if the victim is under 18 years of age
- 11-19 pimping, if the victim is under 18 years of age

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Court/Probation (Sex Offenders Sentenced to Probation or Conditional Discharge)

Responsibilities of the Court

- Ensure completion of the Sex Offender Notification Form which includes intended address of the offender;
- ensure registration requirements have been read to the offender and the offender understands the duties to register as set forth in the Sex Offender Notification form; and
- ensure the offender reads and signs the Sex Offender Notification Form and forwards to the appropriate probation office.

Responsibilities of the Probation Department

- Ensure blood specimens for DNA are drawn from offenders and forwarded to the Illinois State Police (ISP), Division of Forensic Services;
- complete the Sex Offender Notification Form and ***give the original to the court of conviction***, retain one copy and give a copy to the offender;
- obtain a photograph of the offender and forward to the ISP within three days (write the offender's name, date of birth, race, sex, and State Identification Number on the back of the photo);
- if possible, take the sex offender to the police agency or sheriff's office to register, (***a notification form is not necessary when this is done***);
- if this is not done, ensure the notification record and conditions of probation are entered into LEADS, using the normal LEADS source, within three days;
- advise offender to register in person within 10 days at the agency of jurisdiction; and
- ensure fingerprints are taken and forwarded to Illinois State Police, Bureau of Identification, 260 North Chicago Street, Joliet, Illinois 60432-4075.

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Illinois Department of Corrections, Other Penal Institutions, and Mental Treatment Facilities

Responsibilities Upon Release

- Complete the Sex Offender Notification Form which includes intended address of the offender;
- read requirements to the offender regarding his/her duties to register, as set forth in the Sex Offender Notification Form;
- ensure the offender reads, understands, and signs the Sex Offender Notification Form;
- **retain the original copy** and give a copy to the offender;
- medical treatment facilities and other penal institutions will forward a copy of the notification form to the Illinois State Police, Sex Offender Registration Unit, 400 Iles Park Place, Suite 140, Springfield, Illinois 62718-1004, within three days of release from confinement;
- obtain a photograph before release or parole and forward to the ISP, Criminal Intelligence Bureau, Sex Offender Registration Unit within three days of release from confinement. Write the offender's name, date of birth, race, sex, and State Identification Number on the back of the photo. NOTE: electronic transmission of photographs may be implemented in lieu of the above procedures;
- ensure blood specimens for DNA are drawn from offenders and forwarded to the ISP, Division of Forensic Services. NOTE: medical treatment facilities are not required to draw blood specimens.;
- advise the offender to report to the agency of jurisdiction to register within 10 days of release;
- electronic data files on a daily basis, including all notification form information and photographs, for all sex offenders being released from the Illinois Department of Corrections (IDOC) facilities will be shared daily between ISP and IDOC; and
- if IDOC places the offender in another facility, inform the facility of their duty to perform the above obligations upon the offender's discharge, parole or release.
- if the offender fails to comply with the provisions of the Sex Offender Registration Act (effective July 1, 1999) revocation of parole or probation is mandated.

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Interstate Compact Cases (Probation and Parole)

Responsibilities

- Forward a letter to out-of-state agencies informing them that convicted sex offenders are required to sign the Sex Offender Notification Form stating they will register as sex offenders in Illinois;
- ensure the following requirements are completed either by the receiving probation department or the IDOC (note if the offender is not in Illinois, the Interstate Compact will be responsible for completing the tasks listed below); and
- formal or final acceptance will not be given until all registration requirements are met.

Receiving Probation Department/Illinois Department of Corrections

- Determine if the out-of-state conviction sex offense is equivalent to the crimes set forth on pages 8 and 9 of this guide;
- ensure blood specimens are drawn within 45 days after arrival in Illinois;
- require the offender to read, understand, and sign the Sex Offender Notification Form which also includes all registrant requirements;
- complete the Sex Offender Notification Form, ***retain the original copy*** with the offender's signature for your records and provide a copy to the offender;
- fingerprint the offender using the four-part fingerprint card and forward to the Illinois State Police, Bureau of Identification, 260 North Chicago Street, Joliet, Illinois 60432-4075;
- if possible, take the sex offender to the police agency or sheriff's office to register, ***a notification form is not required if this is done***;
- if this is not done, ensure the notification record and conditions of probation are entered into LEADS, using the normal LEADS source, within three days. NOTE: enter "XNOSID" in the SID field if the sex offender has been convicted in Illinois; enter "SNOSID" in the SID field if convicted outside the state of Illinois until an Illinois State Identification number is issued.
- advise offender to register in person within 10 days at the agency of jurisdiction and take a ***photograph*** and forward the photo through appropriate channels to the ISP (write the offender's name, date of birth, race, sex and State Identification Number on the back of the photo); and

- if offender fails to comply with the provisions of the Sex Offender Registration Act (effective July 1, 1999) revocation of parole or probation is mandated.

Impact of new interstate agreements with the Sexually Dangerous Persons Act and indexing program

Legislation establishing the indexing program amended in March 1995, established another category of persons who must comply. A person seeking to transfer residency to Illinois who has been convicted of, or received a disposition of court supervision for, a sexual offense or attempt of a sexual offense, or institutionalized as a sexually dangerous person, must have a blood sample drawn within 45 days after arrival in Illinois. The provisions are not retroactive.

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Agency Having Jurisdiction Police or Sheriff's Department

Definition of Agency Having Jurisdiction

The law enforcement agency where the sex offender resides or is temporarily domiciled for more than 10 days is the agency of jurisdiction. If the sex offender resides within the city limits, the municipal police department is the registering jurisdiction; if the offender resides in an unincorporated area or in an area without a police department, the sheriff's department is the registering jurisdiction.

