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Executive Summary

The Illinois Sex Offenses and Sex Offender Registration Task Force was established by the 99th General Assembly. Its mandate was to perform three functions before January 1, 2018:

1. Examine current offenses that require offenders to register as sex offenders, the current data and research regarding evidence-based practices, the conditions, restrictions, and outcomes for registered sex offenders, and the registration process.
2. Hold public hearings at the call of the co-chairpersons to receive testimony from the public.
3. Make recommendations to the General Assembly regarding legislative changes to more effectively classify sex offenders based on their level of risk of re-offending, better direct resources to monitor the most violent and high-risk offenders, and to ensure public safety.

From December 2016 through December 2017, the Task Force and its diverse membership carried out these activities with administrative support from the Illinois Criminal Justice Information Authority.¹ This report recapitulates and concludes its work. The report reviews sex offenses subject to registration in Illinois; discusses the statutory categories of sex offenders and sexual predator, and what state-level data shows about the sex offender population; offers a brief history of sex offender legislation and policy from a national and Illinois perspective; examines the state's infrastructure tasked with overseeing state and local sex offender management system; and provides the Task Force's findings and recommendations, which are outlined below in this Executive Summary.

It is important to note that the Task Force examined the most current and scientifically rigorous research available on sex offender policies and practice and heard testimony from renowned experts in the field.² Much of the research reviewed was collected and summarized on behalf of the U.S. Department of Justice, Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking Office's Sex Offender Management, Assessment, and Planning Initiative.

¹ The Illinois Criminal Justice Information Authority would like to thank all the Task Force Members for their time and effort, and extend a special thank you to Barbara Barreno-Paschall (University of Chicago), Mary Boland (Cook County State's Attorney's Office), Tracie Newton (Illinois State Police), Hanna Pfeiffer (University of Chicago), and Alyssa Williams-Shafer (Illinois Department of Corrections) for their work on this project.

² Experts included: Mr. Roger Przybylski (recidivism and treatment), Dr. R. Karl Hanson (risk assessment), and Mr. Chris Lobanov-Rostovsky (sex offender registration, notification, and residence restrictions).

Task Force Findings

Sex Offender Recidivism and the Efficacy of Treatment

- Using recidivism to determine policy and programming effectiveness is limited because most sexual offenses go unreported.³ Inconsistencies in how researchers have studied recidivism have also limited the generalizability of findings.
- Although recidivism as an outcome measure has intrinsic limitations, it is still the best way to measure the effectiveness of sex offender management policies and practices.
- Overall, research literature suggests the recidivism rate for persons convicted of sex crimes ranges from 5 percent after 3 years to 24 percent after 15 years and varies significantly among offenders.⁴
- Researchers have consistently found that people convicted of sex offenses are more likely to be rearrested, reconvicted, or reincarcerated for non-sex offenses than sex offenses.⁵
- The most effective forms of supervision and treatment do not treat all people convicted of sexual offending as a homogenous group, but instead are tailored to address the risks and needs of individuals.⁶
- Illinois lacks sufficient means to monitor and assess treatment of sex offenders at the state and local level.

³ Bureau of Justice Statistics. *Number of rape/sexual assaults by reporting to police, 2007-2015*. Generated using the NCVS Victimization Analysis Tool at www.bjs.gov on 14-Dec-17.; Rennison, C. M. (2002). *Rape and sexual assault: Reporting to police and medical attention, 1992-2000*. Washington, DC: US Department of Justice, Office of Justice Programs. Available at: <https://www.bjs.gov/content/pub/pdf/rsarp00.pdf>

⁴ Cortoni, F., & Hanson, R.K. (2005). *A Review of the Recidivism Rates of Adult Female Sex Offenders*. Research Report No. R-169. Ottawa, Ontario, Canada: Correctional Service of Canada.; Harris, A.J.R., & Hanson, R.K. (2004). *Sex Offender Recidivism: A Simple Question*. Ottawa, Ontario, Canada: Public Safety and Emergency Preparedness Canada.

⁵ Langan, P., Schmitt, E., & Durose, M. (2003). *Recidivism of Sex Offenders Released From Prison in 1994*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

⁶ Duwe, G., & Goldman, R. (2009). The impact of prison-based treatment on sex offender recidivism: Evidence from Minnesota. *Sexual Abuse: A Journal of Research and Treatment*, 21, 279–307.; Hanson, R.K., Bourgon, G., Helmus, L., & Hodgson, S. (2009). *A Meta-Analysis of the Effectiveness of Treatment for Sex Offenders: Risk, Need, and Responsivity*. Ottawa, ON: Public Safety Canada.; Lösel, F., & Schmucker, M. (2005). The effectiveness of treatment for sex offenders: A comprehensive meta-analysis. *Journal of Experimental Criminology*, 1, 117–146.; Lowden, K., Hetz, N., Patrick, D., Pasini-Hill, D., Harrison, L., & English, K. (2003). *Evaluation of Colorado's Prison Therapeutic Community for Sex Offenders: A Report of Findings*. Denver, CO: Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.; MacKenzie, D.L. (2006). *What Works in Corrections: Reducing the Criminal Activities of Offenders and Delinquents*. New York: Cambridge University Press.; Olver, M., Wong, S., & Nicholaichuk, T.P. (2008). Outcome evaluation of a high-intensity inpatient sex offender treatment program. *Journal of Interpersonal Violence*, 24, 522–536.; Schmucker, M. & Lösel, F. (2015). The effects of sexual offender treatment on recidivism: An international meta-analysis of sound quality evaluations. *Journal of Experimental Criminology*, 11(4), 597-630.

Risk Assessment

- Treatment and supervision should be based on risk assessment information, as this ensures management and treatment plans correspond to the unique risk and treatment needs of those convicted of sex offenses.⁷
- While release planning and evidence-based treatment are key components of successful behavior change, the greatest predictor of risk reduction is the length of time a person lives in the community without re-offending. Individuals convicted of sexual offenses reach the desistance threshold—meaning the likelihood of reoffending is low—at 10 years of offense-free community living.⁸
- While Illinois and local agencies use risk assessments to varying degrees, the state lacks sufficient information on how agencies use these tools to address sexual offending.

Registration and Restrictions

- While public opinion surveys show that the public favors a freely available sex offender registry and law enforcement considers it a valuable investigatory tool, research has not established that registries have any effect on the sexual crime rate, and most studies find no reduction in sexual recidivism due to registries.⁹

⁷ Hanson, R.K., Bourgon, G., McGrath, R.J., Kroner, D., D’Amora, D.A. ... Tavarez, L.P. (2017). *A Five-Level Risk and Needs System: Maximizing Assessment Results in Corrections Through the Development of a Common Language*. Lexington, KY: The Council of State Governments Justice Center. Retrieved from https://csgjusticecenter.org/wp-content/uploads/2017/01/A-Five-Level-Risk-and-Needs-System_Report.pdf

⁸ Hanson, R.K., Harris, A.J.R., Helmus, L., & Thornton, D. (2014). High-risk sex offenders may not be high risk forever. *Journal of Interpersonal Violence*, 29(15), 2792 – 2813.; Hanson, R.K., Harris, A.J.R., Letourneau, E., Helmus, L.M., & Thornton, D. (2017, in press). Reductions in risk based on time offense free in the community: Once a sexual offender, not always a sexual offender. *Psychology, Public Policy, & Law*.

⁹ Adkins, G., Huff, D., and Stageberg, P. (2000). *The Iowa Sex Offender Registry and Recidivism*. Des Moines, IA: Iowa Department of Human Rights; Duwe, G., & Donnay, W. (2008). The impact of Megan’s Law on sex offender recidivism: The Minnesota experience. *Criminology*, 46(2), 411–446.; Lasher, M. P., & McGrath, R. J. (2012; 2010). The impact of community notification on sex offender reintegration: A quantitative review of the research literature. *International Journal of Offender Therapy and Comparative Criminology*, 56(1), 6-28.; Letourneau, E., Levenson, J. S., Bandyopadhyay, D., Sinha, D., & Armstrong, K. (2010). Effects of South Carolina’s sex offender registration and notification policy on adult recidivism. *Criminal Justice Policy Review*, 21(4), 435–458.; Sandler, Jeffrey & J. Freeman, Naomi & Socia, Kelly. (2008). Does a Watched Pot Boil? A Time-Series Analysis of New York State’s Sex Offender Registration and Notification Law. *Psychology, Public Policy, and Law*, 14, 284-302. 10.1037/a0013881; Schram, D., and Milloy, C.D. (1995). *Community Notification: A Study of Offender Characteristics and Recidivism*. Olympia, WA: Washington State Institute for Public Policy. Retrieved from: <http://www.wsipp.wa.gov/pub.asp?docid=95-10-1101> ; Washington State Institute for Public Policy (WSIPP) (2005). *Sex Offender Sentencing in Washington State: Has Community Notification Reduced Recidivism?* Olympia, WA: Washington State Institute for Public Policy. Retrieved from: <http://www.wsipp.wa.gov/rptfiles/05-12-1202.pdf>; Zevitz, R.G. (2006). Sex offender community notification: Its role in recidivism and offender reintegration. *Criminal Justice Studies*, 19(2), 193–208.; Zgoba, K., & Bachar, K. (2009). *Sex Offender Registration*

- Research has found that residency restrictions lead neither to reductions in sexual crime¹⁰ nor recidivism.¹¹ However, registration and restrictions can prevent people convicted of sex offending from engaging in pro-social activities, such as work, that guard against reoffending.¹²
- In Illinois, people convicted of a sex offense must register for either 10 years or life depending on their conviction. People convicted of a sex offense may be subject to a host of restrictions. The most comprehensive statutory restrictions apply to child sex offenders and are for life.

Task Force Recommendations

Based on its review of research and state law, policy, and practice, the Task Force members approved 14 recommendations. *These recommendations were contingent on two interrelated imperatives.* First, the approval was contingent on sufficient state funding to implement these recommendations. During Task Force meetings, members heard and discussed the challenges facing Illinois' communities and government agencies in providing effective supervision, management, and treatment of sex offenders. A consistent theme was the lack of available funding. Second, the approval of the recommendations was contingent on the state ensuring that implementation takes into account the diversity of needs across Illinois communities and jurisdictions. Policies and practices that may work in one part of Illinois may not be possible or applicable in other areas of the state. While the state should encourage evidence-informed policies

and Notification: Limited Effects in New Jersey. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. Retrieved from: <http://www.ncjrs.gov/pdffiles1/nij/225402.pdf>

¹⁰ Blood, P., Watson, L., & Stageberg, P. (2008). State Legislation Monitoring Report. Des Moines, IA: Criminal and Juvenile Justice Planning.; Socia, K. (2012). The efficacy of county-level sex offender residence restrictions in New York. *Crime & Delinquency*, 58, 612.

¹¹ Colorado Department of Public Safety. (2004). *Report on Safety Issues Raised by Living Arrangements for and Location of Sex Offenders in the Community.* Denver, CO: Colorado Sex Offender Management Board. Retrieved from: http://dcj.state.co.us/odvysom/sex_offender/SO_Pdfs/FullSLAFinal.pdf; Nobles, M.R., Levenson, J.S., & Youstin, T.J. (2012). Effectiveness of residence restrictions in preventing sex offense recidivism. *Crime and Delinquency*, 58, 491; Socia, K. (2012). The efficacy of county-level sex offender residence restrictions in New York. *Crime & Delinquency*, 58, 612; Zandbergen, P.A., Levenson, J.S., & Hart, T. (2010). Residential proximity to schools and daycares: An empirical analysis of sex offense recidivism. *Criminal Justice and Behavior*, 37(5), 482–502.

¹² Barnes, J.C., Dukes, T., Tewksbury, R., & De Troye, T.M. (2009). Analyzing the impact of statewide residence restriction law on South Carolina sex offenders. *Criminal Justice Policy Review*, 20(1), 21–43.; Chajewski, M., & Mercado, C.C. (2008). An evaluation of sex offender residence restrictions functioning in town, county, and city-wide jurisdictions. *Criminal Justice Policy Review*, 20(1), 44–61.; Levenson, J.S. (2008). Collateral consequences of sex offender residence restrictions. *Criminal Justice Studies*, 21(2), 153–166.; Levenson, J.S., & Cotter, L.P. (2005). The impact of sex offender residence restrictions: 1,000 feet from danger or one step from absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49(2), 168–168.; Tewksbury, R., & Zgoba, K. (2010). Perceptions and coping with punishment: How registered sex offenders respond to stress, Internet restrictions and the collateral consequences of registration. *International Journal of Offender Therapy and Comparative Criminology*, 54(4), 537–551.

and practices, it must do so in a manner that allows for flexibility and appropriate local adaptation and innovation.

Support Infrastructure that Promotes Effective Sex Offender Management

1. Make Illinois' Sex Offender Management Board (SOMB) an independent agency that is staffed and directed by an expert with a clinical background specializing in sex offender assessment and treatment. Illinois' SOMB should use research to inform the creation of policy and to evaluate how policies are implemented and their impact.
2. Expand Illinois' SOMB's core activities to include: setting statewide treatment and management standards that are research informed and evidence-based; identifying and certifying agencies and professionals qualified to carry out those standards; conducting systematic and comprehensive quality assurance oversight to ensure those certified are indeed implementing the standards specified; and providing training to agencies and professionals charged with treatment and court supervision, including judges. Adequate funding and staffing resources should be allocated to carry out these core functions.

Utilize Risk Assessments Post Conviction for Treatment and Management Purposes

3. Require the use of a validated, structured risk assessment, as it is the most effective way to identify risk to sexually reoffend, as well as general reoffending risk.
4. Use a standardized risk assessment process and risk assessment tools to promote consistency across those conducting the assessments. The tools, training, and process should be shaped by state oversight entity, like a sufficiently funded SOMB.
5. Administer risk assessments after conviction by qualified professionals. Re-administer once a year, ideally (but minimally, every two years), while under supervision.
6. Document and explain opinions that diverge from what is indicated by the validated, structured risk assessments.
7. Require treatment and management be informed by the current scientific evidence as it relates to what is effective at reducing sexual reoffending.

Use the Registry to Focus on High-Risk People Convicted of Sex Offenses

8. Effectively identify high-risk people by requiring any registry to use tiers to reflect actual risk of sexual re-offending (informed by the risk-assessment conducted post-conviction).
9. Ensure resources can be focused on people who are at high risk of re-offending by having individuals on lower tiers—i.e., those who pose less risk—automatically removed from the registry after a set duration.

10. Allow registrants to petition to be removed from the registry if they meet certain criteria, such as having crossed the desistance threshold. These criteria should be created by Illinois' SOMB and be informed by current scientific knowledge.
11. If used, the term "Sexual Predator" should not automatically refer to all lifetime registrants.
12. Remove statutory requirements that stipulate any new felony (not for a sex offense) automatically triggers retroactive registration for certain individuals.

Ensure Restrictions are Narrowly Tailored to Improve Public Safety

13. Tailor restrictions, including residency and proximity, to different tiers, with the highest risk tiers having appropriate restrictions.
14. Revise the amount of time on Mandatory Supervised Release (MSR) for persons convicted of sex offenses. Those individuals determined to be lower risk, as determined by a validated, structured risk assessment, should have maximum MSR sentences of three years. Only the highest risk individuals, as determined by a validated, structured risk assessment, should have MSR sentences beyond three years.¹³

¹³ Currently by statute the MSR structured minimum is three years, and in certain cases, can extend to natural life. See 730 ILCS 5/5-8-1(d)(4).

Introduction

In 2016, the Illinois' 99th General Assembly established the Sex Offenses and Sex Offender Registration Task Force to examine the implementation and impact of the state's sex offender registration and residency restrictions.¹⁴ In the enabling statute, the General Assembly recognized that while Illinois' registry and residency restrictions were intended to provide information to victims and law enforcement and protect the public, these laws and policies "do not assess or differentiate based upon the specific risks of each offender, potential threat to public safety, or an offender's likelihood of re-offending." Furthermore, the General Assembly highlighted that the lack of individualized assessment prevents communities and law enforcement from being able to identify, treat, and supervise high-risk individuals in a manner consistent with current best practices.

