

In Brief

October 2011

NEW AMENDMENTS TO THE ILLINOIS SEX OFFENDER REGISTRATION ACT

On July 21, 2011 Governor Quinn signed into law Public Act 97-0155, which amended the Sex Offender Registration Act, effective January 1, 2012, to require all sex offenders and predators employed by or attending an institution of higher education to register with the institution's "public safety or security director." While the amendments to the Act may seem minor, they will increase the burden on Illinois colleges with respect to the collection and maintenance of the data provided by the sex offender or predator to the college.

Previously, sex offenders and predators were only required to register with the Chief of Police in the municipality where the college was located, or with the Sheriff of the county where the college was located. 730 ILCS 150/3. Colleges would typically receive registration information on student or employee offenders directly from law enforcement pursuant to the Sex Offender Community Notification Law, 735 ILCS 152/120 or directly from the offender. That registration information would include personal information regarding the offender, including the offender's name, address, date of birth, place of employment, school attended, e-mail addresses, instant messaging identities, chat room identities, internet communication identities, URLs, blogs or websites maintained. In addition, the college would receive a copy of the offense or adjudication of the sex offender. The registration data was provided to the college's board of trustees or appropriate administrative office where the offender was employed or attending as a student.

With the passage of the amendments to the Sex Offender Registration Act, all sex offenders and predators employed by or attending an Illinois college will now be required to provide the college's campus safety or security director with the same information

that they had previously provided to law enforcement pursuant to the Illinois Sex Offender Registration Act. Thus, colleges may now be entitled to receive additional information from the offender including, but not limited to, IP addresses at the offender's employment or place of residence.

The recent changes to Sex Offender Registration Act do not provide any practical guidance for colleges who will now be required to register sex offenders and predators through their campus safety or security personnel. Questions remain as to where this information is to be stored and which employees should have access to it so as to ensure public safety and regulate whether the offender or predator is within the terms of their parole or restrictions while on campus. Additionally, the college's obtainment of the data pursuant to the amendments does not authorize the college to disclose the data to unauthorized personnel or pursuant to a FOIA request. Section 9 of the Sex Offender Registration Act requires that any statements or information required by the Act shall not be subject to inspection by the public or any other person other than an authorized law enforcement officer or other individual authorized by the law. Any unauthorized release of the information is a class B misdemeanor.

To combat these issues, we recommend preparing a policy which would identify the specific college employees authorized to conduct the sex offender and predator registration process. The policy should further address where the registration information is to be stored as well as those employees authorized to access it. Finally, we recommend including a statement in the policy which recognizes the right of the college to expel a student or discharge an employee who fails to register with the college pursuant to the terms of the Act.

If you have any questions regarding the amendments to the Sex Offender Registration Act or need assistance preparing a policy for the registration of sex offenders or predators, please contact any RSNLT attorney.

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