Initial Registration

- Run a criminal history check to accomplish the following:
 - ensure the offender is required to register;
 - determine the current status of the offender;
 - obtain information required to complete the registration form; and
 - determine if victim is under the age of 18.
- complete the Sex Offender Registration Form;
- ensure the offender reads and signs the Sex Offender Registration Form;
- enter registration information into LEADS, using the normal source for LEADS entries, within three days;
- fingerprint the offender using the four-part fingerprint card and forward to the Illinois State Police, Bureau of Identification, 260 North Chicago Street, Joliet, Illinois 60432-4075;
- obtain a photo of the offender and forward a copy to the ISP (write the offender's name, date of birth, race, sex, and State Identification Number on the back of the photo) for use on the Internet. **NOTE:** This is not required if the offender was released from an IDOC facility in Illinois; and
- **retain the original** signed copy of the Sex Offender Registration Form until the requirements to register have expired and give a copy to the offender. Forward a copy of the registration form to Illinois State Police, Sex Offender Registration Unit, 400 Iles Park Place, Suite 140, Springfield, Illinois 62718-1004.

Address Change

When the offender changes his/her address within the same jurisdiction, registration, in person,

is required. If the offender is moving out of a jurisdiction they are required to notify the agency having jurisdiction, in writing, of any address change within 10 days of moving and register, in person, within 10 days of moving into the new jurisdiction.

Current Agency Having Jurisdiction

- Update the status field in the LEADS caution file to “M” and the three digit county designator code for the area where the offender is going to reside;
- the address will remain the same in the LEADS Caution File until the offender registers at the new agency of jurisdiction; and
- enter a LEADS add-on with the offender’s new address for use by the new area of jurisdiction.

New Agency Having Jurisdiction

The offender is required to report in person to the new agency having jurisdiction. The new agency having jurisdiction should:

- Run a criminal history check;
- complete a Sex Offender Registration Form;
- ensure the offender reads, understands, and signs the Sex Offender Registration Form;
- enter registration information into the LEADS Caution File, using the normal source for entries within three days. NOTE: enter XNOSID in the SID field if the offender does not have an SID number and was convicted in Illinois; enter SNOSID if the offender was convicted out of state;
- if the sex offender does not have an SID number, fingerprint the offender using the four-part fingerprint card, and forward to the Illinois State Police, Bureau of Identification, 260 North Chicago Street, Joliet, Illinois 60432-4075; and
- ***retain the original*** signed copy of the Sex Offender Registration Form until the requirement to register has expired and provide a copy to the offender.

TIP: If the registrant has a LEADS number, run on LEADS (LZE.LDS/E_____). This will provide the status of the registrant.

R	-	Registered
D	-	Notified/Not Registered
N	-	Not Notified/to be Notified
M	-	Moving Intrastate
OM	-	Moving Out of State (Sex offender has notified the agency of jurisdiction of a move to another state) If the sex offender does not notify agency of jurisdiction, the status remains the same and the sex offender is out-of-compliance.
I	-	In Illinois Department of Corrections

Annual Registration

Offender is required to report in person within one year of his/her last registration (includes initial registration, annual registration, or address change) to the law enforcement agency having

jurisdiction. Annual registrations can be accomplished early. The agency should:

- Run a complete criminal history and the LEADS number;
- complete the Sex Offender Registration Form; and
- using the normal entry source, update the record in LEADS within three days.

Quarterly Registration

Any person found or adjudicated to be a sexually dangerous person or a sexually violent person is required to report **in person** within 90 days of his/her last registration (includes initial registration, quarterly registration, or address change) to the law enforcement agency having jurisdiction. Quarterly registrations can be accomplished early. The agency should:

- Run a complete criminal history and the LEADS number;
 - complete the Sex Offender Registration Form; and
 - using the normal entry source, update the record in LEADS within three days.
- NOTE: The ADT must be updated during registration.

Proof of Identification and Residence

Sex offenders shall provide positive identification and documentation which substantiates proof of residency. If the sex offender does not bring identification, the agency should document his attempt to register and provide the address information in a LEADS add-on and advise the sex offender to return with the proper identification.

Photographs Required

- Required at initial registration if the offender was not paroled, released, or discharged from IDOC;
- when the offender's appearance significantly has changed.

Fingerprints Required

- During initial registration;
- sex offenders required to register when he/she moves to Illinois; or
- if a sex offender is employed or attending school in Illinois, but resides in another state; or
- if the original computer inquiry indicates the registrant has no Illinois State Identification Number on file with the Illinois State Police, Bureau of Identification, Joliet, Illinois 60432-4075.

Internet Responsibilities

Law enforcement agencies have the discretion to place any information contained in the registry, including photographs, but excluding information which would identify the victim on the Internet.

Registration Fees

The offender shall pay a \$10 initial registration fee and a \$5 annual renewal fee. These fees are to be used by the registering agency for official purposes. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. The agency shall establish procedures to document receipt and use

of the fees.

Enforcement Efforts

Add-ons should be entered into LEADS for any contact with registered sex offenders for tracking purposes. Information on the add-on should include:

- Date and time of contact;
- specific location of contact;
- reason for contact (traffic, suspicious activity, etc.);
- officer's last name and ID number/agency;
- vehicle description;
- names, addresses, and ages of vehicle occupants;
- report number used to document contact; and
- other miscellaneous information deemed appropriate.