The Task Force, which included a diverse group of practitioners, law enforcement representatives, and advocates, was mandated to perform three functions before January 1, 2018:

1. Examine offenses that require offenders to register as sex offenders, the current data and research regarding evidence-based practices, the conditions, restrictions, and outcomes for registered sex offenders, and the registration process.
2. Hold public hearings at the call of the co-chairpersons to receive testimony from the public.
3. Make recommendations to the General Assembly regarding legislative changes to more effectively classify sex offenders based on their level of risk of re-offending, better direct resources to monitor the most violent and high-risk offenders, and to ensure public safety.

From December 2016 through December 2017, the Task Force carried out these activities with administrative support from the Illinois Criminal Justice Information Authority. This report summarizes and concludes its work.

The report has seven sections:

- *Section I - Illinois Sex Offender Laws and Registration Requirements* gives a snapshot of sex offenses subject to registration in Illinois, the statutory categories of sex offenders and sexual predator, and what state-level data shows about the sex offender population.
- *Section II - History of Sex Offender Legislation and Policy* provides a short history of sex offender laws and policies and the context from which national and Illinois sex offender management systems emerged.

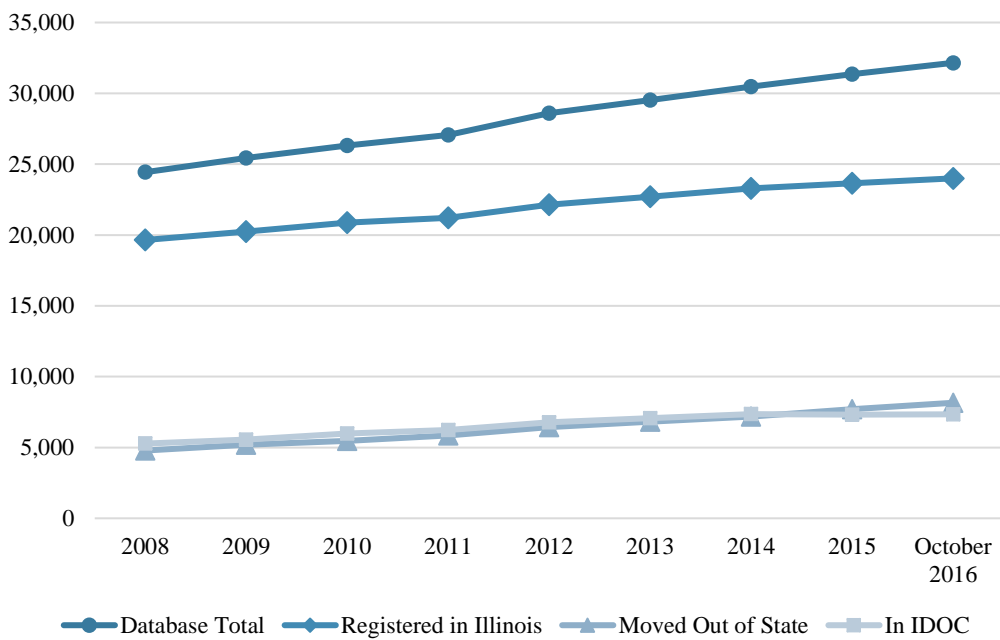
¹⁴ Public Act 099-0873 (Aug. 22, 2016) is set forth in Appendix A. A roster of Task Force members is set forth in Appendix B.

- *Section III - Effective Statewide Oversight* outlines Illinois' infrastructure tasked with overseeing state and local sex offender policies and practices.
- *Section IV - Task Force Process, Principles, and Research Summaries* describes the process and guiding principles the Task Force used to identify and examine the core subject matters of its mandate. It also includes summaries of the expert presentation members studied and used to identify their recommendations.
- *Section V - Task Force Recommendations* presents the Task Force recommendations it approved.
- *Section VI - Summary of Public Comment* summarizes the public testimony the Task Force received.
- *Section VII – Task Force Member Comments* includes the perspectives of individual members on the Task Force findings and recommendations.

Section I. Illinois Sex Offender Laws and Registration Requirements

In total, 33 offenses subject individuals to registration requirements in Illinois. For a complete list of these offenses, see *Appendix C*. These offenses cover a wide range of criminal behaviors, from indecent solicitation of an adult and public indecency to commission of aggravated sexual offenses and sexually motivated kidnapping and murder. Those subject to registration must register on the state’s public registry for either 10 years or natural life. As of November 2016, there were 32,239 individuals on Illinois’ sex offender registry, up from prior years (*Figure 1*). The increase noted in *Figure 1* is primarily due to a stacking effect caused by long registration periods (10 years, lifetime) that result in individuals staying on the registry while additional persons subject to the registration requirements are added.

Figure 1. Sex Offender Registry Year End Totals, 2008 - 2015, and Oct 2016



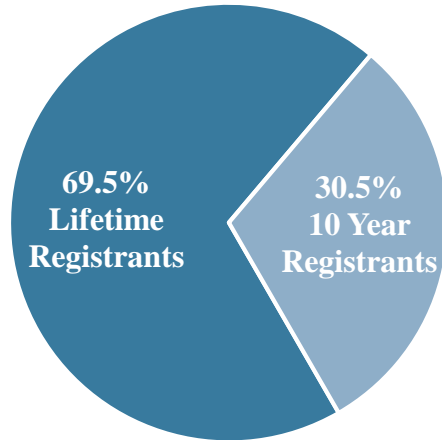
Source: ICJIA Analysis of Illinois State Police data, November 2016

The majority of those on the registry in Illinois are required to register for life (69.5 percent) (*Figure 2*). Most registered sexual offenders are living in the community (74.6 percent), and are reportedly compliant with the registration requirements (92 percent).¹⁵ The vast majority of

¹⁵ Information provided by the Illinois State Police.

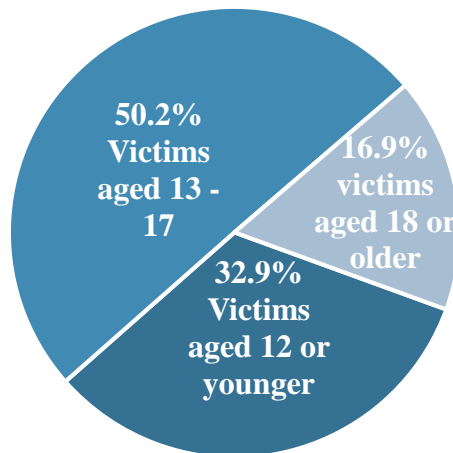
registrants are male (97.6 percent), white (57.3 percent),¹⁶ and were convicted as adults (91 percent).¹⁷ Children (12 years and under) and adolescents (13 to 17 years) were the most common victims of adult registrants (*Figure 3*).

Figure 2. Length of Registration for Sex Offender Registrants



Note: N=32,239. Lifetime registrants are statutorily classified as “sexual predators.”
 Source: ICJIA Analysis of Illinois State Police Registration Data, November 2016

Figure 3. Percentage of Sex Offenders by Victim Ages



Note: Includes data for persons convicted if they were 18 years or older at the time of offense.
 Source: ICJIA Analysis of Illinois State Police Registration Data, November 2016

¹⁶ Persons identified as Black (30.0%), “unknown” race (11.7%), Asian (0.6%), and Native American (0.4%) account for remaining registrants. Data are unavailable pertaining to registrant ethnicity.

¹⁷ This figure includes youth 17 years and under who were technically juveniles at the time of the offense, but were convicted as adults.

State laws further differentiate among types of lifetime registrants, specifically those deemed sexually dangerous, sexually violent, and all other “sexual predators.” Individuals categorized as sexually dangerous are those who have demonstrated propensities toward acts of sexual assault or abuse and were found in civil proceedings to have a mental disorder that substantially increases their probability of committing future sexual violence. Sexually violent persons are those who have been convicted of or found not guilty by reason of insanity for a sexually violent offense and have a mental disorder that substantially increases their probability of perpetrating future sexual violence. Individuals that fall under the sexually dangerous and violent registration laws are required to register every 90 days for natural life. All other persons convicted of offenses subject to lifetime registration are labeled sexual predators, but not sexually dangerous or violent. The sexual predator term is not based on an individualized clinical assessment, but rather is designated in statute by offense.

Of the 32,239 registrants as of November 2016, 613 (1.9 percent) were categorized as sexually violent and 111 (0.3 percent) were categorized as sexually dangerous. Most of those deemed as sexual violent or dangerous per statute (636 or 87.8 percent) were living in either a facility managed by the Illinois Department of Corrections or the Illinois Department of Human Services Treatment and Detention Facility.¹⁸ Eighty-eight were living in the community.¹⁹

Through state law, people convicted of sex offenses face numerous restrictions and collateral consequences. The most comprehensive statutory restrictions apply to child sex offenders and are for life.²⁰ These restrictions prohibit “approaching, contacting, residing with, or communicating with a child within certain places” with distances listed in statute. The law also forbids residing within 500 feet of schools, “playground, child care institution, day care center, part day child care facility, day care home, group day care home, or a facility providing programs or services exclusively directed toward persons under 18 years of age.”²¹

While most statutory restrictions apply specifically to child sex offenders, the Illinois Prisoner Review Board and the Illinois Department of Corrections apply similar restrictions based in law and policy to people convicted of sex offenses who are on Mandatory Supervised Release (MSR; also known as parole). This broader application of restrictions has led many prisoners convicted of sex offenses who would otherwise be eligible for release to remain incarcerated because they cannot find housing that satisfies their MSR conditions. This situation is exacerbated by the fact that transitional facilities and homeless shelters in Illinois will not house people convicted of sex offenses who are on parole or probation, and the fact that sex offenders on MSR or probation may

¹⁸ Upon civil commitment, sexually violent persons are transferred to the care of the Illinois Department of Human Services and housed at the Rushville Treatment and Detention facility. The Illinois Department of Corrections is appointed guardian of persons found to be sexually dangerous. If the person appears to no longer be dangerous, they can be ordered onto conditional release, subject to conditions deemed by the court to adequately protect the public (725 ILCS 205 et.seq.).

¹⁹ ICJIA Analysis of Illinois State Police Registration Data, November 2016.

²⁰ For a list of applicable child sex offenses, see Appendix C.

²¹ Criminal Code of 2012, 720 ILCS 5/11-9.3

not live at the same address or in an apartment complex that houses another person convicted of a sex offense.

On average, the Illinois Department of Corrections houses 1,200 to 1,400 offenders who may not be released from custody because they are unable to secure permanent, stable housing meeting Illinois statute requirements or agency policy.²² Most convicted sex offenders who cannot find eligible housing will eventually be released without supervision because they will serve their entire sentence in prison. In 2005, the General Assembly created additional restrictions that impose an indeterminate MSR period of three years to natural life for people convicted of “predatory sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault,” and in 2009 the General Assembly amended the law to include “aggravated child pornographers ... manufacture of child pornography, or dissemination of child pornography” after January 1, 2009.²³ In sum, the law requires prisoners convicted of one of these offenses to remain incarcerated indefinitely until they can comply with the conditions of their MSR.

²² Illinois Department of Corrections, Research and Planning Unit

²³ Unified Code of Corrections, 730 ILCS 5/5-8-1(d)(4)

Section II. History of Sex Offender Legislation and Policy

To understand Illinois' current sex offender management system, it is critical to appreciate how it grew out of federal and state legislation enacted from the late 1980s through the first decade of the 2000s. This history illuminates how three key features of the state's current system—registration, public notification, and residency restrictions—were formed as part of a national response not only to a particular set of circumstances, but often to specific cases that were legislated at a time when crime control was the dominant political philosophy.

Only a handful of states had sex offender registries prior to the 1990s. That changed in 1994 with the passage of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which expanded registries throughout the country, making them a fundamental part of the country's sex offender management system. Named after an 11-year-old boy from Minnesota who was kidnapped in 1989 by a stranger, the Wetterling Act required states to implement a registration system for law enforcement to identify people who were convicted of offenses against children and sexually violent offenses for investigative purposes. The Act set forth baseline standards for state registration of sex offenders, created a special class of individuals as "Sexually Violent Predators" (SVP), mandated address verification and registration requirements based on the class of sex offender (e.g., SVP versus all other offenders), and allowed for public notification when done for the purposes of public safety. Two years after the Wetterling Act was enacted, Congress amended it with Megan's Law. Inspired by Megan Kanka, a seven-year-old girl from New Jersey who was raped and murdered by a man who had been previously convicted of sexually assaulting two young girls, Megan's Law required that states disclose their registries to the general public and not just law enforcement agencies.

Illinois was among the small number of states that had a law enforcement registry for sex offenders prior to the Wetterling Act. In 1986, Illinois enacted the Habitual Child Sex Offender Registration Act, which mandated registration for "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."²⁴ This first registry was only for law enforcement use, and included people who were released from state custody and had been convicted of the following four offenses: criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse (felony offense), or aggravated criminal sexual abuse. Since it was created, the General Assembly has amended the registry 23 times, each time adding new offenses or requirements (*Appendix D*).

As media profiled particular cases and the public became more concerned about sex offenders living in their communities, policymakers looked for ways to respond to their constituents' fears. One such legislative response occurred in 1995 when Delaware, Florida, and Michigan passed the first statewide residency restriction laws. Inspired by drug-free zoning laws that were passed in the 1980s, residency restrictions prohibited people convicted of sexual offenses from being in or near places where children tend to congregate, such as parks and schools.

²⁴ Illinois State Police. (2003). *Sex Offender Registration in Illinois*. Retrieved from: <http://www.isp.state.il.us/docs/sorstudy2003.pdf>

Today, Illinois is among 30 states, and hundreds of counties and municipalities across the country, that have sex offender residency restrictions. Enacted in 1998, Illinois' first residency restriction law prohibited people convicted of sex offenses involving children from loitering near schools. Over the next several years, the General Assembly added conditions, ultimately making it unlawful for people convicted of sex offenses to reside within "500 feet of a playground, child care institution, day care center, part day child care facility, day care home, group day care home, or a facility providing programs or services exclusively directed toward persons under 18 years of age."²⁵

The last significant federal example of sex offender legislation was the 2006 Adam Walsh Child Protection and Child Safety Act.²⁶ Championed by John Walsh, whose six-year-old son Adam was kidnapped and murdered in 1981, the Adam Walsh Act established several new programs and initiatives. This included the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office), which administers grants programs and provides technical assistance and research to states and local jurisdictions. The most significant part of the Adam Walsh Act is Title 1, the Sex Offender Registration and Notification Act (SORNA), which established uniform and comprehensive sex offender registration and notification requirements. Some of SORNA's most substantial requirements include implementing a three-tier registration system, which require people to register for 15 years, 25 years, or life depending the nature of their offense and criminal history; increasing the amount information that must be collected on the registry; expanding the crimes that require registration; requiring registration for juveniles who are at least 14 years old who are adjudicated delinquent for certain sexual offenses; and making the registry retroactive by requiring all people convicted of sex offenses register regardless of the date of conviction.

While SORNA required states to come into compliance by 2009, most states have objected to some aspects of the law, citing costs and questioning effectiveness. As of 2016, Illinois is one of 32 states that are not in substantial compliance (*Figure 4*).²⁷ Despite this fact, SORNA is an essential part of the country's sex offender management system as it sets legislative and programmatic terms that define the ways in which state and federal governments examine and make policy.

In reviewing the history that influenced the formation of Illinois' sex offender management system, three implications should be considered. First, as the above history shows, much of Illinois' sex offender management system was created out of federal and state legislative responses to specific high profile incidents that were in many ways atypical of most sexual offenses. For instance, cases involving child victims of strangers, many of which involved the kidnapping and/or

²⁵ 720 ILCS 5/11-9.3; 720 ILCS 5/11-9.4-1.

²⁶ Adam Walsh Child Protection and Safety Act of 2006, H.R. 4472. Retrieved from: https://www.justice.gov/archive/olp/pdf/adam_walsh_act.pdf. Notification requirements for Illinois are detailed in 730 ILCS 152/115.

