

SEX OFFENDER REGISTRATION IN ILLINOIS



Local Law Enforcement



Training



Courts/State's Attorney



Parole/Probation



Illinois State Police

December 2003

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This study examines information collected on 18,381 convicted sex offenders in the Illinois sex offender database which is extracted from the Law Enforcement Agencies Data System (LEADS). Unless otherwise indicated, all data collected for this study is through November 30, 2003.





INTRODUCTION

While sex offender registration has existed for several years, each year brings new challenges and changes. Each day a new article or study appears in the media discussing the various aspects of the sex offender registration laws. On February 28, 2003, the Associated Press published an article revealing that "states across the country have lost track of tens of thousands of rapists, child molesters and other sex offenders." The study completed by a child advocacy group reported that California in particular had lost track of 33,000 sex offenders. The Associated Press conducted an investigation and found that on average, states were unable to account for 24 percent of the sex offenders in their databases. Nineteen states did not know their compliance rate or were unable to track how many sex offenders were not registering properly. This prompted each state to review its programs and determine the best way to increase compliance in sex offender registration. As of November 30, 2003, Illinois had an 87 percent compliance rate for sex offender registration.

The Illinois State Police has a special unit designated to follow the mandates of the Sex Offender Registration Act. The Sex Offender Registration Unit (Unit) is staffed by six full-time persons and three contractuels. The Unit works with the Illinois State Police district offices, local law enforcement, county sheriff's offices, state's attorneys, Illinois Department of Corrections (IDOC), Probation Interstate Compact, and other entities to ensure that sex offenders who are required to register are complying with the law. Personnel in the Unit also conduct training for law enforcement and some community groups.

The 93rd General Assembly passed House Bill 3556 which was introduced by the Sex Of-

fender Management Board. This bill requires sex offenders considered for probation to submit to a sex offender evaluation. Those sex offenders sentenced to probation and those paroled, on mandatory supervised release, or periodic imprisonment must undergo and successfully complete sex offender treatment in accordance with the standards developed by the Sex Offender Management Board.

Attorney General Lisa Madigan conducted hearings throughout Illinois in support of this legislation. The Attorney General's office along with many other child advocacy centers and community groups believe with lifetime supervision there would be a decreased risk of recidivism in sex offenders. It is thought that two thirds of all sex offenders are unsupervised. The Attorney General's office has also created a new team, I-SORT, charged with strengthening the sex offender registry in Illinois. I-SORT will be represented by agencies such as the Chicago Police Department, the Cook County State's Attorney, the Illinois Attorney General, the Illinois Department of Corrections (Parole Review Board), the Illinois State Police, the Illinois Chiefs of Police, and the Illinois Coalition Against Sexual Assault.

The Department of Justice published a study in November 2003 entitled "Recidivism of Sex Offenders Released from Prison in 1994." This study tracked 9,691 male sex offenders from 15 states, including Illinois, for three years following their release from prison in 1994. The study reported that "compared to non-sex offenders released from State prisons, released sex offenders were four times more likely to be re-arrested for a sex crime." Approximately 40 percent of the time, this occurs within the first year of release.

This report serves as the basis for the examination of the sex offender registry in Illinois and for the formulation of strategies to improve registration within the state.

HISTORY OF SEX OFFENDER REGISTRATION IN ILLINOIS

On August 15, 1986, the state of Illinois began enacting sex offender legislation. The following is a condensed review of the law and some of the changes that have occurred over the years.

The first law enacted was the Habitual Child Sex Offender Registration Act. This law defined a Habitual Child Sex Offender as any person convicted, discharged, or paroled from a correctional facility after this date of a second or subsequent sex offense (attempts included) where the victim was under 18 years of age. The court also had to certify the person as a sex offender to require registration. The criteria sex offenses were:

- Criminal Sexual Assault
- Aggravated Criminal Sexual Assault
- Criminal Sexual Abuse (felony offense)
- Aggravated Criminal Sexual Abuse

With the enactment of the Child Sex Offender Registration Act, effective January 1, 1993, the criteria was changed to include first time convictions for the sex offenses listed above. Court certification was still required.

The Sex Offender Registration Act, effective January 1, 1996, amended previous acts to include any offender convicted of a felony sex crime regardless of the victim's age. Court certification was no longer required.

Effective June 1, 1996, all previous laws were renamed the Sex Offender Registration Act and the Child Sex Offender and Child Murderer Community Notification Law.

These laws have been continually amended.

Effective June 1, 1996:

- Limited personal information about registered child sex offenders was authorized for release to the public.
- When conviction occurred after May 31, 1996, and special circumstances existed, the following registerable offenses, attempts included, were added:
 - First Degree Murder
 - Kidnapping
 - Aggravated Kidnapping
 - Unlawful Restraint
 - Aggravated Unlawful Restraint
 - Predatory Criminal Sexual Assault of a Child
- Violations of the law became a Class 4 felony.

HISTORY (cont.)