When appropriate, contact with the sex offender should be documented with an update to LEADS with the following action:

Contact with an “N” status sex offender

- Notify the sex offender he/she must register within 10 days in the jurisdiction where they reside. (The offender can be notified to register within 24 hours). Ensure a LEADS add-on is entered to include the sex offender’s address and date of notification. Update status of sex offender to a “D” status – notified, not registered.

Contact with a “D” status sex offender

- Check for evidence of registration and arrest sex offender if the date of the stop is more than 10 days from the activity date (ADT) on LEADS entry.

NOTE: Felony arrest should be consistent with procedures required by the county state’s attorney.

Address Verification

Agency of jurisdiction shall verify the address of sex offenders or sexual predators required to register with their agency at least once per calendar year. The verification must be documented with an add-on to the LEADS record. Agencies have the discretion to determine procedures to be used for address verification.

Employment Information

Agency of jurisdiction shall obtain the business name(s) and address(es), where the offender is employed. Such information will be documented when the offender registers annually and should be entered into the LEADS Caution File. Sex offenders are required to provide, in writing, any changes to their employment status to the agency having jurisdiction.

Nonresident Workers/Students

Out-of-state sex offenders (nonresident workers) employed and students attending school in Illinois, must register their place of employment or the school they are attending in the state and their address in the state of residence.

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Genetic Marker (DNA) Indexing Program

The program was established July 1, 1990, as a result of legislation that was signed on September 8, 1989 (730 ILCS 5/5-4-3). The act provides for collection and DNA analysis of blood samples from individuals institutionalized as sexually dangerous, convicted and/or given a disposition of court supervision of the commission or attempt to commit the following sex crimes:

- criminal sexual assault;
- aggravated criminal sexual assault;
- criminal sexual abuse;
- aggravated criminal sexual abuse;
- incest; and
- predatory criminal sexual assault of a child

Provisions

- Retroactive to include anyone presently serving a sentence for applicable offenses; and
- blood sample must be drawn within 45 days after sentencing.

Interstate agreements

The Sex Offender Registration Act amendment (effective January 1, 1996) established another category of persons who must submit blood samples:

A person seeking to transfer residency to Illinois, who has been convicted of or received a disposition of court supervision for a sexual offense or attempt of a sexual offense, or institutionalized as a sexually dangerous person, must have a blood sample drawn within 45 days after arrival in Illinois. These provisions are not retroactive.

Further amendments include:

Public Act 89-550; Effective January 1, 1997:

Amended 730 ILCS 5/5-4-3 to require persons found delinquent/adjudicated under the Juvenile Court Act of 1987 for a sex offense or attempt of a sex offense on or after the effective date to submit blood specimens to the Illinois State Police for inclusion in the Genetic Marker Indexing Program.

Public Act 90-124, Effective January 1, 1998:

Amends the Unified Code of Corrections, 730 ILCS 5/5-4-3. Provides for mandatory blood testing of a person convicted, found delinquent, given court supervision, or institutionalized as sexually dangerous. The following offenses are included: indecent solicitation of a child, sexual exploitation of a child, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, patronizing a juvenile prostitute, juvenile pimping, exploitation of a child, child pornography, ritualized abuse of a child, and certain limited examples of child abduction.

Public Act 90-130, Effective January 1, 1998:

Amends the Unified Code of Corrections, 730 ILCS 5/5-4-3 & 5-9-1. Provides that persons required to submit blood for genetic mark grouping shall pay a fee of \$500 into the State Offender DNA Identification System Fund. It defines for what purpose those funds are to be used. Applies to Illinois offenders only, not to those persons transferring residency from another state.

Responsibilities

Court/State's Attorney

- Must request the court issue an order at the time of sentencing or upon request of the supervising agency; and
- no court order is required for convictions after July 1, 1990, if the offender consents voluntarily.

Sheriff's Department

- The sheriff's department in the county where the offender is sentenced is responsible for sample collection within 45 days of sentencing;
- sample shall be drawn before transfer to IDOC; and
- completes the Blood Sample Collection Record and forwards with the offender's records which serves as notification to IDOC that the sample has been drawn.

Illinois Probation and Court Services Department

- Responsible for sample collection of those offenders under their supervision, including offenders from other states.

Illinois Department of Corrections

- IDOC is responsible for sample collection within 45 days of receiving the offender, for those not previously drawn.

Illinois State Police

- Provides the DNA indexing kit for sample collection;
- responsible for the cost of mailing the kit from the vendor to the agency;
- responsible for the cost of mailing the sample to the ISP, Division of Forensic Services, Forensic Sciences Command;
- conducts genetic marker analysis and computerization of offender's DNA profile;
- analyzes results with evidence from unsolved crimes; and
- associates serial sex offenses.

8

Illinois State Police

Responsibilities

- Administer the Sex Offender Registration Program;
- develop and maintain policies and procedures relating to the Sex Offender Registration Program; and
- establish a system of expungement to remove names of convicted sex offenders following termination of their requirement to register;
- establish a system to inform the law enforcement community of quarterly and annual registration renewal requirements;
- establish a system to inform victims requesting notification of offender activity;
- forward sex offender conviction data and fingerprints to the FBI in a timely manner;
- inform out-of-state law enforcement agencies, in a timely manner, when a sex offender who is required to register moves from Illinois into their state;
- extend the 10 year registration period of any sex offender who violates the Sex Offender Registration Act;
- make information contained in the Statewide Sex Offender Database accessible on the Internet by means of a hyperlink labeled “Sex Offender Information” on the Department’s World Wide Web Home Page; and
- promulgate rules in accordance with the Illinois Administrative Procedure Act.

