



Sen. Jacqueline Y. Collins

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LRB094 05157 RLC 46446 a

1 AMENDMENT TO HOUSE BILL 350

2 AMENDMENT NO. _____. Amend House Bill 350, AS AMENDED, by
3 inserting after the enacting clause the following:

4 "Section 2. The Criminal Code of 1961 is amended by
5 changing Sections 11-9.3 and 11-9.4 as follows:

6 (720 ILCS 5/11-9.3)

7 Sec. 11-9.3. Presence within school zone by child sex
8 offenders prohibited.

9 (a) It is unlawful for a child sex offender to knowingly be
10 present in any school building, on real property comprising any
11 school, or in any conveyance owned, leased, or contracted by a
12 school to transport students to or from school or a school
13 related activity when persons under the age of 18 are present
14 in the building, on the grounds or in the conveyance, unless
15 the offender is a parent or guardian of a student present in
16 the building, on the grounds or in the conveyance or unless the
17 offender has permission to be present from the superintendent
18 or the school board or in the case of a private school from the
19 principal. In the case of a public school, if permission is
20 granted, the superintendent or school board president must
21 inform the principal of the school where the sex offender will
22 be present. Notification includes the nature of the sex
23 offender's visit and the hours in which the sex offender will
24 be present in the school. The sex offender is responsible for

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

7 (1) (Blank; or)

8 (2) (Blank.)

9 (b) It is unlawful for a child sex offender to knowingly
10 loiter on a public way within 500 feet of a school building or
11 real property comprising any school while persons under the age
12 of 18 are present in the building or on the grounds, unless the
13 offender is a parent or guardian of a student present in the
14 building or on the grounds or has permission to be present from
15 the superintendent or the school board or in the case of a
16 private school from the principal. In the case of a public
17 school, if permission is granted, the superintendent or school
18 board president must inform the principal of the school where
19 the sex offender will be present. Notification includes the
20 nature of the sex offender's visit and the hours in which the
21 sex offender will be present in the school. The sex offender is
22 responsible for notifying the principal's office when he or she
23 arrives on school property and when he or she departs from
24 school property. If the sex offender is to be present in the
25 vicinity of children, the sex offender has the duty to remain
26 under the direct supervision of a school official. A child sex
27 offender who violates this provision is guilty of a Class 4
28 felony.

29 (1) (Blank; or)

30 (2) (Blank.)

31 (b-5) It is unlawful for a child sex offender to knowingly
32 reside within 500 feet of a school building or the real
33 property comprising any school that persons under the age of 18
34 attend, unless the offender resides in a transitional housing

1 facility licensed by, and in good standing with, the Illinois
2 Department of Corrections. Nothing in this subsection (b-5)
3 prohibits a child sex offender from residing within 500 feet of
4 a school building or the real property comprising any school
5 that persons under 18 attend if the property is owned by the
6 child sex offender and was purchased before the effective date
7 of this amendatory Act of the 91st General Assembly.

8 (c) Definitions. In this Section:

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

10 (i) has been charged under Illinois law, or any
11 substantially similar federal law or law of another
12 state, with a sex offense set forth in paragraph (2) of
13 this subsection (c) or the attempt to commit an
14 included sex offense, and:

15 (A) is convicted of such offense or an attempt
16 to commit such offense; or

17 (B) is found not guilty by reason of insanity
18 of such offense or an attempt to commit such
19 offense; or

20 (C) is found not guilty by reason of insanity
21 pursuant to subsection (c) of Section 104-25 of the
22 Code of Criminal Procedure of 1963 of such offense
23 or an attempt to commit such offense; or

24 (D) is the subject of a finding not resulting
25 in an acquittal at a hearing conducted pursuant to
26 subsection (a) of Section 104-25 of the Code of
27 Criminal Procedure of 1963 for the alleged
28 commission or attempted commission of such
29 offense; or

30 (E) is found not guilty by reason of insanity
31 following a hearing conducted pursuant to a
32 federal law or the law of another state
33 substantially similar to subsection (c) of Section
34 104-25 of the Code of Criminal Procedure of 1963 of

1 such offense or of the attempted commission of such
2 offense; or

3 (F) is the subject of a finding not resulting
4 in an acquittal at a hearing conducted pursuant to
5 a federal law or the law of another state
6 substantially similar to subsection (a) of Section
7 104-25 of the Code of Criminal Procedure of 1963
8 for the alleged violation or attempted commission
9 of such offense; or

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

16 (iii) is subject to the provisions of Section 2 of
17 the Interstate Agreements on Sexually Dangerous
18 Persons Act.

