



## **ILLINOIS SEX OFFENDER MANAGEMENT BOARD**

### **BY-LAWS ILLINOIS SEX OFFENDER MANAGEMENT BOARD**

#### **Article I- Name**

The name of the organization shall be the Illinois Sex Offender Management Board (SOMB).

#### **ARTICLE II- Authority and Purpose**

**Authority: Created by act of Illinois State Legislature as identified in 20 ILCS 4026 etal (1997)**

##### **Purpose:**

The purpose of the Board is to develop and prescribe standardized procedures for the evaluation and management of the offender. Periodically, the Board shall review and modify as necessary the standardized procedures based upon the current best practices. These procedures shall be utilized with offenders who are placed on Probation, committed to the Department of Corrections, Department of Juvenile Justice, or Department of Human Services, or placed on mandatory supervised release or parole.

The Board also shall provide trainings for agencies that provide supervision and management to sex offenders on best practices for treatment, evaluation, and supervision of sex offenders.

#### **Article III- Membership and Voting**

##### **Section 1- Membership:**

Membership consists of the following twenty-two (22) persons and is required by statute:

**Appointed by the Governor:**

- One member representing Probation Services based on the recommendation of the Illinois Probation and Court Services Association.
- One member representing the Department of Corrections.
- One member representing the Department of Juvenile Justice
- One member representing the Department of Human Services.
- One member representing the Illinois State Police.
- One member representing the Department of Children and Family Services.
- Two members representing Law Enforcement, at least one officer representing juvenile sex offender experience.
- One member representing the Illinois Polygraph Society.
- One member representing the Illinois Chapter of the Association for the Treatment of Sexual Abusers (ILATSA).

**Appointed by the Attorney General:**

- One member representing the Office of the Attorney General.
- One member who is a licensed Mental Health Professional with documented expertise in the treatment of sex offenders.
- Two members who are State's Attorneys or are assistant State's Attorneys one representing juvenile court matters and one representing felony court matters.
- Two members who are sexual assault victim's advocates, one representing the interests of child victims and one representing the interests of adult victims.

**Statutory positions:**

- One member being the Director of the Administrative Office of the Illinois Courts or his or her designee.
- One member being the Cook County State's Attorney or his or her designee.
- One member being the Director of the State's Attorney Appellate Prosecutor or his or her designee.

- One member being the Cook County Public Defender or his or her designee.
- One member being the State Appellate Defender or his or her designee.
- One member being the Executive Director of the Criminal Justice Information Authority or his or her designee.

### **Section 2- Voting Rights:**

- Each member of the Board or their designee is entitled to one vote on each matter submitted to a vote of the membership. Members are not allowed to have other members vote on their behalf through a proxy. Proxies will not be recognized by the Board.

### **Section 3- Term of Office:**

- Any member of the Board appointed by the Governor or the Attorney General shall serve at the pleasure of the official who appointed that member for a term of 5 years and may be reappointed.
- Any member of the Board sitting as a statutory required member shall serve for a term of 5 years and may be reappointed.

### **Section 4- Termination of Membership:**

- Any member of the Board appointed by the Governor or the Attorney General may be removed for any cause by the appointing official.
- Any member of the Board filling a statutory seat may be removed for any cause by the official or the agency appointing them.
- Cause is defined as:
  1. Gross misconduct.
  2. Neglect of duties to the Board.

3. Failure to promote the statutory mandate of the Board.
4. Non-attendance- defined as three (3) unexcused absences during a calendar year.

The Board shall send a written notice to the appointing official informing them of the Board member that is either failing to attend meetings or not in compliance with the member's duties listed in the By-Laws. A copy of the written notice shall be provided to the member. The written notice shall provide detail as to the dates of failure to attend meetings or specific detail as to the alleged non-compliance of Board duties.

#### **Section 5- Resignation:**

- Any member may resign by filing a written resignation with the presiding officer and/or with the appointing official.

#### **Section 6- Transfer of Membership:**

- Appointments to membership by the Governor and the Attorney General are not transferable.
- Members who are designees of a statutory required body are transferable by the agency or department head. The statutory required Board member shall notify the Board of the Designee and any changes regarding the designee.

#### **Article IV- Duties of the Board**

- Develop and prescribe standardized procedures for the evaluation and management of sex offenders. Periodically, the Board shall review and modify the standardized procedures as necessary based on current best practices.
- These standardized procedures that are based on best practices shall be utilized with offenders on probation, committed to the Department of Corrections, Department of Juvenile Justice, or Department of Human Services, or placed on mandatory supervised release or parole. The Programs shall be as flexible as possible so that the programs may be utilized by each offender to prevent the offender from harming

victims and potential victims. The programs shall provide a continuum of evaluation and treatment for each offender as that offender proceeds through the justice system. Also, the programs shall be developed in such a manner that, to the extent possible, the programs may be accessed by all offenders in the justice system.

