



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1749

Introduced 2/15/2019, by Sen. Rachelle Crowe

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3	
720 ILCS 5/12-7.3	from Ch. 38, par. 12-7.3
720 ILCS 5/12-7.4	from Ch. 38, par. 12-7.4
730 ILCS 150/2	from Ch. 38, par. 222

Amends the Criminal Code of 2012. Provides that stalking against a child is a Class 3 felony. Provides that aggravated stalking against a child is a Class 2 felony. Defines "child". Defines "sex offense" for purposes of registration as a child sex offender to include these offenses. Amends the Sex Offender Registration Act. Requires registration under the Act for a person convicted of stalking or aggravated stalking against a child. Makes technical changes.

LRB101 10122 SLF 55225 b

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 changing
5 Sections 11-9.3, 12-7.3, and 12-7.4 as follows:

6 (720 ILCS 5/11-9.3)

7 Sec. 11-9.3. Presence within school zone by child sex
8 offenders prohibited; approaching, contacting, residing with,
9 or communicating with a child within certain places by child
10 sex offenders prohibited.

11 (a) It is unlawful for a child sex offender to knowingly be
12 present in any school building, on real property comprising any
13 school, or in any conveyance owned, leased, or contracted by a
14 school to transport students to or from school or a school
15 related activity when persons under the age of 18 are present
16 in the building, on the grounds or in the conveyance, unless
17 the offender is a parent or guardian of a student attending the
18 school and the parent or guardian is: (i) attending a
19 conference at the school with school personnel to discuss the
20 progress of his or her child academically or socially, (ii)
21 participating in child review conferences in which evaluation
22 and placement decisions may be made with respect to his or her
23 child regarding special education services, or (iii) attending

1 conferences to discuss other student issues concerning his or
2 her child such as retention and promotion and notifies the
3 principal of the school of his or her presence at the school or
4 unless the offender has permission to be present from the
5 superintendent or the school board or in the case of a private
6 school from the principal. In the case of a public school, if
7 permission is granted, the superintendent or school board
8 president must inform the principal of the school where the sex
9 offender will be present. Notification includes the nature of
10 the sex offender's visit and the hours in which the sex
11 offender will be present in the school. The sex offender is
12 responsible for notifying the principal's office when he or she
13 arrives on school property and when he or she departs from
14 school property. If the sex offender is to be present in the
15 vicinity of children, the sex offender has the duty to remain
16 under the direct supervision of a school official.

17 (a-5) It is unlawful for a child sex offender to knowingly
18 be present within 100 feet of a site posted as a pick-up or
19 discharge stop for a conveyance owned, leased, or contracted by
20 a school to transport students to or from school or a school
21 related activity when one or more persons under the age of 18
22 are present at the site.

23 (a-10) It is unlawful for a child sex offender to knowingly
24 be present in any public park building, a playground or
25 recreation area within any publicly accessible privately owned
26 building, or on real property comprising any public park when

1 persons under the age of 18 are present in the building or on
2 the grounds and to approach, contact, or communicate with a
3 child under 18 years of age, unless the offender is a parent or
4 guardian of a person under 18 years of age present in the
5 building or on the grounds.

6 (b) It is unlawful for a child sex offender to knowingly
7 loiter within 500 feet of a school building or real property
8 comprising any school while persons under the age of 18 are
9 present in the building or on the grounds, unless the offender
10 is a parent or guardian of a student attending the school and
11 the parent or guardian is: (i) attending a conference at the
12 school with school personnel to discuss the progress of his or
13 her child academically or socially, (ii) participating in child
14 review conferences in which evaluation and placement decisions
15 may be made with respect to his or her child regarding special
16 education services, or (iii) attending conferences to discuss
17 other student issues concerning his or her child such as
18 retention and promotion and notifies the principal of the
19 school of his or her presence at the school or has permission
20 to be present from the superintendent or the school board or in
21 the case of a private school from the principal. In the case of
22 a public school, if permission is granted, the superintendent
23 or school board president must inform the principal of the
24 school where the sex offender will be present. Notification
25 includes the nature of the sex offender's visit and the hours
26 in which the sex offender will be present in the school. The

1 sex offender is responsible for notifying the principal's
2 office when he or she arrives on school property and when he or
3 she departs from school property. If the sex offender is to be
4 present in the vicinity of children, the sex offender has the
5 duty to remain under the direct supervision of a school
6 official.

7 (b-2) It is unlawful for a child sex offender to knowingly
8 loiter on a public way within 500 feet of a public park
9 building or real property comprising any public park while
10 persons under the age of 18 are present in the building or on
11 the grounds and to approach, contact, or communicate with a
12 child under 18 years of age, unless the offender is a parent or
13 guardian of a person under 18 years of age present in the
14 building or on the grounds.

15 (b-5) It is unlawful for a child sex offender to knowingly
16 reside within 500 feet of a school building or the real
17 property comprising any school that persons under the age of 18
18 attend. Nothing in this subsection (b-5) prohibits a child sex
19 offender from residing within 500 feet of a school building or
20 the real property comprising any school that persons under 18
21 attend if the property is owned by the child sex offender and
22 was purchased before July 7, 2000 (the effective date of Public
23 Act 91-911).

24 (b-10) It is unlawful for a child sex offender to knowingly
25 reside within 500 feet of a playground, child care institution,
26 day care center, part day child care facility, day care home,

1 group day care home, or a facility providing programs or
2 services exclusively directed toward persons under 18 years of
3 age. Nothing in this subsection (b-10) prohibits a child sex
4 offender from residing within 500 feet of a playground or a
5 facility providing programs or services exclusively directed
6 toward persons under 18 years of age if the property is owned
7 by the child sex offender and was purchased before July 7,
8 2000. Nothing in this subsection (b-10) prohibits a child sex
9 offender from residing within 500 feet of a child care
10 institution, day care center, or part day child care facility
11 if the property is owned by the child sex offender and was
12 purchased before June 26, 2006. Nothing in this subsection
13 (b-10) prohibits a child sex offender from residing within 500
14 feet of a day care home or group day care home if the property
15 is owned by the child sex offender and was purchased before
16 August 14, 2008 (the effective date of Public Act 95-821).