²⁷ Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. (2017). *SORNA Implementation Status*. Retrieved from: <https://www.smart.gov/sorna-map.htm>

murder of the child, have driven the most significant changes in policy, including residency restrictions. Research shows, however, that these kinds of cases are far less common than those involving known persons who often have unrestricted access to their victims.²⁸

The second implication worth noting is the way in which sex offender policy has become part of national, state, and local politics. Historical analysis has shown that the electorate did not always hold lawmakers responsible for responding to specific crimes or trends in offending. For most of the 20th century, the public and lawmakers seemed to view crime as primarily a local issue for which law enforcement was responsible. It was not until the late 1960s that public perception began to shift, as those critical of existing policies started to blame crime rates on incumbent legislators and executives and argued instead for a tough-on-crime approach to lawmaking and governing.²⁹ When lawmakers in the 1980s began to use legislation to respond to high profile cases of child abuse and abduction, they drew upon this historical shift. This change had important consequences for sex offender policy. In the wake of a high profile sexual crime, for instance, constituents and media will typically expect lawmakers to respond through legislation, which will often bear the victim's name. Although federal and state lawmakers have broad oversight of the criminal justice system, their influence lies primarily in mandating and using funding to influence policies and practices at the local level. This form of federal and state statutory power tends to work by defining and constraining discretion exercised by local-level actors such as law enforcement officers and court officials. For this reason, federal and state mandates have led to implementation challenges, which can be observed in most states' unwillingness to fully comply with SORNA, as well as local agencies' struggles to implement sex offender management mandates.

Third, it is important to appreciate that Illinois' current sex offender management system was created in a relatively short period of time and when research on effective sexual offender management strategies was scarce. Through the late 1980s until the mid-2000s, states like Illinois transformed the way in which their criminal justice systems dealt with people convicted of sex offenses through strategies that had broad public support but were largely untested. While there exists more research today on the policies and practices that constitute our current system than when they were first enacted, more research is still needed to understand the most effective ways to reduce sexual victimization and reoffending. Illinois typifies the national experience. The Task Force discovered through its work that Illinois lacks sufficient evaluation of its current practices, as well as an inadequately funded infrastructure to inform and oversee the state's sex offender management system.

²⁸ Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. (2017). *Raising Awareness about Sexual Abuse: Facts and Statistics*. Retrieved from: <https://www.nsopw.gov/en-US/Education/FactsStatistics?AspxAutoDetectCookieSupport=1>

²⁹ Simon, J. (2007). *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. Oxford: Oxford University Press, USA.

Figure 4. Status of Illinois SORNA Requirement Compliance as of July 2016

<i>SORNA Requirement</i>	<i>Meets</i>	<i>Substantially Deviates*</i>	<i>Does Not Meet</i>
I. Immediate Transfer of Information			X
II. Offenses that Must be Included in the Registry		X	
III. Tiering of Offenses			X
IV. Required Registration Information		X	
IX. Verification/Appearance Requirements			X
V. Where Registration is Required	X		
VI. Initial Registration: Generally	X		
VII. Initial Registration: Retroactive Classes of Offenders		X	
VIII. Keeping the Registration Current			X
X. Public Registry Website Requirements			X
XI. Community Notification			X
XII. Failure to Register as a Sex Offender: State Penalty	X		
XIII. Sex Offender Fails to Appear for Registration	X		
XIV. Information that a Sex Offender may have Absconded	X		

* The deviations are determined to “not substantially disserve the purposes of the SORNA requirements in this section” per a review by the U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

Specific SORNA Requirements Illinois Has Not Met as of July 2016

- Three-tier registration system (Illinois has two tiers – 10-year and lifetime).
- Duration and frequency of registration based on a 3-tier system.
- 15-year minimum registration (Illinois has a 10-year minimum).
- Conspiracy to commit a sex offense and several federal and military offenses must trigger registration (these have been proposed in Illinois legislature, but have been unsuccessful).
- Digital copies of passports, immigration documents, vehicle information, and palm prints be collected at registration (many Illinois jurisdictions do not have the technology to comply).
- Other jurisdictions, the national registry, and the registry website be updated immediately upon registration (many Illinois jurisdictions do not have the technology to comply).
- The registration website must contain information on criminal history and employer address.
- The registry must be able to handle multiple addresses and phone numbers for an offender (the Illinois State Police use the Law Enforcement Agencies Data System, which does not allow for multiple entries).
- Active community notification system.

Source: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. *SORNA Substantial Implementation Review: State of Illinois*. Retrieved from: <https://www.smart.gov/pdfs/sorna/Illinois-hny.pdf>

Section III. Effective Statewide Oversight

Before turning to a review of the Task Force’s Process, Principles, and Research Summaries, it is important to describe the current state of Illinois’ infrastructure dedicated to overseeing state and local sex offender policies and practices. This existing infrastructure presents significant obstacles in complying with the Task Force’s mandate and will hinder efforts to improve the state’s sex offender management system to promote public safety.

National experts recommend states promote effective supervision and treatment of individuals convicted of sex offenses through Sex Offender Management Boards (SOMB). SOMBs are mandated to establish statewide standards for classifying, treating, and managing those convicted of sex offenses, certify agencies and professionals who provide treatment and supervision, conduct quality assurance oversight, and recommend legislation and policy changes.³⁰

Illinois has had a SOMB since 1997. By statute, Illinois’ SOMB is made up of 22 members from various local and state law enforcement, community corrections, public defender, victim services, and sex offender treatment provider agencies.³¹ Similar to model SOMBs, Illinois’ SOMB covers a wide range of activities. It is tasked with assisting “in the education and training of parole, probation, law enforcement, treatment providers and others involved in the management of sex offenders. . . [and] standardiz[ing] 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.”³² Its mandate includes standardizing the procedures for assessment and management of sex offenders and periodically reviewing and modifying those procedures so that they reflect current best practices. These procedures are to be used by probation departments, the Department of Corrections, Department of Juvenile Justice, and Department of Human Services. It conducts about two trainings per year to a broad group of practitioners, including local law enforcement, probation and parole personnel, and treatment providers.

While Illinois’ SOMB is well-designed in some ways, it departs from best practice in key areas. First, other states allocate sufficient funding and resources to support their SOMBs’ core activities. This includes dedicated funding for executive directors who have the appropriate knowledge and skills to oversee the Illinois SOMB, administrative staff, researchers, and, in some instances, investigative staff. Despite Illinois’ SOMB’s mandate, it is unsupported by general revenue and relies entirely on a portion of fees collected from the registry to conduct mandated training, which is approximately \$100,000 per year.³³

Illinois’ SOMB also does not employ staff and relies upon the expertise of appointed members who are representatives of a number of state agencies affected by existing sex offender statutes.

³⁰ An example of this is Colorado’s SOMB. See <https://www.colorado.gov/dcj>

³¹ Sex Offender Management Board Act, 20 ILCS 4026/15

³² Sex Offender Management Board Act, 20 ILCS 4026

³³ Information provided by the Illinois Department of Corrections

Illinois' SOMB's mandate is thus carried out by individuals who have other primary responsibilities. It does not have the staff needed to adequately research best practices, update assessment and management procedures, conduct needed training, and certify and audit entities and professionals carrying out supervision and treatment. Laudably, Illinois' SOMB carries out important functions, such as setting statewide standards, despite its lack of funding and resources. However, to ensure good practice is being implemented, more resources are needed. As currently constituted, Illinois' SOMB cannot adequately conduct the auditing and oversight required to guarantee high quality treatment and supervision is provided and maintained.

Second, Illinois' SOMB is neither housed under any specific organization, nor does it have a set office or location. By default, it falls under the agency of the chairperson, who is appointed by the Governor and Attorney General. The chairperson must facilitate and organize Illinois' SOMB's work while also managing his or her regular agency responsibilities. Illinois' SOMB's ability to promote best practices, including suggesting legislative and administrative rule policies is limited by its lack of independence. Without independence, Illinois' SOMB members may be unable to make recommendations their respective agencies do not support. Promoting best practices is difficult when they do not coincide with individual agency goals and procedures.

Third, Illinois' SOMB lacks the ability to ensure treatment and supervision provided by various agencies and professionals is appropriate or effective as a process for auditing. Moreover, it is not feasible for Illinois' SOMB to evaluate programs and policies given current funding and staffing levels. Core activities commonly overseen by SOMBs in other states, such as certification and licensing, have been relegated to the Illinois Department of Financial and Professional Regulation, though it has not been authorized to regulate treatment or management. While experienced in licensing processes and practices, the Illinois Department of Financial and Professional Regulation neither has the specific expertise in sex offender treatment and management to provide quality assurance, nor the resources needed to build that capacity. Licensing and certification are not enough to ensure high quality treatment and management. Guaranteeing high quality treatment and management is a function of three things: (1) setting standards that are evidence-based, (2) identifying and certifying agencies and professionals qualified to carry out those standards, and (3) conducting systematic and comprehensive quality assurance oversight to ensure those certified are indeed implementing specified standards. With its current system, Illinois lacks the capacity to ensure the treatment and supervision being carried out by various agencies and professionals is appropriate and effective.

Section IV. Task Force Process, Principles, and Research Summaries

At its inaugural meeting, the Task Force agreed to refine its mandated deliverables. First, members agreed that the Task Force’s language required a singular focus on adult persons convicted of a sex offense and on the registry, rather than on juveniles, since the Illinois Juvenile Justice Commission examined this issue in its 2014 report, “Improving Illinois’ Response to Sexual Offenses Committed by Youth.”³⁴ Second, the Task Force adopted the following set of guiding principles to frame its work:

1. *Protect Public Safety*: Laws and policies that govern sex offender registration and management should enhance public safety.
2. *Use Evidence-Informed Practices*: Illinois laws and policies should be informed by research and practices shown to protect victims and reduce future offenses.
3. *Allocate Resources Efficiently*: The state’s limited public resources should be invested in programs that do the most to prevent offending, lower recidivism, and improve outcomes for victims, families, and communities. Funding priority should be given to strategies that have demonstrated success.
4. *Make Decisions Based on Assessments*: To better protect communities, law enforcement agencies should be able to differentiate between people who have high, moderate, and low risks and needs. Individualized assessments should be the basis for determining appropriate sanctions, treatments, and supervision.
5. *Hold Individuals and Systems Accountable*: People should be held accountable for the harm they have caused to victims and communities with punishment that is proportional to the offense. The justice system also should be held accountable for preventing offenses, reducing recidivism, increasing public safety, wisely using scarce resources, and supporting people in their efforts to lead positive and productive lives.

At the Task Force’s second meeting, members decided to focus on three interrelated subject matters: sex offender recidivism and the efficacy of treatment, risk assessment, and the impact of registration and residency restrictions. In choosing these subjects, the Task Force’s goal was to use its meetings to build a foundation of knowledge that would allow members to examine how Illinois sex offender law and policy compared to existing scientific knowledge.

ICJIA staff recruited national and international experts who generously donated their time to give presentations at the Task Force’s remaining meetings on what research shows is effective. ICJIA

³⁴ Illinois Juvenile Justice Commission. (2014). *Improving Illinois’ Response to Sexual Offenses Committed by Youth*. Retrieved from: <http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/IJJC%20-%20Improving%20Illinois%27%20Response%20to%20Sexual%20Offenses%20Committed%20by%20Youth%20updated.pdf>

research staff then used state-level data and worked with state and local practitioners to provide members a picture of what the particular subject matter looked like in Illinois. The Task Force then discussed how to incorporate the research and best practices for has shown to be effective at reducing sexual offending into the sex offender management system.

A. Sex Offender Recidivism and the Efficacy of Treatment

Recidivism measures the rate at which people are rearrested, reconvicted, or reincarcerated. This measure is limited due to the fact that most sexual offenses go unreported.³⁵ According to the National Crime Victimization Survey, about 34 percent of rape or sexual assault victims between 2007 and 2015 reported the incident to police (944,330 of 2,779,481).³⁶ Detecting the true recidivism rate is further challenged by the various ways in which researchers have defined recidivism, what offenses are included, the lengths of time considered, and differences in the populations examined. Recidivism can be defined in different ways, and, depending on the study, may include rearrest, reconviction, or reincarceration. Studies in which rearrest is examined, for instance, will show higher overall recidivism rates than those using reconviction. This winnowing dynamic is especially pronounced for sexual offending, given that victims of sexual crimes are often reluctant to report their assaults to law enforcement,³⁷ and even fewer move toward arrest and conviction due to a host of factors, including the difficulty in securing convictions (*Figure 5*). Additionally, as most convictions stem from plea deals, the charge a person is convicted of does not necessarily have a direct relationship to the offense for which he or she was committed or arrested.

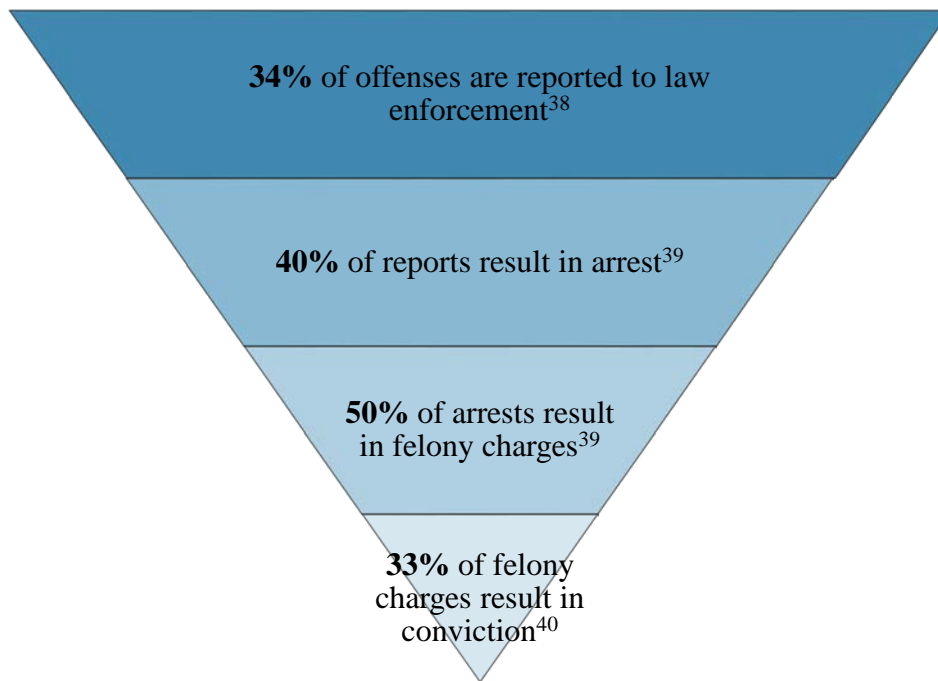
Differences in what constitutes sexual offending and follow-up period variations used also notably impact the recidivism rates reported across different studies. Studies that used shorter follow-up periods or more narrow definitions for what constituted sexual offenses inevitably produced much lower recidivism rates. Recidivism rates are impacted by the individuals being studied. Research is clear that sex offenders are not a monolithic group, so it should not be surprising that studies examining the recidivism rates of offender subpopulations (e.g., males versus female) produce rates that are dissimilar and non-representative.

³⁵ For information on recidivism and treatment, the Task Force relied on the expertise of Roger Przybylski, a researcher who has done extensive work for the U.S. Department of Justice Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking Office. Mr. Przybylski gave an overview of SMART's Sex Offender Management, Assessment, and Planning Initiative, which summarized 15 years of findings from scientifically rigorous research and evaluations of sex offender management.

³⁶ Bureau of Justice Statistics. *Number of rape/sexual assaults by reporting to police, 2007-2015*. Generated using the NCVS Victimization Analysis Tool at www.bjs.gov on 14-Dec-17.

³⁷ Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. (2017). *Raising Awareness about Sexual Abuse: Facts and Statistics*. Retrieved from: <https://www.nsopw.gov/en-US/Education/FactsStatistics?AspxAutoDetectCookieSupport=1>

Figure 5. Attrition Rate for Sexual Offense Reporting



Sources: Bureau of Justice Statistics, 2017³⁸; Chandler & Torney, 1981; LaFree, 1980³⁹; Cohen & Kyckelhahn, 2010⁴⁰

Although it is important to acknowledge the limitations of existing recidivism rates, no data source exists on the precise rate of sexual offending and reoffending. As such, recidivism remains the best measure available for determining risk to public safety and is therefore an invaluable tool to assess the risk people pose to public safety and the efficacy of particular interventions.

