



## Illinois Department of Corrections

### Administrative Directive

Number: <b>01.07.115</b>	Title: <b>Sex Offender Registration</b>	Effective: <b>9/1/2021</b>
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<b>Authorized by:</b>	<i>[Original Authorized Copy on File]</i> <b>Rob Jeffreys</b> Director
<b>Supersedes:</b>	01.07.115 effective 9/1/2020

<b>Authority:</b> 20 ILCS 4026 45 ILCS 20/2 720 ILCS 150/5.1 725 ILCS 205/0.01 and 207/1 et seq. 730 ILCS 5/3-2-2 and 150/1 et seq.	<b>Related ACA Standards:</b> 5-ACI-5F-01
<b>Referenced Policies:</b>	<b>Referenced Forms:</b> ISP 4-84c – Sex Offender Notification

#### **I. POLICY**

The Department shall ensure any individual in custody convicted of an offense that would qualify the individual in custody as a "Sex Offender" or a "Sexual Predator" is informed prior to being released on parole or mandatory supervised release or being discharged from a correctional facility of his or her legal duty to register with the local law enforcement agency in the jurisdiction in which he or she will be residing, working and attending school.

#### **II. PROCEDURE**

##### **A. Purpose**

The purpose of this directive is to establish a written procedure governing the responsibilities of staff to inform individuals in custody of the requirements specified in the Sex Offender Registration Act.

##### **B. Applicability**

This directive is applicable to all correctional facilities within the Department.

##### **C. Facility Reviews**

A facility review of this directive shall be conducted at least annually.

##### **D. Designees**

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

##### **E. Definitions**

Sexually motivated – for the purpose of this directive and in accordance with the Sex Offender Management Board Act [20 ILCS 4026], shall mean that 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. General Provisions**

1. The Sex Offender Registration Act [730 ILCS 150/1 et seq.] defines a sex offender as any person who is:

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- a. Charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state or foreign country law with a sex offense listed in Paragraph II.F.2. or the attempt to commit an included sex offense, and:
  - (1) Is convicted of such offense or an attempt to commit such offense; or
  - (2) Is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or
  - (3) 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
  - (4) 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
  - (5) Is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, 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
  - (6) Is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, Uniform Code of Military Justice, 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
- b. Declared a sexually dangerous person pursuant to the Sexually Dangerous Persons Act [725 ILCS 205/0.01], or any substantially similar federal, Uniform Code of Military Justice, sister state or foreign country law; or
- c. Subject to the provisions of the Interstate Agreements on Sexually Dangerous Persons Act [45 ILCS 20/2]; or
- d. Found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act [725 ILCS 207/1 et seq.] or any substantially similar federal, Uniform Code of Military Justice, sister state or foreign country law.

**NOTE:** 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 subsection as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this subsection.

2. The Sex Offender Registration Act defines a sex offense to mean:
  - a. A violation of any of the following offenses listed in the Criminal Code of 1961 or the Criminal Code of 2012: child pornography, aggravated child pornography, indecent solicitation of a child, sexual exploitation of a child, custodial sexual misconduct, sexual misconduct with a person with a disability, promoting juvenile prostitution, soliciting for a juvenile prostitute, patronizing a juvenile prostitute, keeping a place of juvenile prostitution, juvenile pimping, exploitation of a child, grooming, traveling to meet a minor, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, ritualized abuse of a child or an attempt to commit any of these offenses.