Effective July 24, 1997:

- Limited information about all sex offenders, regardless of the victim's age, who were required to register was authorized for release to the public.
- A sex offender who is committed as a sexually dangerous person must register every 90 days for the duration of his or her natural life.
- All sex offenders were required to provide proof of residence within 10 days of release on probation, or upon parole, release, or discharge if sentenced to IDOC.
- Sheriffs' offices were required to notify schools and child care facilities of the sex offenders residing within their communities, with the exception of Chicago. Chicago Police Department met this requirement for the city.
- The following misdemeanor registerable offenses were added when the victim was under 18 years of age:
 - Indecent Solicitation of a Child
 - Sexual Exploitation of a Child
 - Criminal Sexual Abuse
 - Sexual Relations Within Families

Effective January 1, 1998:

- Child Abduction was added as a registerable offense.

Effective July 1, 1999:

- A convicted sex offender living in another state but working or attending school in Illinois must register in Illinois if the sex offense he or she was convicted of is equivalent to a registerable sex offense in Illinois. The offender must also register his or her place of employment.
- Criteria offenses included misdemeanor and felony convictions.
- The "Sexual Predator" category was established and sexual predators were required to register once a year for natural life.
- Sexually violent and sexually dangerous persons were required to register every 90 days for natural life.

On November 15, 1999, the Illinois State Police Sex Offender website was established.

- Additional personal information about sex offenders was authorized for release to the public, including via the internet.
- The Director of the Illinois State Police, consistent with the administrative rules, shall extend for 10 years the registration period of any sex offender who fails to comply with the Act.
- Juveniles adjudicated as juvenile delinquents after July 1, 1999, were required to register. However, notification for juveniles was limited to schools, licensed daycare facilities, and local law enforcement. The community is notified only when public safety is at risk. Adjudicated juveniles are not posted on the Illinois State Police Sex Offender website.

HISTORY (cont.)

Effective August 22, 2003:

- As mandated by the United States Department of Justice Campus Sex Crimes Prevention Act, sheriffs' departments will receive a list of institutions of higher education from the Illinois State Police. The sheriffs' departments shall disclose the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register to the boards of institutions of higher education in their jurisdiction, except for the city of Chicago. The Chicago Police Department will be required to provide the above list of sex offenders to the boards of institutions of higher education in their jurisdiction.
- Sex offenders or sexual predators convicted or adjudicated for a sex offense or attempt to commit such offense under the Uniform Code of Military Justice are required to register.
- The definition of a "juvenile sex offender" was redefined as "adjudicated juvenile delinquent sex offender" requiring registration.

Temporary residence is defined as "any and all places where the sex offender resides for an aggregate period of time of 10 or more days during any calendar year."

- The following offenses were added requiring registration:
 - Public Indecency for a Third or Subsequent Conviction
 - Custodial Sexual Misconduct
 - Permitting Sexual Abuse
- An out-of-state student or out-of-state employee shall register within 10 days of enrolling in school or beginning employment in Illinois with the chief of police or county sheriff in which he or she attends school or is employed for a period of time of 10 or more days or an aggregate period of more than 30 days during any calendar year. Such information shall include place of employment, school attended, and address in state of residence. Any changes in employment or education status are to be reported to the registering jurisdiction.
- Sex offenders or sexual predators living within Illinois are also responsible for the above time frames in regard to registration requirements and must report their place of employment, school attended, and place of residence when registering. Any changes in employment or education status are to be reported to the registering jurisdiction.
- Sex offenders or sexual predators are **only** required to register employment or multiple places of employment **in the jurisdiction where they reside.**

REGISTERABLE SEX OFFENSES

As of November 30, 2003, the 18,381 persons contained in the sex offender database have been convicted of a total of 21,581 registerable sex offenses. The top three offenses, Aggravated Criminal Sexual Abuse, Aggravated Criminal Sexual Assault, and Criminal Sexual Assault, accounted for 78 percent of the convictions.

Of the convicted sex offenders studied, 39 percent had been convicted of Aggravated Criminal Sexual Abuse. In 2,913 of the Aggravated Criminal Sexual Abuse cases (35 percent), the victims were less than 13 years old. In 3,268 cases (39 percent), the victims were between the ages of 13 and 16.

| REGISTERABLE SEX OFFENSES | MALE | FEMALE | TOTAL |
|--|-------|--------|-------|
| Aggravated Criminal Sexual Abuse | 8,204 | 212 | 8,416 |
| Aggravated Criminal Sexual Assault | 5,051 | 51 | 5,102 |
| Criminal Sexual Assault | 3,363 | 54 | 3,417 |
| Criminal Sexual Abuse | 1,420 | 42 | 1,462 |
| Predatory Criminal Sexual Assault | 558 | 4 | 562 |
| Rape | 481 | 1 | 482 |
| Child Pornography | 385 | 12 | 397 |
| Unlawful Restraint/Aggravated UR | 367 | 10 | 377 |
| Indecent Solicitation | 274 | 6 | 280 |
| Deviate Sexual Assault | 202 | 1 | 203 |
| Sexual Exploitation of a Child | 192 | 8 | 200 |
| Murder (victim <18) | 166 | 5 | 171 |
| Kidnapping/Aggravated Kidnapping | 141 | 11 | 152 |
| Indecent Liberty with a Child | 136 | 1 | 137 |
| Child Abduction/Lure Into Vehicle | 66 | 0 | 66 |
| Incest/Sex Relations within Families | 37 | 1 | 38 |
| Aggravated Indecent Liberty with a Child | 37 | 0 | 37 |
| Juvenile Prostitution/Solicitation/Pimping | 29 | 3 | 32 |
| Exploitation of a Child | 14 | 2 | 16 |
| Public Indecency | 16 | 0 | 16 |
| Pandering/Compulsion (victim <18) | 6 | 2 | 8 |
| Permit Sexual Abuse of a Child | 2 | 4 | 6 |
| Ritualized Abuse/Mutilation | 2 | 0 | 2 |
| Soliciting/Pimping Prostitute (victim <18) | 1 | 0 | 1 |
| Forcible Detention (victim <18) | 1 | 0 | 1 |

