



Sen. Rachelle Crowe

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1 AMENDMENT TO SENATE BILL 1749

2 AMENDMENT NO. _____. Amend Senate Bill 1749 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing 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

1 the offender is a parent or guardian of a student attending the
2 school and the parent or guardian is: (i) attending a
3 conference at the school with school personnel to discuss the
4 progress of his or her child academically or socially, (ii)
5 participating in child review conferences in which evaluation
6 and placement decisions may be made with respect to his or her
7 child regarding special education services, or (iii) attending
8 conferences to discuss other student issues concerning his or
9 her child such as retention and promotion and notifies the
10 principal of the school of his or her presence at the school or
11 unless the offender has permission to be present from the
12 superintendent or the school board or in the case of a private
13 school from the principal. In the case of a public school, if
14 permission is granted, the superintendent or school board
15 president must inform the principal of the school where the sex
16 offender will be present. Notification includes the nature of
17 the sex offender's visit and the hours in which the sex
18 offender will be present in the school. The sex offender is
19 responsible for notifying the principal's office when he or she
20 arrives on school property and when he or she departs from
21 school property. If the sex offender is to be present in the
22 vicinity of children, the sex offender has the duty to remain
23 under the direct supervision of a school official.

24 (a-5) It is unlawful for a child sex offender to knowingly
25 be present within 100 feet of a site posted as a pick-up or
26 discharge stop for a conveyance owned, leased, or contracted by

1 a school to transport students to or from school or a school
2 related activity when one or more persons under the age of 18
3 are present at the site.

4 (a-10) It is unlawful for a child sex offender to knowingly
5 be present in any public park building, a playground or
6 recreation area within any publicly accessible privately owned
7 building, or on real property comprising any public park when
8 persons under the age of 18 are present in the building or on
9 the grounds and to approach, contact, or communicate with a
10 child under 18 years of age, unless the offender is a parent or
11 guardian of a person under 18 years of age present in the
12 building or on the grounds.

13 (b) It is unlawful for a child sex offender to knowingly
14 loiter within 500 feet of a school building or real property
15 comprising any school while persons under the age of 18 are
16 present in the building or on the grounds, unless the offender
17 is a parent or guardian of a student attending the school and
18 the parent or guardian is: (i) attending a conference at the
19 school with school personnel to discuss the progress of his or
20 her child academically or socially, (ii) participating in child
21 review conferences in which evaluation and placement decisions
22 may be made with respect to his or her child regarding special
23 education services, or (iii) attending conferences to discuss
24 other student issues concerning his or her child such as
25 retention and promotion and notifies the principal of the
26 school of his or her presence at the school or has permission

1 to be present from the superintendent or the school board or in
2 the case of a private school from the principal. In the case of
3 a public school, if permission is granted, the superintendent
4 or school board president must inform the principal of the
5 school where the sex offender will be present. Notification
6 includes the nature of the sex offender's visit and the hours
7 in which the sex offender will be present in the school. The
8 sex offender is responsible for notifying the principal's
9 office when he or she arrives on school property and when he or
10 she departs from school property. If the sex offender is to be
11 present in the vicinity of children, the sex offender has the
12 duty to remain under the direct supervision of a school
13 official.

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

22 (b-5) It is unlawful for a child sex offender to knowingly
23 reside within 500 feet of a school building or the real
24 property comprising any school that persons under the age of 18
25 attend. Nothing in this subsection (b-5) prohibits a child sex
26 offender from residing within 500 feet of a school building or

1 the real property comprising any school that persons under 18
2 attend if the property is owned by the child sex offender and
3 was purchased before July 7, 2000 (the effective date of Public
4 Act 91-911).

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

24 (b-15) It is unlawful for a child sex offender to knowingly
25 reside within 500 feet of the victim of the sex offense.
26 Nothing in this subsection (b-15) prohibits a child sex

1 offender from residing within 500 feet of the victim if the
2 property in which the child sex offender resides is owned by
3 the child sex offender and was purchased before August 22,
4 2002.