17 (b-15) It is unlawful for a child sex offender to knowingly
18 reside within 500 feet of the victim of the sex offense.
19 Nothing in this subsection (b-15) prohibits a child sex
20 offender from residing within 500 feet of the victim if the
21 property in which the child sex offender resides is owned by
22 the child sex offender and was purchased before August 22,
23 2002.

24 This subsection (b-15) does not apply if the victim of the
25 sex offense is 21 years of age or older.

26 (b-20) It is unlawful for a child sex offender to knowingly

1 communicate, other than for a lawful purpose under Illinois
2 law, using the Internet or any other digital media, with a
3 person under 18 years of age or with a person whom he or she
4 believes to be a person under 18 years of age, unless the
5 offender is a parent or guardian of the person under 18 years
6 of age.

7 (c) It is unlawful for a child sex offender to knowingly
8 operate, manage, be employed by, volunteer at, be associated
9 with, or knowingly be present at any: (i) facility providing
10 programs or services exclusively directed toward persons under
11 the age of 18; (ii) day care center; (iii) part day child care
12 facility; (iv) child care institution; (v) school providing
13 before and after school programs for children under 18 years of
14 age; (vi) day care home; or (vii) group day care home. This
15 does not prohibit a child sex offender from owning the real
16 property upon which the programs or services are offered or
17 upon which the day care center, part day child care facility,
18 child care institution, or school providing before and after
19 school programs for children under 18 years of age is located,
20 provided the child sex offender refrains from being present on
21 the premises for the hours during which: (1) the programs or
22 services are being offered or (2) the day care center, part day
23 child care facility, child care institution, or school
24 providing before and after school programs for children under
25 18 years of age, day care home, or group day care home is
26 operated.

1 (c-2) It is unlawful for a child sex offender to
2 participate in a holiday event involving children under 18
3 years of age, including but not limited to distributing candy
4 or other items to children on Halloween, wearing a Santa Claus
5 costume on or preceding Christmas, being employed as a
6 department store Santa Claus, or wearing an Easter Bunny
7 costume on or preceding Easter. For the purposes of this
8 subsection, child sex offender has the meaning as defined in
9 this Section, but does not include as a sex offense under
10 paragraph (2) of subsection (d) of this Section, the offense
11 under subsection (c) of Section 11-1.50 of this Code. This
12 subsection does not apply to a child sex offender who is a
13 parent or guardian of children under 18 years of age that are
14 present in the home and other non-familial minors are not
15 present.

16 (c-5) It is unlawful for a child sex offender to knowingly
17 operate, manage, be employed by, or be associated with any
18 county fair when persons under the age of 18 are present.

19 (c-6) It is unlawful for a child sex offender who owns and
20 resides at residential real estate to knowingly rent any
21 residential unit within the same building in which he or she
22 resides to a person who is the parent or guardian of a child or
23 children under 18 years of age. This subsection shall apply
24 only to leases or other rental arrangements entered into after
25 January 1, 2009 (the effective date of Public Act 95-820).

26 (c-7) It is unlawful for a child sex offender to knowingly

1 offer or provide any programs or services to persons under 18
2 years of age in his or her residence or the residence of
3 another or in any facility for the purpose of offering or
4 providing such programs or services, whether such programs or
5 services are offered or provided by contract, agreement,
6 arrangement, or on a volunteer basis.

7 (c-8) It is unlawful for a child sex offender to knowingly
8 operate, whether authorized to do so or not, any of the
9 following vehicles: (1) a vehicle which is specifically
10 designed, constructed or modified and equipped to be used for
11 the retail sale of food or beverages, including but not limited
12 to an ice cream truck; (2) an authorized emergency vehicle; or
13 (3) a rescue vehicle.

14 (d) Definitions. In this Section:

15 (1) "Child sex offender" means any person who:

16 (i) has been charged under Illinois law, or any
17 substantially similar federal law or law of another
18 state, with a sex offense set forth in paragraph (2) of
19 this subsection (d) or the attempt to commit an
20 included sex offense, and the victim is a person under
21 18 years of age at the time of the offense; and:

22 (A) is convicted of such offense or an attempt
23 to commit such offense; or

24 (B) is found not guilty by reason of insanity
25 of such offense or an attempt to commit such
26 offense; or

1 (C) is found not guilty by reason of insanity
2 pursuant to subsection (c) of Section 104-25 of the
3 Code of Criminal Procedure of 1963 of such offense
4 or an attempt to commit such offense; or

5 (D) is the subject of a finding not resulting
6 in an acquittal at a hearing conducted pursuant to
7 subsection (a) of Section 104-25 of the Code of
8 Criminal Procedure of 1963 for the alleged
9 commission or attempted commission of such
10 offense; or

11 (E) is found not guilty by reason of insanity
12 following a hearing conducted pursuant to a
13 federal law or the law of another state
14 substantially similar to subsection (c) of Section
15 104-25 of the Code of Criminal Procedure of 1963 of
16 such offense or of the attempted commission of such
17 offense; or

18 (F) is the subject of a finding not resulting
19 in an acquittal at a hearing conducted pursuant to
20 a federal law or the law of another state
21 substantially similar to subsection (a) of Section
22 104-25 of the Code of Criminal Procedure of 1963
23 for the alleged violation or attempted commission
24 of such offense; or

25 (ii) is certified as a sexually dangerous person
26 pursuant to the Illinois Sexually Dangerous Persons

1 Act, or any substantially similar federal law or the
2 law of another state, when any conduct giving rise to
3 such certification is committed or attempted against a
4 person less than 18 years of age; or

5 (iii) is subject to the provisions of Section 2 of
6 the Interstate Agreements on Sexually Dangerous
7 Persons Act.