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

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

26 (i) A violation of any of the following Sections of
27 the Criminal Code of 1961: 10-7 (aiding and abetting
28 child abduction under Section 10-5(b)(10)),
29 10-5(b)(10) (child luring), 11-6 (indecent
30 solicitation of a child), 11-6.5 (indecent
31 solicitation of an adult), 11-9 (public indecency when
32 committed in a school, on the real property comprising
33 a school, or on a conveyance, owned, leased, or
34 contracted by a school to transport students to or from

1 school or a school related activity), 11-9.1 (sexual
2 exploitation of a child), 11-15.1 (soliciting for a
3 juvenile prostitute), 11-17.1 (keeping a place of
4 juvenile prostitution), 11-18.1 (patronizing a
5 juvenile prostitute), 11-19.1 (juvenile pimping),
6 11-19.2 (exploitation of a child), 11-20.1 (child
7 pornography), 11-21 (harmful material), 12-14.1
8 (predatory criminal sexual assault of a child), 12-33
9 (ritualized abuse of a child), 11-20 (obscenity) (when
10 that offense was committed in any school, on real
11 property comprising any school, in any conveyance
12 owned, leased, or contracted by a school to transport
13 students to or from school or a school related
14 activity). An attempt to commit any of these offenses.

15 (ii) A violation of any of the following Sections
16 of the Criminal Code of 1961, when the victim is a
17 person under 18 years of age: 12-13 (criminal sexual
18 assault), 12-14 (aggravated criminal sexual assault),
19 12-15 (criminal sexual abuse), 12-16 (aggravated
20 criminal sexual abuse). An attempt to commit any of
21 these offenses.

22 (iii) A violation of any of the following Sections
23 of the Criminal Code of 1961, when the victim is a
24 person under 18 years of age and the defendant is not a
25 parent of the victim:

26 10-1 (kidnapping),
27 10-2 (aggravated kidnapping),
28 10-3 (unlawful restraint),
29 10-3.1 (aggravated unlawful restraint).

30 An attempt to commit any of these offenses.

31 (iv) A violation of any former law of this State
32 substantially equivalent to any offense listed in
33 clause (2)(i) of subsection (c) of this Section.

34 (2.5) For the purposes of subsection (b-5) only, a sex

1 offense means:

2 (i) A violation of any of the following Sections of
3 the Criminal Code of 1961:

4 10-5(b)(10) (child luring), 10-7 (aiding and
5 abetting child abduction under Section
6 10-5(b)(10)), 11-6 (indecent solicitation of a
7 child), 11-6.5 (indecent solicitation of an
8 adult), 11-15.1 (soliciting for a juvenile
9 prostitute), 11-17.1 (keeping a place of juvenile
10 prostitution), 11-18.1 (patronizing a juvenile
11 prostitute), 11-19.1 (juvenile pimping), 11-19.2
12 (exploitation of a child), 11-20.1 (child
13 pornography), 12-14.1 (predatory criminal sexual
14 assault of a child), or 12-33 (ritualized abuse of
15 a child). An attempt to commit any of these
16 offenses.

17 (ii) A violation of any of the following Sections
18 of the Criminal Code of 1961, when the victim is a
19 person under 18 years of age: 12-13 (criminal sexual
20 assault), 12-14 (aggravated criminal sexual assault),
21 12-16 (aggravated criminal sexual abuse), and
22 subsection (a) of Section 12-15 (criminal sexual
23 abuse). An attempt to commit any of these offenses.

24 (iii) A violation of any of the following Sections
25 of the Criminal Code of 1961, when the victim is a
26 person under 18 years of age and the defendant is not a
27 parent of the victim:

28 10-1 (kidnapping),
29 10-2 (aggravated kidnapping),
30 10-3 (unlawful restraint),
31 10-3.1 (aggravated unlawful restraint).

32 An attempt to commit any of these offenses.

33 (iv) A violation of any former law of this State
34 substantially equivalent to any offense listed in this

1 paragraph (2.5) of this subsection.

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

11 (4) "School" means a public or private pre-school,
12 elementary, or secondary school.

13 (5) "Loiter" means:

14 (i) Standing, sitting idly, whether or not the
15 person is in a vehicle or remaining in or around school
16 property.