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

7 (b-20) It is unlawful for a child sex offender to knowingly
8 communicate, other than for a lawful purpose under Illinois
9 law, using the Internet or any other digital media, with a
10 person under 18 years of age or with a person whom he or she
11 believes to be a person under 18 years of age, unless the
12 offender is a parent or guardian of the person under 18 years
13 of age.

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

1 provided the child sex offender refrains from being present on
2 the premises for the hours during which: (1) the programs or
3 services are being offered or (2) the day care center, part day
4 child care facility, child care institution, or school
5 providing before and after school programs for children under
6 18 years of age, day care home, or group day care home is
7 operated.

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

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

26 (c-6) It is unlawful for a child sex offender who owns and

1 resides at residential real estate to knowingly rent any
2 residential unit within the same building in which he or she
3 resides to a person who is the parent or guardian of a child or
4 children under 18 years of age. This subsection shall apply
5 only to leases or other rental arrangements entered into after
6 January 1, 2009 (the effective date of Public Act 95-820).

7 (c-7) It is unlawful for a child sex offender to knowingly
8 offer or provide any programs or services to persons under 18
9 years of age in his or her residence or the residence of
10 another or in any facility for the purpose of offering or
11 providing such programs or services, whether such programs or
12 services are offered or provided by contract, agreement,
13 arrangement, or on a volunteer basis.

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

21 (d) Definitions. In this Section:

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

23 (i) has been charged under Illinois law, or any
24 substantially similar federal law or law of another
25 state, with a sex offense set forth in paragraph (2) of
26 this subsection (d) or the attempt to commit an

1 included sex offense, and the victim is a person under
2 18 years of age at the time of the offense; and:

3 (A) is convicted of such offense or an attempt
4 to commit such offense; or

5 (B) is found not guilty by reason of insanity
6 of such offense or an attempt to commit such
7 offense; or

8 (C) is found not guilty by reason of insanity
9 pursuant to subsection (c) of Section 104-25 of the
10 Code of Criminal Procedure of 1963 of such offense
11 or an attempt to commit such offense; or

12 (D) is the subject of a finding not resulting
13 in an acquittal at a hearing conducted pursuant to
14 subsection (a) of Section 104-25 of the Code of
15 Criminal Procedure of 1963 for the alleged
16 commission or attempted commission of such
17 offense; or

18 (E) is found not guilty by reason of insanity
19 following a hearing conducted pursuant to a
20 federal law or the law of another state
21 substantially similar to subsection (c) of Section
22 104-25 of the Code of Criminal Procedure of 1963 of
23 such offense or of the attempted commission of such
24 offense; or

25 (F) is the subject of a finding not resulting
26 in an acquittal at a hearing conducted pursuant to

1 a federal law or the law of another state
2 substantially similar to subsection (a) of Section
3 104-25 of the Code of Criminal Procedure of 1963
4 for the alleged violation or attempted commission
5 of such offense; or

6 (ii) is certified as a sexually dangerous person
7 pursuant to the Illinois Sexually Dangerous Persons
8 Act, or any substantially similar federal law or the
9 law of another state, when any conduct giving rise to
10 such certification is committed or attempted against a
11 person less than 18 years of age; or

12 (iii) is subject to the provisions of Section 2 of
13 the Interstate Agreements on Sexually Dangerous
14 Persons Act.

15 Convictions that result from or are connected with the
16 same act, or result from offenses committed at the same
17 time, shall be counted for the purpose of this Section as
18 one conviction. Any conviction set aside pursuant to law is
19 not a conviction for purposes of this Section.