Overall, research literature suggests the recidivism rate for persons convicted of sex crimes range from 5 percent after 3 years to 24 percent after 15 years.⁴¹ Researchers also have found that sexual recidivism varies markedly among offenders. The highest sexual recidivism rates are found among child molesters who offend against boys compared to recidivism rates for rapists, child molesters

³⁸ Bureau of Justice Statistics. *Number of rape/sexual assaults by reporting to police, 2007-2015*. Generated using the NCVS Victimization Analysis Tool at www.bjs.gov on 14-Dec-17.

³⁹ Chandler, S. M., Torney, M. (1981). The decisions and processing of rape victims through the criminal justice system. *California Sociologist*, 4, 155-169.; LaFree, G. D. (1981). Official reactions to social problems: Police decisions in sexual assault cases. *Social Problems*, 28, 582-594.

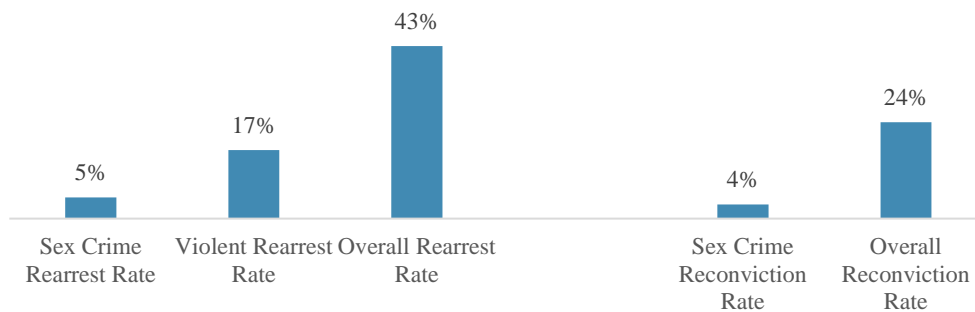
⁴⁰ Cohen, T.H. & Kyckelhahn, T. (2010). *Felony Defendants in Large Urban Counties, 2006*. Bureau of Justice Statistics: Washington, DC. Retrieved from: <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=2193>

⁴¹ Harris, A.J.R., & Hanson, R.K. (2004). *Sex Offender Recidivism: A Simple Question*. Ottawa, Ontario, Canada: Public Safety and Emergency Preparedness Canada.

who victimize girls, and incest offenders.⁴² Research also shows a profound difference between males and females convicted of sex offenses. Female sex offenders have significantly lower rates of sexual recidivism than males: within five years, 13 percent of males were found to be convicted of another sexual offense, while just 1 percent of female sex offenders were found to be convicted of another sexual offense.⁴³

Researchers have also consistently found that people convicted of sex offenses are more likely to be rearrested, reconvicted, or reincarcerated for non-sex offenses than sex offenses.⁴⁴ The largest study of sexual recidivism to date, using a three-year follow-up period on 9,961 male sex offenders, found that sex offenders have lower rates of recidivism than non-sex offenders (*Figure 6*).⁴⁵ The same study also found that people convicted of sexual offenses have higher recidivism rates for general recidivism than they do for sexual recidivism, though sex offenders are more likely to be convicted of sex offenses than people who previously have not been convicted of a sex offense.

Figure 6. Three-Year Rearrest and Reconviction Rates of Male Sex Offenders Released from Prisons in 1994 (n=9,961)



⁴² Harris, A.J.R., & Hanson, R.K. (2004). *Sex Offender Recidivism: A Simple Question*. Ottawa, Ontario, Canada: Public Safety and Emergency Preparedness Canada

⁴³ Cortoni, F., & Hanson, R.K. (2005). *A Review of the Recidivism Rates of Adult Female Sex Offenders*. Research Report No. R-169. Ottawa, Ontario, Canada: Correctional Service of Canada.

⁴⁴ Langan, P., Schmitt, E., & Durose, M. (2003). *Recidivism of Sex Offenders Released From Prison in 1994*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

⁴⁵ Langan, P., Schmitt, E., & Durose, M. (2003). *Recidivism of Sex Offenders Released From Prison in 1994*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

These differences in sexual recidivism rates highlight the need for policymakers to treat sex offenders as a heterogeneous group comprised of individuals whose criminogenic needs are more indicative of their risk to reoffend than their conviction status. Positive treatment effects for various sub-groups have been noted, even when positive effects were not discovered for the entire treatment group.⁴⁶ While experts acknowledge that more research is needed to assess the efficacy of sex offender treatment, there is a relatively consistent and growing body of evidence that suggests treatment is more effective at reducing sexual offending when it takes into account the differences among kinds of sex offenders using the Risk, Need, and Responsivity (RNR) principles.⁴⁷ RNR is an evidence-based framework that addresses the assessed risk a person has of re-offending, the needs that influence a person's criminal behavior, and the level and intensity of programming necessary to produce positive outcomes. Other treatment characteristics associated with improved outcomes include cognitive behavioral therapy, completion of treatment, and aftercare.⁴⁸ In sum, it is estimated that effective treatment modalities and aftercare can reduce sexual recidivism by 5 to 8 percent over a five-year period⁴⁹ and produce measurable savings.⁵⁰

While there is not an abundance of information on sexual recidivism research specifically on Illinois' sex offender population, existing state data and research track the overall patterns established by national research. An Illinois study examining the recidivism of sex offenders released from the Illinois Department of Corrections in 2001 confirmed that rates of rearrest for

⁴⁶ Marques, J.K., Wiederanders, M., Day, D.M., Nelson, C., & van Ommeren, A. (2005). Effects of a relapse prevention program on sexual recidivism: Final results from California's Sex Offender Treatment and Evaluation Program (SOTEP). *Sexual Abuse: A Journal of Research and Treatment*, 17, 79–107.

⁴⁷ Duwe, G., & Goldman, R. (2009). The impact of prison-based treatment on sex offender recidivism: Evidence from Minnesota. *Sexual Abuse: A Journal of Research and Treatment*, 21, 279–307.; Hanson, R.K., Bourgon, G., Helmus, L., & Hodgson, S. (2009). *A Meta-Analysis of the Effectiveness of Treatment for Sex Offenders: Risk, Need, and Responsivity*. Ottawa, ON: Public Safety Canada.; Lösel, F., & Schmucker, M. (2005). The effectiveness of treatment for sex offenders: A comprehensive meta-analysis. *Journal of Experimental Criminology*, 1, 117–146.; Lowden, K., Hetz, N., Patrick, D., Pasini-Hill, D., Harrison, L., & English, K. (2003). *Evaluation of Colorado's Prison Therapeutic Community for Sex Offenders: A Report of Findings*. Denver, CO: Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.; MacKenzie, D.L. (2006). *What Works in Corrections: Reducing the Criminal Activities of Offenders and Delinquents*. New York: Cambridge University Press.; Olver, M., Wong, S., & Nicholaichuk, T.P. (2008). Outcome evaluation of a high-intensity inpatient sex offender treatment program. *Journal of Interpersonal Violence*, 24, 522–536.; Schmucker, M. & Lösel, F. (2015). The effects of sexual offender treatment on recidivism: An international meta-analysis of sound quality evaluations. *Journal of Experimental Criminology*, 11(4), 597-630.

⁴⁸ Lösel, F., & Schmucker, M. (2005). The effectiveness of treatment for sex offenders: A comprehensive meta-analysis. *Journal of Experimental Criminology*, 1, 117–146.; Lowden, et al. (2003). *Evaluation of Colorado's Prison Therapeutic Community for Sex Offenders: A Report of Findings*. Denver, CO: Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

⁴⁹ Rice, M. E. & Harris, G. T. (2003). The size and signs of treatment effects in sex offender therapy. *Annals of the New York Academy of Sciences*, 989, 428–440.

⁵⁰ Drake, E.K., Aos, S., & Miller, M. (2009). Evidence-based public policy options to reduce crime and criminal justice costs: Implications in Washington State. *Victims and Offenders*, 4, 170–196.

sexual crimes were lower than rates for non-sexual crime and younger releasees were more likely to be rearrested than older ones.⁵¹ An older, larger study corroborated national findings that recidivism rates vary by offense type.⁵²

In 2017, the Illinois Criminal Justice Information Authority received a grant from the U.S. Department of Justice Bureau of Justice Statistics to determine the historic recidivism rates of individuals on the Illinois Sex Offender Registry using multiple sources of data. Of particular interest will be whether these recidivism rates differ by type of sexually motivated crime, particularly regarding the characteristics of victims (child vs. adult, male vs. female, etc.). Project completion is estimated in the fall of 2018.

The Task Force found a lack of available information on how people convicted of sex offenders in the criminal justice system access mandated treatment across the state and the quality of that treatment. One reason for this lack of information is that while services are certified by the state Department of Financial and Professional Regulation, treatment happens at the local level without monitoring for treatment effectiveness or to ensure provider fidelity to evidence-based principles and practices. This lack of local-level data points to a clear need for greater oversight capacity for sex offender treatment and supervision.

B. Risk Assessment

Risk assessment tools are used by system actors to measure an individual's risk or likelihood to reoffend.⁵³ These tools analyze factors such as criminal history, attitudes, mental health, age, and other factors that research has found to predict reoffending. There are two general types of assessments used: structured and unstructured. Validated, structured risk assessments have consistently demonstrated far more accuracy in predicting risk than unstructured risk assessments, even those completed by clinicians.⁵⁴ Structured risk assessment tools use predetermined sets of closed-ended questions to assess a person's risk. Examples of validated sex offender risk

⁵¹ Orchowsky, S. & Iwama, J. (2009). *Improving State Criminal History Records: Recidivism of Sex Offenders Released in 2001*. Washington, DC: Justice Research and Statistics Association.

⁵² Sample, L.L. & Bray, T.M. (2006). Are sex offenders different? An examination of rearrest patterns. *Criminal Justice Policy Review*, 17(1), 83-102.

⁵³ The Task Force consulted with Dr. R. Karl Hanson, Senior Research Officer with Public Safety Canada, and one of the world's leading authorities on risk assessment and sexual offending. Dr. Hanson provided members with an overview of risk assessment and how it should be used to monitor and treat people convicted of sex offenses.

⁵⁴ Harris, G. T., & Rice, M. E. (2007). Characterizing the value of actuarial violence risk assessments. *Criminal Justice and Behavior*, 34(12), 1638–1658.

assessment tools include the Static-99R/Static-2002-R,⁵⁵ STABLE-2007,⁵⁶ SOTIPS,⁵⁷ and SVR-20.⁵⁸ Evaluations of risk assessment tools indicate that when professionals administering an assessment substitute their judgment for the tool's risk determination, they tend to degrade the assessment's accuracy.⁵⁹

Research findings support a five-tier risk and needs system in which an individual's static (unchangeable, such as age or history) and dynamic (changeable, such as attitudes or mental health) factors are assessed by validated tools and the individual is sorted into one of five categories that guide case management.⁶⁰ The five categories range from very low (risk) to well above average (*Figure 7*). Identifying the appropriate risk level is important because when low- and high-risk individuals are similarly categorized, as with Illinois' broad statutory usage of the term "sexual predator," law enforcement and community members are unable to distinguish among those individuals at significant risk for reoffending and those who are not. This mingling of populations not only frustrates the ability of law enforcement agencies and communities to provide appropriate supervision and treatment of high-risk offenders, but also can lead to making low risk offenders worse, as research shows treating low risk people like high risk people can increase the likelihood that they will re-offend.⁶¹

⁵⁵ Hanson, R. K., Babchishin, K. M., Helmus, L. M., Thornton, D., & Phenix, A. (2017). Communicating the Results of Criterion Referenced Prediction Measures: Risk Categories for the Static-99R and Static-2002R Sexual Offender Risk Assessment Tools. *Psychological Assessment*, 29(5), 582-597. Retrieved from: <https://www.ncbi.nlm.nih.gov/pubmed/27618202>

⁵⁶ Hanson, R.K., Harris, A.J.R., Scott, T., & Helmus, L. (2007). *Assessing the risk of sexual offenders on community supervision: The Dynamic Supervision Project*. Retrieved from: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ssssng-rsk-sxl-ffndrs/index-en.aspx>

⁵⁷ McGrath, R.J., Cumming, G.F., & Lasher, M.P. (2013). *SOTIPS: Sex Offender Treatment Intervention and Progress Scale Manual*. Retrieved from: <http://www.csom.org/pubs/SOTIPSMANUALOctober2013.pdf>

⁵⁸ Rettenberger, M., Hucker, S.J., Boer, D.P., & Eher, R. (2009). The reliability and validity of the Sexual Violence Risk-20 (SVR-20): An international review. *Sexual Offender Treatment*, 4(2).

⁵⁹ Harris, G. T., & Rice, M. E. (2007). Characterizing the value of actuarial violence risk assessments. *Criminal Justice and Behavior*, 34(12), 1638–1658.

⁶⁰ Hanson, R.K., Bourgon, G., McGrath, R.J., Kroner, D., D'Amora, D.A. ... Tavaréz, L.P. (2017). *A Five-Level Risk and Needs System: Maximizing Assessment Results in Corrections Through the Development of a Common Language*. Lexington, KY: The Council of State Governments Justice Center. Retrieved from: https://csgjusticecenter.org/wp-content/uploads/2017/01/A-Five-Level-Risk-and-Needs-System_Report.pdf

⁶¹ Lovins, B., Lowenkamp, C.T., Latessa, E.J. (2009). Applying the risk principle to sex offenders: Can treatment make some sex offenders worse? *The Prison Journal*, 89(3), 344-357. Retrieved from <https://cjonline.uc.edu/resources/criminal-justice-research/applying-the-risk-principle-to-sex-offenders-can-treatment-make-some-sex-offenders-worse/>

Figure 7. Five Levels for General Offending Risk/Needs Assessment

I Very Low Risk	Prosocial, unlikely to reoffend	
II Below Average	Minor concerns	
III Average	Typical problems for individuals with a sexual offense history	
IVa Above Average	History of rule violation, Problems with sexual self-regulation, few strengths	Chronic problems
IVb Well Above Average		Increase in number and severity

Source: Hanson et al., 2017

When properly implemented, assessment tools are used to guide sanctions, treatment, and supervision. Evidence-based practices for effective interventions not only prioritize services using risk assessment, but also use the findings to target individual motives for offending and determine the appropriate programming dosage.⁶² To ensure assessments track the ways in which programming and other events affect a person’s risk, research finds that assessments should be regularly reviewed for each individual—ideally once a year, but minimally once every two years.

While release planning and evidence-based treatment are key components of successful behavior change, research has also established the greatest predictor of risk reduction is the length of time a convicted person lives in the community without re-offending. The longer a convicted person desists from criminal behavior, the lower his or her risk. When a convicted person has been crime free for a certain period of time, he or she meets what research terms the desistance threshold. This is the point at which a convicted person’s risk is at the same level as the general population. Research indicates that individuals convicted of sexual offenses reach the desistance threshold at 10 years of offense-free community living.⁶³

As the Task Force found in its analysis of state and local use of recidivism and treatment programming, the state lacks robust information on the use of risk assessment to address sexual offending. Illinois probation departments use the LSI-R™ and the Illinois Department of

⁶² Bogue, B., Woodward, B., Campbell, N.M., Clawson, E., & Faust, D. (2004). *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention*. Retrieved from <https://nicic.gov/implementing-evidence-based-practice-community-corrections-principles-effective-intervention-0>

⁶³ Hanson, R.K., Harris, A.J.R., Helmus, L., & Thornton, D. (2014). High-risk sex offenders may not be high risk forever. *Journal of Interpersonal Violence*, 29(15), 2792 – 2813.; Hanson, R.K., Harris, A.J.R., Letourneau, E., Helmus, L.M., & Thornton, D. (2017, in press). Reductions in risk based on time offense free in the community: Once a sexual offender, not always a sexual offender. *Psychology, Public Policy, & Law*.