Operational Efforts

- Provide threat assessments, tracking upon request;
- provide tactical case assistance;
- develop and conduct information training sessions for participating agencies;
- mail quarterly non-forwardable address verification letters to each sex offender, who has been adjudicated to be sexually dangerous or sexually violent;
- mail annual non-forwardable address verification letters to each registrable sex offender.

9

Sex Offender

Forms

- Provide accurate information for the Sex Offender Notification and Registration Forms;
- read and sign the Sex Offender Notification and Registration Forms to substantiate proof of understanding the requirements set forth in the Sex Offender Registration Act; and
- complete, sign, and return annual or quarterly address verification letters to the Illinois Department of State Police.

Registration

- Report and register **in person** to the agency of jurisdiction within 10 days when any of the following events occur:
 - Release from a correctional facility;
 - release from a treatment facility;
 - date of conviction, if sentenced to probation;
 - relocation out-of-state;
 - relocation to Illinois;
 - a permanent change of residence; or
 - a temporary change of residence for more than 10 days.
- provide positive identification and documentation that substantiates proof of residence at the registering address;
- provide employment information (i.e. business name and address) to the agency having jurisdiction during initial or annual registration;
- multiple business or work locations must also be reported to the agency having jurisdiction; and
- provide a copy of the court conviction when moving to Illinois from another state.

Change of Address

- Notify agency of jurisdiction **in writing** within 10 days of change of address (**Notification must occur, even if the registrant is moving to another address within the same jurisdiction**); and
- report in person within 10 days to the new agency of jurisdiction to register.

Change of Employment

- If currently registered, notify in writing, the registering agency of name and address of new employment within 10 days of the change.
- Sex offenders are required to notify the registering jurisdiction, in writing, of any changes in employment within 10 days of this change.

Out-of-State Employees or Students

- A sex offender employed in Illinois, but living out-of-state, shall register with the chief of police of the municipality or the sheriff of the county in which he or she is employed. Registration is required within 10 days if the sex offender is employed in Illinois for 14 days in succession or 30 days in aggregate during any calendar year.
- A sex offender from out-of-state but enrolled in a school in Illinois must register with the chief of police of the municipality or the sheriff of the county in which he/she is enrolled. Registration is required within 10 days of enrollment.
- Out-of-state employees or students are required to notify the agency having jurisdiction of any **change** of employment or educational status in writing within 10 days of the change.

Annual or Quarterly Registration

Annual Registration

An offender is required to report in person within one year of his/her last registration (includes initial registration, annual registration, or address change) to the law enforcement agency having jurisdiction. Annual registrations can be accomplished early. The agency should:

- Run a complete criminal history and the LEADS number;
- complete the Sex Offender Registration Form; and
- using the normal entry source, update the record in LEADS within three days.

Quarterly Registration

Any offender with a finding or adjudication as a sexually dangerous or sexually violent person is required to report **in person**, within 10 days of being released, to the agency having jurisdiction and every 90 days, thereafter, for the period of his or her natural life.

Term of Registration

Sex offenders are required to register for 10 years from the date of conviction if sentenced to probation or 10 years from date of parole, discharge or release, if confined. Sexually Violent Persons and Sexually Dangerous Persons are required to register every 90 days for the period of his or her natural life. Sexual Predators are required to register once a year for their natural life.

Fees

Sex offenders and Sexual Predators shall pay a \$10 initial registration fee and a \$5 annual re-registration fee. Sexually Dangerous and Sexually Violent Persons shall pay a \$10 initial registration fee and a \$5 re-registration fee (collected only once per calendar year.)

Use

The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds.

10

Juvenile Sex Offender

A juvenile convicted as an adult in a criminal court is treated as an adult in every aspect of sex offender registration and community notification. Juveniles convicted as adults will be classified as sex offenders or sexual predators based on the offense for which they were convicted. Juveniles who have been convicted as adults are subject to full community notification.

This chapter will deal with juveniles who were not treated as an adult in criminal court and were adjudicated in juvenile court. Adjudicated juveniles **can not** be classified as a sexual predator. Adjudicated juveniles can be deemed sexually dangerous and sexually violent.

Registration

- Report and register **in person**, accompanied by a parent, legal guardian, or other court appointed official, to the agency of jurisdiction within 10 days when any of the following events occur:
 - Release from a correctional facility;
 - release from a treatment facility;
 - date of adjudication;
 - relocation out-of-state;
 - relocation to Illinois;
 - a permanent change of residence; or
 - a temporary change of residence for more than 10 days.

- Fingerprint and photograph;

- DNA - Public Act 89-550; Effective January 1, 1997:

Amended 730 ILCS 5/5-4-3 to require persons found delinquent/adjudicated under the Juvenile Court Act of 1987 for a sex offense or attempt of a sex offense on or after the effective date to submit blood specimens to the Illinois State Police for inclusion in the Genetic Marker Indexing Program.

Public Act 90-124, Effective January 1, 1998:

Amends the Unified Code of Corrections, 730 ILCS 5/5-4-3. Provides for mandatory blood testing of a person convicted, found delinquent, given court supervision, or institutionalized as sexually dangerous. The following offenses are included: indecent solicitation of a child, sexual exploitation of a child, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution,

patronizing a juvenile prostitute, juvenile pimping, exploitation of a child, child pornography, ritualized abuse of a child, and certain limited examples of child abduction.

Public Act 90-130, Effective January 1, 1998:

Amends the Unified Code of Corrections, 730 ILCS 5/5-4-3 & 5-9-1. Provides that persons required to submit blood for genetic mark grouping shall pay a fee of \$500 into the State Offender DNA Identification System Fund. It defines for what purpose those funds are to be used. Applies to Illinois offenders only, not to those persons transferring residency from another state.