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

22 (i) A violation of any of the following Sections of
23 the Criminal Code of 1961 or the Criminal Code of 2012:
24 10-4 (forcible detention), 10-7 (aiding or abetting
25 child abduction under Section 10-5(b)(10)),
26 10-5(b)(10) (child luring), 11-1.40 (predatory

1 criminal sexual assault of a child), 11-6 (indecent
2 solicitation of a child), 11-6.5 (indecent
3 solicitation of an adult), 11-9.1 (sexual exploitation
4 of a child), 11-9.2 (custodial sexual misconduct),
5 11-9.5 (sexual misconduct with a person with a
6 disability), 11-11 (sexual relations within families),
7 11-14.3(a)(1) (promoting prostitution by advancing
8 prostitution), 11-14.3(a)(2)(A) (promoting
9 prostitution by profiting from prostitution by
10 compelling a person to be a prostitute),
11 11-14.3(a)(2)(C) (promoting prostitution by profiting
12 from prostitution by means other than as described in
13 subparagraphs (A) and (B) of paragraph (2) of
14 subsection (a) of Section 11-14.3), 11-14.4 (promoting
15 juvenile prostitution), 11-18.1 (patronizing a
16 juvenile prostitute), 11-20.1 (child pornography),
17 11-20.1B (aggravated child pornography), 11-21
18 (harmful material), 11-25 (grooming), 11-26 (traveling
19 to meet a minor or traveling to meet a child), 12-33
20 (ritualized abuse of a child), 11-20 (obscenity) (when
21 that offense was committed in any school, on real
22 property comprising any school, in any conveyance
23 owned, leased, or contracted by a school to transport
24 students to or from school or a school related
25 activity, or in a public park), 11-30 (public
26 indecency) (when committed in a school, on real

1 property comprising a school, in any conveyance owned,
2 leased, or contracted by a school to transport students
3 to or from school or a school related activity, or in a
4 public park). An attempt to commit any of these
5 offenses.

6 (ii) A violation of any of the following Sections
7 of the Criminal Code of 1961 or the Criminal Code of
8 2012, when the victim is a person under 18 years of
9 age: 11-1.20 (criminal sexual assault), 11-1.30
10 (aggravated criminal sexual assault), 11-1.50
11 (criminal sexual abuse), 11-1.60 (aggravated criminal
12 sexual abuse). An attempt to commit any of these
13 offenses.

14 (iii) A violation of any of the following Sections
15 of the Criminal Code of 1961 or the Criminal Code of
16 2012, when the victim is a person under 18 years of age
17 and the defendant is not a parent of the victim:

18 10-1 (kidnapping),

19 10-2 (aggravated kidnapping),

20 10-3 (unlawful restraint),

21 10-3.1 (aggravated unlawful restraint),

22 11-9.1(A) (permitting sexual abuse of a child),~~11-9.1(B)~~

23 12-7.3 (stalking),

24 12-7.4 (aggravated stalking).

25 An attempt to commit any of these offenses.

26 (iv) A violation of any former law of this State

1 substantially equivalent to any offense listed in
2 clause (2)(i) or (2)(ii) of subsection (d) of this
3 Section.

4 (2.5) For the purposes of subsections (b-5) and (b-10)
5 only, a sex offense means:

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

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

1 traveling to meet a child), or 12-33 (ritualized abuse
2 of a child). An attempt to commit any of these
3 offenses.

4 (ii) A violation of any of the following Sections
5 of the Criminal Code of 1961 or the Criminal Code of
6 2012, when the victim is a person under 18 years of
7 age: 11-1.20 (criminal sexual assault), 11-1.30
8 (aggravated criminal sexual assault), 11-1.60
9 (aggravated criminal sexual abuse), and subsection (a)
10 of Section 11-1.50 (criminal sexual abuse). An attempt
11 to commit any of these offenses.

12 (iii) A violation of any of the following Sections
13 of the Criminal Code of 1961 or the Criminal Code of
14 2012, when the victim is a person under 18 years of age
15 and the defendant is not a parent of the victim:

16 10-1 (kidnapping),
17 10-2 (aggravated kidnapping),
18 10-3 (unlawful restraint),
19 10-3.1 (aggravated unlawful restraint),
20 11-9.1(A) (permitting sexual abuse of a child).