Corrections is planning to implement SPIN™, both of which measure general offending risk. Little information is available on how often sexual offending risk is assessed, what tool is used, and who administers the tool. In addition, the state lacks the capacity to monitor local program assessment and treatment methods for quality assurance. Finally, by statute, Illinois has a “two-tier” sex offender registration system: 10-year and lifetime registration. Registry placement is based on conviction, rather than the individual’s level of risk. There is no way to petition off the registry even after reaching the desistance threshold.⁶⁴

C. Registration, Notification, and Residency Restrictions

Sex offender registration and notification is intended to serve as an investigative tool for law enforcement and to bolster public safety and deter sexual offending.⁶⁵ Surveys show that the public favors a freely available registry⁶⁶ and law enforcement considers the registry a valuable investigatory tool. Research has not established, however, whether sex offender registration and notification have any effect on the sexual crime rate,⁶⁷ and most studies find no reduction in sexual recidivism as a result of sex offender registration and notification.⁶⁸

⁶⁴ Illinois law provides that juveniles can petition off the registry under certain circumstances. 730 ILCS 150/3-5.

⁶⁵ To study registration, notification, and residency restrictions, the Task Force relied on the expertise of Chris Lobanov-Rostovsky, the Program Manager for Colorado’s Sex Offender Management Board. Mr. Lobanov-Rostovsky’s presentation also was based on the SMART Sex Offender Management, Assessment, and Planning Initiative’s (SOMAPI) 15-year collection of research evaluating the effectiveness of sex offender management programs.

⁶⁶ Anderson, A.L., & Sample, L.L. (2008). Public awareness and action resulting from sex offender community notification laws. *Criminal Justice Policy Review*, 19(4), 371–396.; Brannon, Y.N., Levenson, J.S., Fortney, T., & Baker, J.N. (2007). Attitudes about community notification: A comparison of sexual offenders and the non-offending public. *Sexual Abuse*, 19, 369–379.; Lieb, R., & Nunlist, C. (2008). Community Notification as Viewed by Washington’s Citizens: A 10-Year Follow-Up. Olympia, WA: Washington State Institute for Public Policy. Retrieved from: <http://www.wsipp.wa.gov/rptfiles/08-03-1101.pdf>; Phillips, D. (1998). Community Notification as Viewed by Washington’s Citizens. Olympia, WA: Washington State Institute for Public Policy. Retrieved from: <http://www.wsipp.wa.gov/rptfiles/CnSurvey.pdf>; Zevitz, R.G., & Farkas, M.A. (2000). Sex Offender Community Notification: Assessing the Impact in Wisconsin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

⁶⁷ Holmes (Didwania), S. (2009; revised 2012). An Empirical Analysis of Registration and Notification Laws for Juvenile Sex Offenders. Working Paper Series. Retrieved from: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1710745; Letourneau, E.J., Levenson, J.S., Bandyopadhyay, D., Armstrong, K.S., & Sinha, D. (2010). Effects of South Carolina’s sex offender registration and notification policy on deterrence of adult sex crimes. *Criminal Justice and Behavior*, 37(5), 537–552.; Prescott, J.J., & Rockoff, J.E. (2008). Do Sex Offender Registration and Notification Laws Affect Criminal Behavior? Retrieved from: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1100663; Walker, J.T., Maddan, S., Vasquez, B.E., VanHouten, A.C., & Ervin-McLarty, G. (2006). The Influence of Sex Offender Registration and Notification Laws in the United States. Retrieved from www.reentry.net/library/attachment.86354.

⁶⁸ Adkins, G., Huff, D., and Stageberg, P. (2000). The Iowa Sex Offender Registry and Recidivism. Des Moines, IA: Iowa Department of Human Rights; Duwe, G., & Donnay, W. (2008). The impact of Megan’s Law on sex offender

Residency restrictions refer to the rules limiting where people convicted of sex offenses are allowed to live. Intended to protect children, residency restrictions define how close sex offenders are allowed to live to schools, daycare centers, parks, and other places where people under 18 congregate. No research was available on whether these kinds of restrictions would prevent sexual offending prior to implementation in states and local jurisdictions across the nation. Since that time, research has shown residency restrictions neither lead to reductions in sexual crime⁶⁹ or recidivism,⁷⁰ nor do they act as a deterrent.⁷¹ One reason for this null finding is that while residency restrictions were premised on preventing sexual abuse by strangers, research has shown most offenders are not strangers to their victims and abuse tends to happen in a private residence rather than identified public locations.⁷² At the same time, registry restrictions produce collateral

recidivism: The Minnesota experience. *Criminology*, 46(2), 411–446.; Lasher, M. P., & McGrath, R. J. (2012; 2010). The impact of community notification on sex offender reintegration: A quantitative review of the research literature. *International Journal of Offender Therapy and Comparative Criminology*, 56(1), 6-28.; Letourneau, E., Levenson, J. S., Bandyopadhyay, D., Sinha, D., & Armstrong, K. (2010). Effects of South Carolina's sex offender registration and notification policy on adult recidivism. *Criminal Justice Policy Review*, 21(4), 435–458.; Sandler, Jeffrey & J. Freeman, Naomi & Socia, Kelly. (2008). Does a Watched Pot Boil? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law. *Psychology, Public Policy, and Law*, 14, 284-302. 10.1037/a0013881; Schram, D., and Milloy, C.D. (1995). Community Notification: A Study of Offender Characteristics and Recidivism. Olympia, WA: Washington State Institute for Public Policy. Retrieved from: <http://www.wsipp.wa.gov/pub.asp?docid=95-10-1101> ; Washington State Institute for Public Policy (WSIPP) (2005). Sex Offender Sentencing in Washington State: Has Community Notification Reduced Recidivism? Olympia, WA: Washington State Institute for Public Policy. Retrieved from: <http://www.wsipp.wa.gov/rptfiles/05-12-1202.pdf>; Zevitz, R.G. (2006). Sex offender community notification: Its role in recidivism and offender reintegration. *Criminal Justice Studies*, 19(2), 193–208.; Zgoba, K., & Bachar, K. (2009). Sex Offender Registration and Notification: Limited Effects in New Jersey. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. Retrieved from: <http://www.ncjrs.gov/pdffiles1/nij/225402.pdf>

⁶⁹ Blood, P., Watson, L., & Stageberg, P. (2008). State Legislation Monitoring Report. Des Moines, IA: Criminal and Juvenile Justice Planning.; Socia, K. (2012). The efficacy of county-level sex offender residence restrictions in New York. *Crime & Delinquency*, 58, 612.

⁷⁰ Colorado Department of Public Safety (2004) Report on Safety Issues Raised by Living Arrangements for and Location of Sex Offenders in the Community. Denver, CO: Colorado Sex Offender Management Board. Retrieved from: http://dcj.state.co.us/odysom/sex_offender/SO_Pdfs/FullSLAFinal.pdf ; Nobles, M.R., Levenson, J.S., & Youstin, T.J. (2012). Effectiveness of residence restrictions in preventing sex offense recidivism. *Crime and Delinquency*, 58, 491; Socia, K. (2012). The efficacy of county-level sex offender residence restrictions in New York. *Crime & Delinquency*, 58, 612; Zandbergen, P.A., Levenson, J.S., & Hart, T. (2010). Residential proximity to schools and daycares: An empirical analysis of sex offense recidivism. *Criminal Justice and Behavior*, 37(5), 482–502.

⁷¹ Duwe, G., & Donnay, W. (2008). The impact of Megan's Law on sex offender recidivism: The Minnesota experience. *Criminology*, 46(2), 411–446.

⁷² Burchfield, K. B., & Mingus, W. (2014). Sex offender reintegration: Consequences of the local neighborhood context. *American Journal of Criminal Justice*, 39(1), 109-124.; Cohen, M., & Jeglic, E. L. (2007). Sex offender legislation in the United States: What do we know? *International Journal of Offender Therapy and Comparative Criminology*, 51(4), 369-383.; Colombino, N., Mercado, C. C., & Jeglic, E. L. (2009). Situational aspects of sexual offending: Implications for residence restriction laws. *Justice Research and Policy*, 11, 27-43.; Mercado, C.C., Jeglic, E., Markus, K, Hanson, R.K., & Levenson, J. (2011). *Sex Offender Management, Treatment, and Civil*

consequences that stem from the inability to secure stable housing and employment or meaningfully participate in civic, social, or religious activities. Many of these collateral consequences weaken protective factors that reduce the risk of criminal behavior, such as family support, and aggravate factors that increase risk, such as homelessness⁷³ or unemployment.⁷⁴

People in Illinois who are convicted of a sex offense are subject to a number of state and local restrictions regarding presence, residency, and other activities. By Illinois statute, most of these restrictions apply to people convicted of child sex offenses, forbidding this population from being present or living “within 500 feet of a playground, child care institution, day care center, part day child care facility, day care home, group day care home, or a facility providing programs or services exclusively directed toward persons under 18 years of age.”⁷⁵ State law also prohibits this population from residing “500 feet of the victim of the sex offense.” By law and policy, the Illinois Department of Corrections and the Prisoner Review Board apply these and other restrictions to people on MSR, including forbidding living in homes with internet access. As noted above, these MSR restrictions cause many people to be in violation of their parole conditions and to be imprisoned for the duration of their MSR, who have been convicted of “predatory sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault” after July 1, 2005, or of “aggravated child pornographers ... manufacture of child pornography, or dissemination of child pornography” after January 1, 2009 could last their entire life if they remain unable to find eligible housing. The Task Force did not analyze county or municipal specific restrictions.

Commitment: An Evidence Based Analysis Aimed at Reducing Sexual Violence. John Jay College of Criminal Justice, New York, NY. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/243551.pdf>

⁷³ At the December 6th meeting, the Commanding Officer of the Chicago Police Department’s Criminal Registration Unit presented the Task Force with a map illustrating the scarcity of housing available to sex offenders, noting that the lack of this important resource had a relationship with deception by registrants and inaccuracies in the registry. This map was not able to be obtained for inclusion with this report by the time of publishing.

⁷⁴ Barnes, J.C., Dukes, T., Tewksbury, R., & De Troye, T.M. (2009). Analyzing the impact of statewide residence restriction law on South Carolina sex offenders. *Criminal Justice Policy Review*, 20(1), 21–43.; Chajewski, M., & Mercado, C.C. (2008). An evaluation of sex offender residence restrictions functioning in town, county, and city-wide jurisdictions. *Criminal Justice Policy Review*, 20(1), 44–61.; Levenson, J.S. (2008). Collateral consequences of sex offender residence restrictions. *Criminal Justice Studies*, 21(2), 153–166.; Levenson, J.S., & Cotter, L.P. (2005). The impact of sex offender residence restrictions: 1,000 feet from danger or one step from absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49(2), 168–168.; Tewksbury, R., & Zgoba, K. (2010). Perceptions and coping with punishment: How registered sex offenders respond to stress, Internet restrictions and the collateral consequences of registration. *International Journal of Offender Therapy and Comparative Criminology*, 54(4), 537–551.

⁷⁵ 720 ILCS 5/11-9.3(b-15). “Nothing in this subsection (b-10) prohibits a child sex offender from residing within 500 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age if the property is owned by the child sex offender and was purchased before July 7, 2000. Nothing in this subsection (b-10) prohibits a child sex offender from residing within 500 feet of a child care institution, day care center, or part day child care facility if the property is owned by the child sex offender and was purchased before June 26, 2006. Nothing in this subsection (b-10) prohibits a child sex offender from residing within 500 feet of a day care home or group day care home if the property is owned by the child sex offender and was purchased before August 14, 2008 (the effective date of Public Act 95-821).”

Section V. Task Force Recommendations

On December 6, 2017, the final meeting of the Task Force, members approved the recommendations described in this section. While the Task Force's diverse membership expressed broad support for these recommendations, members were unanimous that their support was contingent on two interrelated imperatives. First, the approval of the recommendations were contingent on sufficient state funding to implement these recommendations. During Task Force meetings, members heard and discussed the challenges facing Illinois' communities and government agencies in providing effective supervision, management, and treatment of sex offenders. A consistent theme was the lack of available funding. Second, the approval of the recommendations were contingent on the state ensuring that implementation takes into account the diversity of needs across Illinois communities and jurisdictions. Policies and practices that may work in one part of Illinois may not be possible or applicable in other areas of the state. While the state should encourage evidence-informed policies and practices, it must do so in a manner that allows for flexibility and appropriate local adaptation and innovation.

A. Support Infrastructure that Promotes Effective Sex Offender Management

National experts recommend states promote effective supervision and treatment of individuals convicted of sex offenses through Sex Offender Management Boards (SOMB). SOMBs are statutorily defined groups mandated to: (1) establish statewide standards for classifying, treating, and managing those convicted of sex offenses, (2) certify agencies and professionals who provide treatment and supervision, (3) conduct quality assurance oversight, and (4) recommend legislation and policy changes.⁷⁶ An adequately funded infrastructure to inform and oversee the state's sex offender population is essential to promote effective sex offender management. Given the research cited above, the Task Force recommends that Illinois should:

1. Make the Illinois Sex Offender Management Board (SOMB) an independent agency that is staffed and directed by an expert with a clinical background specializing in sex offender assessment and treatment. Illinois' SOMB should use research to inform the creation of policy as well as to evaluate how policies are implemented and their impact.
2. Expand Illinois' SOMB's core activities to include: setting statewide treatment and management standards that are research informed and evidence-based; identifying and certifying agencies and professionals qualified to carry out those standards; conducting systematic and comprehensive quality assurance oversight to ensure those certified are indeed implementing the standards specified; and providing training to agencies and professionals charged with treatment and court supervision, including judges. Adequate funding and staffing resources should be allocated to carry out these core functions.

⁷⁶ An example of this is Colorado's SOMB. See <https://www.colorado.gov/dcj>

B. Utilize Risk-Assessments Post Conviction for Treatment and Management Purposes

Experts testified that treatment and supervision should be based on risk assessment information as this ensures that management and treatment plans correspond to the unique risk and treatment needs of those convicted of sex offenses.⁷⁷ In fact, the use of risk assessment to guide treatment and management of sex offenders, as well as general offending, is considered an evidence-based practice for effectively reducing reoffending.⁷⁸ Research indicates structured, validated risk assessment tools should be used when determining risk as they generally outperform judgements based on unstructured interview protocols. Merely implementing a validated risk assessment tool, however, is not enough. Consideration should be given to whether those conducting assessment can override the results. Overrides decrease predictive accuracy and can negatively impact the quality of treatment.⁷⁹

Research also showed risk can change over time. As risk changes, so too might supervision and treatment. Therefore, assessments should be regularly reviewed—ideally once a year, but, minimally, once every two years, to document progress and inform further treatment and management.⁸⁰ Individuals also should be assessed and treated for general risk because persons convicted of sex offenses typically have a higher risk of general offending than of sexual reoffending.⁸¹ While the Task Force support for all of these recommendations is contingent on the state providing sufficient funding for them and taking into account Illinois regional diversity, members wished to emphasize that these factors were particularly critical to the recommendations in this section.

Finally, research indicates that implementing a combination of treatment and supervision is more effective than only applying sanctions and restrictions.⁸² Treatment can and does work, particularly when treatment adheres to the Risk-Needs-Responsivity principles of effective intervention and is tailored to the risks, needs and offense dynamics of offenders. Research also

⁷⁷ Hanson, R.K. (2017, April). *Risk assessments for individuals with a history of sexual crime* [PowerPoint slides]. Retrieved from: https://soortf.icjia.cloud/static/powerpoint/RKHanson_IllinoisTaskForceSO_risk20170419.ppt

⁷⁸ Desmarais, S.L. & Singh, J.P. (2013). *Risk Assessment Instruments Validated and Implemented in Correctional Settings in the United States: An Empirical Guide*. Council of State Governments Justice Center, New York, NY. Retrieved from: <https://csgjusticecenter.org/wp-content/uploads/2014/07/Risk-Instruments-Guide.pdf>

⁷⁹ Harris, G. T., & Rice, M. E. (2007). Characterizing the value of actuarial violence risk assessments. *Criminal Justice and Behavior*, 34(12), 1638–1658.