CATEGORIES OF SEX OFFENDERS

Criminal Sex Offenders

The criteria for registration is based upon criminal convictions for sex offenses. Sex offenders are required to register for 10 years from the date of conviction if sentenced to probation, or 10 years from the date of discharge, parole, or release if confined in IDOC. The majority of convicted sex offenders fall into this group.

Sexually Dangerous Persons

A judge may impose this label on offenders who have shown a criminal propensity for committing sex offenses, but who appear to suffer from a mental disorder. There are 144 sexually dangerous offenders presently incarcerated at Big Muddy Correctional Facility in Ina, Illinois. These offenders can only be released from IDOC when the court has determined that he or she is no longer dangerous. These offenders are required to register for the period of his or her natural life after release from IDOC. There are 33 sexually dangerous sex offenders registered and living in various cities throughout Illinois.

Sexually Violent Persons

Offenders who fall into this category are evaluated before release from prison and submitted for court review. If the court determines the offender is likely to re-offend, the offender will be placed under the jurisdiction of the Illinois Department of Human Services (IDHS) for control, care, and treatment until they are no longer considered to be sexually violent. A Sexually Violent Person may continue to be incarcerated or may be released. Sexually violent persons are housed at the Treatment and Detention Facility located in Joliet, Illinois. As of December 1, 2003, 210 offenders in Illinois are considered Sexually Violent Persons:

- 137 offenders determined to be sexually violent and committed;

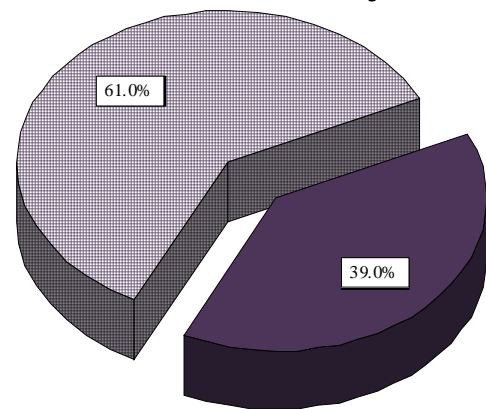
- Six offenders determined to be sexually violent and conditionally released to the community; and
- 67 offenders detained pending trial.

Sexual Predators

Sexual predators are sex offenders who are convicted of a second registerable offense after July 1, 1999, or who are convicted after July 1, 1999, of any of the following offenses:

- Keeping a Place of Juvenile Prostitution
- Juvenile Pimping
- Exploitation of a Child
- Child Pornography
- Criminal Sexual Assault (if the victim is under 12)
- Aggravated Criminal Sexual Assault
- Predatory Criminal Sexual Assault
- Aggravated Criminal Sexual Abuse
- Ritualized Abuse
- First Degree Murder (if the victim is under 18 and the offender is over 17)

Sex Offenders Entered since July 1, 1999



- Sex Offenders entered since 07/01/99
- Sexual Predators entered since 07/01/99

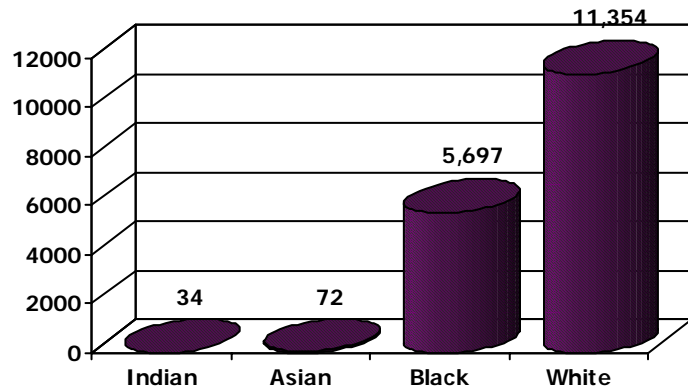
- Since July 1, 1999, 3,076 sex offenders have been classified as Sexual Predators.