8 Convictions that result from or are connected with the
9 same act, or result from offenses committed at the same
10 time, shall be counted for the purpose of this Section as
11 one conviction. Any conviction set aside pursuant to law is
12 not a conviction for purposes of this Section.

13 (2) Except as otherwise provided in paragraph (2.5),
14 "sex offense" means:

15 (i) A violation of any of the following Sections of
16 the Criminal Code of 1961 or the Criminal Code of 2012:
17 10-4 (forcible detention), 10-7 (aiding or abetting
18 child abduction under Section 10-5(b)(10)),
19 10-5(b)(10) (child luring), 11-1.40 (predatory
20 criminal sexual assault of a child), 11-6 (indecent
21 solicitation of a child), 11-6.5 (indecent
22 solicitation of an adult), 11-9.1 (sexual exploitation
23 of a child), 11-9.2 (custodial sexual misconduct),
24 11-9.5 (sexual misconduct with a person with a
25 disability), 11-11 (sexual relations within families),
26 11-14.3(a)(1) (promoting prostitution by advancing

1 prostitution), 11-14.3(a)(2)(A) (promoting
2 prostitution by profiting from prostitution by
3 compelling a person to be a prostitute),
4 11-14.3(a)(2)(C) (promoting prostitution by profiting
5 from prostitution by means other than as described in
6 subparagraphs (A) and (B) of paragraph (2) of
7 subsection (a) of Section 11-14.3), 11-14.4 (promoting
8 juvenile prostitution), 11-18.1 (patronizing a
9 juvenile prostitute), 11-20.1 (child pornography),
10 11-20.1B (aggravated child pornography), 11-21
11 (harmful material), 11-25 (grooming), 11-26 (traveling
12 to meet a minor or traveling to meet a child), 12-33
13 (ritualized abuse of a child), 11-20 (obscenity) (when
14 that offense was committed in any school, on real
15 property comprising any school, in any conveyance
16 owned, leased, or contracted by a school to transport
17 students to or from school or a school related
18 activity, or in a public park), 11-30 (public
19 indecency) (when committed in a school, on real
20 property comprising a school, in any conveyance owned,
21 leased, or contracted by a school to transport students
22 to or from school or a school related activity, or in a
23 public park). An attempt to commit any of these
24 offenses.

25 (ii) A violation of any of the following Sections
26 of the Criminal Code of 1961 or the Criminal Code of

1 2012, when the victim is a person under 18 years of
2 age: 11-1.20 (criminal sexual assault), 11-1.30
3 (aggravated criminal sexual assault), 11-1.50
4 (criminal sexual abuse), 11-1.60 (aggravated criminal
5 sexual abuse). An attempt to commit any of these
6 offenses.

7 (iii) A violation of any of the following Sections
8 of the Criminal Code of 1961 or the Criminal Code of
9 2012, when the victim is a person under 18 years of age
10 and the defendant is not a parent of the victim:

11 10-1 (kidnapping),

12 10-2 (aggravated kidnapping),

13 10-3 (unlawful restraint),

14 10-3.1 (aggravated unlawful restraint),

15 11-9.1(A) (permitting sexual abuse of a child).

16 An attempt to commit any of these offenses.

17 (iv) A violation of any former law of this State
18 substantially equivalent to any offense listed in
19 clause (2)(i) or (2)(ii) of subsection (d) of this
20 Section.

21 (v) A violation of Section 12-7.3 or 12-7.4 against
22 a child.

23 (2.5) For the purposes of subsections (b-5) and (b-10)
24 only, a sex offense means:

25 (i) A violation of any of the following Sections of
26 the Criminal Code of 1961 or the Criminal Code of 2012:

1 10-5(b)(10) (child luring), 10-7 (aiding or
2 abetting child abduction under Section 10-5(b)(10)),
3 11-1.40 (predatory criminal sexual assault of a
4 child), 11-6 (indecent solicitation of a child),
5 11-6.5 (indecent solicitation of an adult), 11-9.2
6 (custodial sexual misconduct), 11-9.5 (sexual
7 misconduct with a person with a disability), 11-11
8 (sexual relations within families), 11-14.3(a)(1)
9 (promoting prostitution by advancing prostitution),
10 11-14.3(a)(2)(A) (promoting prostitution by profiting
11 from prostitution by compelling a person to be a
12 prostitute), 11-14.3(a)(2)(C) (promoting prostitution
13 by profiting from prostitution by means other than as
14 described in subparagraphs (A) and (B) of paragraph (2)
15 of subsection (a) of Section 11-14.3), 11-14.4
16 (promoting juvenile prostitution), 11-18.1
17 (patronizing a juvenile prostitute), 11-20.1 (child
18 pornography), 11-20.1B (aggravated child pornography),
19 11-25 (grooming), 11-26 (traveling to meet a minor or
20 traveling to meet a child), or 12-33 (ritualized abuse
21 of a child). An attempt to commit any of these
22 offenses.

23 (ii) A violation of any of the following Sections
24 of the Criminal Code of 1961 or the Criminal Code of
25 2012, when the victim is a person under 18 years of
26 age: 11-1.20 (criminal sexual assault), 11-1.30

1 (aggravated criminal sexual assault), 11-1.60
2 (aggravated criminal sexual abuse), and subsection (a)
3 of Section 11-1.50 (criminal sexual abuse). An attempt
4 to commit any of these offenses.

5 (iii) A violation of any of the following Sections
6 of the Criminal Code of 1961 or the Criminal Code of
7 2012, when the victim is a person under 18 years of age
8 and the defendant is not a parent of the victim:

9 10-1 (kidnapping),

10 10-2 (aggravated kidnapping),

11 10-3 (unlawful restraint),

12 10-3.1 (aggravated unlawful restraint),

13 11-9.1(A) (permitting sexual abuse of a child).