⁸⁰ Hanson, R.K. (2017, April). *Risk assessments for individuals with a history of sexual crime* [PowerPoint slides]. Retrieved from: https://soortf.icjia.cloud/static/powerpoint/RKHanson_IllinoisTaskForceSO_risk20170419.ppt

⁸¹ Langan, P., Schmitt, E., & Durose, M. (2003). *Recidivism of Sex Offenders Released From Prison in 1994*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

⁸² National Institute of Corrections. (2010). *A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems*. Silver Spring, MD: Center for Effective Public Policy. Retrieved from: <http://cepp.com/wp-content/uploads/2015/12/A-framework-for-evidence-based-decision-making-in-local-criminal-justice-systems.pdf>

indicates that cognitive-behavioral/relapse prevention approaches can achieve modest reductions in both sexual and nonsexual recidivism.⁸³

Given the expert testimony and research summarized above, the Task Force recommends that Illinois should:

3. Require the use of a validated, structured risk assessment as it is the most effective way to identify risk to sexually reoffend as well as general reoffending risk.
4. Use a standardized risk assessment process and risk assessment tools to promote consistency across those conducting the assessments. The tools, training, and process shaped by state oversight entity, like a sufficiently funded SOMB.
5. Administer risk assessments after conviction by qualified professionals. Re-administer once a year, ideally (but minimally every two years), while under supervision.
6. Document and explain opinions that diverge from what is indicated by the validated, structured risk assessments.
7. Require treatment and management be informed by the current scientific evidence as it relates to what is effective at reducing sexual reoffending.

C. Use the Registry to Focus on High-Risk People Convicted of Sex Offenses

As noted, Task Force members heard from experts that registration policies and practices that take into account the differential reoffending risks posed by different sex offenders are more effective and cost-beneficial than those that treat sex offenders as a largely homogenous group. The use of structured, validated risk assessment tools that separate individuals into different tiers that reflect their actual risk-to-reoffend is an evidence-based practice.⁸⁴ The use of validated risk assessment tools to guide registration policies and practices is in stark contrast to registration policies in Illinois that are based on the person's conviction as they do not accurately reflect risk to reoffend.

It was noted that the term sexual predator is controversial and many researchers recommend refraining from using the term entirely.⁸⁵ Broad use of the term can reduce public safety because it removes the ability to accurately differentiate between high-risk and low-risk individuals. In

⁸³ Dolan, M. (2009). Recent advances in therapy for sexual offenders. *F1000 Medicine Reports*, 1, 45. Retrieved from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2924729/>

⁸⁴ Hanson, R.K., Bourgon, G., McGrath, R.J., Kroner, D., D'Amora, D.A. ... Tavarez, L.P. (2017). *A Five-Level Risk and Needs System: Maximizing Assessment Results in Corrections Through the Development of a Common Language*. Lexington, KY: The Council of State Governments Justice Center. Retrieved from https://csgjusticecenter.org/wp-content/uploads/2017/01/A-Five-Level-Risk-and-Needs-System_Report.pdf

⁸⁵ Doren, D.M. (2002). *Evaluating Sex Offenders: A Manual for Civil Commitments and Beyond*. SAGE Publications: Thousand Oaks, CA.

addition, the label can produce significant collateral consequences for lower-risk individuals. If the term is used, the Association for the Treatment of Sexual Abusers (ATSA) recommends that it is “reserved for sex offenders who have engaged in a long-term pattern of sexually deviant behavior, who are assessed to be at high risk to reoffend, who have assaulted strangers or non-relatives, who have used violence, weapons, or caused injuries to victims, who have had multiple victims and/or arrests, or who have committed abduction, kidnapping, false imprisonment, or sexually motivated murder or attempted murder.”⁸⁶

Experts testified that public notification and protection policies should only apply to those who are at notable risk for sexual recidivism, as these policies can result in negative consequences for those on the registry and have been shown to weaken existing protective factors that reduce the likelihood of reoffending while frustrating those factors that increase risk. Moreover, given that risk changes over time, reprieve from lifetime registration should be available for persons who have not sexually recidivated after a certain threshold, which current scientific evidence suggests is after 10 years of being offense-free in the community.⁸⁷ Policies that allow for petition or removal from the public registry should be careful not to create significant barriers that prevent individuals from successful petition, a lesson learned by legal experts who work with juvenile sex offenders and in criminal history sealing and expungement.

Given the expert testimony and research summarized above, the Task Force recommends that Illinois should:

8. Effectively identify high risk people by requiring any registry to use tiers to reflect actual risk of sexual re-offending (informed by the risk-assessment conducted post-conviction).
9. Ensure resources can be focused on people who are at high risk of re-offending by having individuals on lower tiers—i.e., those who pose less risk—automatically removed from the registry after a set duration.
10. Allow registrants to petition to be removed from the registry if they meet certain criteria, such as having crossed the desistance threshold. These criteria should be created by Illinois’ SOMB and be informed by current scientific knowledge.
11. If used, the term “Sexual Predator” should not automatically refer to all lifetime registrants.

⁸⁶ McGinnis, R. (2006). *Pending Sex Offender Registry Legislation*. Association for the Treatment of Sexual Abusers: Beaverton, OR.

⁸⁷ Hanson, R.K., Harris, A.J.R., Helmus, L., & Thornton, D. (2014). High-risk sex offenders may not be high risk forever. *Journal of Interpersonal Violence*, 29(15), 2792 – 2813; Hanson, R.K., Harris, A.J.R., Letourneau, E., Helmus, L.M., & Thornton, D. (2017, in press). Reductions in risk based on time offense free in the community: Once a sexual offender, not always a sexual offender. *Psychology, Public Policy, & Law*.

12. Remove statutory requirements that stipulate any new felony (not for a sex offense) automatically triggers retroactive registration for certain individuals.

D. Ensure Restrictions are Narrowly Tailored to Improve Public Safety

Experts also testified on the efficacy of residency restrictions. In sum, residency restrictions do not decrease sexual reoffending or the sex crime rates in the areas where they are used. There are several reasons for this, including that most offenders do not victimize strangers and instead meet their victims in private residences. In addition, the increased homelessness and loss of family support associated with residency restrictions put offenders at higher risk of recidivism.⁸⁸ Task Force members also heard that community corrections policies should consider existing evidence to inform how long supervision is needed. As individuals remain offense free, their risk levels decrease. In fact, there is not a population of people who remain at the highest risk for their entire lives without committing a new offense, so lifetime parole is targeting a population of persons who do not exist.⁸⁹

Given the expert testimony and research summarized above, the Task Force recommends that Illinois should:

13. Tailor restrictions, including residency and proximity, to different tiers, with the highest risk tiers having appropriate restrictions.
14. Revise the amount of time on Mandatory Supervised Release (MSR) for persons convicted of sex offenses. Those individuals determined to be lower risk, as determined by a validated, structured risk assessment, should have maximum MSR sentences of three years. Only the highest risk individuals, as determined by a validated, structured risk assessment, should have MSR sentences beyond three years.⁹⁰

⁸⁸ Barnes, J.C., Dukes, T., Tewksbury, R., & De Troye, T.M. (2009). Analyzing the impact of statewide residence restriction law on South Carolina sex offenders. *Criminal Justice Policy Review*, 20(1), 21–43.; Chajewski, M., & Mercado, C.C. (2008). An evaluation of sex offender residence restrictions functioning in town, county, and city-wide jurisdictions. *Criminal Justice Policy Review*, 20(1), 44–61.; Levenson, J.S. (2008). Collateral consequences of sex offender residence restrictions. *Criminal Justice Studies*, 21(2), 153–166.; Levenson, J.S., & Cotter, L.P. (2005). The impact of sex offender residence restrictions: 1,000 feet from danger or one step from absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49(2), 168–168.; Tewksbury, R., & Zgoba, K. (2010). Perceptions and coping with punishment: How registered sex offenders respond to stress, Internet restrictions and the collateral consequences of registration. *International Journal of Offender Therapy and Comparative Criminology*, 54(4), 537–551.

⁸⁹ Hanson, R.K., Harris, A.J.R., Helmus, L., & Thornton, D. (2014). High-risk sex offenders may not be high risk forever. *Journal of Interpersonal Violence*, 29(15), 2792 – 2813; Hanson, R.K., Harris, A.J.R., Letourneau, E., Helmus, L.M., & Thornton, D. (2017, in press). Reductions in risk based on time offense free in the community: Once a sexual offender, not always a sexual offender. *Psychology, Public Policy, & Law*.

⁹⁰ Currently by statute the MSR structured minimum is three years. See 730 ILCS 5/5-8-1(d)(4).

Section VI. Summary of Public Comment

As required by its enabling statute, the Task Force solicited public comment at each meeting, asking speakers to keep their comments to less than five minutes and germane to the content of the meeting. Additionally, in September 2017, the Illinois Criminal Justice Information Authority hosted a meeting solely for the purpose of public comment, accepting oral and written contributions. Altogether, the Task Force heard more than six hours of total public comment, given largely by registrants, registrant family members, and social service providers. Thematic review of these testimonies was conducted and is summarized below. For each theme identified in bold, representative testimony is provided along with the speakers' first names. "Anonymous" was used when speakers chose not to identify themselves.

Registration, notification, residency restrictions, and mandatory supervised release conditions are often difficult to comply with and exclude people convicted of sexual offending and their families from participating in pro-social activities that research shows reduce risk of re-offending.

"Not even the local police officers know what the exact laws are regarding the various types of sex offenders, so my husband and I have been faced with dilemmas such as: Does he go to his daughter's school activity on a Saturday, despite knowing that if a local police officer mistakenly (since he is not a "child sex offender") thinks that he is not allowed to be there, he will have to sit in jail until Monday when the local police department can get hold of the state police to clarify the law?" –Erin

"I cannot afford to pay the \$100 registration fee at this time, so my local police department makes me register every three months instead of every year. If the fee is supposed to help pay for the administrative cost of the registry, how does making me do it more often accomplish that?" —Marcus

"We were told that if our son were to live with us, his parents, that we would be prohibited from having any Wi-Fi access and that every member who will reside in our home would be prohibited from having any Wi-Fi, smart phones, or smart TVs in our home." –Veronica

"Many parents will tell their children to avoid my child in order to avoid me. I already see that in my neighborhood where other children stay away from our home, some children see me and run to their homes. I see this as a great tragedy, having children needlessly living in fear." –Juan

"I also ran into a problem with one of the local megachurches that will no longer allow me, or any other registered sex offenders to be on their property. I used to that church every year with my family to attend their Christmas services." –Scott

"I am unable to engage in most types of family recreational activities, such as fun runs, art festivals, trips to the museum, hikes, softball and volleyball games, bike rides—they are all impossible for me and my family because of the registry. I am denied access to parks, bike trails and other recreation areas. In short, being on the registry has made being a

good husband and father extremely difficult, even though I have paid my debt for my crime.” –Mark

“My family and I have also had to deal with hostile neighbors, damage to our property, and vigilantism. It has manifested itself in damage to our property. Property that we had worked hard for, under incredibly difficult circumstances. We had suffered damage to our cars and house. Eggs been thrown at our cars, scratching the paint, tampering with the fuel tank, broken tail lights, braking our house windows with a pellet gun, denting the aluminum siding. We have woken up to our windows being broken.” –Angel

Residency restrictions create housing instability.

“My home is across the street from a large building that was once used as a school decades ago. The building just sold. I am concerned that what they choose to do with the building could cause me to move. Anyone who chooses to get a day care license even without running one, would cause me to move.” –Angela

“I am unable to live in our family home because it is too close to a park, even though that is across two property lines, down a dense ravine and over a stream.” –Mark

“My probation officer scouted my apartment. She saw a dilapidated swing set in view out my window that no one ever used. On the basis of that, she had me evicted.” –Will

“On the evening of December 13, 2013, my probation officer came to my house to inform me that I could no longer reside in my home because it was within the 500 feet restriction zone. After he left, I fell to the floor in tears.” –Anonymous

“Three months later, my probation officers knocked on the door and informed me that a daycare license has been taken out near my residence, and I had to move. They said, ‘You cannot be on the premises, or you will be in violation of the law and your probation.’ The officers informed me that I had one hour to relocate to a verifiable location, or I would go to jail.” –Anonymous

The public registry interferes with employment.

“During this ordeal he lost his job. Even though he has a college degree and is smart. He can’t get a job that pays decent, keep a job or a get job where you can work up the corporate ladder for a promotion. When he does get a job it isn’t long before everyone in the office finds out and he’s alienated and shortly after he loses his job, along with his health insurance.” –Christine

“Our income is near the poverty level because I have been fired multiple times simply for being on the registry.” –Mark

“I have been working as an independent contractor at the new company for the past 5 years. I have never been required to submit to a background check or fill out a job

application. The company has since asked me to consider becoming an employee but I declined that option because I fear they would run a background check and then I would be out of work. Every day I walk into work with the fear that an employee of the company will see me on the public registry.” –Scott

“There are a couple of websites that have you listed as a sexual predator. We can’t have our customers looking you up and seeing that. We can’t have a sexual predator working for our company.” There it was. Regardless of my honesty or accurate account of my offense, they could not have a sexual predator working for them. That is me. That is my label. And that’s how I am viewed. It didn’t matter that I was the one chosen out of 32 candidates.” –Ryan

“A permissible site is also required to have no computer, no internet, no available Wi-Fi and no smart phones within the confines of the home. Whether one can afford to live on their own, or if they need a roommate, this is incredibly unrealistic to impose on anyone, in this day and age; when it is nearly impossible to search for a job, or have simple everyday necessities such as googling an address or phone number to a business.” –Samantha

Evidence-based sex offender treatment is difficult to find and to afford.

“When [my therapist] retired, I began contacting other counselors in the area. I did not find one closer than early 2 hours away from my home that was serious about treatment. The ones I contacted did not have a set program, did not have one that was evidence-based. The scariest part is that they did not do treatment plans, did not have written guidelines for their program, did not follow the laws governing sex offender treatment providers, did not have an auditing of their program.” –Angela

People with intellectual disabilities, and the people who care for them, face significant financial and emotional burdens trying to comply with sex offender requirements.

“My son is cognitively impaired . . . His mental age is that of a ten year old child. [He] cannot live independently. He depends on us for everything . . . I am 63, my husband is 65 and his health is bad. My son will not walk around the block with me. He runs into his room when the doorbell rings. I am afraid as well. I fear for my grandchildren who live in the area and have our same last name. We will never go on a vacation again, he is afraid and I will never leave him alone. Someday he will be left alone, and then what will happen to him? Who will want to help him?”—Penny

“The registry restrictions drag families [of children with intellectual disabilities] into fear, instability and emotional distress. For me it [led] to a road of anxiety meds, antidepressants, sleeping pills and therapy. My husband now has high blood pressure and depression. My son has health problems, depression and the last two psychologist reports done in 2015 and 2016 show his IQ falling. This is due to isolation and no stimulation. His life was Special Recreation and Special Olympics. He has many gold medals that he is very proud of. This was the focus of his life and happiness. He is no longer able to participate

in these activities. He was let go from his small part time job cleaning tables. This was the source of his independence and self-esteem. No one will hire him now. Hence he sits at home all day isolated and lonely.”—Carol

While the Task Force mostly heard from members of the public who wanted to decrease the severity of Illinois sex offender management system, two members of the public argued that Illinois needs to expand the offenses that are included in the registry.