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- b. A violation of any of the following offenses listed in the Criminal Code of 1961 or Criminal Code of 2012, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, the offense was sexually motivated and the offense was committed on or after January 1, 1996: kidnapping, aggravated kidnapping, unlawful restraint or aggravated unlawful restraint.
- NOTE:** If the offense was committed before January 1, 1996, it is a sex offense requiring registration only when the person is convicted of any felony after July 1, 2011. A sex offender or sexual predator who has never previously been required to register under this Act has a duty to register if he or she has been convicted of any felony offense after July 1, 2011. A person who was previously required to register under this Act for a period of 10 years and successfully completed that registration period has a duty to register if he or she has been convicted of any felony offense after July 1, 2011 and the offense for which the 10 year registration was served currently requires a registration period of more than 10 years.
- c. First degree murder under Section 9-1 of the Criminal Code of 1961 or the Criminal Code of 2012 provided the offense was sexually motivated.
- d. A violation or attempted violation of Section 11-11: Sexual Relations within Families, of the Criminal Code of 1961 or Criminal Code of 2012 and the offense was committed on or after June 1, 1997.
- NOTE:** If the offense was committed before July 1, 1997, it is a sex offense requiring registration only when the person is convicted of any felony after July 1, 2011. A sex offender or sexual predator who has never previously been required to register under this Act has a duty to register if he or she has been convicted of any felony offense after July 1, 2011. A person who was previously required to register under this Act for a period of 10 years and successfully completed that registration period has a duty to register if he or she has been convicted of any felony offense after July 1, 2011 and the offense for which the 10 year registration was served currently requires a registration period of more than 10 years.
- e. Child abduction under Paragraph (10) of Subsection (b) of Section 10-5 of the Criminal Code of 1961 or Criminal Code of 2012 committed by luring or attempting to lure a child under 16 years of age into a vehicle, building, house trailer or dwelling place without the consent of a parent or lawful custodian for other than a lawful purpose and the offense was committed on or after January 1, 1998 provided the offense was sexually motivated.
- NOTE:** If the offense was committed before January 1, 1998, it is a sex offense requiring registration only when the person is convicted of any felony after July 1, 2011. A sex offender or sexual predator who has never previously been required to register under this Act has a duty to register if he or she has been convicted of any felony offense after July 1, 2011. A person who was previously required to register under this Act for a period of 10 years and successfully completed that registration period has a duty to register if he or she has been convicted of any felony offense after July 1, 2011 and the offense for which the 10 year registration was served currently requires a registration period of more than 10 years.
- f. A violation or attempted violation of any of the following offenses listed in the Criminal Code of 1961 or the Criminal Code of 2012 when the offense was committed on or after July 1, 1999: indecent solicitation of an adult, or any of the following offenses if the victim is under 18 years of age: forcible detention provided the offense was sexually motivated, soliciting for a prostitute, pandering, patronizing a prostitute or pimping.

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**NOTE:** If the offense was committed before July 1, 1999, it is a sex offense requiring registration only when the person is convicted of any felony after July 1, 2011. A sex offender or sexual predator who has never previously been required to register under this Act has a duty to register if he or she has been convicted of any felony offense after July 1, 2011. A person who was previously required to register under this Act for a period of 10 years and successfully completed that registration period has a duty to register if he or she has been convicted of any felony offense after July 1, 2011 and the offense for which the 10 year registration was served currently requires a registration period of more than 10 years.

- g. A violation or attempted violation of the following offenses listed in the Criminal Code of 1961 or the Criminal Code of 2012 when the offense was committed on or after August 22, 2002: public indecency for a third or subsequent conviction.

**NOTE:** If the third of subsequent conviction was imposed before August 22, 2002, it is a sex offense requiring registration only when the person is convicted of any felony after July 1, 2011. A sex offender or sexual predator who has never previously been required to register under this Act has a duty to register if he or she has been convicted of any felony offense after July 1, 2011. A person who was previously required to register under this Act for a period of 10 years and successfully completed that registration period has a duty to register if he or she has been convicted of any felony offense after July 1, 2011 and the offense for which the 10 year registration was served currently requires a registration period of more than 10 years.

- h. A violation or attempted violation of Section 5.1 of the Wrongs to Children Act [720 ILCS 150/5.1] or Section 11-9.1A of the Criminal Code of 1961 or the Criminal Code of 2012 (permitting sexual abuse), when the offense was committed on or after August 22, 2002.

**NOTE:** If the offense was committed before August 22, 2002, it is a sex offense requiring registration only when the person is convicted of any felony after July 1, 2011. A sex offender or sexual predator who has never previously been required to register under this Act has a duty to register if he or she has been convicted of any felony offense after July 1, 2011. A person who was previously required to register under this Act for a period of 10 years and successfully completed that registration period has a duty to register if he or she has been convicted of any felony offense after July 1, 2011 and the offense for which the 10 year registration was served currently requires a registration period of more than 10 years.

- i. A violation of any former law of this State substantially equivalent to any offense listed in Paragraph II.F.2.

3. The Sex Offender Registration Act states:

- a. A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to any offense listed in Paragraph II.F.2. shall constitute a conviction for the purpose of this statute. A finding or adjudication as a sexually dangerous person or sexually violent person under any federal law, Uniform Code of Military Justice, or the 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 subsection.
- b. If a violation of the offenses listed in Paragraph II.F.2.b. was committed before January 1, 1996; it is a sex offense requiring registration only if the person is convicted of any felony after July 1, 2011.

