

West's Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 20. Executive Branch
Boards and Commissions
Act 4026. Sex Offender Management Board Act

ILCS Ch. 20, ACT 4026, Refs & Annos
Currentness

I.L.C.S. Ch. 20, ACT 4026, Refs & Annos, IL ST Ch. 20, ACT 4026, Refs & Annos
Current through Public Acts effective November 22, 2017, through P.A. 100-535.

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Chapter 20. Executive Branch
Boards and Commissions
Act 4026. Sex Offender Management Board Act (Refs & Annos)

20 ILCS 4026/1

4026/1. Short title

Currentness

§ 1. Short title. This Act may be cited as the Sex Offender Management Board Act.

Credits

P.A. 90-133, § 1, eff. July 22, 1997.

20 I.L.C.S. 4026/1, IL ST CH 20 § 4026/1

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Act 4026. Sex Offender Management Board Act (Refs & Annos)

20 ILCS 4026/5

4026/5. Legislative declaration

Effective: January 1, 2013

Currentness

§ 5. Legislative declaration. The General Assembly hereby declares that the comprehensive evaluation, treatment, and management of sex offenders who are subject to the supervision of the criminal or juvenile justice systems or mental health systems is necessary in order to work toward the elimination of recidivism by such offenders. Therefore, the General Assembly hereby creates a program which assists in the education and training of parole, probation, law enforcement, treatment providers and others involved in the management of sex offenders. This program will standardize the evaluation, treatment, and management of sex offenders at each stage of the criminal or juvenile justice systems or mental health systems so that those offenders will curtail recidivistic behavior and the protection of victims and potential victims will be enhanced. The General Assembly recognizes that some sex offenders cannot or will not respond to counseling and that, in creating the program described in this Act, the General Assembly does not intend to imply that all sex offenders can be successful in treatment.

Credits

P.A. 90-133, § 5, eff. July 22, 1997. Amended by P.A. 90-793, § 10.5, eff. Aug. 14, 1998; P.A. 97-1098, § 175, eff. Jan. 1, 2013.

20 I.L.C.S. 4026/5, IL ST CH 20 § 4026/5

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KeyCite Red Flag - Severe Negative Treatment
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Chapter 20. Executive Branch
Boards and Commissions
Act 4026. Sex Offender Management Board Act (Refs & Annos)

20 ILCS 4026/10

4026/10. Definitions

Effective: January 25, 2013
Currentness

§ 10. Definitions. In this Act, unless the context otherwise requires:

(a) "Board" means the Sex Offender Management Board created in Section 15.

(b) "Sex offender" means any person who is convicted or found delinquent in the State of Illinois, or under any substantially similar federal law or law of another state, of any sex offense or attempt of a sex offense as defined in subsection (c) of this Section, or any former statute of this State that defined a felony sex offense, or who has been declared as a sexually dangerous person under the Sexually Dangerous Persons Act¹ or declared a sexually violent person under the Sexually Violent Persons Commitment Act,² or any substantially similar federal law or law of another state.

(c) "Sex offense" means any felony or misdemeanor offense described in this subsection (c) as follows:

(1) Indecent solicitation of a child, in violation of Section 11-6 of the Criminal Code of 1961 or the Criminal Code of 2012;³

(2) Indecent solicitation of an adult, in violation of Section 11-6.5 of the Criminal Code of 1961 or the Criminal Code of 2012;⁴

(3) Public indecency, in violation of Section 11-9 or 11-30 of the Criminal Code of 1961 or the Criminal Code of 2012;⁵

(4) Sexual exploitation of a child, in violation of Section 11-9.1 of the Criminal Code of 1961 or the Criminal Code of 2012;⁶

(5) Sexual relations within families, in violation of Section 11-11 of the Criminal Code of 1961 or the Criminal Code of 2012;⁷