*“The registry provides vital information to school officials, police, community leaders, and parents, yet it does not warn people of certain offenders, offenders whose conduct was sexually motivated. Recently Erin’s Law was passed . . . it’s a state mandated sexual abuse awareness education program for children in kindergarten through 12th grade. We are asking our children to come forward days, months, and years after an offense, and yet we don’t have the laws that will help prosecute the cases that have no physical evidence.”
—Tina*

“It seems as though there’s more effort put into the criminals when more effort should put into the victims. There’s so many resources that are not given to the victims. I think it’s a crime in itself that some of these topics [at the Task Force] are even being discussed because you’re not focused on how they [sexual offenders] got there. They’re there because they committed a crime.” —Anonymous

Section VII. Task Force Member Comments

Illinois Juvenile Justice Commission

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Telephone: 217-557-2109 • Facsimile: 217-524-5586

December 15, 2017

Mr. John Maki

Executive Director

Illinois Criminal Justice Information Authority

330 W. Adams Street – Suite 200

Chicago, Illinois 60606

Dear Director Maki:

As members of the Sex Offenses and Sex Offender Registration Task Force (the Task Force), and as members of the Illinois Juvenile Justice Commission (the Commission), we thank the Illinois Criminal Justice Information Authority and Task Force members for undertaking a complex and critical policy issue on behalf of the citizens of Illinois. The Task Force presents an unprecedented opportunity to align Illinois law and policy with current research and knowledge of what works to protect victims of sexual abuse and violence, to prevent sexual offending, to use scarce criminal justice and other resources wisely and to enhance the well-being of our communities. In that context, we offer the following comments and observations to policy makers and practitioners developing implementation strategies to address the Task Force recommendations.

Improving Illinois' Responses to Sexual Offending by Youth

We are appreciative of the opportunity to present to the Task Force the Commission's research regarding youth who have committed sexual offenses and the policies and practices demonstrated to improve youth outcomes, victim well-being and community safety. Like the Task Force, the Commission received a legislative mandate to examine current research and make policy recommendations to the General Assembly. To fulfill this charge the Commission, partnering with Loyola University's Civitas ChildLaw Policy Institute and the Center for Prevention Research and Development at the University of Illinois, analyzed applicable law, data, research and practitioner perspectives in detail and offered factual findings and recommendations to strengthen policy and practice.⁹¹

As the Commission's report notes, Illinois registry and notification laws applied only to adults until 1999; since that time, the scope of such laws has broadened to include youth. Today, most Illinois youth who are adjudicated delinquent for sex offenses under the Juvenile Court Act have all adult sex offender rules and restrictions imposed upon them; many receive permanent adult felony convictions for registry violations. These restrictions are largely applied to juveniles without consideration of the youth's age at the time of offense, background, current risk level, or clinical recommendations.

⁹¹ The Commission's report, *Improving Illinois' Response to Sexual Offending by Youth* is available at <http://ijjc.illinois.gov/youthsexualoffenses>

Over the same period, a growing body of evidence has produced a clearer picture of the characteristics of youth with sexual behavior problems and the interventions most likely to prevent further sexual offending, strengthen families, and support victims. That research has established that youth are highly amenable to treatment and highly unlikely to sexually reoffend. Research also indicates that strategies used with adults—principally sex offender registries and residency/employment restrictions—are not only unnecessary, but counterproductive, as they often jeopardize victim confidentiality and can interfere with youth rehabilitation to an extent that undermines the long-term safety and well-being of our communities.

Based on this analysis of law, empirical research, Illinois data and practitioner experience, the Commission has made the following recommendations to align Illinois law policy and practice with current research on sexual offending:

1. **Develop and implement professional best practice standards and provide current, objective, and evidence-informed training for professionals who work with youth offenders and victims of sexual abuse.** Various entities such as the Illinois Sex Offender Management Board (SOMB), the Illinois Law Enforcement Training and Standards Board (ILETSB), the Administrative Office of Illinois Courts (AOIC), the Illinois Supreme Court, and the Illinois Department of Juvenile Justice (IDJJ), should promulgate evidence-based standards of professional practice for intervening with sexually offending youth and victims and should take steps to ensure that professionals receive appropriate training to equip them to meet these standards. In addition, these entities should implement meaningful quality assurance strategies for the professionals and agencies they support. To assist in these efforts, the Commission will support the development and delivery of high quality, evidence-based training and professional development to practitioners.
2. **Equip courts and communities to intervene effectively with individualized, community-based, family-focused services and supervision.** Ensure that interventions proven effective in reducing risks of reoffending and addressing the needs of offenders and victims are implemented at all juvenile justice system decision points.
3. **Remove young people from the state’s counter-productive sex offender registry and categorical application of restrictions and “collateral consequences.”** Because there is no persuasive evidence that youth registry and related restrictions improve public safety, reduce risks of future offending, or repair harm to victims, Illinois should repeal the registry, restrictions, and notification requirements applied to youth adjudicated delinquent for sexual offenses.

We urge Illinois policy makers to utilize the Commission’s research and recommendations regarding youth in conjunction with the research and recommendations of the Task Force.

Task Force Findings and Recommendations:

Additionally, as policy makers craft statutes in response to the recommendations of this Task Force, it is also critical to consider and apply research addressing:

- Protective factors identified in the research literature, so that Illinois revises registration and restriction laws which undermine these protective factors and moves toward responses which build protective factors and reduce sexual offending;

- The impact of current laws, policies and procedures on racial disparities, sexual abuse and assault victims, individuals with disabilities and developmental issues, and homeless people;
- Characteristics of and effective interventions with those who commit offenses related to child pornography;
- The relationship between registries and housing instability as a driver of incarceration; and
- Programs, services and supervision strategies proven to reduce risks of offending, protect victims of sexual abuse or assault and strengthen communities.

Additionally, policy makers should consider and address the following issues in implementing Task Force recommendations:

- While the report documents Illinois provisions regarding *who* must register, policy makers must also consider the complexity of the *process* for registering and the rules for living on the registry. This information must be catalogued for the reader to understand the confusing and burdensome nature of the registry process on individuals, particularly homeless individuals or those with developmental disabilities.
- Current collateral consequences and restrictions are wide-reaching and have a profound impact on the lives of people convicted of an offense and of their families. These restrictions may prevent parents from dropping their child off at school, going to parks, playing organized sports or visiting museums. These restrictions may be wholly unrelated to their offense or their risk for reoffending and are currently applied independently of registry requirements. Thus, even people removed from the registry are subjected to these restrictions for life, with no way to “earn” reduction or modification of restrictions regardless of successful completion of terms of supervision or treatment or demonstrated desistance from prohibited conduct. Policy makers must also note that, under current Illinois law, residency restrictions cannot be anticipated. People who comply with all restrictions and requirements, even after decades of demonstrated compliance can be forced to move from their homes and families within 30 days. Those on MSR have reportedly been required to leave their homes within 24 hours. It is important for policy makers to fully understand the far-reaching and devastating impact of current Illinois law on registrants and their families and to examine these responses in light of current research on strategies demonstrated effective – or counterproductive – in reducing offending and protecting communities in the short and long terms.
- As the report notes, sexual offending is significantly underreported, as are other categories of crime and violent offending, as determined by the Justice Department Bureau of Justice Statistics. Policy makers must further explore why this is so. In doing so, the experiences and perspectives of victims are important in understanding the extent to those who have experienced sexual abuse and assault:
 - Seek to address the harm they experience without criminal justice system involvement;
 - Lack confidence in the ability of the justice system to protect them and address the harm they have experienced and / or believe justice system involvement will make things worse for themselves and their families; and / or
 - Face barriers to reporting crime and seeking justice system responses.

- Examining these issues from available research and the perspectives of sexual assault victims is critical in addressing the harm of sexual violence and abuse and holding offenders accountable in ways that reduce offending and strengthen communities.
- One of most important recommendations of the Task Force is that, to effectively identify high risk people, any registry should use tiers to reflect actual risk of sexual reoffending as informed by validated, structured risk assessment processes. To align Illinois policy and practice with the strong and growing body of research considered by the Task Force, implementing this recommendation must allow for a “no registry” tier for those with low risks of sexual reoffending, for whom registry and collateral consequences are not only unnecessary, but would undermine the protective factors that prevent recidivism.

Lastly, it should be noted that the findings and recommendations of the Task Force and the Illinois Juvenile Justice Commission are strongly aligned in urging individualized, evidence-based responses to sexual offending. As both the Commission and the Task Force reports note, this requires the promulgation, implementation and support of modern best practice standards for all justice system practitioners and the use of interventions proven effective in reducing risks of reoffending and addressing the needs of offenders and victims at all stages of justice system involvement.

In offering this feedback, we recognize and applaud the work of the Illinois Criminal Justice Information Authority and the members of the Task Force in examining data, research and the experiences of those affected by sexual offending, registries and related restrictions. As individuals and as representatives of the Illinois Juvenile Justice Commission, we are committed to continuing this effort to align Illinois’ policy, practice and programs with the strategies proven most effective in protecting victims of sexual abuse and assault, preventing sexual offending and producing positive outcomes for communities, families and individuals.

Very truly yours,

Hon. George W. Timberlake (Retired)
Chair, Illinois Juvenile Justice Commission

Lisa S. Jacobs
Vice Chair, Illinois Juvenile Justice Commission

SORA TASK FORCE FINAL REPORT:

JASON CHAMBERS' (McLEAN COUNTY STATE'S ATTORNEY) COMMENTS

ICJIA's draft findings for discussion are *italicized*.

Comments/concerns regarding the implications for law enforcement and prosecutors appear in **bold**.

A. Infrastructure That Supports Effective Sex Offender Management

- *Sex Offender Management Board (SOMB) should be an independent agency that is staffed and directed by an expert with a clinical background specializing in sex offender assessment and treatment. Illinois' SOMB should use research to inform the creation of policy as well as to evaluate how policies are implemented and their impact.*
- *Illinois' SOMB's core activities should be expanded to include: setting statewide treatment and management standards that are research informed and evidence-based; identifying and certifying agencies and professionals qualified to carry out those standards; conducting systematic and comprehensive quality assurance oversight to ensure those certified are indeed implementing the standards specified; and providing training to agencies and professionals charged with treatment and court supervision, including judges. Adequate funding and staffing resources should be allocated to carry out these core functions.*

The use of sex offender management tools varies widely within the State of Illinois. There are jurisdictions which utilize management tools and training well to make their communities safer. A properly staffed and directed SOMB could be crucial to implementing the most effectively used practices statewide.

B. Utilize Risk-Assessments Post Conviction for Treatment and Management Purposes

- *A validated, structured risk assessment is the most effective way to identify risk to sexually reoffend as well as general offending risk.*
- *Standardized risk assessment process and the risk assessment tools are the most effective way to promote consistency across those conducting the assessments, with the tools and process shaped by state oversight entity, like a sufficiently funded SOMB.*
- *Risk assessments should be administered after conviction by state-certified professionals, and re-administered ideally once a year, but minimally every two years.*
- *Risk assessments should be used to guide management and treatment plans, not just identify risk. Final risk levels and treatment plans that diverge from the validated, structured risk assessment scores should be documented and explained.*
- *The risk assessment results should be one factor considered by treatment providers or*

those supervising sex offenders in the community.

- *Treatment should be informed by the current scientific evidence as it relates to what is effective at reducing sexual reoffending.*

Risk assessment tools can be valuable when utilized by competent individuals in the criminal justice system using their sound discretion, such as the judiciary. They should be used for information purposes, but not used as automatic triggers.

Additionally, there is a large practical limitation to frequent risk assessments being performed. Simply requiring that the courts or local government have them done would be an unfunded mandate and it would be cost prohibitive under most existing budgets. There is also the concern of the lack of providers who can produce acceptable risk assessments. There are many counties downstate which may not even have a local provider who can give a proper risk assessment. If this is mandated, care needs to be taken to make sure there is the appropriate provider infrastructure in place to carry it out.

C. Registry

- *To effectively identify high risk people, registries should use tiers to reflect actual risk of sexual re-offending (informed by the risk-assessment conducted post-conviction). The different tiers should differentiate lengths of time on the public registry.*
- *To ensure resources can be focused on people who are at high risk of re-offending, individuals on lower tiers—i.e., those who pose less risk—should be automatically removed from the public registry after a set duration.*

This is already in place in Illinois for individuals with a set term on the registry.

- *Registrants should be allowed to petition to be removed from the public registry if they meet certain criteria, such as having crossed the desistence threshold. These criteria should be created by SOMB and be informed by current scientific knowledge.*

If this is allowed, then the burden should be on the convicted sex offender to show why they should come off of the registry.

- *If used, the term “Sexual Predator” should not refer to all lifetime registrants but rather only those individuals “who have engaged in a long-term pattern of sexually deviant behavior, who are assessed to be at high risk to reoffend, who have assaulted strangers or non-relatives, who have used violence, weapons, or caused injuries to victims, who have had multiple victims and/or arrests, or who have committed abduction, kidnapping, false imprisonment, or sexually motivated murder or attempted murder.”*

Individuals who are a high risk or who have shown through past behavior that they are willing to victimize multiple victims are sexual predators and should continued to be referred to by that label.

I am concerned about the limiting language of "who have assaulted strangers or non-relatives." Most sex offenders are victimizing people who they know in some way or are relatives. However, when they repeatedly engage in the crimes against the same or multiple victims they are still a sexual predator regardless of their relationship to their victim.

- *The public registry should only contain persons convicted of a sex offense: people convicted of murder should not appear on the sex offender registry.*

The Illinois Supreme Court has examined this issue and found that there is a rational basis to include certain sexually-motivated crimes against children (such as non-parental kidnapping) in the registry.

- *Statutory requirements that stipulate any new felony (not for a sex offense) triggers retroactive registration for certain individuals should be removed.*

This should be approached with considerable caution. If someone previously convicted of a sex offense later shows a pattern of ignoring the laws and rules of society, then I think there should be cause for concern regarding them ignoring other laws as well, such as re-offending as a sex offender.

D. Restrictions

- *Residence restrictions should be limited to while individuals are on the public registry and tailored to different tiers, with the highest risk tiers having the most restrictions.*

A tiered system based on the severity of the offense and risk assessment could be a change which helps utilize safety resources better. However, any tiered system should allow for discretion of a court to set restrictions and tiers or any variances.

Arguments that restrictions has no safety impact are flawed. Studies addressing this issue even admit that their research is limited by the amount of under reporting of sex offenses and that there is no baseline to compare any modern data. An absence of a finding is not proof of the opposite, especially when the research admits to inclusive data. I have never seen a study that says that if I hit my hand with a hammer, it will hurt. But I still know it will hurt. I do not need a study to know that allowing a child sex offender with multiple convictions to live across the street from a grade school is a bad idea.

- *The amount of time on Mandatory Supervised Release (MSR) should be revised for persons convicted of sex offenses. Those individuals determined to be lower risk (e.g.,*

Tiers 1-3), as determined by a validated, structured risk assessment, should have maximum MSR sentences of 3 years. Only the highest risk individuals (e.g., Tier IVa and IVb), as determined by a validated, structured risk assessment, should have MSR sentences beyond 3 years.

I agree with the comment of the Cook County State's Attorney's Office that "Research shows that sex offenders who commit predatory offenses remain a danger to the public for a very long time. These violent/dangerous offenders should remain subject to lifetime MSR. However, MSR has options to shorten the period of supervision in appropriate cases. Since this appears to be an individualized consideration, it should remain with the releasing authority. All IDOC evaluators should follow SOMB standards to assist in uniform application of the termination criteria. Risk assessment tools should also be utilized in determining whether and when to terminate MSR."

APPENDIX A - Public Act 099-0873

HB5572 Enrolled

LRB099 18097 SLF 42462 b

AN ACT concerning State government.

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

Section 5. The Illinois Criminal Justice Information Act is amended by adding Section 15 as follows:
(20 ILCS 3930/15 new)

Sec. 15. Sex Offenses and Sex Offender Registration Task Force.

