

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 342

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Required Notice of”; in line 4, strike “the release of” and substitute “certain actions relating to”; in the same line, after the semicolon, insert “altering provisions of law to require certain child sexual offenders to register with a certain supervising authority, instead of the local law enforcement agency; altering provisions of law to require the Department, instead of a local law enforcement agency, to be responsible for registering certain child sexual offenders and the receipt, maintenance, and dissemination of certain notices, records, and registration statements; requiring the Department to notify certain law enforcement agencies of a registration;”; strike beginning with “requiring” in line 8 down through “offender;” in line 9; in line 13, after the semicolon insert “requiring the Department to establish certain procedures; providing for the contents of the registration statement that is provided to certain persons; requiring the supervising authority to obtain a photograph and fingerprints of the child sexual offender and include copies of them in the registration statement; requiring the supervising authority to send the registration statement to the Department; altering certain time periods; requiring the Department to reimburse supervising authorities for the cost of processing the registration statement; requiring the Department to transmit the conviction data and fingerprints of a child sexual offender to the Federal Bureau of Investigation; requiring the Department to provide the name and address of a child sexual offender to a person who requests such information in writing;”; in the same line, strike “notification of”; and in line 17, strike “and (d)” and substitute “, (c), (d), (g), (h), (i), and (j)”.

AMENDMENT NO. 2

On page 2, after line 2, insert:

“(c) (1) In this subsection, “resident” means a person who lives in this State at the time the person:

(i) Is released;

(Over)

(ii) Is granted probation before judgment;

(iii) Is granted probation after judgment;

(iv) Is granted a suspended sentence; or

(v) Receives a sentence that does not include a term of imprisonment.

(2) A child sexual offender shall register with the [local law enforcement agency]
SUPERVISING AUTHORITY:

(i) If the child sexual offender is a resident, within 7 days after:

1. Being released;

2. Being granted probation before judgment;

3. Being granted probation after judgment;

4. Being granted a suspended sentence; or

5. Receiving a sentence that does not include a term of imprisonment;

or

(ii) If the child sexual offender is not a resident, within 7 days after the earlier

of:

1. Establishing a temporary or permanent residence in this State; or

2. Applying for a driver's license in this State.”.

AMENDMENT NO. 3

On page 2, in line 6, strike the second “the” and substitute “: (I) THE”; and in line 8, after “reside” insert “; AND”

(II) THE LOCAL LAW ENFORCEMENT AGENCY OF THE COUNTY
WHERE THE CHILD SEXUAL OFFENDER WILL RESIDE AND, IF APPLICABLE, A

MUNICIPAL POLICE FORCE”;

in line 17, strike “the following organizations OR PERSONS” and substitute “ANY PERSON OR ORGANIZATION THAT THE DEPARTMENT DETERMINES MAY SERVE TO PROTECT THE PUBLIC CONCERNING A SPECIFIC CHILD SEXUAL OFFENDER”; strike beginning with “CONCERNING” in line 18 down through “OFFENDER” in line 25; after line 39, insert:

“(7)(I) EXCEPT FOR A REGISTRATION STATEMENT PROVIDED TO A LAW ENFORCEMENT AGENCY, A REGISTRATION STATEMENT PROVIDED TO A PERSON OR ORGANIZATION UNDER THIS SECTION SHALL INCLUDE THE COMPLETED REGISTRATION FORM AND A COPY OF A PHOTOGRAPH OF THE CHILD SEXUAL OFFENDER, BUT NEED NOT INCLUDE THE OFFENDER’S FINGERPRINTS.

(II) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL PROVIDE A LOCAL LAW ENFORCEMENT AGENCY WITH THE COMPLETED REGISTRATION FORM AND THE CHILD SEXUAL OFFENDER’S PHOTOGRAPH AND FINGERPRINTS.”;

and in line 40, strike “(7)” and substitute “(8)”.

AMENDMENT NO. 4

On page 3, after line 2, insert:

“(g) (1) Registration shall consist of a statement signed by a child sexual offender which shall include:

(i) The child sexual offender's name, address, and place of employment;

(ii) A description of the crime for which the child sexual offender was convicted, granted probation before judgment, or found not criminally responsible;

(iii) The date that the child sexual offender was convicted, granted probation before judgment, or found not criminally responsible;

(Over)

(iv) The jurisdiction in which the child sexual offender was convicted, granted probation before judgment, or found not criminally responsible;

(v) A list of any aliases that have been used by the child sexual offender; and

(vi) The child sexual offender's Social Security number.

(2) The [local law enforcement agency] SUPERVISING AUTHORITY shall obtain a photograph and fingerprints of the child sexual offender and include copies of the photograph and fingerprints in the registration statement.

(3) (i) As soon as possible and in no event later than [3] 5 working days after registration is completed, the [local law enforcement agency] SUPERVISING AUTHORITY shall send [a copy of] the registration statement to the Department of Public Safety and Correctional Services.

(ii) The Department of Public Safety and Correctional Services shall maintain a central registry of child sexual offenders.

(iii) The Department of Public Safety and Correctional Services shall reimburse the [local law enforcement agencies] SUPERVISING AUTHORITIES for the cost of processing the registration statements of child sexual offenders, including the taking of fingerprints and photographs.

(4) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 5 WORKING DAYS AFTER RECEIVING THE CONVICTION DATA AND FINGERPRINTS OF A CHILD SEXUAL OFFENDER, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL TRANSMIT THE DATA AND FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION IF THE BUREAU DOES NOT HAVE THAT INFORMATION.

[4] (5) (i) Subject to subparagraph (ii) of this paragraph, upon written request to [a local law enforcement agency, the agency] THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE DEPARTMENT shall send a copy of a registration statement

to the person who submitted the request.

(ii) A request for a copy of a registration statement under subparagraph (i) of this paragraph shall contain:

1. The name and address of the person submitting the request; and
2. The reason for requesting the information.

(iii) [A local law enforcement agency] THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES shall keep records of all written requests received under subparagraph (i) of this paragraph.

[(5)] (6) An elected public official, public employee, or public agency is immune from civil liability for damages arising out of any action relating to the provisions of this subsection, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.

(h) (1) If a child sexual offender changes residences, the offender shall send written notice of the change within 7 days after the change occurs to the [local law enforcement agency with whom the offender last registered] DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(2) As soon as possible and in no event later than [3] 5 working days after receipt of the notice, [the local law enforcement agency shall give notice of the change to] the Department of Public Safety and Correctional Services SHALL GIVE NOTICE OF THE CHANGE TO THE LOCAL LAW ENFORCEMENT AGENCY OF THE COUNTY [, and if the new residence is in a different jurisdiction, to the local law enforcement agency] in whose jurisdiction the new residence is located.

(i) A child sexual offender shall register with [a local law enforcement agency] THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES annually for 10 years after:

(Over)

(1) The last date of release;

(2) The offender is granted probation before judgment, probation after judgment, or a suspended sentence; or

(3) The offender receives a sentence that does not include a term of imprisonment.

(j) If a child sexual offender will reside after release in a municipal corporation that has a police department, or, in the case where a child sexual offender escapes from a facility and the offender resided, before the offender was committed to the custody of a supervising authority, in a municipal corporation that has a police department, [a local law enforcement agency with which a child sexual offender registers or sends a change in registration under this section] THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES shall send a copy of the registration statement or change in registration to the police department of the municipal corporation.”.