14 An attempt to commit any of these offenses.

15 (iv) A violation of any former law of this State
16 substantially equivalent to any offense listed in this
17 paragraph (2.5) of this subsection.

18 (3) A conviction for an offense of federal law or the
19 law of another state that is substantially equivalent to
20 any offense listed in paragraph (2) of subsection (d) of
21 this Section shall constitute a conviction for the purpose
22 of this Section. A finding or adjudication as a sexually
23 dangerous person under any federal law or law of another
24 state that is substantially equivalent to the Sexually
25 Dangerous Persons Act shall constitute an adjudication for
26 the purposes of this Section.

1 (4) "Authorized emergency vehicle", "rescue vehicle",
2 and "vehicle" have the meanings ascribed to them in
3 Sections 1-105, 1-171.8 and 1-217, respectively, of the
4 Illinois Vehicle Code.

5 (5) "Child care institution" has the meaning ascribed
6 to it in Section 2.06 of the Child Care Act of 1969.

7 (6) "Day care center" has the meaning ascribed to it in
8 Section 2.09 of the Child Care Act of 1969.

9 (7) "Day care home" has the meaning ascribed to it in
10 Section 2.18 of the Child Care Act of 1969.

11 (8) "Facility providing programs or services directed
12 towards persons under the age of 18" means any facility
13 providing programs or services exclusively directed
14 towards persons under the age of 18.

15 (9) "Group day care home" has the meaning ascribed to
16 it in Section 2.20 of the Child Care Act of 1969.

17 (10) "Internet" has the meaning set forth in Section
18 16-0.1 of this Code.

19 (11) "Loiter" means:

20 (i) Standing, sitting idly, whether or not the
21 person is in a vehicle, or remaining in or around
22 school or public park property.

23 (ii) Standing, sitting idly, whether or not the
24 person is in a vehicle, or remaining in or around
25 school or public park property, for the purpose of
26 committing or attempting to commit a sex offense.

1 (iii) Entering or remaining in a building in or
2 around school property, other than the offender's
3 residence.

4 (12) "Part day child care facility" has the meaning
5 ascribed to it in Section 2.10 of the Child Care Act of
6 1969.

7 (13) "Playground" means a piece of land owned or
8 controlled by a unit of local government that is designated
9 by the unit of local government for use solely or primarily
10 for children's recreation.

11 (14) "Public park" includes a park, forest preserve,
12 bikeway, trail, or conservation area under the
13 jurisdiction of the State or a unit of local government.

14 (15) "School" means a public or private preschool or
15 elementary or secondary school.

16 (16) "School official" means the principal, a teacher,
17 or any other certified employee of the school, the
18 superintendent of schools or a member of the school board.

19 (e) For the purposes of this Section, the 500 feet distance
20 shall be measured from: (1) the edge of the property of the
21 school building or the real property comprising the school that
22 is closest to the edge of the property of the child sex
23 offender's residence or where he or she is loitering, and (2)
24 the edge of the property comprising the public park building or
25 the real property comprising the public park, playground, child
26 care institution, day care center, part day child care

1 facility, or facility providing programs or services
2 exclusively directed toward persons under 18 years of age, or a
3 victim of the sex offense who is under 21 years of age, to the
4 edge of the child sex offender's place of residence or place
5 where he or she is loitering.

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

8 (Source: P.A. 100-428, eff. 1-1-18.)

9 (720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)

10 Sec. 12-7.3. Stalking.

11 (a) A person commits stalking when he or she knowingly
12 engages in a course of conduct directed at a specific person,
13 and he or she knows or should know that this course of conduct
14 would cause a reasonable person to:

15 (1) fear for his or her safety or the safety of a third
16 person; or

17 (2) suffer other emotional distress.

18 (a-3) A person commits stalking when he or she, knowingly
19 and without lawful justification, on at least 2 separate
20 occasions follows another person or places the person under
21 surveillance or any combination thereof and:

22 (1) at any time transmits a threat of immediate or
23 future bodily harm, sexual assault, confinement or
24 restraint and the threat is directed towards that person or
25 a family member of that person; or

1 (2) places that person in reasonable apprehension of
2 immediate or future bodily harm, sexual assault,
3 confinement or restraint to or of that person or a family
4 member of that person.

5 (a-5) A person commits stalking when he or she has
6 previously been convicted of stalking another person and
7 knowingly and without lawful justification on one occasion:

8 (1) follows that same person or places that same person
9 under surveillance; and

10 (2) transmits a threat of immediate or future bodily
11 harm, sexual assault, confinement or restraint to that
12 person or a family member of that person.

13 (b) Sentence. Stalking is a Class 4 felony; a second or
14 subsequent conviction is a Class 3 felony. Stalking against a
15 child is a Class 3 felony.

16 (c) Definitions. In ~~For purposes of~~ this Section:

17 "Child" means person under 17 years of age unless the
18 accused is a family member as defined in Section 11-0.1 or
19 in a position trust, authority, or supervision to the
20 victim, then "child" is a person under 18 years of age.

21 ~~(1)~~ "Course of conduct" means 2 or more acts, including
22 but not limited to acts in which a defendant directly,
23 indirectly, or through third parties, by any action,
24 method, device, or means follows, monitors, observes,
25 surveils, threatens, or communicates to or about, a person,
26 engages in other non-consensual contact, or interferes

1 with or damages a person's property or pet. A course of
2 conduct may include contact via electronic communications.

3 ~~(2)~~ "Electronic communication" means any transfer of
4 signs, signals, writings, sounds, data, or intelligence of
5 any nature transmitted in whole or in part by a wire,
6 radio, electromagnetic, photoelectric, or photo-optical
7 system. "Electronic communication" includes transmissions
8 by a computer through the Internet to another computer.

9 ~~(3)~~ "Emotional distress" means significant mental
10 suffering, anxiety or alarm.