- a) The General Assembly acknowledges that numerous criminal offenses that are categorized as sex offenses are serious crimes that affect some of the most vulnerable victims.
 - 1) The Sex Offender Database was created as a statewide database for the purpose of making information regarding sex offenders publicly available so that victims may be aware of released offenders and law enforcement may have a tool to identify potential perpetrators of current offenses. In addition to the Registry, sex offenders may be subject to specific conditions and prohibitions for a period after the person's release from imprisonment that restricts where the person may reside, travel, and work.
 - 2) The General Assembly recognizes that the current Sex Offender Database and sex offender restrictions do not assess or differentiate based upon the specific risks of each offender, potential threat to public safety, or an offender's likelihood of re-offending.
 - 3) The General Assembly believes that a Task Force should be created to ensure that law enforcement and communities are able to identify high-risk sex offenders and focus on monitoring those offenders to protect victims, improve public safety, and maintain the seriousness of each offense.
- b) The Sex Offenses and Sex Offender Registration Task Force is hereby created.
 - 1) The Task Force shall examine current offenses that require offenders to register as sex offenders, the current data and research regarding evidence based practices, the conditions, restrictions, and outcomes for registered sex offenders, and the registration process.
 - 2) The Task Force shall hold public hearings at the call of the co-chairpersons to receive testimony from the public and make recommendations to the General Assembly regarding legislative changes to more effectively classify sex offenders based on their level of risk of re-offending, better direct resources to monitor the most violent and high risk offenders, and to ensure public safety.
 - 3) The Task Force shall be an independent Task Force under the Illinois Criminal Justice Information Authority for administrative purposes, and shall consist of the following members:
 - A) the Executive Director of the Illinois Criminal Justice Information Authority;
 - B) the Director of Corrections, or his or her designee;
 - B-5) the Director of Juvenile Justice, or his or her designee;
 - C) 2 members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall serve as co-chairperson;

- D) 2 members of the Senate appointed by the President of the Senate, one of whom shall serve as a co-chairperson;
 - E) a member of the Senate appointed by the Minority Leader of the Senate;
 - F) a member of the House of Representatives appointed by the Minority Leader of the House of Representatives;
 - G) the Director of State Police, or his or her designee;
 - H) the Superintendent of the Chicago Police Department, or his or her designee;
 - I) the Chairperson of the Juvenile Justice Commission, or his or her designee;
 - J) a representative of a statewide organization against sexual assault, appointed by the Executive Director of the Authority;
 - K) 2 academics or researchers who have studied issues related to adult sex offending, appointed by the Executive Director of the Authority;
 - L) a representative of a legal organization that works with adult sex offenders who focus on the collateral consequences of conviction and registration, appointed by the Executive Director of the Authority;
 - M) a representative of a statewide organization representing probation and court services agencies in this State, appointed by the Executive Director of the Authority;
 - N) a representative of a statewide organization representing Illinois sheriffs, appointed by the Executive Director of the Authority;
 - O) a representative of a statewide organization representing Illinois police chiefs, appointed by the Executive Director of the Authority;
 - P) 2 State's Attorneys to be appointed by the Executive Director of the Authority;
 - Q) 2 treatment providers who specialize in adult treatment appointed by the Executive Director of the Authority;
 - R) a treatment provider who specializes in working with victims of sex offenses, appointed by the Executive Director of the Authority;
 - S) 2 representatives from community-based organizations that work with adults convicted of sex offenses on re-entry appointed by the Executive Director of the Authority;
 - T) a representative of a statewide organization that represents or coordinates services for victims of sex offenses, appointed by the Executive Director of the Authority;
 - U) a representative of a statewide organization that represents or is comprised of individuals convicted as adults of a sex offense who are currently on a registry, appointed by the Executive Director of the Authority; a public defender to be appointed by the Executive Director of the Authority; and
 - V) an appellate defender to be appointed by the Executive Director of the Authority.
- c) The Illinois Criminal Justice Information Authority may consult, contract, work in conjunction with, and obtain any information from any individual, agency, association, or research institution deemed appropriate by the Authority.
 - d) The Task Force shall submit a written report of its findings and recommendations to the General Assembly on or before January 1, 2018.
 - e) This Section is repealed on January 1, 2019.

Effective Date: 1/1/2017

APPENDIX B - Task Force Membership

1. The Executive Director of the Illinois Criminal Justice Information Authority:
John Maki
Executive Director
Illinois Criminal Justice Information Authority
2. The Director of Corrections, or his or her designee:
John Baldwin
Director
Illinois Department of Corrections
Designee:
Alyssa Williams-Schafer
Public Services Administrator
Illinois Department of Corrections
3. The Director of Juvenile Justice, or his or her designee:
Heidi E. Mueller
Acting Director
Illinois Department of Juvenile Justice
4. Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall serve as co-chairperson:
Elgie R. Sims, Jr.
State Representative
34th District
Elaine Nekritz
State Representative
57th District
5. Two members of the Senate appointed by the President of the Senate, one of whom shall serve as a co-chairperson:
VACANT
VACANT
6. A member of the Senate appointed by the Minority Leader of the Senate:
John Cabello
State Representative
68th District
7. The Director of State Police, or his or her designee:
Leo Schmitz
Director
Illinois State Police
Designee:
Tracie Newton
Offender Registration Unit
Illinois State Police
8. The Superintendent of the Chicago Police Department, or his or her designee:
Eddie Johnson
Superintendent of Police
Chicago Police Department
Designee:
Deputy Chief Kathleen Boehmer
Sergeant Maria L. Jacobson
Chicago Police Department
9. The Chairperson of the Juvenile Justice Commission, or his or her designee:
Hon. George Timberlake
Chair
Illinois Juvenile Justice Commission
Designee (co-member):
Lisa Jacobs
Vice Chair
Illinois Juvenile Justice Commission
10. A representative of a statewide organization against sexual assault, appointed by the Executive Director of the Authority:
Lynne Johnson
11. Two academics or researchers who have studied issues related to adult sex offending, appointed by the Executive Director of the Authority:
Mike Fogel
Associate Professor Department of Forensic Psychology
Chicago School of Professional Psychology
VACANT
12. A representative of a legal organization that works with adult sex offenders who focus on the collateral consequences of conviction and registration, appointed by the Executive Director of the Authority:
Beth Johnson
Director, Legal Programs
Cabrini Green Legal Aid
13. A representative of a statewide organization representing probation and court services agencies in this State, appointed by the Executive Director of the Authority:
Michael J. Tardy
Director
Administrative Office of the Illinois Courts (AOIC)

14. A representative of a statewide organization representing Illinois sheriffs, appointed by the Executive Director of the Authority:
Greg Sullivan
Executive Director
Illinois Sheriff Association
15. A representative of a statewide organization representing Illinois police chiefs, appointed by the Executive Director of the Authority:
Ed Wojcicki
Executive Director
Illinois Association of Chiefs of Police
16. Two State's Attorneys to be appointed by the Executive Director of the Authority:
Kim Foxx
State's Attorney
Cook County
Designees:
Jennifer Gonzalez
Supervisor of the Sexual Assault and Domestic Violence Division
Cook County State's Attorneys' Office
Mary Boland
Assistant State's Attorney
Cook County State's Attorneys' Office
Jason Chambers
State's Attorney
McLean County
17. Two treatment providers who specialize in adult treatment appointed by the Executive Director of the Authority:
Gary Lemmon
Licensed Clinical Social Worker
(retired from United Methodist Children's Home, where he was the executive director)
Becky Palmer
Training, Consultation & Treatment
(Formerly the Sr. VP of Clinical at Alternative Behavior Treatment Center)
18. A treatment provider who specializes in working with victims of sex offenses, appointed by the Executive Director of the Authority:
Darla Wexstten
Clinical Social Worker
19. Two representatives from community-based organizations that work with adults convicted of sex offenses on re- entry appointed by the Executive Director of the Authority:
Tony Lowery
Director of Policy & Advocacy
Safer Foundation
Mike Davis
Associate Executive Director Prisoner and Family Ministry
20. A representative of a statewide organization that represents or coordinates services for victims of sex offenses, appointed by the Executive Director of the Authority:
Polly Poskin
Executive Director
Illinois Coalition Against Sexual Assault
21. A representative of a statewide organization that represents or is comprised of individuals convicted as adults of a sex offense who are currently on a registry, appointed by the Executive Director of the Authority:
VACANT
22. A public defender to be appointed by the Executive Director of the Authority:
Amy Campanelli
Public Defender
Cook County
23. An appellate defender to be appointed by the Executive Director of the Authority:
Jacqueline Bullard
Deputy Defender
4th Judicial Circuit

APPENDIX C – Offenses Subject to Sex Offender Registration in Illinois⁹²

The Sex Offender Registration Act (SORA) applies when a person is:

- convicted or adjudicated delinquent for a sex offense or attempted sex offense;
- found not guilty by reason of insanity, or found not guilty of such offense; or
- declared to be a sexually dangerous or sexually violent person.

The following are considered “sex offenses” for purposes of SORA:

10-Year Registration	SORA Application	Citation of Offense
Forcible Detention*	Victim <18	720 ILCS 5/10-4
Indecent Solicitation of a Child	Victim <17	720 ILCS 5/11-6
Indecent Solicitation of an Adult*	Victim <17	720 ILCS 5/11-6.5
Public Indecency	3 rd or subsequent offense only	720 ILCS 5/11-30
Sexual Exploitation of a Child	Victim <17	720 ILCS 5/11-9.1
Custodial Sexual Misconduct	Victim in the custody of a penal, treatment or detention facility; includes victims who are probationers, parolees, or persons on conditional release	720 ILCS 5/11-9.2
Sexual Relations within Families	Sexual penetration offenses only within certain degrees of familial relation	720 ILCS 5/11-11
Patronizing a Minor Engaged in Prostitution	Victim under 18 years of age or is a person with a severe or profound intellectual disability	720 ILCS 5/11-18.1
Patronizing a Prostitute	Victim <18	720 ILCS 5/11-18
Grooming	Victim <17	720 ILCS 5/11-25
Traveling to Meet a Minor	Victim <17	720 ILCS 5/11-26
Criminal Sexual Abuse	Age and force provisions; includes victim who is unable to understand the nature of the act or is unable to give knowing consent	720 ILCS 5/11-1.50
Permitting Sexual Abuse	Victim <17	720 ILCS 5/11-9.1A

⁹² Source: 730 ILCS 150 *et seq.* (2017)

Lifetime Registration	SORA Application	Citation of Offense
First Degree Murder*	Any age Victim	720 ILCS 5/9-1
Kidnapping*	Applies only to non-parental offenders where V<18	720 ILCS 5/10-1
Aggravated Kidnapping*	Applies only to non-parental offenders where V<18	720 ILCS 5/10-2
Unlawful Restraint*	Applies only to non-parental offenders where V<18	720 ILCS 5/10-3
Aggravated Unlawful Restraint*	Applies only to non-parental offenders where V<18	720 ILCS 5/10-3.1
Luring of a Minor	Victim <15	720 ILCS 5/10-5.1
Child Abduction*	Applies only to non-parental offenders who lure a V<17	720 ILCS 5/10-5(b)(10)
Sexual Misconduct with a Person with a Disability	Victim is a person with a developmental disability or mental illness	720 ILCS 5/11-9.5
Promoting Juvenile Prostitution	Victim <18, when offense involves keeping a place of juvenile prostitution	720 ILCS 5/11-14.4
Child Pornography	Victim <18	720 ILCS 5/11-20.1
Criminal Sexual Assault	Age and force provisions; includes victim who is unable to understand the nature of the act or is unable to give knowing consent	720 ILCS 5/12-13
Aggravated Criminal Sexual Assault	Criminal Sexual Assault plus aggravating factor	720 ILCS 5/11-1.30
Predatory Criminal Sexual Assault of a Child	Victim <13	720 ILCS 5/11-1.40
Aggravated Criminal Sexual Abuse	Criminal Sexual Abuse plus aggravating factor	720 ILCS 5/11-1.60
Ritualized Abuse of a Child	Victim <18	720 ILCS 5/12-33

Persons declared sexually dangerous under the Sexually Dangerous Persons Act (725 ILCS 205/0.01 *et seq.*) or sexually violent under the Sexually Violent Persons Commitment Act (725 ILCS 207/1 *et seq.*) must register for life.

*Court must make a finding that the crime was sexually motivated as defined in The Sex Offender Management Board Act (225 ILCS 109/19) for SORA to apply.

APPENDIX D - Timeline of Major Amendments to Illinois' Sex Offender Registration & Restrictions⁹³

- August 15, **1986**: Habitual Child Sex Offender Registration Act mandates registration for second or subsequent sex offense (including attempts) with victims under 18.
- January 1, **1993**: Child Sex Offender Registration Act extends registration to first convictions when victims are under 18.
- January 1, **1996**: Sex Offender Registration Act expands registration retroactively to everyone convicted of a sex offense in the last 10 years, regardless of victim age.
- June 1, **1996**: Sex Offender Registration Act and the Child Sex Offender and Child Murderer Community Notification Law makes violations a Class X felony and releases registrant names, addresses, and offenses to the public.
- July 24, **1997**: Sex Offender Registration Act and the Sex Offender and Child Murderer Community Notification Law extends registration to certain misdemeanors and establishes \$10 initial registration fee and \$5 annual fee.
- January 1, **1998**: Sex Offender Registration Act Amendment prohibits sex offenders from loitering within 1,000 feet of a school or playground.
- July 1, **1999**: Sex Offender Registration Act Amendment defines the category of “sexual predator” and releases personal information about registrants on the Illinois State Police Sex Offender website (launched November 15, 1999).
- July 7, **2000**: Criminal Code of 1961 Amendment extends presence restrictions to public parks and facilities that provide services to people under 18 years and establishes residency restrictions under which sex offenders cannot live within 500 feet of a school, park, or children’s facility.
- August 22, **2002**: Sex Offender Registration Act Amendment requires adjudicated juvenile delinquent sex offenders to register and information on employment and education is added to the Law Enforcement Automated Data System (LEADS).
- August 22, **2003**: Adds amendments mandated by the United States Department of Justice Campus Sex Crimes Prevention Act. Sex Offender Registration Act Amendment extends registration to those found guilty of a third or subsequent conviction for Public Indecency, Custodial Sexual Misconduct, or Permitting Sexual Abuse.
- August 20, **2004**: Sex Offender Registration Act Amendment extends registration by 10 years for parole violations, mandates registration for homicide offenders when victim is under age 18, and increases fees to \$20 and \$10 for initial and annual registration, respectively.
- January 1, **2005**: Amendments to Criminal Code 720 ILCS 5/11-24 bars those convicted of a sex offense from working or owning a business that photographs children.
- July 11, **2005**: Amendments to Unified Code of Corrections 730 ILCS 5/3-1-2 and 5-6-3 prohibit sex offenders on parole, probation, or mandatory supervised release from participating in holiday activities with non-familial children (e.g. distributing candy on

⁹³ Sources: Illinois State Police. (2003). *Sex Offender Registration in Illinois*. Retrieved from: <http://www.isp.state.il.us/docs/sorstudy2003.pdf>; Illinois Voices. (2017). *Illinois Voices History of Laws*. Retrieved from: <http://www.ilvoices.org/il-law-history.html>

Halloween, dressing up as Santa or the Easter Bunny) or living at the same address or apartment complex as another known sex offender.

- January 1, **2006**: Sex Offender Registration Act Amendment mandates lifetime registration for perpetrators of criminal sexual assault, requires changes in sex offender address, employment, or school enrollment to be reported to law enforcement in their jurisdiction within five days, and gives law enforcement discretion to require an offender to register up to an additional four times per year.
- June 1, **2008**: Sex Offender Registration Act Amendment bars those convicted of a child sex offense from working with a county fair and expands the definition of Indecent Solicitation of a Child.
- June 1, **2009**: Unified Code of Corrections Amendment approves use of electronic monitoring for sex offenders on parole or mandatory supervised release.
- August 4, **2009**: Criminal Code of 1961 Amendment bars sex offenders with child victims from working with vehicles that sell food (e.g. ice cream trucks) or emergency vehicles.
- January 1, **2010**: Criminal Code of 1961 Amendments bans sex offenders from using social networking websites or computer scrub software.
- January 1, **2011**: Sex Offender Registration Act Amendments make loitering in a public park a Class A misdemeanor, increases the annual registration fee to \$100, and creates a stipulation to address sexting by a minor without bringing felony child pornography charges.
- January 1, **2012**: Amendments to Various Acts enhances penalties for manufacture or possession of child pornography, defines aggravated stalking, and requests recommendations from the Juvenile Justice Commission on treatment and supervision of delinquent juvenile sex offenders.
- January 1, **2013**: Criminal Code of 1961 Amendments define child sex offender and sex offense and increases penalties for participating in holiday activities with non-familial children.
- January 1, **2014**: Criminal Code of 2012 Amendments remove statute of limitations on childhood sexual abuse and increases penalties for possession of child pornography.
- January 1, **2015**: Public Act 98-0774 prohibits employers with more than 15 employees from asking about criminal history on the initial application.