- (6) Promoting juvenile prostitution or soliciting for a juvenile prostitute, in violation of Section 11-14.4 or 11-15.1 of the Criminal Code of 1961 or the Criminal Code of 2012;⁸
- (7) Promoting juvenile prostitution or keeping a place of juvenile prostitution, in violation of Section 11-14.4 or 11-17.1 of the Criminal Code of 1961 or the Criminal Code of 2012;⁹
- (8) Patronizing a juvenile prostitute, in violation of Section 11-18.1 of the Criminal Code of 1961 or the Criminal Code of 2012;¹⁰
- (9) Promoting juvenile prostitution or juvenile pimping, in violation of Section 11-14.4 or 11-19.1 of the Criminal Code of 1961 or the Criminal Code of 2012;¹¹
- (10) promoting juvenile prostitution or exploitation of a child, in violation of Section 11-14.4 or 11-19.2 of the Criminal Code of 1961 or the Criminal Code of 2012;¹²
- (11) Child pornography, in violation of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012;¹³
- (11.5) Aggravated child pornography, in violation of Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;
- (12) Harmful material, in violation of Section 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012;¹⁴
- (13) Criminal sexual assault, in violation of Section 11-1.20 or 12-13 of the Criminal Code of 1961 or the Criminal Code of 2012;¹⁵
- (13.5) Grooming, in violation of Section 11-25 of the Criminal Code of 1961 or the Criminal Code of 2012;
- (14) Aggravated criminal sexual assault, in violation of Section 11-1.30 or 12-14 of the Criminal Code of 1961 or the Criminal Code of 2012;¹⁶
- (14.5) Traveling to meet a minor, in violation of Section 11-26 of the Criminal Code of 1961 or the Criminal Code of 2012;
- (15) Predatory criminal sexual assault of a child, in violation of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012;¹⁷

(16) Criminal sexual abuse, in violation of Section 11-1.50 or 12-15 of the Criminal Code of 1961 or the Criminal Code of 2012;¹⁸

(17) Aggravated criminal sexual abuse, in violation of Section 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012;¹⁹

(18) Ritualized abuse of a child, in violation of Section 12-33 of the Criminal Code of 1961 or the Criminal Code of 2012;²⁰

(19) An attempt to commit any of the offenses enumerated in this subsection (c); or

(20) Any felony offense under Illinois law that is sexually motivated.

(d) "Management" means treatment, and supervision of any sex offender that conforms to the standards created by the Board under Section 15.

(e) "Sexually motivated" means one or more of the facts of the underlying offense indicates conduct that is of a sexual nature or that shows an intent to engage in behavior of a sexual nature.

(f) "Sex offender evaluator" means a person licensed under the Sex Offender Evaluation and Treatment Provider Act to conduct sex offender evaluations.

(g) "Sex offender treatment provider" means a person licensed under the Sex Offender Evaluation and Treatment Provider Act to provide sex offender treatment services.

(h) "Associate sex offender provider" means a person licensed under the Sex Offender Evaluation and Treatment Provider Act to provide sex offender evaluations and to provide sex offender treatment under the supervision of a licensed sex offender evaluator or a licensed sex offender treatment provider.

Credits

P.A. 90-133, § 10, eff. July 22, 1997. Amended by P.A. 90-793, § 10.5, eff. Aug. 14, 1998; P.A. 93-616, § 5, eff. Jan. 1, 2004; P.A. 96-1551, Art. 2, § 930, eff. July 1, 2011; P.A. 97-1098, § 175, eff. Jan. 1, 2013; P.A. 97-1150, § 95, eff. Jan. 25, 2013.

Notes of Decisions (3)

Footnotes

- 1 725 ILCS 205/0.01 et seq.
- 2 725 ILCS 207/1 et seq.