- provide positive identification and documentation that substantiates proof of residence at the registering address;
- provide employment and school information (i.e. business name and address, school attending) to the agency having jurisdiction during initial or annual registration;
- the agency has the option of fingerprinting the juvenile and retaining the prints in their file for future use; and
- provide a copy of the court documents when moving to Illinois from another state.

Change of Address

- Notify agency of jurisdiction **in writing** within 10 days of change of address (**Notification must occur, even if the registrant is moving to another address within the same jurisdiction**); and
- report in person within 10 days to the new agency of jurisdiction to register.

Employment/Educational Status

- If currently registered, notify in writing, the registering agency of name and address of new employment/educational status within 10 days of the change.
- If moving to a new jurisdiction, the juvenile sex offender registers, in person, with the agency of jurisdiction reporting their employment and educational status within 10 days of this change.

Out-of-State Employees or Students

- A sex offender employed in Illinois, but living out-of-state, shall register with the chief of police of the municipality or the sheriff of the county in which he or she is employed. Registration is required within 10 days if the sex offender is employed in Illinois for 14 days in succession or 30 days in aggregate during any calendar year.
- A sex offender enrolled in a school in Illinois must register with the chief of police of the municipality or the sheriff of the county in which he/she is enrolled. Registration is required within 10 days of enrollment.

- Out-of-state employees or students are required to notify the agency having jurisdiction of any **change** of employment or educational status in writing within 10 days of the change.

Annual Registration

A juvenile sex offender is required to report in person within one year of his/her last registration (includes initial registration, annual registration, or address change) to the law enforcement agency having jurisdiction. The juvenile sex offender must be accompanied by a parent, legal guardian, or other court appointed official until he or she reaches the age of 18. Annual registrations can be accomplished early. The agency should:

- Run a complete criminal history and the LEADS number;
- complete the Sex Offender Registration Form;
- juvenile sex offenders should be fingerprinted when registering initially with an agency, at succeeding annual registrations, fingerprinting is at the discretion of the registering agency.
- using the normal entry source, update the record in LEADS within three days.

Term of Registration

Juvenile sex offenders are required to register for 10 years from the date of adjudication if sentenced to probation or 10 years from parole, discharge or release, if confined. The juvenile sex offender shall continue to be treated as a juvenile, even though he or she reaches the age of 18. Adjudicated juveniles **can not** be classified as a sexual predator.

Fees

Juvenile sex offenders shall pay a \$10 initial registration fee and a \$5 annual re-registration fee. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. The agency shall establish procedures to document receipt and use of the fees.

Community Notification

Information regarding juvenile sex offenders shall be provided to licensed day care providers and schools on a quarterly basis. Information for juveniles shall contain a clear notation the information pertains to juvenile sex offenders and shall not be disseminated to the public. Names and other information regarding juvenile sex offenders shall not be placed on the Internet or made available to the public, except under the following circumstance. Law enforcement agencies have the discretion to provide information to the public, when public safety is threatened. However, this must be determined on a case-by-case basis. For purposes of community notification, the juvenile sex offender shall continue to be treated as a juvenile, even though he or she reaches the age of 18.

Penalties

If a juvenile sex offender fails to comply with the provisions of the registration act, the court shall determine whether to handle the matter in criminal or juvenile court. Failure to comply with the registration act will also result in a 10 year extension of the requirement to register as a sex offender.

Schools and Parks

Under the law, the juvenile sex offender is not defined as a child sex offender. Unless stipulations of parole or probation would prohibit such actions, the juvenile sex offender can legally reside near a school, attend a school, communicate with children in a park and work in programs which provide services for children.

It is suggested that officials from Park Districts throughout Illinois contact their local police or sheriff's department to request all employees/volunteers, as well as any juvenile workers, be run against the statewide sex offender database.

11

Sexual Predator

Definition

“Sexual predator” means any person who, after July 1, 1999, is:

- Convicted of a violation of any of the following offenses of the Criminal Code of 1961, and the conviction occurred after July 1, 1999:
 - 11-17 keeping a place of juvenile prostitution
 - 11-19.1 juvenile pimping
 - 11-19.2 exploitation of a child
 - 11-20.1 child pornography
 - 12-13 criminal sexual assault, if the victim is a person under 12 years of age
 - 12-14 aggravated criminal sexual assault
 - 12-14.1 predatory criminal sexual assault of a child
 - 12-16 aggravated criminal sexual abuse
 - 12-33 ritualized abuse of a child;
- convicted of first degree murder under the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense; or
- certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, sister state, or foreign country law; or
- found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, sister state, or foreign country law; or
- convicted of a second subsequent offense, after July 1, 1999, which requires registration pursuant to this Act.

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Penalty for Failure to Register

Registrant

Any person required to register who violates any of the provisions of the Sex Offender Registration Act is guilty of a Class 4 Felony. Mandatory minimum fine of \$500 is incurred for failure to comply with the Act.

- 730 ILCS 150/3 Violation of Duty to Register
- 730 ILCS 150/6 Violation of Change of Address or Employment
- 720 ILCS 5/11-9.3 Violation of Presence within School Zone
- 720 ILCS 5/11-9.4 Violation of Public Park Zone

Required Confinement

In addition to any other penalty required by law, the offender shall be required to serve a minimum period of seven days confinement in a local county jail. A sentence of supervision shall not be imposed.

Extension of Registration

Failure to comply with the Sex Offender Registration Act will result in a 10-year extension of the registration period. The 10-year extension starts when the sex offender registers after the violation.

Sex Offenders Under Supervision

- Violations of the Sex Offender Registration Act shall result in revocation of parole, mandatory supervised release, or conditional release.
- Violations of the Sex Offender Registration Act shall result in probation revocation.

