



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3615

Introduced 5/24/2018, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3.6 new

Amends the Criminal Code of 2012. Provides that it is unlawful for a person convicted of first or second degree murder to knowingly be present in or loiter within 1,000 feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance. Provides exceptions if the offender is a parent or guardian of a student attending the school. Provides that it is unlawful for that person to knowingly be present within 100 feet of a site posted as a pick-up or discharge stop for a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when one or more persons under the age of 18 are present at the site. Provides that it is unlawful for that person to knowingly reside within 1,000 feet of a school, 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. Provides that a violation is a Class 4 felony.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by adding
5 Section 9-3.6 as follows:

6 (720 ILCS 5/9-3.6 new)

7 Sec. 9-3.6. Presence within school zone by murderer
8 prohibited; approaching, contacting, residing with, or
9 communicating with a child within certain places by murderer
10 prohibited.

11 (a) In this Section:

12 "Child care institution" has the meaning ascribed to it
13 in Section 2.06 of the Child Care Act of 1969.

14 "Day care center" has the meaning ascribed to it in
15 Section 2.09 of the Child Care Act of 1969.

16 "Day care home" has the meaning ascribed to it in
17 Section 2.18 of the Child Care Act of 1969.

18 "Facility providing programs or services directed
19 towards persons under the age of 18" means any facility
20 providing programs or services exclusively directed
21 towards persons under the age of 18.

22 "Group day care home" has the meaning ascribed to it in
23 Section 2.20 of the Child Care Act of 1969.

1 "Loiter" means standing, sitting idly, whether or not
2 the person is in a vehicle, or remaining in or around
3 school or public park property.

4 "Murderer" means a person who was convicted of first or
5 second degree murder in this State or an offense under
6 federal law or the law of another state that is
7 substantially equivalent to first or second degree murder
8 or a former law of this State that is substantially
9 equivalent to first or second degree murder.

10 "Part day child care facility" has the meaning ascribed
11 to it in Section 2.10 of the Child Care Act.

12 "Playground" means a piece of land owned or controlled
13 by a unit of local government that is designated by the
14 unit of local government for use solely or primarily for
15 children's recreation.

16 "Public park" includes a park, forest preserve,
17 bikeway, trail, or conservation area under the
18 jurisdiction of the State or a unit of local government.

19 "School" means a public or private preschool or
20 elementary or secondary school.

21 "School official" means the principal, a teacher, or
22 any other certified employee of the school, the
23 superintendent of schools or a member of the school board.

24 (b) It is unlawful for a person convicted of first degree
25 murder or second degree murder to knowingly be present in any
26 school building, on real property comprising any school, or in

1 any conveyance owned, leased, or contracted by a school to
2 transport students to or from school or a school related
3 activity when persons under the age of 18 are present in the
4 building, on the grounds or in the conveyance, unless the
5 offender is a parent or guardian of a student attending the
6 school and the parent or guardian is:

7 (1) attending a conference at the school with school
8 personnel to discuss the progress of his or her child
9 academically or socially;

10 (2) participating in child review conferences in which
11 evaluation and placement decisions may be made with respect
12 to his or her child regarding special education services;

13 or

14 (3) attending conferences to discuss other student
15 issues concerning his or her child such as retention and
16 promotion and notifies the principal of the school of his
17 or her presence at the school or unless the offender has
18 permission to be present from the superintendent or the
19 school board or in the case of a private school from the
20 principal. In the case of a public school, if permission is
21 granted, the superintendent or school board president must
22 inform the principal of the school where the murderer will
23 be present. Notification includes the nature of the
24 murderer's visit and the hours in which the murderer will
25 be present in the school. The murderer is responsible for
26 notifying the principal's office when he or she arrives on

1 school property and when he or she departs from school
2 property. If the murderer is to be present in the vicinity
3 of children, the murderer has the duty to remain under the
4 direct supervision of a school official.

5 (c) It is unlawful for a person convicted of first degree
6 murder or second degree to knowingly be present within 100 feet
7 of a site posted as a pick-up or discharge stop for a
8 conveyance owned, leased, or contracted by a school to
9 transport students to or from school or a school related
10 activity when one or more persons under the age of 18 are
11 present at the site.

12 (d) It is unlawful for a person convicted of first degree
13 murder or second degree to knowingly be present in any public
14 park building, a playground or recreation area within any
15 publicly accessible privately owned building, or on real
16 property comprising any public park when persons under the age
17 of 18 are present in the building or on the grounds and to
18 approach, contact, or communicate with a child under 18 years
19 of age, unless the offender is a parent or guardian of a person
20 under 18 years of age present in the building or on the
21 grounds.

22 (e) It is unlawful for a person convicted of first degree
23 murder or second degree to knowingly loiter within 1,000 feet
24 of a school building or real property comprising any school
25 while persons under the age of 18 are present in the building
26 or on the grounds, unless the offender is a parent or guardian

1 of a student attending the school and the parent or guardian
2 is:

3 (1) attending a conference at the school with school
4 personnel to discuss the progress of his or her child
5 academically or socially;

6 (2) participating in child review conferences in which
7 evaluation and placement decisions may be made with respect
8 to his or her child regarding special education services;
9 or

10 (3) attending conferences to discuss other student
11 issues concerning his or her child such as retention and
12 promotion and notifies the principal of the school of his
13 or her presence at the school or has permission to be
14 present from the superintendent or the school board or in
15 the case of a private school from the principal.

16 In the case of a public school, if permission is granted,
17 the superintendent or school board president must inform the
18 principal of the school where the murderer will be present.
19 Notification includes the nature of the murderer's visit and
20 the hours in which the murderer will be present in the school.
21 The murderer is responsible for notifying the principal's
22 office when he or she arrives on school property and when he or
23 she departs from school property. If the murderer is to be
24 present in the vicinity of children, the murderer has the duty
25 to remain under the direct supervision of a school official.

26 (f) It is unlawful for a person convicted of first degree

1 murder or second degree to knowingly loiter on a public way
2 within 1,000 feet of a public park building or real property
3 comprising any public park while persons under the age of 18
4 are present in the building or on the grounds and to approach,
5 contact, or communicate with a child under 18 years of age,
6 unless the offender is a parent or guardian of a person under
7 18 years of age present in the building or on the grounds.

8 (g) It is unlawful for a person convicted of first degree
9 murder or second degree to knowingly reside within 1,000 feet
10 of a school building or the real property comprising any school
11 that persons under the age of 18 attend.

12 (h) It is unlawful for a person convicted of first degree
13 murder or second degree to knowingly reside within 1,000 feet
14 of a playground, child care institution, day care center, part
15 day child care facility, day care home, group day care home, or
16 a facility providing programs or services exclusively directed
17 toward persons under 18 years of age.

18 (i) For the purposes of this Section, the 1,000 feet
19 distance shall be measured from:

20 (1) the edge of the property of the school building or
21 the real property comprising the school that is closest to
22 the edge of the property of residence of, or the place
23 where, the person convicted of first degree murder or
24 second degree murder is loitering; and

25 (2) the edge of the property comprising the public park
26 building or the real property comprising the public park,

1 playground, child care institution, day care center, part
2 day child care facility, or facility providing programs or
3 services exclusively directed toward persons under 18
4 years of age, to the edge of the place of residence of, or
5 the place where, the person convicted of first degree
6 murder or second degree murder is loitering.

7 (j) Sentence. A person who violates this Section is guilty
8 of a Class 4 felony.