

1 AN ACT concerning registration of persons convicted of
2 certain offenses against the elderly.

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

5 Section 1. Short title. This Act may be cited as the
6 Elder Abuser Registration Act.

7 Section 5. Definitions. As used in this Act, the
8 following definitions apply:

9 "Caregiver" means a person who either as a result of a
10 family relationship, voluntarily, or in exchange for
11 compensation has assumed responsibility for all or a portion
12 of the care of a person 60 years of age or older who needs
13 assistance with activities of daily living.

14 "Elder abuser" means a person who as a caregiver has been
15 convicted of abuse and gross neglect of a long term care
16 facility resident under Section 12-19 of the Criminal Code of
17 1961 or of criminal neglect of an elderly or disabled person
18 under Section 12-21 of the Criminal Code of 1961.

19 "Law enforcement agency having jurisdiction" means the
20 Chief of Police in the municipality in which the elder abuser
21 expects to reside (1) upon his or her discharge, parole, or
22 release or (2) during the service of his or her sentence of
23 probation or conditional discharge, or the Sheriff of the
24 county, in the event no Chief of Police exists or if the
25 offender intends to reside in an unincorporated area.

26 Section 10. Duty to register.

27 (a) An elder abuser shall, within the time period
28 prescribed in subsection (c), register in person:

29 (1) with the Chief of Police of the municipality in
30 which he or she resides or is temporarily domiciled for

1 more than 10 days, unless the municipality is the City of
2 Chicago, in which case he or she shall register at the
3 Chicago Police Department Headquarters; or

4 (2) with the Sheriff of the county, if that person
5 resides or is temporarily domiciled for more than 10 days
6 in an unincorporated area or, if incorporated, no Chief
7 of Police exists.

8 (b) In addition to the registration requirements imposed
9 upon an elder abuser by subsection (a), an elder abuser who
10 is required to register under this Act and who is employed
11 on the effective date of this Act within 10 days after the
12 effective date of this Act and elder abuser who is convicted
13 on or after the effective date of this Act within 10 days
14 after employment shall submit in person or in writing the
15 business name and address where he or she is employed.
16 Multiple businesses or work locations must be reported to the
17 agency having jurisdiction. The elder abuser must submit his
18 or her business address to the law enforcement agency having
19 jurisdiction within 10 days after obtaining employment or if
20 employed on the effective date of this Act within 10 days
21 after that effective date.

22 (c) Any elder abuser, regardless of any initial, prior
23 or other registration, shall, within 10 days of establishing
24 a residence, place of employment, or temporary domicile for
25 more than 10 days in any county, register in person as set
26 forth in subsection (a)(1), (a)(2), or (b).

27 (d) The registration for any person required to register
28 under this Act shall be as follows:

29 (1) any person unable to comply with the
30 registration requirements of this Act because they are
31 confined, institutionalized, or imprisoned in Illinois on
32 or after the effective date of this Act, shall register
33 in person within 10 days of discharge, parole, or
34 release;

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

4 (3) the person shall pay a \$10 initial registration
5 fee and a \$5 annual renewal fee. The fees shall be
6 transmitted to the Department of State Police which shall
7 deposit the fees in the Elder Abuser Registration Fund.
8 The law enforcement agency having jurisdiction may waive
9 the registration fee if it determines that the person is
10 indigent and unable to pay the registration fee.

11 Section 15. Discharge from penal institution. Any elder
12 abuser, as defined by this Act, who is discharged, paroled or
13 released from a Department of Corrections facility, a
14 facility where that person was placed by the Department of
15 Corrections or another penal institution, and whose liability
16 for registration has not terminated under Section 40 shall,
17 prior to discharge, parole or release from the facility or
18 institution, be informed of his or her duty to register in
19 person within 10 days under this Act by the facility or
20 institution in which he or she was confined. The facility or
21 institution shall also inform any person who must register
22 that if he or she establishes a residence outside of the
23 State of Illinois, is employed outside of the State of
24 Illinois, or attends school outside of the State of Illinois,
25 he or she must register in the new state within 10 days after
26 establishing the residence, beginning employment, or
27 beginning school.