OFFENDER INFORMATION

CHARACTERISTICS OF A REGISTERED SEX OFFENDER IN ILLINOIS

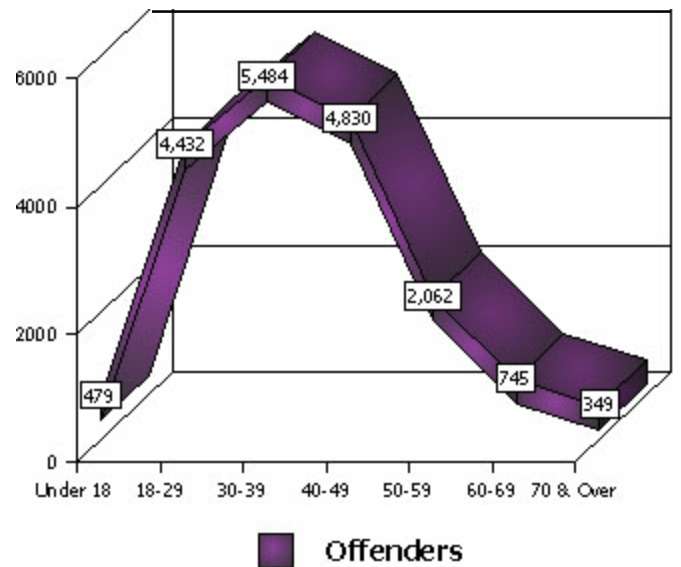
| | |
|---------------------|----------------------------|
| Race | White |
| Gender | Male |
| Age | 30-39 |
| Charge | Agg. Criminal Sexual Abuse |
| Victim | Child |
| County of Residence | Cook |

RACE OF OFFENDER



Of the 17,157 convicted sex offenders which his or her race is known, 66 percent are White (includes Hispanic) and 33 percent are Black. Indians and Asians combined make up less than one percent of the convicted sex offenders in Illinois.

AGE OF OFFENDER*



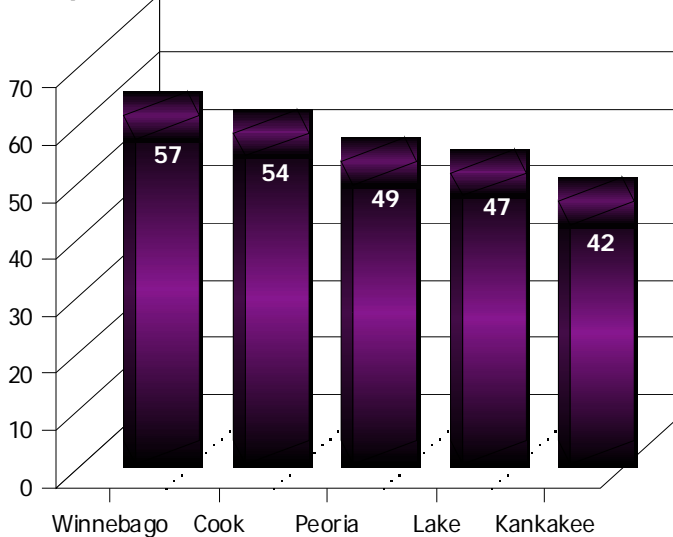
Female sex offenders comprise only two percent of registered sex offenders in Illinois.

* The age of the offender is the current age and not the age at the time of conviction.

JUVENILE OFFENDER INFORMATION

A juvenile sex offender is defined by the Sex Offender Registration Act as “any person who is adjudicated a juvenile delinquent as the result of the commission of or attempt to commit a violation set forth in...” the Act. Registration of these offenders began July 1, 1999.

Top Five Counties for Juvenile Sex Offenders

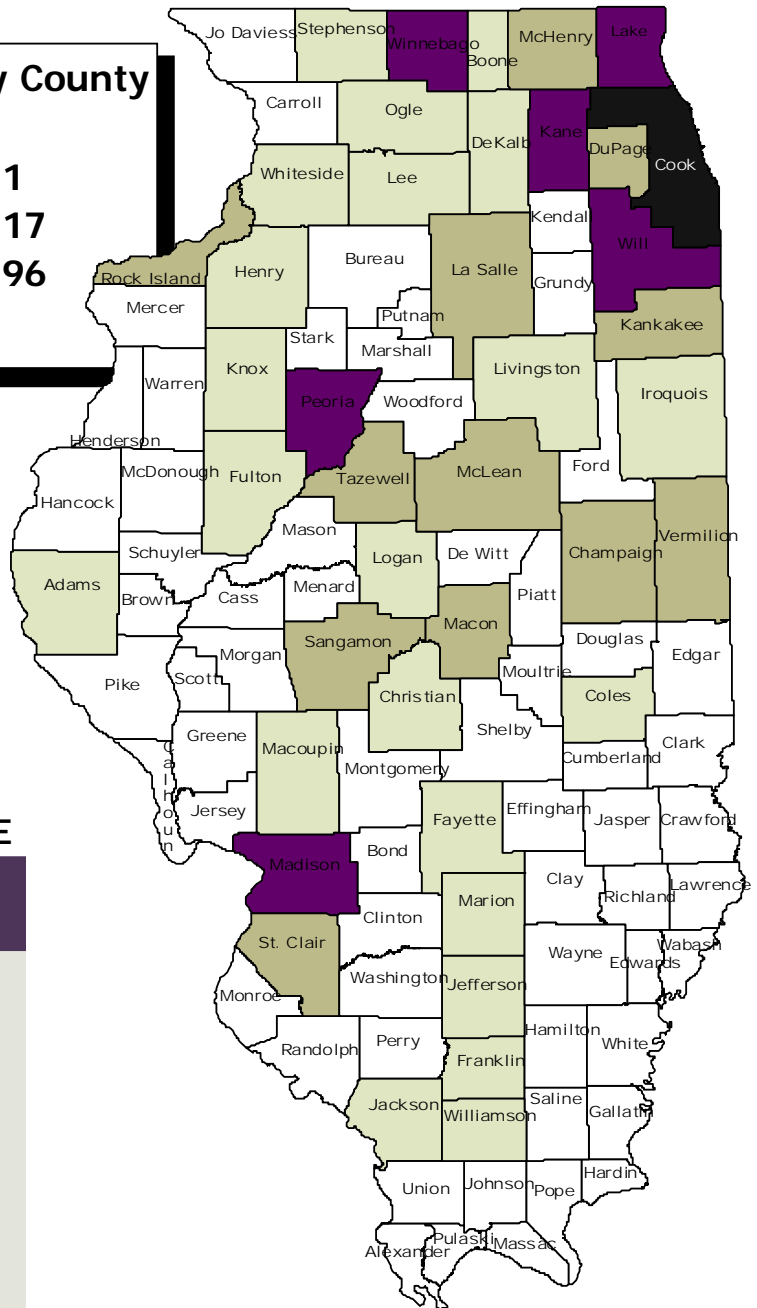
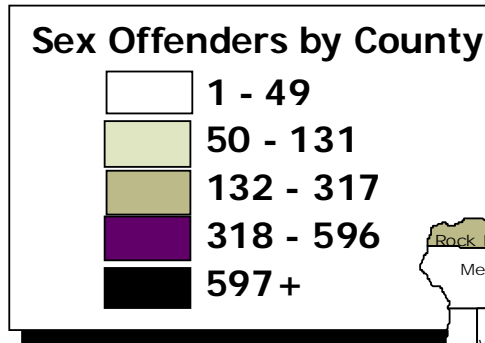