21 An attempt to commit any of these offenses.

22 (iv) A violation of any former law of this State
23 substantially equivalent to any offense listed in this
24 paragraph (2.5) of this subsection.

25 (3) A conviction for an offense of federal law or the
26 law of another state that is substantially equivalent to

1 any offense listed in paragraph (2) of subsection (d) of
2 this Section shall constitute a conviction for the purpose
3 of this Section. A finding or adjudication as a sexually
4 dangerous person under any federal law or law of another
5 state that is substantially equivalent to the Sexually
6 Dangerous Persons Act shall constitute an adjudication for
7 the purposes of this Section.

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

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

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

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

18 (8) "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 (9) "Group day care home" has the meaning ascribed to
23 it in Section 2.20 of the Child Care Act of 1969.

24 (10) "Internet" has the meaning set forth in Section
25 16-0.1 of this Code.

26 (11) "Loiter" means:

1 (i) Standing, sitting idly, whether or not the
2 person is in a vehicle, or remaining in or around
3 school or public park property.

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

8 (iii) Entering or remaining in a building in or
9 around school property, other than the offender's
10 residence.

11 (12) "Part day child care facility" has the meaning
12 ascribed to it in Section 2.10 of the Child Care Act of
13 1969.

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

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

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

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

26 (e) For the purposes of this Section, the 500 feet distance

1 shall be measured from: (1) the edge of the property of the
2 school building or the real property comprising the school that
3 is closest to the edge of the property of the child sex
4 offender's residence or where he or she is loitering, and (2)
5 the edge of the property comprising the public park building or
6 the real property comprising the public park, playground, child
7 care institution, day care center, part day child care
8 facility, or facility providing programs or services
9 exclusively directed toward persons under 18 years of age, or a
10 victim of the sex offense who is under 21 years of age, to the
11 edge of the child sex offender's place of residence or place
12 where he or she is loitering.

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

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

16 (720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)

17 Sec. 12-7.3. Stalking.

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

22 (1) fear for his or her safety or the safety of a third
23 person; or

24 (2) suffer other emotional distress.

25 (a-3) A person commits stalking when he or she, knowingly

1 and without lawful justification, on at least 2 separate
2 occasions follows another person or places the person under
3 surveillance or any combination thereof and:

4 (1) at any time transmits a threat of immediate or
5 future bodily harm, sexual assault, confinement or
6 restraint and the threat is directed towards that person or
7 a family member of that person; or

8 (2) places that person in reasonable apprehension of
9 immediate or future bodily harm, sexual assault,
10 confinement or restraint to or of that person or a family
11 member of that person.

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

15 (1) follows that same person or places that same person
16 under surveillance; and

17 (2) transmits a threat of immediate or future bodily
18 harm, sexual assault, confinement or restraint to that
19 person or a family member of that person.

20 (b) Sentence. Stalking is a Class 4 felony; a second or
21 subsequent conviction is a Class 3 felony. Stalking against a
22 child is a Class 3 felony.

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

24 "Child" means person under 17 years of age unless the
25 accused is a family member as defined in Section 11-0.1 or
26 in a position trust, authority, or supervision to the

1 victim, then "child" is a person under 18 years of age.

2 ~~(1)~~ "Course of conduct" means 2 or more acts, including
3 but not limited to acts in which a defendant directly,
4 indirectly, or through third parties, by any action,
5 method, device, or means follows, monitors, observes,
6 surveils, threatens, or communicates to or about, a person,
7 engages in other non-consensual contact, or interferes
8 with or damages a person's property or pet. A course of
9 conduct may include contact via electronic communications.

10 ~~(2)~~ "Electronic communication" means any transfer of
11 signs, signals, writings, sounds, data, or intelligence of
12 any nature transmitted in whole or in part by a wire,
13 radio, electromagnetic, photoelectric, or photo-optical
14 system. "Electronic communication" includes transmissions
15 by a computer through the Internet to another computer.