11 ~~(4)~~ "Family member" means a parent, grandparent,
12 brother, sister, or child, whether by whole blood,
13 half-blood, or adoption and includes a step-grandparent,
14 step-parent, step-brother, step-sister or step-child.
15 "Family member" also means any other person who regularly
16 resides in the household, or who, within the prior 6
17 months, regularly resided in the household.

18 ~~(5)~~ "Follows another person" means (i) to move in
19 relative proximity to a person as that person moves from
20 place to place or (ii) to remain in relative proximity to a
21 person who is stationary or whose movements are confined to
22 a small area. "Follows another person" does not include a
23 following within the residence of the defendant.

24 ~~(6)~~ "Non-consensual contact" means any contact with
25 the victim that is initiated or continued without the
26 victim's consent, including but not limited to being in the

1 physical presence of the victim; appearing within the sight
2 of the victim; approaching or confronting the victim in a
3 public place or on private property; appearing at the
4 workplace or residence of the victim; entering onto or
5 remaining on property owned, leased, or occupied by the
6 victim; or placing an object on, or delivering an object
7 to, property owned, leased, or occupied by the victim.

8 ~~(7)~~ "Places a person under surveillance" means: (1)
9 remaining present outside the person's school, place of
10 employment, vehicle, other place occupied by the person, or
11 residence other than the residence of the defendant; or (2)
12 placing an electronic tracking device on the person or the
13 person's property.

14 ~~(8)~~ "Reasonable person" means a person in the victim's
15 situation.

16 ~~(9)~~ "Transmits a threat" means a verbal or written
17 threat or a threat implied by a pattern of conduct or a
18 combination of verbal or written statements or conduct.

19 (d) Exemptions.

20 (1) This Section does not apply to any individual or
21 organization (i) monitoring or attentive to compliance
22 with public or worker safety laws, wage and hour
23 requirements, or other statutory requirements, or (ii)
24 picketing occurring at the workplace that is otherwise
25 lawful and arises out of a bona fide labor dispute,
26 including any controversy concerning wages, salaries,

1 hours, working conditions or benefits, including health
2 and welfare, sick leave, insurance, and pension or
3 retirement provisions, the making or maintaining of
4 collective bargaining agreements, and the terms to be
5 included in those agreements.

6 (2) This Section does not apply to an exercise of the
7 right to free speech or assembly that is otherwise lawful.

8 (3) Telecommunications carriers, commercial mobile
9 service providers, and providers of information services,
10 including, but not limited to, Internet service providers
11 and hosting service providers, are not liable under this
12 Section, except for willful and wanton misconduct, by
13 virtue of the transmission, storage, or caching of
14 electronic communications or messages of others or by
15 virtue of the provision of other related
16 telecommunications, commercial mobile services, or
17 information services used by others in violation of this
18 Section.

19 (d-5) The incarceration of a person in a penal institution
20 who commits the course of conduct or transmits a threat is not
21 a bar to prosecution under this Section.

22 (d-10) A defendant who directed the actions of a third
23 party to violate this Section, under the principles of
24 accountability set forth in Article 5 of this Code, is guilty
25 of violating this Section as if the same had been personally
26 done by the defendant, without regard to the mental state of

1 the third party acting at the direction of the defendant.
2 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;
3 97-311, eff. 8-11-11; 97-1109, eff. 1-1-13.)

4 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

5 Sec. 12-7.4. Aggravated stalking.

6 (a) A person commits aggravated stalking when he or she
7 commits stalking and:

8 (1) causes bodily harm to the victim;

9 (2) confines or restrains the victim; or

10 (3) violates a temporary restraining order, an order of
11 protection, a stalking no contact order, a civil no contact
12 order, or an injunction prohibiting the behavior described
13 in subsection (b)(1) of Section 214 of the Illinois
14 Domestic Violence Act of 1986.

15 (a-1) A person commits aggravated stalking when he or she
16 is required to register under the Sex Offender Registration Act
17 or has been previously required to register under that Act and
18 commits the offense of stalking when the victim of the stalking
19 is also the victim of the offense for which the sex offender is
20 required to register under the Sex Offender Registration Act or
21 a family member of the victim.

22 (b) Sentence. Aggravated stalking is a Class 3 felony; a
23 second or subsequent conviction is a Class 2 felony. Aggravated
24 stalking against a child is a Class 2 felony. In this
25 subsection (b), "child" means person under 17 years of age

1 unless the accused is a family member as defined in Section
2 11-0.1 or in a position trust, authority, or supervision to the
3 victim, then "child" is a person under 18 years of age.

4 (c) Exemptions.

5 (1) This Section does not apply to any individual or
6 organization (i) monitoring or attentive to compliance
7 with public or worker safety laws, wage and hour
8 requirements, or other statutory requirements, or (ii)
9 picketing occurring at the workplace that is otherwise
10 lawful and arises out of a bona fide labor dispute
11 including any controversy concerning wages, salaries,
12 hours, working conditions or benefits, including health
13 and welfare, sick leave, insurance, and pension or
14 retirement provisions, the managing or maintenance of
15 collective bargaining agreements, and the terms to be
16 included in those agreements.

17 (2) This Section does not apply to an exercise of the
18 right of free speech or assembly that is otherwise lawful.

19 (3) Telecommunications carriers, commercial mobile
20 service providers, and providers of information services,
21 including, but not limited to, Internet service providers
22 and hosting service providers, are not liable under this
23 Section, except for willful and wanton misconduct, by
24 virtue of the transmission, storage, or caching of
25 electronic communications or messages of others or by
26 virtue of the provision of other related

1 telecommunications, commercial mobile services, or
2 information services used by others in violation of this
3 Section.

4 (d) A defendant who directed the actions of a third party
5 to violate this Section, under the principles of accountability
6 set forth in Article 5 of this Code, is guilty of violating
7 this Section as if the same had been personally done by the
8 defendant, without regard to the mental state of the third
9 party acting at the direction of the defendant.