Of the 18,381 sex offenders required to register, 813 offenders (4.4 percent) are juveniles. Juvenile sex offenders are required to register annually. In February 2003, the Illinois Supreme Court ruled that adjudicated juvenile delinquents who were adjudicated for crimes that would be predatory if convicted as an adult, would be required to register for life.

A juvenile sex offender who is convicted as an adult follows the registration procedures as would an adult offender and is subject to full community notification. Adjudicated juvenile sex offenders are subject to partial community notification:

- Only schools and licensed daycare facilities receive the list of adjudicated juvenile sex offenders and their names **do not appear** on the Illinois State Police Sex Offender website.
- The schools and licensed daycare facilities are not allowed to provide the names of these juvenile offenders to third parties.
- Local law enforcement and the Illinois State Police have discretion to provide names of the adjudicated juveniles to the public **only** when public safety is compromised.
- Adjudicated juvenile sex offenders are treated as juveniles during their entire registration period.
- The name of the juvenile offender will not be released to the public even after the juvenile offender becomes an adult.
- Improper release of juvenile information can result in a misdemeanor conviction.

ALL SEX OFFENDERS IN ILLINOIS*

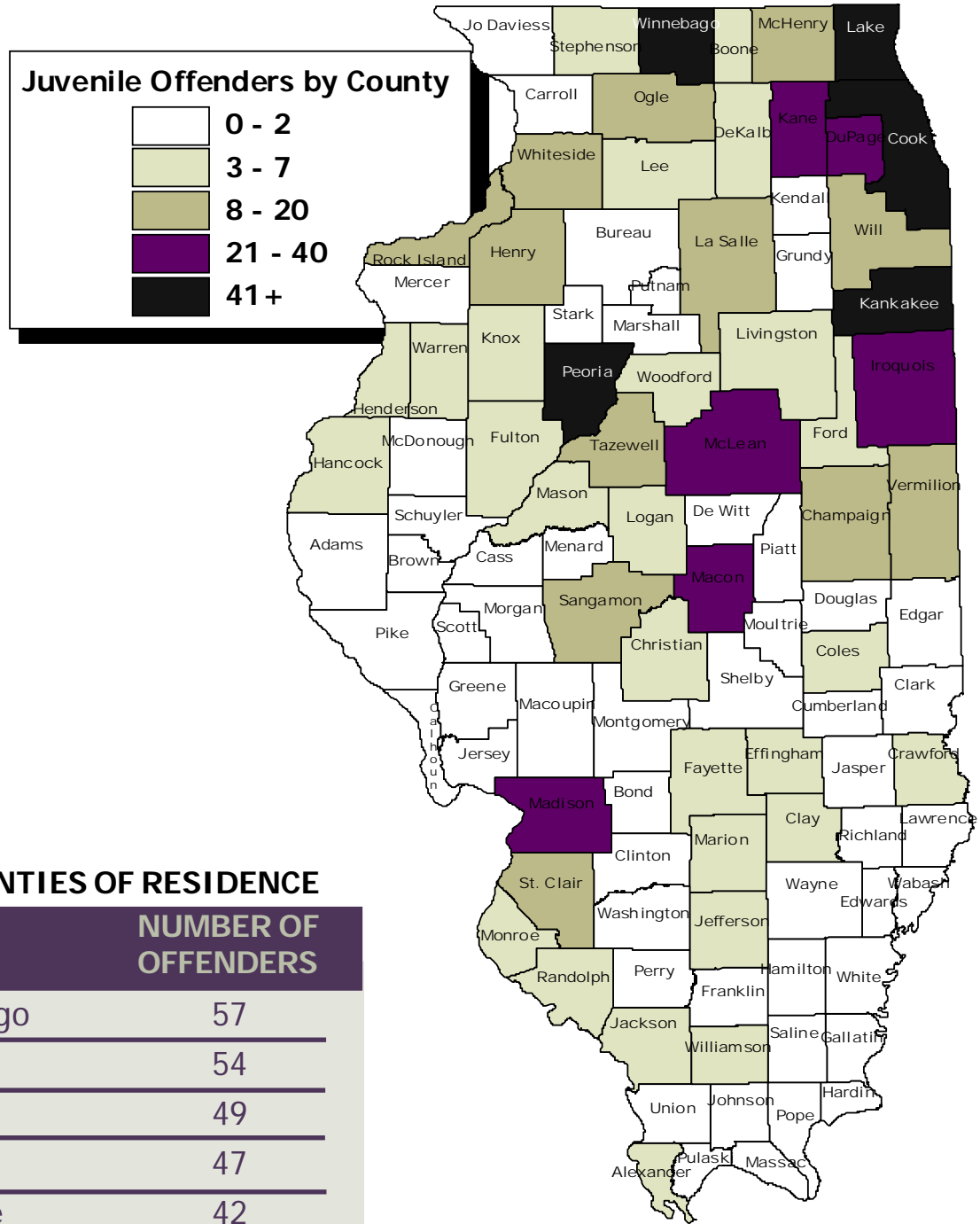


*Approximately 87 percent of the sex offenders in Illinois committed crimes against victims under the age of 18.

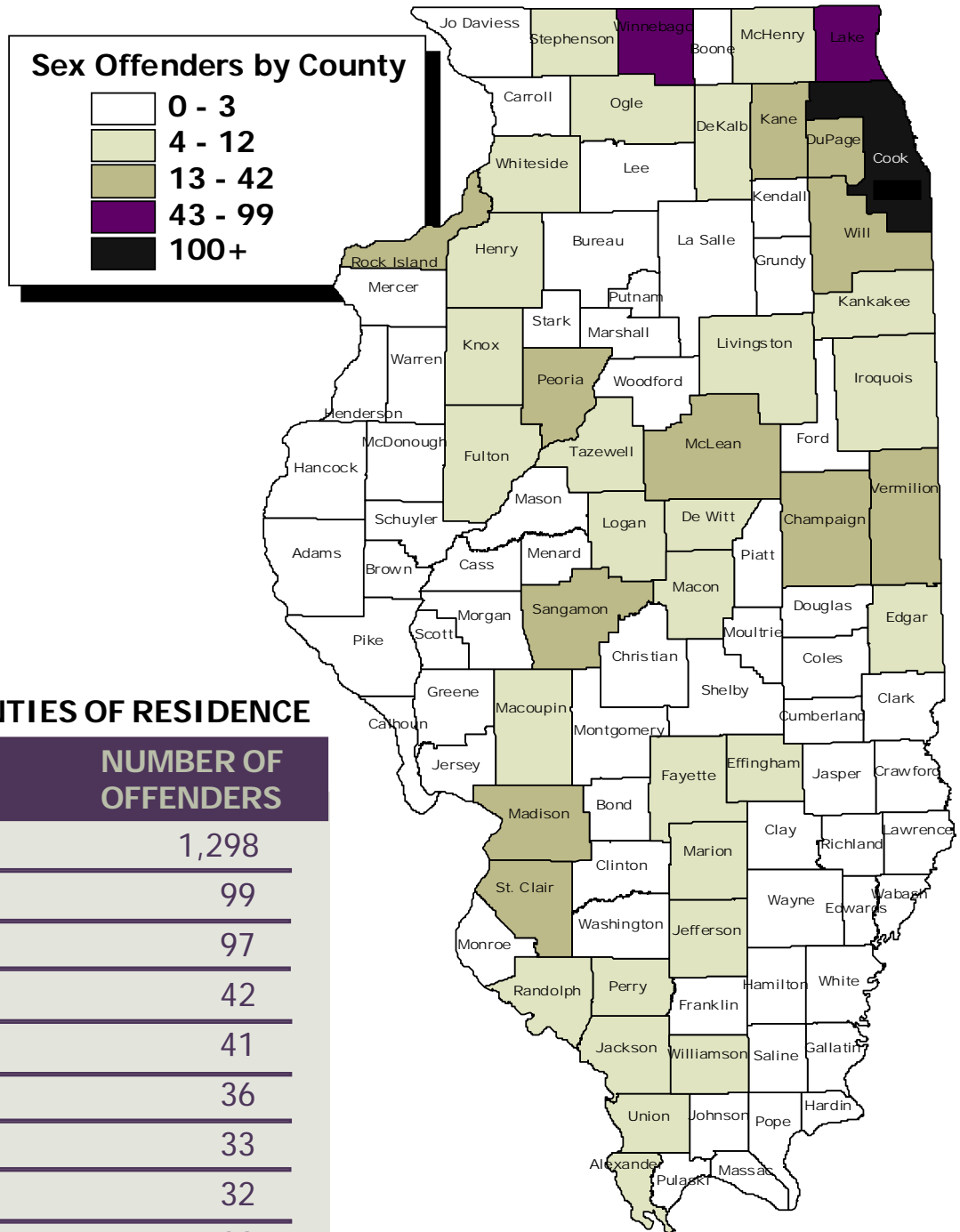
TOP 10 COUNTIES OF RESIDENCE

| COUNTY | NUMBER OF OFFENDERS |
|-------------|---------------------|
| Cook | 4,795 |
| Lake | 596 |
| Winnebago | 527 |
| Madison | 427 |
| Peoria | 380 |
| Kane | 365 |
| Will | 345 |
| St. Clair | 317 |
| DuPage | 315 |
| Rock Island | 280 |