17 (ii) Standing, sitting idly, whether or not the
18 person is in a vehicle or remaining in or around school
19 property, for the purpose of committing or attempting
20 to commit a sex offense.

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

24 (d) Sentence. A person who violates this Section is guilty
25 of a Class 4 felony.

26 (Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98;
27 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)

28 (720 ILCS 5/11-9.4)

29 Sec. 11-9.4. Approaching, contacting, residing, or
30 communicating with a child within certain places by child sex
31 offenders prohibited.

32 (a) It is unlawful for a child sex offender to knowingly be
33 present in any public park building or on real property

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

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

14 (b-5) It is unlawful for a child sex offender to knowingly
15 reside within 500 feet of a playground or a facility providing
16 programs or services exclusively directed toward persons under
17 18 years of age, unless the offender resides in a transitional
18 housing facility licensed by, and in good standing with, the
19 Illinois Department of Corrections. Nothing in this subsection
20 (b-5) prohibits a child sex offender from residing within 500
21 feet of a playground or a facility providing programs or
22 services exclusively directed toward persons under 18 years of
23 age if the property is owned by the child sex offender and was
24 purchased before the effective date of this amendatory Act of
25 the 91st General Assembly.

26 (b-6) It is unlawful for a child sex offender to knowingly
27 reside within 500 feet of the victim of the sex offense.
28 Nothing in this subsection (b-6) prohibits a child sex offender
29 from residing within 500 feet of the victim if the property in
30 which the child sex offender resides is owned by the child sex
31 offender and was purchased before the effective date of this
32 amendatory Act of the 92nd General Assembly.

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

1 (c) It is unlawful for a child sex offender to knowingly
2 operate, manage, be employed by, volunteer at, be associated
3 with, or knowingly be present at any facility providing
4 programs or services exclusively directed towards persons
5 under the age of 18. This does not prohibit a child sex
6 offender from owning the real property upon which the programs
7 or services are offered, provided the child sex offender
8 refrains from being present on the premises for the hours
9 during which the programs or services are being offered.

10 (d) Definitions. In this Section:

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

12 (i) has been charged under Illinois law, or any
13 substantially similar federal law or law of another
14 state, with a sex offense set forth in paragraph (2) of
15 this subsection (d) or the attempt to commit an
16 included sex offense, and:

17 (A) is convicted of such offense or an attempt
18 to commit such offense; or

19 (B) is found not guilty by reason of insanity
20 of such offense or an attempt to commit such
21 offense; or

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

26 (D) is the subject of a finding not resulting
27 in an acquittal at a hearing conducted pursuant to
28 subsection (a) of Section 104-25 of the Code of
29 Criminal Procedure of 1963 for the alleged
30 commission or attempted commission of such
31 offense; or

32 (E) is found not guilty by reason of insanity
33 following a hearing conducted pursuant to a
34 federal law or the law of another state

1 substantially similar to subsection (c) of Section
2 104-25 of the Code of Criminal Procedure of 1963 of
3 such offense or of the attempted commission of such
4 offense; or

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

12 (ii) is certified as a sexually dangerous person
13 pursuant to the Illinois Sexually Dangerous Persons
14 Act, or any substantially similar federal law or the
15 law of another state, when any conduct giving rise to
16 such certification is committed or attempted against a
17 person less than 18 years of age; or

18 (iii) is subject to the provisions of Section 2 of
19 the Interstate Agreements on Sexually Dangerous
20 Persons Act.

21 Convictions that result from or are connected with the
22 same act, or result from offenses committed at the same
23 time, shall be counted for the purpose of this Section as
24 one conviction. Any conviction set aside pursuant to law is
25 not a conviction for purposes of this Section.

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

28 (i) A violation of any of the following Sections of
29 the Criminal Code of 1961: 10-7 (aiding and abetting
30 child abduction under Section 10-5(b)(10)),
31 10-5(b)(10) (child luring), 11-6 (indecent
32 solicitation of a child), 11-6.5 (indecent
33 solicitation of an adult), 11-9 (public indecency when
34 committed in a school, on the real property comprising

1 a school, on a conveyance owned, leased, or contracted
2 by a school to transport students to or from school or
3 a school related activity, or in a public park), 11-9.1
4 (sexual exploitation of a child), 11-15.1 (soliciting
5 for a juvenile prostitute), 11-17.1 (keeping a place of
6 juvenile prostitution), 11-18.1 (patronizing a
7 juvenile prostitute), 11-19.1 (juvenile pimping),
8 11-19.2 (exploitation of a child), 11-20.1 (child
9 pornography), 11-21 (harmful material), 12-14.1
10 (predatory criminal sexual assault of a child), 12-33
11 (ritualized abuse of a child), 11-20 (obscenity) (when
12 that offense was committed in any school, on real
13 property comprising any school, on any conveyance
14 owned, leased, or contracted by a school to transport
15 students to or from school or a school related
16 activity, or in a public park). An attempt to commit
17 any of these offenses.