10 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;
11 97-311, eff. 8-11-11; 97-468, eff. 1-1-12; 97-1109, eff.
12 1-1-13.)

13 Section 10. The Sex Offender Registration Act is amended by
14 changing Section 2 as follows:

15 (730 ILCS 150/2) (from Ch. 38, par. 222)

16 Sec. 2. Definitions.

17 (A) As used in this Article, "sex offender" means any
18 person who is:

19 (1) charged pursuant to Illinois law, or any
20 substantially similar federal, Uniform Code of Military
21 Justice, sister state, or foreign country law, with a sex
22 offense set forth in subsection (B) of this Section or the
23 attempt to commit an included sex offense, and:

24 (a) is convicted of such offense or an attempt to

1 commit such offense; or

2 (b) is found not guilty by reason of insanity of
3 such offense or an attempt to commit such offense; or

4 (c) is found not guilty by reason of insanity
5 pursuant to Section 104-25(c) of the Code of Criminal
6 Procedure of 1963 of such offense or an attempt to
7 commit such offense; or

8 (d) is the subject of a finding not resulting in an
9 acquittal at a hearing conducted pursuant to Section
10 104-25(a) of the Code of Criminal Procedure of 1963 for
11 the alleged commission or attempted commission of such
12 offense; or

13 (e) is found not guilty by reason of insanity
14 following a hearing conducted pursuant to a federal,
15 Uniform Code of Military Justice, sister state, or
16 foreign country law substantially similar to Section
17 104-25(c) of the Code of Criminal Procedure of 1963 of
18 such offense or of the attempted commission of such
19 offense; or

20 (f) is the subject of a finding not resulting in an
21 acquittal at a hearing conducted pursuant to a federal,
22 Uniform Code of Military Justice, sister state, or
23 foreign country law substantially similar to Section
24 104-25(a) of the Code of Criminal Procedure of 1963 for
25 the alleged violation or attempted commission of such
26 offense; or

1 (2) declared as a sexually dangerous person pursuant to
2 the Illinois Sexually Dangerous Persons Act, or any
3 substantially similar federal, Uniform Code of Military
4 Justice, sister state, or foreign country law; or

5 (3) subject to the provisions of Section 2 of the
6 Interstate Agreements on Sexually Dangerous Persons Act;
7 or

8 (4) found to be a sexually violent person pursuant to
9 the Sexually Violent Persons Commitment Act or any
10 substantially similar federal, Uniform Code of Military
11 Justice, sister state, or foreign country law; or

12 (5) adjudicated a juvenile delinquent as the result of
13 committing or attempting to commit an act which, if
14 committed by an adult, would constitute any of the offenses
15 specified in item (B), (C), or (C-5) of this Section or a
16 violation of any substantially similar federal, Uniform
17 Code of Military Justice, sister state, or foreign country
18 law, or found guilty under Article V of the Juvenile Court
19 Act of 1987 of committing or attempting to commit an act
20 which, if committed by an adult, would constitute any of
21 the offenses specified in item (B), (C), or (C-5) of this
22 Section or a violation of any substantially similar
23 federal, Uniform Code of Military Justice, sister state, or
24 foreign country law.

25 Convictions that result from or are connected with the same
26 act, or result from offenses committed at the same time, shall

1 be counted for the purpose of this Article as one conviction.
2 Any conviction set aside pursuant to law is not a conviction
3 for purposes of this Article.

4 For purposes of this Section, "convicted" shall have the
5 same meaning as "adjudicated".

6 (B) As used in this Article, "sex offense" means:

7 (1) A violation of any of the following Sections of the
8 Criminal Code of 1961 or the Criminal Code of 2012:

9 11-20.1 (child pornography),

10 11-20.1B or 11-20.3 (aggravated child
11 pornography),

12 11-6 (indecent solicitation of a child),

13 11-9.1 (sexual exploitation of a child),

14 11-9.2 (custodial sexual misconduct),

15 11-9.5 (sexual misconduct with a person with a
16 disability),

17 11-14.4 (promoting juvenile prostitution),

18 11-15.1 (soliciting for a juvenile prostitute),

19 11-18.1 (patronizing a juvenile prostitute),

20 11-17.1 (keeping a place of juvenile
21 prostitution),

22 11-19.1 (juvenile pimping),

23 11-19.2 (exploitation of a child),

24 11-25 (grooming),

25 11-26 (traveling to meet a minor or traveling to
26 meet a child),

1 11-1.20 or 12-13 (criminal sexual assault),
2 11-1.30 or 12-14 (aggravated criminal sexual
3 assault),
4 11-1.40 or 12-14.1 (predatory criminal sexual
5 assault of a child),
6 11-1.50 or 12-15 (criminal sexual abuse),
7 11-1.60 or 12-16 (aggravated criminal sexual
8 abuse),
9 12-33 (ritualized abuse of a child).

10 An attempt to commit any of these offenses.

11 (1.3) A violation of Section 12-7.3 or 12-7.4 of the
12 Criminal Code of 2012 against a child.

13 (1.5) A violation of any of the following Sections of
14 the Criminal Code of 1961 or the Criminal Code of 2012,
15 when the victim is a person under 18 years of age, the
16 defendant is not a parent of the victim, the offense was
17 sexually motivated as defined in Section 10 of the Sex
18 Offender Evaluation and Treatment Act, and the offense was
19 committed on or after January 1, 1996:

20 10-1 (kidnapping),
21 10-2 (aggravated kidnapping),
22 10-3 (unlawful restraint),
23 10-3.1 (aggravated unlawful restraint).

24 If the offense was committed before January 1, 1996, it
25 is a sex offense requiring registration only when the
26 person is convicted of any felony after July 1, 2011, and

1 paragraph (2.1) of subsection (c) of Section 3 of this Act
2 applies.

3 (1.6) First degree murder under Section 9-1 of the
4 Criminal Code of 1961 or the Criminal Code of 2012,
5 provided the offense was sexually motivated as defined in
6 Section 10 of the Sex Offender Management Board Act.