JUVENILE SEX OFFENDERS BY COUNTY



NONCOMPLIANT SEX OFFENDERS BY COUNTY



TOP 10 COUNTIES OF RESIDENCE

| COUNTY | NUMBER OF OFFENDERS |
|-------------|---------------------|
| Cook | 1,298 |
| Winnebago | 99 |
| Lake | 97 |
| Peoria | 42 |
| Rock Island | 41 |
| Kane | 36 |
| St. Clair | 33 |
| Will | 32 |
| Vermilion | 29 |
| Champaign | 28 |

STATUTE VIOLATIONS

Sex Offender Registration Act

Once a person has been convicted as a sex offender, he or she must comply with the following four provisions of the Sex Offender Registration Act (730 ILCS 150/).

- 3 Duty to register
- 6 Duty to report; change of address; duty to inform
- 6.5 Out-of-State Employee or student
- 10 Name Change or False Information

730 ILCS 150/3 Duty to Register

This law states that a sex offender shall register in person:

- with the chief of police of the city (or sheriff of the county if in an unincorporated area or if no police chief exists) in which he or she resides or is temporarily domiciled for more than 10 days;
- within 10 days of establishing a residence or temporary domicile;
- within 10 days after conviction if sentenced to probation; or
- within 10 days after discharge, parole, or release if confined, institutionalized, or imprisoned; providing I.D. and documentation proving residence; paying \$10 initial registration fee, and \$5 annual renewal fee. However, the local law enforcement agency may waive this fee if the offender is determined indigent.

730 ILCS 150/6 Duty to report; change of address; duty to inform

This law states:

- any person adjudicated to be sexually dangerous or sexually violent and later released, or found to be no longer sexually dangerous or sexually violent and discharged, must register every 90 days;
- any other person required to register under this law must register annually;
- any offender who changes his or her address must notify, in writing, within 10 days both the law enforcement agency with which he or she is currently registered and the new appropriate law enforcement agency; and
- any offender who moves from Illinois must notify, in writing within 10 days, the Illinois law enforcement agency with which he or she is currently registered.

Penalties

Any person required to register who violates any of the provisions is considered to be "out of compliance", is guilty of a Class 4 Felony, and is subject to the following penalties:

- Mandatory minimum fine of \$500;
- Serve a minimum seven days confinement in the local county jail;
- A 10-year extension of the registration period beginning when the sex offender registers after the violation; and
- Revocation of parole, mandatory supervised release, conditional release, or probation.

| Statute | Violations (730 ILCS 150/) | | |
|---------|----------------------------|---------|---------|
| | 06/2002 | 11/2003 | %Change |
| 150/3 | 378 | 538 | +42 |
| 150/6 | 498 | 697 | +40 |
| 150/6.5 | 0 | 0 | 0 |
| 150/10 | 11 | 18 | +64 |

STATUTE VIOLATIONS (cont.)

Criminal Code of 1961

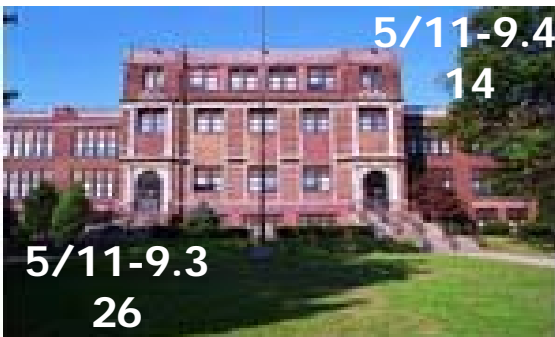
720 ILCS 5/11-9.3 Presence Within School Zone by Child Sex Offender Prohibited

This law states that a child sex offender, other than a parent or guardian, may not knowingly be present in or loiter on a public way within 500 feet of a school building, on school grounds, or on a school conveyance used to transport students when persons under 18 are present unless the offender has permission from the superintendent, the school board, or in case of a private school, the principal. Living within 500 feet of a school building or the real property comprising any school that persons under age 18 attend is prohibited unless property was owned prior to July 7, 2000.

If the child sex offender has permission:

- the superintendent or school board president must notify the principal of the nature of the offender's visit and the hours in which the offender will be present;
- the offender must notify the principal's office when he or she arrives and leaves the school property; and
- the offender must remain under the direct supervision of a school official while on school grounds.