13

Access to Sex Offender Registration Records

Law Enforcement Agencies

Law enforcement agencies shall be able to exchange information.

Public

The public is authorized access to the name, address, date of birth, and offense of sex offenders who are required to register in accordance with the Sex Offender and Child Murderer Community Notification Law. Law enforcement agencies have the discretion to provide any information contained in the registry, including photographs, but excluding information which would help identify the victim to the public.

Appendix B

THE SEX OFFENDER REGISTRATION ACT

The Sex Offender Registration Act

(730 ILCS 150/1)

Sec. 1. Short title. This Article may be cited as the Sex Offender Registration Act.
(Source: P.A. 89-8, eft. 1-1-96.)

(730 ILCS 150/2)

Sec. 2. Definitions. As used in this Article, the following definitions apply:

(A) "Sex offender" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, or sister state, or foreign country law, with a sex offense set forth in subsection

(B) of this Section or the attempt to commit an included sex offense, and:

(a) is convicted of such offense or an attempt to commit such offense;
or

(b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, or sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, or sister state, or foreign country law substantially similar to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(2) certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, or sister state, or foreign country law; or

(3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or.

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, sister state, or foreign country law. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Article.

(A-5) "Juvenile sex offender" means any person who is adjudicated a juvenile delinquent as the result of the commission of or attempt to commit a violation set forth in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, sister state, or foreign country law. For purposes of this Section, "convicted" shall have the same meaning as "adjudicated".

(B) As used in this Section, "sex offense" means:

(1) A violation of any of the following Sections of the Criminal Code of 1961, when the violation is:

- 11-20.1 (child pornography),
- 11-6 (indecent solicitation of a child),
- 11-9.1 (sexual exploitation of a child),
- 11-15.1 (soliciting for a juvenile prostitute),
- 11-18.1 (patronizing a juvenile prostitute),
- 11-17.1 (keeping a place of juvenile prostitution),
- 11-19.1 (juvenile pimping),
- 11-19.2 (exploitation of a child),
- 12-13 (criminal sexual assault),
- 12-14 (aggravated criminal sexual assault),
- 12-14.1 (predatory criminal sexual assault of a child),
- 12-15 (criminal sexual abuse),
- 12-16 (aggravated criminal sexual abuse),
- 12-33 (ritualized abuse of a child).

An attempt to commit any of these offenses.

(1.5) A felony violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, and the offense was committed on or after January 1, 1996:

- 10-1 (kidnapping),
- 10-2 (aggravated kidnapping),
- 10-3 (unlawful restraint),
- 10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(1.6) First degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age, the defendant was at least 17 years of age at the time of the commission of the offense, and the offense was committed on or after June 1, 1996.

(1.7) (Blank).

(1.8) A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961, when the victim was a person under 18 years of age and the offense was committed on or after June 1, 1997.

(1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998.

(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after the effective date of this amendatory Act of the 91st General Assembly:

- 10-4 (forcible detention, if the victim is under 18 years of age),
- 11-6.5 (indecent solicitation of an adult),
- 11-15 (soliciting for a prostitute, if the victim is under 18 years of age),
- 11-16 (pandering, if the victim is under 18 years of age),
- 11-18 (patronizing a prostitute, if the victim is under 18 years of age),
- 11-19 (pimping, if the victim is under 18 years of age).

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B)(1) of this Section.

(C) A conviction for an offense of federal law or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsection (B) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law or law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.

(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, committed on or after June 1, 1996 against a person under 18 years of age, shall be required to register for natural life.

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in the municipality in which the sex offender expects to reside (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(E) As used in this Article, "sexual predator" means any person who, after the effective date of this amendatory Act of the 91st General Assembly, is:

(1) Convicted of a violation of any of the following Sections of the Criminal Code of 1961 and the conviction occurred after the effective date of this amendatory Act of the 91st General Assembly:

- 11-17.1 (keeping a place of juvenile prostitution),
- 11-19.1 (juvenile pimping),
- 11-19.2 (exploitation of a child),
- 11-20.1 (child pornography),
- 12-13 (criminal sexual assault, if the victim is a person under 12 years of age),
- 12-14 (aggravated criminal sexual assault),
- 12-14.1 (predatory criminal sexual assault of a child),
- 12-16 (aggravated criminal sexual abuse),
- 12-33 (ritualized abuse of a child); or

- (2) convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense; or
- (3) certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, sister state, or foreign country law; or
- (4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, sister state, or foreign country law; or
- (5) convicted of a second or subsequent offense which requires registration pursuant to this Act. The conviction for the second or subsequent offense must have occurred after the effective date of this amendatory Act of the 91st General Assembly. For purposes of this paragraph (5), "convicted" includes a conviction under any substantially similar Illinois, federal, sister state, or foreign country law.

(F) As used in this Article, "out-of-state student" means any sex offender or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

(G) As used in this Article, "out-of-state employee" means any sex offender or sexual predator who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(Source: P.A. 89-8, eff. 1-1-96; 89-428, eff. 6-1-96; 89-462, eff. 6-1-96; 90-193, eff. 7-24-97; 90-494, eff. 1-1-98; 90-655, eff. 7-30-98.)

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

Sec. 3. Duty to register.

(a) A sex offender or sexual predator shall, within the time period prescribed in subsection (c), register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment:

(1) with the chief of police of the municipality in which he or she resides or is temporarily domiciled for 10 or more than 10 days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff of the county, if he or she resides or is temporarily domiciled for more than 10 days in an unincorporated area or, if incorporated, no police chief exists.