28 The facility shall require the person to read and sign a
29 form as may be required by the Department of State Police
30 stating that the duty to register and the procedure for
31 registration has been explained to him or her and that he or
32 she understands the duty to register and the procedure for
33 registration. The facility shall further advise the person

1 in writing that the failure to register or other violation of
2 this Act shall result in revocation of parole, mandatory
3 supervised release, or conditional release. The facility
4 shall obtain the address where the person expects to reside
5 upon his or her discharge, parole or release and shall report
6 the address to the Department of State Police. The facility
7 shall give one copy of the form to the person and shall send
8 2 copies to the Department of State Police which shall notify
9 the law enforcement agency having jurisdiction where the
10 person expects to reside upon his or her discharge, parole or
11 release.

12 Section 20. Release of abuser; Court duties. Any elder
13 abuser, as defined by this Act, who is released on probation
14 or discharged upon payment of a fine shall, prior to
15 release, be informed of his or her duty to register under
16 this Act by the Court in which he or she was convicted. The
17 Court shall also inform any person who must register that if
18 he or she establishes a residence outside of the State of
19 Illinois, is employed outside of the State of Illinois, or
20 attends school outside of the State of Illinois, he or she
21 must register in the new state within 10 days after
22 establishing the residence, beginning employment, or
23 beginning school. The Court shall require the person to read
24 and sign a form as may be required by the Department of State
25 Police stating that the duty to register and the procedure
26 for registration has been explained to him or her and that he
27 or she understands the duty to register and the procedure for
28 registration. The Court shall further advise the person in
29 writing that the failure to register or other violation of
30 this Act shall result in probation revocation. The Court
31 shall obtain the address where the person expects to reside
32 upon his release, and shall report the address to the
33 Department of State Police. The Court shall give one copy of

1 the form to the person and retain the original in the court
2 records. The Department of State Police shall notify the law
3 enforcement agency having jurisdiction where the person
4 expects to reside upon his or her release.

5 Section 25. Discharge of abuser from a treatment
6 facility; duties of the official in charge.

7 Any elder abuser, as defined in this Act, who is
8 discharged or released from a hospital or other treatment
9 facility where he or she was confined shall be informed by
10 the hospital or treatment facility in which he or she was
11 confined, prior to discharge or release from the hospital or
12 treatment facility, of his or her duty to register under this
13 Act.

14 The facility shall require the person to read and sign a
15 form as may be required by the Department of State Police
16 stating that the duty to register and the procedure for
17 registration has been explained to him or her and that he or
18 she understands the duty to register and the procedure for
19 registration. The facility shall give one copy of the form
20 to the person, retain one copy for their records, and forward
21 the original to the Department of State Police. The facility
22 shall obtain the address where the person expects to reside
23 upon his or her discharge, parole, or release and shall
24 report the address to the Department of State Police within 3
25 days. The facility or institution shall also inform any
26 person who must register that if he or she establishes a
27 residence outside of the State of Illinois, is employed
28 outside of the State of Illinois, or attends school outside
29 of the State of Illinois, he or she must register in the new
30 state within 10 days after establishing the residence,
31 beginning school, or beginning employment. The Department of
32 State Police shall notify the law enforcement agency having
33 jurisdiction where the person expects to reside upon his or

1 her release.

2 Section 30. Nonforwardable verification letters. To any
3 person registered under this Act, the Department of State
4 Police shall mail an annual nonforwardable verification
5 letter, beginning one year from the date of that person's
6 last registration. A person required to register under this
7 Act who is mailed a verification letter shall complete, sign,
8 and return the enclosed verification form to the Department
9 of State Police postmarked within 10 days after the mailing
10 date of the letter. A person's failure to return the
11 verification form to the Department of State Police within 10
12 days after the mailing date of the letter shall be considered
13 a violation of this Act.

14 Section 35. Duty to report; change of address or
15 employment; duty to inform. Any person who is required to
16 register under this Act shall report in person to the
17 appropriate law enforcement agency with whom he or she last
18 registered within one year after the date of that
19 registration and every year thereafter. If any person
20 required to register under this Act changes his or her
21 residence address or place of employment, he or she shall, in
22 writing, within 10 days inform the law enforcement agency
23 with whom he or she last registered of his or her new address
24 or new place of employment and register with the appropriate
25 law enforcement agency within the time period specified in
26 Section 10. The law enforcement agency shall, within 3 days
27 of receipt, notify the Department of State Police and the law
28 enforcement agency having jurisdiction of the new place of
29 residence or new place of employment.