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4. The Sex Offender Registration Act defines a sexual predator as any person who, on or after July 1, 1999 is:
- a. Convicted of a violation or attempted violation of any of the following offenses listed in the Criminal Code of 1961 or the Criminal Code of 2012: luring a minor, keeping a place of juvenile prostitution, juvenile pimping, exploitation of a child, child pornography, aggravated child pornography, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, ritualized abuse of a child.
  - b. Convicted for an offense of a federal, Uniform Code of Military Justice, sister state or foreign country law that is substantially equivalent to any offense listed in Paragraph II.F.4.a.
  - c. Declared a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, Uniform Code of Military Justice, sister state or foreign country law.
  - d. Found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state or foreign country law.
  - e. Convicted of a second or subsequent offense that requires registration pursuant to the Sex Offender Registration Act. For purposes of this paragraph, convicted shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state or foreign country law.

**NOTE:** If the conviction was on or before July 1, 1999, he or she is considered a sexual predator for whom registration is required only when the person is convicted of any felony after July 1, 2011. A sex offender or sexual predator who has never previously been required to register under this Act has a duty to register if he or she has been convicted of any felony offense after July 1, 2011. A person who was previously required to register under this Act for a period of 10 years and successfully completed that registration period has a duty to register if he or she has been convicted of any felony offense after July 1, 2011 and the offense for which the 10 year registration was served currently requires a registration period of more than 10 years.
  - f. Convicted of a violation or attempted violation of any of the following offenses listed in the Criminal Code of 1961 or Criminal Code of 2012: first degree murder 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, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act; sexual misconduct with a person with a disability; kidnapping, aggravated kidnapping, unlawful restraint and aggravated unlawful restraint committed on or after January 1, 1996 when the victim was a person under 18 years of age, the defendant is not a parent of the victim and the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act; or child abduction 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 on or after January 1, 1998 if the offense was sexually motivated as defined by Section 10 of the Sex Offender Management Board Act.
  - g. Is required to register in another State due to a conviction, adjudication or other action of any court triggering an obligation to register as a sex offender, sexual predator or substantially similar status under the laws of that state.

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5. Under the Sex Offender Registration Act:

- a. The individual in custody shall be provided with and shall sign the Sex Offender Notification, ISP 4-84c, or any other current form established by the Illinois State Police prior to being released on parole or mandatory supervised release (MSR) or being discharged from a correctional facility. Any refusal to sign shall be noted on the ISP 4-84c.
- b. All sex offenders and sexual predators shall be required to register in person with the local law enforcement agency within three days of beginning school, establishing residence, establishing a place of employment or otherwise entering a county in which he or she plans to reside or to be temporarily housed for more than three days. The local law enforcement agency shall be:
  - (1) The office of the Chief of Police in any municipality, except Chicago. If the area is unincorporated, it shall be the office of the County Sheriff.
  - (2) In Chicago, the Chicago Police Department Headquarters.
- c. A sex offender or sexual predator must register in person and provide accurate information as required by the State Police including a current photograph, current address, current place of employment, telephone number including cellular telephone number, employer's telephone number, school attending, all email addresses, instant messaging identities, chat room identities and other internet communication identities that he or she uses or plans to use; all Uniform Resource Locators (URLs) registered or used by the sex offender, all blogs and internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information, extensions of the time period for registering as provided in this Article and, if an extension was granted, the reason and the date he or she was notified of the extension. The information must also include a copy of the terms and conditions of parole or release signed by the sex offender and given to the sex offender by his or her supervising officer, the county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, the age of the victim at the time of the commission of the offense and any distinguishing marks located on the body of the sex offender. A sex offender convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3 or 11.21 or the Criminal Code of 1961 or the Criminal Code of 2012, the sex offender shall report to the registering agency whether he or she is living in a household with a child under 18 years of age who is not his or her own child, provided that his or her own child is not the victim of the sex offense. The individual in custody shall be required to notify the law enforcement agency if he or she changes any of the above information. Notification shall be made in person within three days of the change of address, employment or school.
- d. Sex offenders shall be required to register with a law enforcement agency for a period of 10 years from the date he or she is released on parole or MSR or discharged from a correctional facility.
- e. Sexual predators shall be required to register with a law enforcement agency for a period of his or her natural life beginning the date he or she is released on parole or MSR or discharged from a correctional facility.

**G. Requirements**

Prior to a sex offender being released on parole or MSR or being discharged from a correctional facility including an adult transition center, the Chief Administrative Officer shall ensure that:

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1. The individual in custody has been informed of the requirements of the Sex Offender Registration Act.
2. The individual in custody has signed the ISP 4-84c and copies of the signed form are distributed as follows:
  - a. The original copy is retained in the individual in custody's master file;
  - b. A copy is given to the individual in custody; and
  - c. A copy is forwarded to the Illinois State Police.

**H. Interstate Compact**

The Sex Offender Registration Act requirements are applicable to all felons transferring to Illinois under the Interstate Compact.

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