(a-5) An out-of-state student or out-of-state employee shall, within 10 days after beginning school or employment, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment:

(1) with the chief of police of the municipality in which he or she is employed or attends school for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at

the Chicago Police Department Headquarters, or

(2) with the sheriff of the county in which he or she attends school or is employed for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year in an unincorporated area, or if incorporated, no police chief exists.

(b) Any sex offender or sexual predator, regardless of any initial, prior or other registration, shall, within 10 days of establishing a residence or temporary domicile for more than 10 days in any county, register in person as set forth in subsection (a)(1) or (a)(2).

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

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

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

(3) except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 10 days after the entry of the sentencing order based upon his or her conviction;

(4) any person unable to comply with the registration requirements of this Article because they are confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 10 days of discharge, parole or release;

(5) the person shall provide positive identification and documentation that substantiates proof of residence at the registering address; and

(6) the person shall pay a \$10 initial registration fee and a \$5 annual renewal fee. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. transmitted to the Department of State Police which shall deposit the fees in the Sex Offender Registration Fund. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee.

(Source: P.A. 89-8, eff. 1-1-96; 90-193, eff. 7-24-97.)

(730 ILCS 150/4) (from Ch. 38, par. 224)

Sec. 4. Discharge of sex offender or sexual predator from Department of Corrections facility or other penal institution; duties of official in charge. Any sex offender or sexual predator who is discharged, paroled or released from a Department of Corrections facility, a facility where such person was placed by the Department of Corrections or another penal institution, and whose liability for registration has not terminated under Section 7 shall, prior to discharge, parole or release from the facility or institution, be informed of his or her duty to register in person within 10 days under this Article by the facility or institution in which he or she was confined. The facility or institution shall also inform any person who must register, that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state, within 10 days after establishing the residence, beginning employment, or beginning

school if that state has a registration requirement. The facility shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The facility shall further advise the person in writing that the failure to register or other violation of this Article shall result in revocation of constitute grounds for parole, mandatory supervised release or conditional release revocation. The facility shall obtain the address where the person expects to reside upon his or her discharge, parole or release and shall report the address to the Department of State Police. The facility shall give one copy of the form to the person and shall send two copies to the Department of State Police which shall notify the law enforcement agency having jurisdiction where the person expects to reside upon his or her discharge, parole or release.

(Source: P.A. 89-8, eff. 1-1-96; 90-193, eff. 7-24-97.)

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

Sec. 5. Release of sex offender or sexual predator; duties of the Court. Any sex offender or sexual predator, as defined by this Article, who is released on probation or discharged upon payment of a fine because of the commission of one of the offenses defined in subsection (B) of Section 2 of this Article, shall, prior to such release be informed of his or her duty to register under this Article by the Court in which he or she was convicted. The Court shall also inform any person who must register, that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state, within 10 days after establishing the residence, beginning employment, or beginning school if that state has a registration requirement. The Court shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The Court shall further advise the person in writing that the failure to register or other violation of this Article shall result in constitute grounds for probation revocation. The Court shall obtain the address where the person expects to reside upon his release, and shall report the address to the Department of State Police. The Court shall give one copy of the form to the person and retain the original in the court records. The Department of State Police shall notify the law enforcement agency having jurisdiction where the person expects to reside upon his or her release.

(Source: P.A. 89-8, eff. 1-1-96; 90-193, eff. 7-24-97.)

(730 ILCS 150/5-5)

Sec. 5-5. Discharge of sex offender or sexual predator from a hospital or other treatment facility; duties of the official in charge. Any sex offender or sexual predator, as defined in this Article, who is discharged or released from a hospital or other treatment facility where he or she was confined after being found not guilty by reason of insanity of an included sex offense or after being the subject of a finding not resulting in an acquittal at a hearing conducted under subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for an included sex offense shall be informed by the hospital or treatment facility in which he or she was confined, prior to discharge or release from the hospital or treatment facility, of his or her duty to register under this Article. The facility shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register

and the procedure for registration. The facility shall give one copy of the form to the person, retain one copy for their records, and forward the original to the Department of State Police. The facility shall obtain the address where the person expects to reside upon his or her discharge, parole, or release and shall report the address to the Department of State Police within 3 days. The facility or institution shall also inform any person who must register that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state within 10 days after establishing the residence, beginning school, or beginning employment. The Department of State Police shall notify the law enforcement agency having jurisdiction where the person expects to reside upon his or her release.

(Source: P.A. 90-193, eff. 7-24-97.)

(730 ILCS 150/5-10)

Sec. 5-10. Nonforwardable verification letters. The Department of State Police shall mail a quarterly nonforwardable verification letter to each registered person who has been adjudicated to be sexually dangerous or is a sexually violent person and is later released, or found to be no longer sexually dangerous or no longer a sexually violent person and discharged, beginning 90 days from the date of his or her last registration. To any other person registered under this Article, the Department of State Police shall mail an annual nonforwardable verification letter, beginning one year from the date of his or her last registration. A person required to register under this Article who is mailed a verification letter shall complete, sign, and return the enclosed verification form to the Department of State Police postmarked within 10 days after the mailing date of the letter. A person's failure to return the verification form to the Department of State Police within 10 days after the mailing date of the letter shall be considered a violation of this Article.

(Source: P.A. 90-193, eff. 7-24-97.)