- Provide at least two annual trainings for agencies that provide supervision and management to sex offenders on best practices for the treatment, evaluation, and supervision of sex offenders. The training program may include other matters relevant to the supervision and management of sex offenders, including but not limited to, legislative developments and national best practices models. The Board may develop other training and education programs to promote the utilization of best practices for the effective management of sex offenders as it deems necessary.
- Establish the Sex Offender Management Board Fund in the State Treasury into which funds received under any provision of law or from public or private sources shall be deposited and from which funds are distributed according to statutory requirements and Board policies and procedures.
- Report to the General Assembly when required under the Sex Offender Management Board Act.

## **Article V- Duties of the Chair and Vice-Chair**

### **Section 1-Authority and term of office of the Chair:**

- The Chair is appointed from the general membership by the Governor and the Illinois Attorney General and shall serve at the pleasure of the Governor and the Attorney General.

### **Section 2- Duties of the Chair:**

- Preside over the meetings of the Board.
- Set the agenda of the meetings of the Board.
- Provide notice of each meeting and special meeting of the Board.

- Act as official spokesperson for the actions of the Board
- Sign all correspondence and documents generated from the Board.
- Establish committees and sub-committees to promote the work of the Board and appoint chairpersons for each committee
- Participate as ex-officio member of all committees and sub-committees.
- Conduct inquiries as to conflict of interest concerns as raised by the Board.
- Conduct all Board meetings according to Robert's Rules of Order.
- Cause the preparation of the report to the General Assembly of the Illinois State Legislature as required by statute.
- Determine if a quorum exists at Board meetings.
- May appoint an individual to take minutes of the Board meetings.

### **Section 3- Authority and term of office of the Vice-Chair**

- The Vice-Chair is appointed by the Chair from the membership.
- The Vice-Chair will serve at the pleasure of the Chair.

### **Section 4-Duties of the Vice-Chair**

- Perform all the duties of the chair in the absence of the Chair.
- Assist the Chair during all official meetings and special meetings of the Board.
- Maintain professional conduct of meeting and adherence to Robert's Rules of Order.

### **Section 5- Duties of the Membership**

- Ascribe to the mission of the Board.
- Attend all meetings, special meetings and committee meetings of the Board.
- Chair and conduct business of committees and sub committees as appointed by the Board Chair.
- Perform all duties of the Board in an ethical manner without conflict of interest.

- Promulgate rules as are necessary to carry out the duties of the Board.
- Not speak for the Board without approval of the Board by vote of the Board.
- Not transfer or attempt to transfer membership to another.
- Maintain professionalism at board meetings or when representing the Board at any meeting or function.
- Notify the Chair if the member is unable to attend a meeting prior to the scheduled meeting.

### **Section VI- Liability and Compensation**

- The Board and the individual members of the Board shall be immune from any liability, whether civil or criminal, for the good faith performance of the duties of the Board as specified by statute.
- The Board and its agents shall serve without compensation except for travel costs associated with membership and subject to availability of funds.

## **Article IV- Meetings and Quorum**

### **Section I- Meetings: Of the Full Board**

1. The Board shall conduct regular meetings. Notice shall be supplied to Board members of the date, time and location of the meeting at least seven (7) days in advance of the meeting.
2. Meetings are open to the public and meeting notices shall be posted to provide public notice. The Board shall when appropriate invite other interested and qualified parties to assist the Board in carrying out its duties and purpose.
3. The Board Chairperson may call special meetings on an as needed basis with forty-eight (48) hour notice to the Board members.
4. Board members or designees shall attend every scheduled regular meeting of the Board. Absence is excused only upon notice to the Board Chairperson in advance of the meeting date. Termination of membership by the Board will follow guidelines outlined in Article III Section 4 of this document.
5. Business of the Board will be conducted following Robert's Rules of Order and will be conducted pursuant to an agenda.

Business conducted by the Board shall be made a matter of record by minutes taken during the meeting. The agenda prepared by the Chairperson may be added to by Board members forty-eight (48) hours in advance of the meeting by writing or calling the chair. Non-board members may request an item be added with approval from the chair with forty-eight hour notice and items may be added at the time of the meeting by consensus of board members or by majority vote of members present.