Violations under the Criminal Code of 1961



Two other violations applicable to convicted child sex offenders under the Criminal Code of 1961 are:

- 720 ILCS 5/11-9.3 Presence within school zone by child sex offenders prohibited; living within 500 feet of a school
- 720 ILCS 5/11-9.4 Public park zone; living within 500 feet of a playground

720 ILCS 5/11-9.4 Approaching, contacting, residing, or communicating with a child within public park zones by child sex offenders prohibited

This law states that if persons under the age of 18 are present in or on public park grounds and the child sex offender is not a parent or a legal guardian of those juveniles present, the child sex offender cannot:

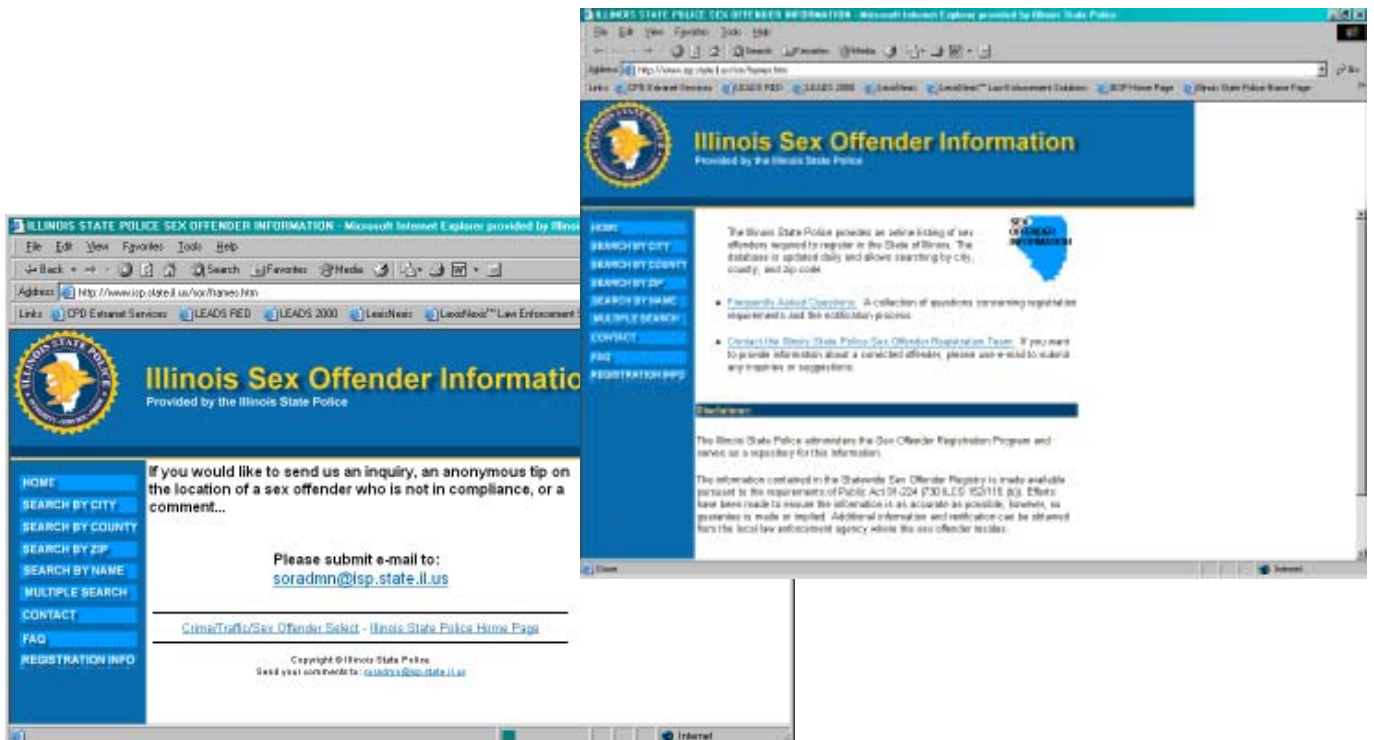
- knowingly be in any public park building;
- knowingly loiter on a public way within 500 feet of a public park building;
- knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at any facility providing programs or services exclusively directed towards persons under 18; or
- reside within 500 feet of a playground or facility providing programs or services exclusively directed toward persons under 18 years of age, unless property was owned prior to July 7, 2000. The child sex offender is allowed to own the property upon which the programs or services are offered, provided he or she is not present for the hours during which the programs or services are being offered.

SUMMARY

In 1996, the current Sex Offender Registration Act and the Child Sex Offender and Child Murderer Community Notification Law were enacted. Since that time, these Acts have been constantly amended, with new provisions and registerable offenses added each year. The Sex Offender Registration and Child Murderer Community Notification Program is a multi-agency program that involves all law enforcement agencies, courts, the Illinois Board of Education, the Illinois Department of Children and Family Services, the Illinois Department of Corrections, schools, and licensed daycare facilities. As the number of registered sex offenders increases each year, the Illinois State Police along with these agencies continue to try to improve sex offender registration.

If you have any questions regarding sex offender registration in Illinois, please call 217-785-0653 to reach the Sex Offender Registration Unit.

Individuals can also visit the Illinois State Police website at www.isp.state.il.us for current information and photographs of sex offenders in Illinois. The website, which is populated with information from local law enforcement and county sheriff's departments, is updated daily. There are approximately 70,000 visits to the website each month. Individuals are encouraged to contact their local law enforcement agency or the Sex Offender Registration Unit by phone or via the internet e-mail if they notice any discrepancies on the website or have updated information on any sex offender.



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