- 3 720 ILCS 5/11-6.
- 4 720 ILCS 5/11-6.5.
- 5 720 ILCS 5/11-9 (renumbered), 5/11-30.
- 6 720 ILCS 5/11-9.1.
- 7 720 ILCS 5/11-11.
- 8 720 ILCS 5/11-14.4 or 5/11-15.1 (repealed).
- 9 720 ILCS 5/11-14.4 or 5/11-17.1 (repealed).
- 10 720 ILCS 5/11-18.1.
- 11 720 ILCS 5/11-14.4 or 5/11-19.1 (repealed).
- 12 720 ILCS 5/11-14.4 or 5/11-19.2 (repealed).
- 13 720 ILCS 5/11-20.1.
- 14 720 ILCS 5/11-21.
- 15 720 ILCS 5/11-1.20 or 5/12-13 (renumbered).
- 16 720 ILCS 5/11-1.30 or 5/12-14 (renumbered).
- 17 720 ILCS 5/11-1.40 or 5/12-14.1 (renumbered).
- 18 720 ILCS 5/11-1.50 or 5/12-15 (renumbered).
- 19 720 ILCS 5/11-1.60 or 5/12-16 (renumbered).
- 20 720 ILCS 5/12-33.

20 I.L.C.S. 4026/10, IL ST CH 20 § 4026/10

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Chapter 20. Executive Branch
Boards and Commissions
Act 4026. Sex Offender Management Board Act (Refs & Annos)

20 ILCS 4026/15

4026/15. Sex Offender Management Board; creation; duties

Effective: January 1, 2013

Currentness

§ 15. Sex Offender Management Board; creation; duties.

(a) There is created the Sex Offender Management Board, which shall consist of 22 members. The membership of the Board shall consist of the following persons:

- (1) One member appointed by the Governor representing Probation Services based on the recommendation of the Illinois Probation and Court Services Association;
- (2) One member appointed by the Governor representing the Department of Corrections;
- (3) One member appointed by the Governor representing the Department of Juvenile Justice;
- (4) One member appointed by the Governor representing the Department of Human Services;
- (5) One member appointed by the Governor representing the Illinois State Police;
- (6) One member appointed by the Governor representing the Department of Children and Family Services;
- (7) One member appointed by the Attorney General representing the Office of the Attorney General;
- (8) One member appointed by the Attorney General who is a licensed mental health professional with documented expertise in the treatment of sex offenders;
- (9) Two members appointed by the Attorney General who are State's Attorneys or assistant State's Attorneys, one representing juvenile court matters and one representing felony court matters;
- (10) One member being the Director of the Administrative Office of the Illinois Courts or his or her designee;

- (11) One member being the Cook County State's Attorney or his or her designee;
 - (12) One member being the Director of the State's Attorneys Appellate Prosecutor or his or her designee;
 - (13) One member being the Cook County Public Defender or his or her designee;
 - (14) Two members appointed by the Governor who are representatives of law enforcement, at least one officer with juvenile sex offender experience;
 - (15) Two members appointed by the Attorney General who are recognized experts in the field of sexual assault and who can represent sexual assault victims and victims' rights organizations;
 - (16) One member being the State Appellate Defender or his or her designee;
 - (17) One member appointed by the Governor being the President of the Illinois Polygraph Society of his or her designee;
 - (18) One member being the Executive Director of the Criminal Justice Information Authority or his or her designee; and
 - (19) One member appointed by the Governor being the President of the Illinois Chapter of the Association for the Treatment of Sexual Abusers or his or her designee.
- (b) The Governor and the Attorney General shall appoint a presiding officer for the Board from among the board members appointed under subsection (a) of this Section, which presiding officer shall serve at the pleasure of the Governor and the Attorney General.
- (c) Each member of the Board shall demonstrate substantial expertise and experience in the field of sexual assault.
- (d)(1) Any member of the Board created in subsection (a) of this Section who is appointed under paragraphs (1) through (7) of subsection (a) of this Section shall serve at the pleasure of the official who appointed that member, for a term of 5 years and may be reappointed. The members shall serve without additional compensation.
- (2) Any member of the Board created in subsection (a) of this Section who is appointed under paragraphs (8) through (19) of subsection (a) of this Section shall serve for a term of 5 years and may be reappointed. However, the term of the member appointed under paragraph (8) of subsection (a) of this Section shall end on January 1, 2012. Within 30 days after January 1, 2012, the Attorney General shall appoint a member under paragraph (8) of subsection (a) of this Section to fill the vacancy created by this amendatory Act of the 97th General Assembly. A person who has previously served as a member of the Board may be reappointed. The term of the member representing the Illinois Principal Association ends on January 1, 2012. The members shall serve without compensation.