7 (1.7) (Blank).

8 (1.8) A violation or attempted violation of Section
9 11-11 (sexual relations within families) of the Criminal
10 Code of 1961 or the Criminal Code of 2012, and the offense
11 was committed on or after June 1, 1997. If the offense was
12 committed before June 1, 1997, it is a sex offense
13 requiring registration only when the person is convicted of
14 any felony after July 1, 2011, and paragraph (2.1) of
15 subsection (c) of Section 3 of this Act applies.

16 (1.9) Child abduction under paragraph (10) of
17 subsection (b) of Section 10-5 of the Criminal Code of 1961
18 or the Criminal Code of 2012 committed by luring or
19 attempting to lure a child under the age of 16 into a motor
20 vehicle, building, house trailer, or dwelling place
21 without the consent of the parent or lawful custodian of
22 the child for other than a lawful purpose and the offense
23 was committed on or after January 1, 1998, provided the
24 offense was sexually motivated as defined in Section 10 of
25 the Sex Offender Management Board Act. If the offense was
26 committed before January 1, 1998, it is a sex offense

1 requiring registration only when the person is convicted of
2 any felony after July 1, 2011, and paragraph (2.1) of
3 subsection (c) of Section 3 of this Act applies.

4 (1.10) A violation or attempted violation of any of the
5 following Sections of the Criminal Code of 1961 or the
6 Criminal Code of 2012 when the offense was committed on or
7 after July 1, 1999:

8 10-4 (forcible detention, if the victim is under 18
9 years of age), provided the offense was sexually
10 motivated as defined in Section 10 of the Sex Offender
11 Management Board Act,

12 11-6.5 (indecent solicitation of an adult),

13 11-14.3 that involves soliciting for a prostitute,
14 or 11-15 (soliciting for a prostitute, if the victim is
15 under 18 years of age),

16 subdivision (a)(2)(A) or (a)(2)(B) of Section
17 11-14.3, or Section 11-16 (pandering, if the victim is
18 under 18 years of age),

19 11-18 (patronizing a prostitute, if the victim is
20 under 18 years of age),

21 subdivision (a)(2)(C) of Section 11-14.3, or
22 Section 11-19 (pimping, if the victim is under 18 years
23 of age).

24 If the offense was committed before July 1, 1999, it is
25 a sex offense requiring registration only when the person
26 is convicted of any felony after July 1, 2011, and

1 paragraph (2.1) of subsection (c) of Section 3 of this Act
2 applies.

3 (1.11) A violation or attempted violation of any of the
4 following Sections of the Criminal Code of 1961 or the
5 Criminal Code of 2012 when the offense was committed on or
6 after August 22, 2002:

7 11-9 or 11-30 (public indecency for a third or
8 subsequent conviction).

9 If the third or subsequent conviction was imposed
10 before August 22, 2002, it is a sex offense requiring
11 registration only when the person is convicted of any
12 felony after July 1, 2011, and paragraph (2.1) of
13 subsection (c) of Section 3 of this Act applies.

14 (1.12) A violation or attempted violation of Section
15 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
16 Criminal Code of 1961 or the Criminal Code of 2012
17 (permitting sexual abuse) when the offense was committed on
18 or after August 22, 2002. If the offense was committed
19 before August 22, 2002, it is a sex offense requiring
20 registration only when the person is convicted of any
21 felony after July 1, 2011, and paragraph (2.1) of
22 subsection (c) of Section 3 of this Act applies.

23 (2) A violation of any former law of this State
24 substantially equivalent to any offense listed in
25 subsection (B) of this Section.

26 (C) A conviction for an offense of federal law, Uniform

1 Code of Military Justice, or the law of another state or a
2 foreign country that is substantially equivalent to any offense
3 listed in subsections (B), (C), (E), and (E-5) of this Section
4 shall constitute a conviction for the purpose of this Article.
5 A finding or adjudication as a sexually dangerous person or a
6 sexually violent person under any federal law, Uniform Code of
7 Military Justice, or the law of another state or foreign
8 country that is substantially equivalent to the Sexually
9 Dangerous Persons Act or the Sexually Violent Persons
10 Commitment Act shall constitute an adjudication for the
11 purposes of this Article.

12 (C-5) A person at least 17 years of age at the time of the
13 commission of the offense who is convicted of first degree
14 murder under Section 9-1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, against a person under 18 years of age,
16 shall be required to register for natural life. A conviction
17 for an offense of federal, Uniform Code of Military Justice,
18 sister state, or foreign country law that is substantially
19 equivalent to any offense listed in subsection (C-5) of this
20 Section shall constitute a conviction for the purpose of this
21 Article. This subsection (C-5) applies to a person who
22 committed the offense before June 1, 1996 if: (i) the person is
23 incarcerated in an Illinois Department of Corrections facility
24 on August 20, 2004 (the effective date of Public Act 93-977),
25 or (ii) subparagraph (i) does not apply and the person is
26 convicted of any felony after July 1, 2011, and paragraph (2.1)

1 of subsection (c) of Section 3 of this Act applies.

2 (C-6) A person who is convicted or adjudicated delinquent
3 of first degree murder as defined in Section 9-1 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, against a
5 person 18 years of age or over, shall be required to register
6 for his or her natural life. A conviction for an offense of
7 federal, Uniform Code of Military Justice, sister state, or
8 foreign country law that is substantially equivalent to any
9 offense listed in subsection (C-6) of this Section shall
10 constitute a conviction for the purpose of this Article. This
11 subsection (C-6) does not apply to those individuals released
12 from incarceration more than 10 years prior to January 1, 2012
13 (the effective date of Public Act 97-154).

