

The Honorable Rod R. Blagojevich
Governor, State of Illinois
207 Statehouse
Springfield, IL 62706

Re: Senate Bill 121

Dear Governor Blagojevich:

The ACLU of Illinois supports the efforts of Cook County States Attorney Devine in advancing Senate Bill 121 and urges you to sign it into law. This legislation, applying only to youth not transferred to adult court, presents a rehabilitated youth who presents no risk to society, an opportunity for relief from potentially lifetime registration and recognizes that youthful adjudicated offenders are different from adult offenders.

Senate Bill 121 keeps intact the current law regarding registration of juveniles -10 years for sex offenses, natural life for predatory offenses, but allows youth, shown in court to pose virtually no risk to the community, to be removed from the registry. Removal may occur only after two years for misdemeanors and after five years for felonies.

Senate Bill 121 offers this potential for relief from registration based on the court's consideration of a risk assessment, the sex offender history of the youth, evidence of rehabilitation, the age of the youth at the time of the offense, information related to the youth's mental, physical, educational and social history, victim impact statements and any other factors deemed relevant by the court. While we prefer that a judge's decision regarding registration be discretionary from inception we recognize that an individualized termination hearing after a significant mandatory period of registration presents an opportunity for relief from registration for a rehabilitated youth and fairly addresses community concerns.

In addition, Senate Bill 121, in recognition of the fact that youthful offenders who are not transferred to adult court are not the same as adult offenders, strikes from the Sex Offender Registration Act a provision requiring a youthful offender to register as an adult sex offender upon reaching age 17, as though the offense were committed on or after the youth's 17th birthday. This provision significantly diminishes the confidentiality of the records of these adjudicated youth since adult registration information is publicly

accessible, including via the Internet. Moreover, juvenile record confidentiality is a critical component of rehabilitation, a key goal of the Juvenile Court Act.

This is the third legislative attempt to balance fairness to youthful offenders and societal safety. In 2005, Senator Harmon filed SB1328. In 2006, Representative Collins filed HB 2067. Unlike the first two bills, Senate Bill 121 keeps in place the mandatory registration period of ten years or life for youth who present a risk to the community.

We appreciate all that you have done in recognition of the differences between juveniles and adults and in particular the creation of the new Department of Juvenile Justice. We urge you to sign Senate Bill 121 into law, as a continuation of your commitment to fairness for all youth and protection of society.

Very truly yours,

Mary E. Dixon