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

(e) (Blank).

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

(1) The Board shall develop and prescribe standardized procedures for the evaluation and management of the offender. Periodically, the Board shall review and modify as necessary the standardized procedures based upon current best practices.

(2) These standardized procedures that are based on current best practices shall be utilized with offenders who are placed on probation, committed to the Department of Corrections, Department of Juvenile Justice, or Department of Human Services, or placed on mandatory supervised release or parole. The programs developed under this paragraph (f) shall be as flexible as possible so that the programs may be utilized by each offender to prevent the offender from harming victims and potential victims. The programs provide a continuum of evaluation and treatment for each offender as that offender proceeds through the justice system. Also, the programs shall be developed in such a manner that, to the extent possible, the programs may be accessed by all offenders in the justice system.

(2.5) Not later than July 1, 2013 and annually thereafter, the Board shall provide trainings for agencies that provide supervision and management to sex offenders on best practices for the treatment, evaluation, and supervision of sex offenders. The training program may include other matters relevant to the supervision and management of sex offenders, including, but not limited to, legislative developments and national best practices models. The Board shall hold not less than 2 trainings per year. The Board may develop other training and education programs to promote the utilization of best practices for the effective management of sex offenders as it deems necessary.

(3) There is established the Sex Offender Management Board Fund in the State Treasury into which funds received under any provision of law or from public or private sources shall be deposited, and from which funds shall be appropriated for the purposes set forth in Section 19 of this Act and the remainder shall be appropriated to the Sex Offender Management Board to carry out its duties and comply with the provisions of this Act.

(4) (Blank).

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

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

Credits

P.A. 90-133, § 15, eff. July 22, 1997. Amended by P.A. 90-793, § 10.5, eff. Aug. 14, 1998; P.A. 91-235, § 5, eff. July 22, 1999; P.A. 91-798, § 230, eff. July 9, 2000; P.A. 93-616, § 5, eff. Jan. 1, 2004; P.A. 97-257, § 5, eff. Jan. 1, 2012; P.A. 97-1098, § 175, eff. Jan. 1, 2013.

20 I.L.C.S. 4026/15, IL ST CH 20 § 4026/15

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20 ILCS 4026/16

4026/16. Sex offender evaluation and identification required

Effective: January 1, 2013
Currentness

§ 16. Sex offender evaluation and identification required.

(a) Beginning on January 1, 2004, each felony sex offender who is to be considered for probation shall be required as part of the pre-sentence or social investigation to submit to an evaluation for treatment, an evaluation for risk, and procedures for monitoring of behavior to protect victims and potential victims pursuant to item (1) of subsection (f) of Section 15 of this Act.

(b) Beginning on January 1, 2014, the evaluation required by subsection (a) of this Section shall be by a sex offender evaluator or associate sex offender provider as defined in Section 10 of this Act and shall be at the expense of the person evaluated, based upon that person's ability to pay for such treatment.

Credits

P.A. 90-133, § 16, added by P.A. 93-616, § 5, eff. Jan. 1, 2004. Amended by P.A. 97-1098, § 175, eff. Jan. 1, 2013.

Notes of Decisions (1)

20 I.L.C.S. 4026/16, IL ST CH 20 § 4026/16

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20 ILCS 4026/17

4026/17. Sentencing of sex offenders; treatment based upon evaluation required

Effective: January 1, 2017

Currentness

§ 17. Sentencing of sex offenders; treatment based upon evaluation required.

(a) Each felony sex offender sentenced by the court for a sex offense shall be required as a part of any sentence to probation, conditional release, or periodic imprisonment to undergo treatment based upon the recommendations of the evaluation made pursuant to Section 16 or based upon any subsequent recommendations by the Administrative Office of the Illinois Courts or the county probation department, whichever is appropriate. Beginning on January 1, 2014, the treatment shall be with a sex offender treatment provider or associate sex offender provider as defined in Section 10 of this Act and at the offender's own expense based upon the offender's ability to pay for such treatment.