18 (ii) A violation of any of the following Sections
19 of the Criminal Code of 1961, when the victim is a
20 person under 18 years of age: 12-13 (criminal sexual
21 assault), 12-14 (aggravated criminal sexual assault),
22 12-15 (criminal sexual abuse), 12-16 (aggravated
23 criminal sexual abuse). An attempt to commit any of
24 these offenses.

25 (iii) A violation of any of the following Sections
26 of the Criminal Code of 1961, when the victim is a
27 person under 18 years of age and the defendant is not a
28 parent of the victim:

29 10-1 (kidnapping),
30 10-2 (aggravated kidnapping),
31 10-3 (unlawful restraint),
32 10-3.1 (aggravated unlawful restraint).

33 An attempt to commit any of these offenses.

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

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

3 (2.5) For the purposes of subsection (b-5) only, a sex
4 offense means:

5 (i) A violation of any of the following Sections of
6 the Criminal Code of 1961:

7 10-5(b)(10) (child luring), 10-7 (aiding and
8 abetting child abduction under Section
9 10-5(b)(10)), 11-6 (indecent solicitation of a
10 child), 11-6.5 (indecent solicitation of an
11 adult), 11-15.1 (soliciting for a juvenile
12 prostitute), 11-17.1 (keeping a place of juvenile
13 prostitution), 11-18.1 (patronizing a juvenile
14 prostitute), 11-19.1 (juvenile pimping), 11-19.2
15 (exploitation of a child), 11-20.1 (child
16 pornography), 12-14.1 (predatory criminal sexual
17 assault of a child), or 12-33 (ritualized abuse of
18 a child). An attempt to commit any of these
19 offenses.

20 (ii) A violation of any of the following Sections
21 of the Criminal Code of 1961, when the victim is a
22 person under 18 years of age: 12-13 (criminal sexual
23 assault), 12-14 (aggravated criminal sexual assault),
24 12-16 (aggravated criminal sexual abuse), and
25 subsection (a) of Section 12-15 (criminal sexual
26 abuse). An attempt to commit any of these offenses.

27 (iii) A violation of any of the following Sections
28 of the Criminal Code of 1961, when the victim is a
29 person under 18 years of age and the defendant is not a
30 parent of the victim:

31 10-1 (kidnapping),
32 10-2 (aggravated kidnapping),
33 10-3 (unlawful restraint),
34 10-3.1 (aggravated unlawful restraint).

1 An attempt to commit any of these offenses.

2 (iv) A violation of any former law of this State
3 substantially equivalent to any offense listed in this
4 paragraph (2.5) of this subsection.

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

14 (4) "Public park" includes a park, forest preserve, or
15 conservation area under the jurisdiction of the State or a
16 unit of local government.

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

21 (6) "Loiter" means:

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

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

29 (7) "Playground" means a piece of land owned or
30 controlled by a unit of local government that is designated
31 by the unit of local government for use solely or primarily
32 for children's recreation.

33 (e) Sentence. A person who violates this Section is guilty
34 of a Class 4 felony.

1 (Source: P.A. 91-458, eff. 1-1-00; 91-911, eff. 7-7-00; 92-828,
2 eff. 8-22-02.)"; and

3 in paragraph (7.6) of subsection (a) of Sec. 3-3-7 of Section
4 5, by replacing "any licensed medical facility" with "a Class 1
5 Institution for Mental Diseases (IMD) in accordance with 89
6 Ill. Adm. Code 145.30"; and

7 by inserting after the last line of subsection (e) of Sec.
8 3-17-5 of Section 5 the following:

9 "(f) Nothing in this Article shall be construed to exempt a
10 transitional housing facility licensed under this Article from
11 the jurisdiction of any county, municipality, or other unit of
12 local government acting within the scope of its lawful powers
13 to protect the public health, safety and welfare."