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

Sec. 6. Duty to report; change of address; duty to inform. A person who has been adjudicated to be sexually dangerous or is a sexually violent person and is later released, or found to be no longer sexually dangerous or no longer a sexually violent person and discharged, must report in person to the law enforcement agency with whom he or she last registered no later than 90 days after the date of his or her last registration and every 90 days thereafter. Any other person who is required to register under this Article shall report in person to the appropriate law enforcement agency with whom he or she last registered within one year from the date of that registration and every year thereafter. If any person required to register under this Article changes his or her residence address, he or she shall, in writing, within 10 days inform the law enforcement agency with whom he or she last registered of his or her new address and register with the appropriate law enforcement agency within the time period specified in Section 3. The law enforcement agency shall, within 3 days of receipt, notify the Department of State Police and the law enforcement agency having jurisdiction of the new place of residence. If any person required to register under this Article establishes a residence outside of the State of Illinois, within 10 days after establishing that residence, he or she shall, in writing, inform the law enforcement agency with which he or she last registered of his or her out-of-state residence. The law enforcement agency with which such person last registered shall, within 3 days notice

of an address change, notify the Department of State Police. The Department of State Police shall forward such information to the out-of-state law enforcement agency having jurisdiction in the form and manner prescribed by the Department of State Police.
(Source: P.A. 89-8, eff. 1-1-96; 90-193, eff. 7-24-97.)

(730 ILCS 150/6-5 new)

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

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

Sec. 7. Duration of registration. A person who has been adjudicated to be sexually dangerous and is later released or found to be no longer sexually dangerous and discharged, shall register for the period of his or her natural life. A sexually violent person or sexual predator shall register for the period of his or her natural life after conviction or adjudication if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. Any other person who is required to register under this Article shall be required to register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 10 years after parole, discharge or release from any such facility. Liability for registration terminates at the expiration of 10 years from the date of conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility and if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of this Article. The Director of State Police, consistent with administrative rules, shall extend for 10 years the registration period of any sex offender who fails to comply with the provisions of this Article.
(Source: P.A. 89-8, eff. 1-1-96; 90-193, eff. 7-24-97.)

(730 ILCS 150/8)

Sec. 8. Registration Requirements. Registration as required by this Article shall consist of a statement in writing signed by the person giving the information that is required by the Department of State Police, which may include the fingerprints and photograph of the person. The registration information must include whether the person is a sex offender as defined in the Sex Offender and Child Murderer Community Notification Law. Within 3 days, the registering law enforcement agency shall forward any required information to the Department of State Police. The registering law enforcement agency shall enter the information into the Law Enforcement Agencies Data System(LEADS) as provided in Sections 6 and 7 of the Intergovernmental Missing Child Recovery Act of 1984.
(Source: P.A. 89-428, eft. 6-1-96; 89-462, eft. 6-1-96; 90-193, eft. 7-24-97.)

730 ILCS 150/8-5 new)

Sec. 8-5. Address verification requirements. The agency having jurisdiction shall verify the address of sex offenders or sexual predators required to register with their agency at least once per calendar year. The verification must be documented in LEADS in the form and manner required by the Department of State Police.

(730 ILCS 150/9)

Sec. 9. Public inspection of registration data. Except as provided in the Sex Offender and Child Murderer Community Notification Law, the statements or any other information required by this Article shall not be open to inspection by the public, or by any person other than by a law enforcement officer or other individual as may be authorized by law and shall include law enforcement agencies of this State, any other state, or of the federal government. Similar information may be requested from any law enforcement agency of another state or of the federal government for purposes of this Act. It is a Class B misdemeanor to permit the unauthorized release of any information required by this Article.

(Source: P.A. 89-428, eft. 6-1-96; 89-462, eft. 6-1-96; 90-193, eft. 7-24-97.)

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

Sec. 10. Penalty. Any person who is required to register under this Article who violates any of the provisions of this Article, any person who is required to register under this Article who knowingly or wilfully gives material information required by this Article that is false, and any person who is required to register under this Article who seeks to change his or her name under Article 21 of the Code of Civil Procedure is guilty of a Class 4 felony. Any person convicted of a violation of any provision of this Article shall, in addition to any other penalty required by law, be required to serve a minimum period of 7 days confinement in the local county jail. The court shall impose a mandatory minimum fine of \$500 for failure to comply with any provision of this Article. These fines shall be deposited in the Sex Offender Registration Fund. Any sex offender or sexual predator who violates any provision of this Article may be tried in any Illinois county where the sex offender can be located.

(Source: P.A. 89-8, eff. 1-1-96; 89-462, eff. 6-1-96; 90-125, eff. 1-1-98; 90-193, eff. 7-24-97; 90-655, eff. 7-30-98.)

(730 ILCS 150/10.9)

Sec. 10.9. Severability. If a provision or application of this Article is held to be invalid with respect to any person or class of persons, that invalidity does not affect other persons or classes of persons whose registration obligations can be given effect without the invalid provision or application. To this end an invalid provision or application of this Article is declared to be severable.

(Source: P.A. 89-8, eft. 1-1-96.)

(730 ILCS 150/11)

Sec. 11. Sex offender registration fund. There is created the Sex Offender Registration Fund. Money in the Fund shall be used to cover costs incurred by the criminal justice system to administer this Article. The Department of State Police shall establish and promulgate rules and procedures regarding the administration of this Fund. At least 50% of the money in the

Fund shall be allocated by the Department for sheriffs' offices and police departments.
(Source: P.A. 90-193, eft. 7-24-97.)

(730 ILCS 150/12)

Sec. 12. Access to State of Illinois databases. The Department of State Police shall have access to State of Illinois databases containing information that may help in the identification or location of persons required to register under this Article. Interagency agreements shall be implemented, consistent with security and procedures established by the state agency and consistent with the laws governing the confidentiality of the information in the databases. Information shall be used only for administration of this Article.

(Source: P.A. 90-193, eft. 7-24-97.)