## **Section II- Meetings: Committees and Sub-Committees**

### **1. Standing Committees of the Board are:**

- **Standards and Guidelines.**  
For the purpose of developing, prescribing, and revising standardized procedures for the evaluation and management of the offender as outlined in statute; prescribing a plan to research and analyze the effectiveness of the evaluation and management procedures and programs developed under this act.
- **Quality Assurance of Providers.**  
At the request of the Illinois Department of Financial and Professional Regulation and/or the Illinois Sex Offender Evaluation and Treatment Provider Licensing and Disciplinary Board, this committee may provide assistance with quality assurance related matters.
- **Funding.**  
For the purpose of exploring funding sources including but not limited to State, federal and private funds and to develop a plan for the allocation of moneys in accordance with state statutes and policies and procedures to comply with provisions as indicated in statute.
- **Training**  
For the purpose of planning, recommending, and aiding in the implementation of at least two (2) annual training events. Such trainings will focus on sex offender management and treatment with targeted attendee populations being law enforcement, parole and probation, sex offender treatment providers, victims groups and advocacy centers, court personnel, and other groups as deemed appropriate. The training committee will make



recommendations and implement the training events at the direction of the Board. The Training committee may seek community partners to collaborate on training efforts or events.

- Membership committee.  
For the purpose of ensuring that all vacancies to the board are filled in a timely fashion; recommending individuals to the appropriate appointing agencies to fill Board vacancies; maintaining responsibility for compliance of Board member attendance; scheduling member retreats and training for the Board members; monitoring, investigating and recommending disposition of allegations of conflict of interest levied against the Board or Board member.
  - Legislative Committee  
For the purpose of reviewing, analyzing, and discussing proposed sex offender legislation; providing a resource for the legislature regarding proposed legislation; providing assistance to the Board with the composition of position papers regarding the recommendations for a particular bill if appropriate.
2. Committee Chairs are appointed by the Board Chair from the members of the Board.
  3. Committees of the Board shall meet on an as needed basis as called by the committee Chair. Actions or recommendations by the committee shall be provided in writing to the Chair.
  4. Recommendations of committees shall be ratified by a quorum of Board members or their designees with voting power at a regular or special meeting, unless authority for decision-making is otherwise delegated to the committee or task group by a majority of the Board.
  5. From time to time the Board and its committees may agree to form sub-committees. Chairs of subcommittees may be appointed by the Board Chair or the chairs of the standing committees. Business of the Sub-committees will be conducted under rules for the full Board.

### **Section III- Quorum:**

Fifty-one percent (51%) of the duly appointed members of the Board or their designees shall constitute a quorum. Vacancies in membership shall not be counted in the determination of the quorum. If a quorum is not met at the time of the scheduled meeting, the Chairperson may continue a roll call for one and one half hours after which a quorum is not present, business may be provisionally transacted. However, no vote will be final until ratified at the next regular meeting, or through verbal or electronic voting coordinated by the Chair. Once declared, a quorum is not lost unless there are less than five appointed members of the Board or designees present, or at the discretion of the chairperson, there exist an inadequate number of members present to consider the issue presented.

## **Article VII- Policies and Procedures**

In order to achieve its statutory mandates, the Board shall adopt policies and procedures which shall set forth in writing and which shall be on file at the Illinois Secretary of State's Office. Such rules, policies and procedures shall be available to the public. Such policies and procedures may be amended as necessary. The Board may deviate from a policy or procedure for good cause upon a majority vote of the members present at the meeting where the question rises.

## **Article VIII- Staff**

The Board may, contingent upon funds available, employ necessary staff to complete certain tasks as assigned by the Chair or the full Board.

## **Article VIII Consultation to the Board**

In recognition of the complexity of the field of sex offender treatment and management, the Board or any committee of the Board, with permission of the Chair may consult with experts to supplement the expertise of the Board and to assist in making informed decisions. The Board may also request or receive expertise and input from non-board members on matters of general standards development, research, or implementation of its mandates.

## **Article X- Amendment of By-Laws**

These by-laws may be amended by a 2/3 majority vote of the Board, after a proposed amendment has received on reading at a regular meeting. Proposed amendments shall be distributed to Board members at least ten (10) days preceding the meeting at which the reading will take place.

## **Article XI- Adoption**

These by-laws of the Illinois Sex Offender Management Board are adopted by affirmative vote of the Board on this the 21st day of March of 2013.

Alyssa Williams-Schafer

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Appointed Chairperson, Illinois Sex Offender Management Board

Adopted/ Amended this 21<sup>st</sup> day of March of 2013.