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

18 ~~(4)~~ "Family member" means a parent, grandparent,
19 brother, sister, or child, whether by whole blood,
20 half-blood, or adoption and includes a step-grandparent,
21 step-parent, step-brother, step-sister or step-child.
22 "Family member" also means any other person who regularly
23 resides in the household, or who, within the prior 6
24 months, regularly resided in the household.

25 ~~(5)~~ "Follows another person" means (i) to move in
26 relative proximity to a person as that person moves from

1 place to place or (ii) to remain in relative proximity to a
2 person who is stationary or whose movements are confined to
3 a small area. "Follows another person" does not include a
4 following within the residence of the defendant.

5 ~~(6)~~ "Non-consensual contact" means any contact with
6 the victim that is initiated or continued without the
7 victim's consent, including but not limited to being in the
8 physical presence of the victim; appearing within the sight
9 of the victim; approaching or confronting the victim in a
10 public place or on private property; appearing at the
11 workplace or residence of the victim; entering onto or
12 remaining on property owned, leased, or occupied by the
13 victim; or placing an object on, or delivering an object
14 to, property owned, leased, or occupied by the victim.

15 ~~(7)~~ "Places a person under surveillance" means: (1)
16 remaining present outside the person's school, place of
17 employment, vehicle, other place occupied by the person, or
18 residence other than the residence of the defendant; or (2)
19 placing an electronic tracking device on the person or the
20 person's property.

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

23 ~~(9)~~ "Transmits a threat" means a verbal or written
24 threat or a threat implied by a pattern of conduct or a
25 combination of verbal or written statements or conduct.

26 (d) Exemptions.

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

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

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

26 (d-5) The incarceration of a person in a penal institution

1 who commits the course of conduct or transmits a threat is not
2 a bar to prosecution under this Section.

3 (d-10) A defendant who directed the actions of a third
4 party to violate this Section, under the principles of
5 accountability set forth in Article 5 of this Code, is guilty
6 of violating this Section as if the same had been personally
7 done by the defendant, without regard to the mental state of
8 the third party acting at the direction of the defendant.

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

11 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

12 Sec. 12-7.4. Aggravated stalking.

13 (a) A person commits aggravated stalking when he or she
14 commits stalking and:

15 (1) causes bodily harm to the victim;

16 (2) confines or restrains the victim; or

17 (3) violates a temporary restraining order, an order of
18 protection, a stalking no contact order, a civil no contact
19 order, or an injunction prohibiting the behavior described
20 in subsection (b)(1) of Section 214 of the Illinois
21 Domestic Violence Act of 1986.

22 (a-1) A person commits aggravated stalking when he or she
23 is required to register under the Sex Offender Registration Act
24 or has been previously required to register under that Act and
25 commits the offense of stalking when the victim of the stalking

1 is also the victim of the offense for which the sex offender is
2 required to register under the Sex Offender Registration Act or
3 a family member of the victim.

4 (b) Sentence. Aggravated stalking is a Class 3 felony; a
5 second or subsequent conviction is a Class 2 felony. Aggravated
6 stalking against a child is a Class 2 felony. In this
7 subsection (b), "child" means person under 17 years of age
8 unless the accused is a family member as defined in Section
9 11-0.1 or in a position trust, authority, or supervision to the
10 victim, then "child" is a person under 18 years of age.

11 (c) Exemptions.

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

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

26 (3) Telecommunications carriers, commercial mobile

1 service providers, and providers of information services,
2 including, but not limited to, Internet service providers
3 and hosting service providers, are not liable under this
4 Section, except for willful and wanton misconduct, by
5 virtue of the transmission, storage, or caching of
6 electronic communications or messages of others or by
7 virtue of the provision of other related
8 telecommunications, commercial mobile services, or
9 information services used by others in violation of this
10 Section.

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

17 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;
18 97-311, eff. 8-11-11; 97-468, eff. 1-1-12; 97-1109, eff.
19 1-1-13.)