30 If any person required to register under this Act
31 establishes a residence or employment outside of the State of
32 Illinois, within 10 days after establishing that residence or

1 employment, he or she shall, in writing, inform the law
2 enforcement agency with which he or she last registered of
3 his or her out-of-state residence or employment. The law
4 enforcement agency with which such person last registered
5 shall, within 3 days after receiving notice of an address or
6 employment change, notify the Department of State Police.
7 The Department of State Police shall forward such information
8 to the out-of-state law enforcement agency in the form and
9 manner prescribed by the Department of State Police.

10 Section 40. Duration of registration. Any person who is
11 required to register under this Act shall be required to
12 register for a period of 10 years after conviction or
13 adjudication if not confined to a penal institution, hospital
14 or any other institution or facility, and if confined, for a
15 period of 10 years after parole, discharge or release from
16 that facility. Liability for registration terminates at the
17 expiration of 10 years from the date of conviction or
18 adjudication if not confined to a penal institution, hospital
19 or any other institution or facility and if confined, at the
20 expiration of 10 years from the date of parole, discharge or
21 release from any such facility, providing such person does
22 not, during that period, again become liable to register
23 under the provisions of this Act. The Director of State
24 Police, consistent with administrative rules, shall extend
25 for 10 years the registration period of any elder abuser who
26 fails to comply with the provisions of this Act.

27 Section 45. Registration requirements. Registration as
28 required by this Act shall consist of a statement in writing
29 signed by the person giving the information that is required
30 by the Department of State Police, which may include the
31 fingerprints and must include a photograph of the person.
32 Within 3 days after registration, the registering law

1 enforcement agency shall forward any required information to
2 the Department of State Police. The registering law
3 enforcement agency shall enter the information into the Law
4 Enforcement Agencies Data System (LEADS) as provided in
5 Sections 6 and 7 of the Intergovernmental Missing Child
6 Recovery Act of 1984.

7 Section 50. Public inspection of registration data. The
8 statements or any other information required by this Act
9 shall not be open to inspection by the public, or by any
10 person other than by a law enforcement officer or other
11 individual as may be authorized by law and shall include law
12 enforcement agencies of this State, any other state, or of
13 the federal government. Similar information may be requested
14 from any law enforcement agency of another state or of the
15 federal government for purposes of this Act. It is a Class B
16 misdemeanor to permit the unauthorized release of any
17 information required by this Act.

18 Section 55. Penalty. Any person who is required to
19 register under this Act who violates any of the provisions of
20 this Act and any person who is required to register under
21 this Act who seeks to change his or her name under Article 21
22 of the Code of Civil Procedure is guilty of a Class 4 felony.
23 Any person who is required to register under this Act who
24 knowingly or wilfully gives material information required by
25 this Act that is false is guilty of a Class 3 felony. Any
26 person convicted of a violation of any provision of this Act
27 shall, in addition to any other penalty required by law, be
28 required to serve a minimum period of 7 days confinement in
29 the local county jail. The court shall impose a mandatory
30 minimum fine of \$500 for failure to comply with any provision
31 of this Act. These fines shall be deposited in the Elder
32 Abuser Registration Fund. Any elder abuser who violates any

1 provision of this Act may be tried in any Illinois county
2 where the elder abuser can be located.

3 Section 60. Elder Abuser Registration Fund. There is
4 created the Elder Abuser Registration Fund. Moneys in the
5 Fund shall be used to cover costs incurred by the criminal
6 justice system to administer this Act. The Department of
7 State Police shall establish and promulgate rules and
8 procedures regarding the administration of this Fund. At
9 least 50% of the moneys in the Fund shall be allocated by the
10 Department for sheriffs' offices and police departments.

11 Section 65. Access to State of Illinois databases. The
12 Department of State Police shall have access to State of
13 Illinois databases containing information that may help in
14 the identification or location of persons required to
15 register under this Act. Interagency agreements shall be
16 implemented, consistent with security and procedures
17 established by the State agency and consistent with the laws
18 governing the confidentiality of the information in the
19 databases. Information shall be used only for administration
20 of this Act.