(b) Beginning on January 1, 2004, each sex offender placed on parole, aftercare release, or mandatory supervised release shall be required as a condition of parole or aftercare release to undergo treatment based upon any evaluation or subsequent reevaluation regarding such offender during the offender's incarceration or any period of parole or aftercare release. Beginning on January 1, 2014, the treatment shall be by a sex offender treatment provider or associate sex offender provider as defined in Section 10 of this Act and at the offender's expense based upon the offender's ability to pay for such treatment.

Credits

P.A. 90-133, § 17, added by P.A. 93-616, § 5, eff. Jan. 1, 2004. Amended by P.A. 97-1098, § 175, eff. Jan. 1, 2013; P.A. 98-558, § 30, eff. Jan. 1, 2014; P.A. 99-628, § 5, eff. Jan. 1, 2017.

20 I.L.C.S. 4026/17, IL ST CH 20 § 4026/17

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20 ILCS 4026/18

4026/18. Sex offender treatment contracts with providers

Effective: January 1, 2013
Currentness

§ 18. Sex offender treatment contracts with providers. The county probation department or the Department of Human Services shall not employ or contract with and shall not allow a sex offender to employ or contract with any individual or entity to provide sex offender evaluation or treatment services pursuant to this Act unless the sex offender evaluation or treatment services provided are by a person licensed under the Sex Offender Evaluation and Treatment Provider Act pursuant to item (2) of subsection (f) of Section 15 of this Act.

Credits

P.A. 90-133, § 18, added by P.A. 93-616, § 5, eff. Jan. 1, 2004. Amended by P.A. 97-1098, § 175, eff. Jan. 1, 2013.

20 I.L.C.S. 4026/18, IL ST CH 20 § 4026/18

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20 ILCS 4026/19

4026/19. Sex Offender Management Board Fund

Effective: January 1, 2013

Currentness

§ 19. Sex Offender Management Board Fund. All unobligated and unexpended moneys remaining in the Sex Offender Management Board Fund on the effective date of this amendatory Act of the 97th General Assembly shall be transferred into the General Professions Dedicated Fund, a special fund in the State treasury, to be expended for use by the Department of Financial and Professional Regulation for the purpose of implementing the provisions of the Sex Offender Evaluation and Treatment Provider Act with the exception of \$5, 000 which shall remain in the Fund for use by the Board.

(a) The Sex Offender Management Board shall coordinate the expenditures of moneys from the Sex Offender Management Board Fund.

(b) (Blank).

(c) Monies expended for this Fund shall be used to comply with the provisions of this Act.

(d) Interest earned on monies deposited in this Fund may be used by the Board for its administrative costs and expenses.

(e) In addition to the funds provided by the sex offender, counties, or Departments providing treatment, the Board shall explore funding sources including but not limited to State, federal, and private funds.

Credits

P.A. 90-133, § 19, added by P.A. 93-616, § 5, eff. Jan. 1, 2004. Amended by P.A. 94-706, § 5, eff. June 1, 2006; P.A. 97-1098, § 175, eff. Jan. 1, 2013.

20 I.L.C.S. 4026/19, IL ST CH 20 § 4026/19

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20 ILCS 4026/20

4026/20. Report to the General Assembly

Effective: January 1, 2013
Currentness

§ 20. Report to the General Assembly. The Board shall submit an annual report to the General Assembly regarding the training and educational programs developed and presented under this Act.

Credits

P.A. 90-133, § 20, eff. July 22, 1997. Amended by P.A. 97-1098, § 175, eff. Jan. 1, 2013.

20 I.L.C.S. 4026/20, IL ST CH 20 § 4026/20

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20 ILCS 4026/99

4026/99. Effective date

Currentness

§ 99. Effective date. This Act takes effect upon becoming law.

Credits

P.A. 90-133, § 99, eff. July 22, 1997.

20 I.L.C.S. 4026/99, IL ST CH 20 § 4026/99

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