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

22 (730 ILCS 150/2) (from Ch. 38, par. 222)

23 Sec. 2. Definitions.

24 (A) As used in this Article, "sex offender" means any

1 person who is:

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

7 (a) is convicted of such offense or an attempt to
8 commit such offense; or

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

11 (c) is found not guilty by reason of insanity
12 pursuant to Section 104-25(c) of the Code of Criminal
13 Procedure of 1963 of such offense or an attempt to
14 commit such offense; or

15 (d) is the subject of a finding not resulting in an
16 acquittal at a hearing conducted pursuant to Section
17 104-25(a) of the Code of Criminal Procedure of 1963 for
18 the alleged commission or attempted commission of such
19 offense; or

20 (e) is found not guilty by reason of insanity
21 following 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(c) of the Code of Criminal Procedure of 1963 of
25 such offense or of the attempted commission of such
26 offense; or

1 (f) is the subject of a finding not resulting in an
2 acquittal at a hearing conducted pursuant to a federal,
3 Uniform Code of Military Justice, sister state, or
4 foreign country law substantially similar to Section
5 104-25(a) of the Code of Criminal Procedure of 1963 for
6 the alleged violation or attempted commission of such
7 offense; or

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

12 (3) subject to the provisions of Section 2 of the
13 Interstate Agreements on Sexually Dangerous Persons Act;
14 or

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

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

1 which, if committed by an adult, would constitute any of
2 the offenses specified in item (B), (C), or (C-5) of this
3 Section or a violation of any substantially similar
4 federal, Uniform Code of Military Justice, sister state, or
5 foreign country law.

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

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

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

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

16 11-20.1 (child pornography),

17 11-20.1B or 11-20.3 (aggravated child
18 pornography),

19 11-6 (indecent solicitation of a child),

20 11-9.1 (sexual exploitation of a child),

21 11-9.2 (custodial sexual misconduct),

22 11-9.5 (sexual misconduct with a person with a
23 disability),

24 11-14.4 (promoting juvenile prostitution),

25 11-15.1 (soliciting for a juvenile prostitute),

26 11-18.1 (patronizing a juvenile prostitute),

1 11-17.1 (keeping a place of juvenile
2 prostitution),

3 11-19.1 (juvenile pimping),

4 11-19.2 (exploitation of a child),

5 11-25 (grooming),

6 11-26 (traveling to meet a minor or traveling to
7 meet a child),

8 11-1.20 or 12-13 (criminal sexual assault),

9 11-1.30 or 12-14 (aggravated criminal sexual
10 assault),

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

13 11-1.50 or 12-15 (criminal sexual abuse),

14 11-1.60 or 12-16 (aggravated criminal sexual
15 abuse),

16 12-33 (ritualized abuse of a child).

17 An attempt to commit any of these offenses.

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

25 10-1 (kidnapping),

26 10-2 (aggravated kidnapping),

1 10-3 (unlawful restraint),
2 10-3.1 (aggravated unlawful restraint),
3 12-7.3 (stalking),
4 12-7.4 (aggravated stalking).

5 If the offense was committed before January 1, 1996, it
6 is a sex offense requiring registration only when the
7 person is convicted of any felony after July 1, 2011, and
8 paragraph (2.1) of subsection (c) of Section 3 of this Act
9 applies.

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

14 (1.7) (Blank).

15 (1.8) A violation or attempted violation of Section
16 11-11 (sexual relations within families) of the Criminal
17 Code of 1961 or the Criminal Code of 2012, and the offense
18 was committed on or after June 1, 1997. If the offense was
19 committed before June 1, 1997, it is a sex offense
20 requiring registration only when the person is convicted of
21 any felony after July 1, 2011, and paragraph (2.1) of
22 subsection (c) of Section 3 of this Act applies.