14 (D) As used in this Article, "law enforcement agency having
15 jurisdiction" means the Chief of Police in each of the
16 municipalities in which the sex offender expects to reside,
17 work, or attend school (1) upon his or her discharge, parole or
18 release or (2) during the service of his or her sentence of
19 probation or conditional discharge, or the Sheriff of the
20 county, in the event no Police Chief exists or if the offender
21 intends to reside, work, or attend school in an unincorporated
22 area. "Law enforcement agency having jurisdiction" includes
23 the location where out-of-state students attend school and
24 where out-of-state employees are employed or are otherwise
25 required to register.

26 (D-1) As used in this Article, "supervising officer" means

1 the assigned Illinois Department of Corrections parole agent or
2 county probation officer.

3 (E) As used in this Article, "sexual predator" means any
4 person who, after July 1, 1999, is:

5 (1) Convicted for an offense of federal, Uniform Code
6 of Military Justice, sister state, or foreign country law
7 that is substantially equivalent to any offense listed in
8 subsection (E) or (E-5) of this Section shall constitute a
9 conviction for the purpose of this Article. Convicted of a
10 violation or attempted violation of any of the following
11 Sections of the Criminal Code of 1961 or the Criminal Code
12 of 2012:

13 10-5.1 (luring of a minor),

14 11-14.4 that involves keeping a place of juvenile
15 prostitution, or 11-17.1 (keeping a place of juvenile
16 prostitution),

17 subdivision (a) (2) or (a) (3) of Section 11-14.4,
18 or Section 11-19.1 (juvenile pimping),

19 subdivision (a) (4) of Section 11-14.4, or Section
20 11-19.2 (exploitation of a child),

21 11-20.1 (child pornography),

22 11-20.1B or 11-20.3 (aggravated child
23 pornography),

24 11-1.20 or 12-13 (criminal sexual assault),

25 11-1.30 or 12-14 (aggravated criminal sexual
26 assault),

1 11-1.40 or 12-14.1 (predatory criminal sexual
2 assault of a child),

3 11-1.60 or 12-16 (aggravated criminal sexual
4 abuse),

5 12-33 (ritualized abuse of a child);

6 (2) (blank);

7 (3) declared as a sexually dangerous person pursuant to
8 the Sexually Dangerous Persons Act or any substantially
9 similar federal, Uniform Code of Military Justice, sister
10 state, or foreign country law;

11 (4) found to be a sexually violent person pursuant to
12 the Sexually Violent Persons Commitment Act or any
13 substantially similar federal, Uniform Code of Military
14 Justice, sister state, or foreign country law;

15 (5) convicted of a second or subsequent offense which
16 requires registration pursuant to this Act. For purposes of
17 this paragraph (5), "convicted" shall include a conviction
18 under any substantially similar Illinois, federal, Uniform
19 Code of Military Justice, sister state, or foreign country
20 law;

21 (6) (blank); or

22 (7) if the person was convicted of an offense set forth
23 in this subsection (E) on or before July 1, 1999, the
24 person is a sexual predator for whom registration is
25 required only when the person is convicted of a felony
26 offense after July 1, 2011, and paragraph (2.1) of

1 subsection (c) of Section 3 of this Act applies.

2 (E-5) As used in this Article, "sexual predator" also means
3 a person convicted of a violation or attempted violation of any
4 of the following Sections of the Criminal Code of 1961 or the
5 Criminal Code of 2012:

6 (1) Section 9-1 (first degree murder, when the victim
7 was a person under 18 years of age and the defendant was at
8 least 17 years of age at the time of the commission of the
9 offense, provided the offense was sexually motivated as
10 defined in Section 10 of the Sex Offender Management Board
11 Act);

12 (2) Section 11-9.5 (sexual misconduct with a person
13 with a disability);

14 (3) when the victim is a person under 18 years of age,
15 the defendant is not a parent of the victim, the offense
16 was sexually motivated as defined in Section 10 of the Sex
17 Offender Management Board Act, and the offense was
18 committed on or after January 1, 1996: (A) Section 10-1
19 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
20 (C) Section 10-3 (unlawful restraint), and (D) Section
21 10-3.1 (aggravated unlawful restraint); and

22 (4) Section 10-5(b)(10) (child abduction committed by
23 luring or attempting to lure a child under the age of 16
24 into a motor vehicle, building, house trailer, or dwelling
25 place without the consent of the parent or lawful custodian
26 of the child for other than a lawful purpose and the

1 offense was committed on or after January 1, 1998, provided
2 the offense was sexually motivated as defined in Section 10
3 of the Sex Offender Management Board Act).

4 (E-10) As used in this Article, "sexual predator" also
5 means a person required to register in another State due to a
6 conviction, adjudication or other action of any court
7 triggering an obligation to register as a sex offender, sexual
8 predator, or substantially similar status under the laws of
9 that State.

10 (F) As used in this Article, "out-of-state student" means
11 any sex offender, as defined in this Section, or sexual
12 predator who is enrolled in Illinois, on a full-time or
13 part-time basis, in any public or private educational
14 institution, including, but not limited to, any secondary
15 school, trade or professional institution, or institution of
16 higher learning.

17 (G) As used in this Article, "out-of-state employee" means
18 any sex offender, as defined in this Section, or sexual
19 predator who works in Illinois, regardless of whether the
20 individual receives payment for services performed, for a
21 period of time of 10 or more days or for an aggregate period of
22 time of 30 or more days during any calendar year. Persons who
23 operate motor vehicles in the State accrue one day of
24 employment time for any portion of a day spent in Illinois.

25 (H) As used in this Article, "school" means any public or
26 private educational institution, including, but not limited

1 to, any elementary or secondary school, trade or professional
2 institution, or institution of higher education.

3 (I) As used in this Article, "fixed residence" means any
4 and all places that a sex offender resides for an aggregate
5 period of time of 5 or more days in a calendar year.

6 (J) As used in this Article, "Internet protocol address"
7 means the string of numbers by which a location on the Internet
8 is identified by routers or other computers connected to the
9 Internet.

10 (Source: P.A. 100-428, eff. 1-1-18.)