

# LEGISLATIVE RESEARCH UNIT

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PATRICK D. O'GRADY, EXECUTIVE DIRECTOR

January 9, 2008

## SEX OFFENDER RESIDENCE RESTRICTIONS

You asked whether the law barring sex offenders from living within 500 feet of a school or worship center applies to sex offenders living in a licensed transitional housing facility or a halfway house sponsored by the Department of Corrections. Our research shows that a child sex offender (as opposed to a sex offender whose victim was an adult) may not reside at a facility within 500 feet of a school. We found no such automatic prohibition on residing near a place of worship. But if a place of worship operates a day-care center or other facility providing programs or services exclusively directed to persons under 18, a child sex offender may not reside within 500 feet of the building housing the center or other facility. We discuss our findings in detail below.

### Residence Restrictions for Sex Offenders

A child sex offender may not knowingly live within "500 feet of a school building or the real property comprising any school" except in a residence that was owned by the offender before July 7, 2000.<sup>1</sup> A child sex offender similarly may not knowingly live within 500 feet of a playground, day-care center, or facility providing programs or services exclusively to children under 18, except in a residence owned by the offender before July 7, 2000.<sup>2</sup> Either offense is a Class 4 felony, punishable by 1-3 years in prison or up to 2<sup>1</sup>/<sub>2</sub> years' probation, and a fine up to \$25,000.<sup>3</sup>

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A sex offender on parole, mandatory supervised release, probation, conditional discharge, or supervision is prohibited from living with or near another sex offender. This prohibition does not apply to licensed transitional housing facilities (discussed below), or to a facility operated or licensed by the Department of Children and Family Services, the Department of Human Services, or a licensed medical facility.<sup>4</sup>

## **Housing for Sex Offenders**

### **Transitional Housing**

The Transitional Housing for Sex Offenders Law<sup>5</sup> (2005) authorized the Department of Corrections to license transitional housing facilities for persons convicted or put on supervision for sex offenses. The Law requires each such facility to notify the police, public and private elementary and high schools, public libraries, and each home and apartment complex within 500 feet of it that it has received initial licensure, and to notify them annually thereafter.<sup>6</sup> The facility must keep a sign at its main entrance saying "Department of Corrections Licensed Transitional Housing Facility."<sup>7</sup>

Regulations issued by the Department of Corrections (DoC) require any applicant for a transitional housing license to comply with the following requirements among others:

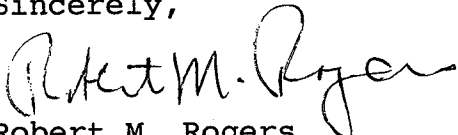
- (1) Have a facility that is located more than 500 feet from any school, facility providing programs or services exclusively directed toward persons under 18 years of age, or playground.
- (2) Have a physical structure that provides for security measures, approved by the Department, 24 hours per day and seven days per week.
- (3) Limit residential occupancy of the facility to individuals over the age of 18.
- (4) Provide housing to sex offenders on parole, probation, or supervision for a period not to exceed 90 days, unless otherwise approved by the Director of the Department.<sup>8</sup>

The Director of Sex Offender Services for DoC says Illinois has only three such licensed facilities—one each in Chicago, Chicago Heights, and East St. Louis. The Chicago facility is called St. Leonard's and is at 2100 W. Warren. It is within 500 feet of a school, but does not house child sex offenders. No sex offenders currently reside in the Chicago Heights facility. The East St. Louis facility is not near a school or place of worship.<sup>9</sup>

At times, sex offenders may be housed at a facility licensed by the Department of Human Services to treat drug or alcohol addiction. But such a facility, if within 500 feet of a school, may not house a child sex offender.<sup>10</sup>

We hope this information is helpful. Please let us know if we can be of further assistance. This letter is provided in response to a request for legislative research. It is not an opinion on the application of laws to any specific set of facts.

Sincerely,



Robert M. Rogers  
Staff Attorney

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#### Notes

1. 720 ILCS 5/11-9.3(b-5).
2. 720 ILCS 5/11-9.4(b-5).
3. 730 ILCS 5/5-8-1(a)(7), 5/5-6-2(b)(2), and 5/5-9-1(a)(1).
4. 730 ILCS 5/3-3-7(a)(7.6), 5/5-6-3(a)(8.6), and 5/5-6-3.1(o)
5. P.A. 94-161, sec. 5 (2005), adding 730 ILCS 5/3-17-1 and 5/3-17-5.
6. 730 ILCS 5/3-17-5(b)(4).
7. 730 ILCS 5/3-17-5(b)(5).
8. 20 Ill. Adm. Code sec. 800.40.
9. Telephone conversations with Alyssa Williams-Schafer, Director of Sex Offender Services, Department of Corrections, Springfield, Dec. 27, 2007 and Jan. 2, 2008.
10. Alyssa Williams-Schafer conversation, Jan. 2, 2008.