23 (1.9) Child abduction under paragraph (10) of
24 subsection (b) of Section 10-5 of the Criminal Code of 1961
25 or the Criminal Code of 2012 committed by luring or
26 attempting to lure a child under the age of 16 into a motor

1 vehicle, building, house trailer, or dwelling place
2 without the consent of the parent or lawful custodian of
3 the child for other than a lawful purpose and the offense
4 was committed on or after January 1, 1998, provided the
5 offense was sexually motivated as defined in Section 10 of
6 the Sex Offender Management Board Act. If the offense was
7 committed before January 1, 1998, it is a sex offense
8 requiring registration only when the person is convicted of
9 any felony after July 1, 2011, and paragraph (2.1) of
10 subsection (c) of Section 3 of this Act applies.

11 (1.10) A violation or attempted violation of any of the
12 following Sections of the Criminal Code of 1961 or the
13 Criminal Code of 2012 when the offense was committed on or
14 after July 1, 1999:

15 10-4 (forcible detention, if the victim is under 18
16 years of age), provided the offense was sexually
17 motivated as defined in Section 10 of the Sex Offender
18 Management Board Act,

19 11-6.5 (indecent solicitation of an adult),

20 11-14.3 that involves soliciting for a prostitute,
21 or 11-15 (soliciting for a prostitute, if the victim is
22 under 18 years of age),

23 subdivision (a)(2)(A) or (a)(2)(B) of Section
24 11-14.3, or Section 11-16 (pandering, if the victim is
25 under 18 years of age),

26 11-18 (patronizing a prostitute, if the victim is

1 under 18 years of age),

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

5 If the offense was committed before July 1, 1999, it is
6 a sex offense requiring registration only when the person
7 is convicted of any felony after July 1, 2011, and
8 paragraph (2.1) of subsection (c) of Section 3 of this Act
9 applies.

10 (1.11) A violation or attempted violation of any of the
11 following Sections of the Criminal Code of 1961 or the
12 Criminal Code of 2012 when the offense was committed on or
13 after August 22, 2002:

14 11-9 or 11-30 (public indecency for a third or
15 subsequent conviction).

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

21 (1.12) A violation or attempted violation of Section
22 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
23 Criminal Code of 1961 or the Criminal Code of 2012
24 (permitting sexual abuse) when the offense was committed on
25 or after August 22, 2002. If the offense was committed
26 before August 22, 2002, it is a sex offense requiring

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

4 (2) A violation of any former law of this State
5 substantially equivalent to any offense listed in
6 subsection (B) of this Section.

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

19 (C-5) A person at least 17 years of age at the time of the
20 commission of the offense who is convicted of first degree
21 murder under Section 9-1 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, against a person under 18 years of age,
23 shall be required to register for natural life. A conviction
24 for an offense of federal, Uniform Code of Military Justice,
25 sister state, or foreign country law that is substantially
26 equivalent to any offense listed in subsection (C-5) of this

1 Section shall constitute a conviction for the purpose of this
2 Article. This subsection (C-5) applies to a person who
3 committed the offense before June 1, 1996 if: (i) the person is
4 incarcerated in an Illinois Department of Corrections facility
5 on August 20, 2004 (the effective date of Public Act 93-977),
6 or (ii) subparagraph (i) does not apply and the person is
7 convicted of any felony after July 1, 2011, and paragraph (2.1)
8 of subsection (c) of Section 3 of this Act applies.

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

21 (D) As used in this Article, "law enforcement agency having
22 jurisdiction" means the Chief of Police in each of the
23 municipalities in which the sex offender expects to reside,
24 work, or attend school (1) upon his or her discharge, parole or
25 release or (2) during the service of his or her sentence of
26 probation or conditional discharge, or the Sheriff of the

1 county, in the event no Police Chief exists or if the offender
2 intends to reside, work, or attend school in an unincorporated
3 area. "Law enforcement agency having jurisdiction" includes
4 the location where out-of-state students attend school and
5 where out-of-state employees are employed or are otherwise
6 required to register.

7 (D-1) As used in this Article, "supervising officer" means
8 the assigned Illinois Department of Corrections parole agent or
9 county probation officer.

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

12 (1) Convicted for an offense of federal, Uniform Code
13 of Military Justice, sister state, or foreign country law
14 that is substantially equivalent to any offense listed in
15 subsection (E) or (E-5) of this Section shall constitute a
16 conviction for the purpose of this Article. Convicted of a
17 violation or attempted violation of any of the following
18 Sections of the Criminal Code of 1961 or the Criminal Code
19 of 2012:

20 10-5.1 (luring of a minor),

21 11-14.4 that involves keeping a place of juvenile
22 prostitution, or 11-17.1 (keeping a place of juvenile
23 prostitution),

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

26 subdivision (a) (4) of Section 11-14.4, or Section

1 11-19.2 (exploitation of a child),
2 11-20.1 (child pornography),
3 11-20.1B or 11-20.3 (aggravated child
4 pornography),
5 11-1.20 or 12-13 (criminal sexual assault),
6 11-1.30 or 12-14 (aggravated criminal sexual
7 assault),
8 11-1.40 or 12-14.1 (predatory criminal sexual
9 assault of a child),
10 11-1.60 or 12-16 (aggravated criminal sexual
11 abuse),
12 12-33 (ritualized abuse of a child);

13 (2) (blank);

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

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

22 (5) convicted of a second or subsequent offense which
23 requires registration pursuant to this Act. For purposes of
24 this paragraph (5), "convicted" shall include a conviction
25 under any substantially similar Illinois, federal, Uniform
26 Code of Military Justice, sister state, or foreign country

1 law;

2 (6) (blank); or

3 (7) if the person was convicted of an offense set forth
4 in this subsection (E) on or before July 1, 1999, the
5 person is a sexual predator for whom registration is
6 required only when the person is convicted of a felony
7 offense after July 1, 2011, and paragraph (2.1) of
8 subsection (c) of Section 3 of this Act applies.

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

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

19 (2) Section 11-9.5 (sexual misconduct with a person
20 with a disability);

21 (3) when the victim is a person under 18 years of age,
22 the defendant is not a parent of the victim, the offense
23 was sexually motivated as defined in Section 10 of the Sex
24 Offender Management Board Act, and the offense was
25 committed on or after January 1, 1996: (A) Section 10-1
26 (kidnapping), (B) Section 10-2 (aggravated kidnapping),

1 (C) Section 10-3 (unlawful restraint), and (D) Section
2 10-3.1 (aggravated unlawful restraint); and

3 (4) Section 10-5(b)(10) (child abduction committed by
4 luring or attempting to lure a child under the age of 16
5 into a motor vehicle, building, house trailer, or dwelling
6 place without the consent of the parent or lawful custodian
7 of the child for other than a lawful purpose and the
8 offense was committed on or after January 1, 1998, provided
9 the offense was sexually motivated as defined in Section 10
10 of the Sex Offender Management Board Act).

11 (E-10) As used in this Article, "sexual predator" also
12 means a person required to register in another State due to a
13 conviction, adjudication or other action of any court
14 triggering an obligation to register as a sex offender, sexual
15 predator, or substantially similar status under the laws of
16 that State.

17 (F) As used in this Article, "out-of-state student" means
18 any sex offender, as defined in this Section, or sexual
19 predator who is enrolled in Illinois, on a full-time or
20 part-time basis, in any public or private educational
21 institution, including, but not limited to, any secondary
22 school, trade or professional institution, or institution of
23 higher learning.

24 (G) As used in this Article, "out-of-state employee" means
25 any sex offender, as defined in this Section, or sexual
26 predator who works in Illinois, regardless of whether the

1 individual receives payment for services performed, for a
2 period of time of 10 or more days or for an aggregate period of
3 time of 30 or more days during any calendar year. Persons who
4 operate motor vehicles in the State accrue one day of
5 employment time for any portion of a day spent in Illinois.

6 (H) As used in this Article, "school" means any public or
7 private educational institution, including, but not limited
8 to, any elementary or secondary school, trade or professional
9 institution, or institution of higher education.

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

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

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