



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3476

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3

Amends the Criminal Code of 2012. Provides that a child sex offender is prohibited from entering into or remaining in a designated child area or a designated teen area of a library, or both, and is prohibited from attending a designated child program or designated teen program at a library, or being present in the place where a designated child program or designated teen program is being held. Provides an exception, that a child sex offender may be present in a designated child area or attend a designated child program only when accompanied by the child sex offender's son or daughter, provided the son or daughter remains in the immediate area of the child sex offender at all times while the child sex offender is in the designated child area or attending the designated child program. Provides that this exemption does not apply to a child sex offender who engages in conduct creating a risk of harm to others, or whose presence in the library is otherwise in violation of any law, statute, ordinance, or library policy, bylaw, term, rule, or regulation. Provides that a library shall identify any designated child area or designated teen area, and shall ensure that each designated child area or designated teen area is prominently marked with signage uniform across all libraries identifying it as such. Defines various terms. Provides that a violation is a Class 4 felony.

LRB100 08972 MRW 19728 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 Section 11-9.3 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 (b-25) Except as otherwise provided in this subsection, a
8 child sex offender is prohibited from entering into or
9 remaining in a designated child area or a designated teen area
10 of a library, or both, and is prohibited from attending a
11 designated child program or designated teen program at a
12 library, or being present in the place where a designated child
13 program or designated teen program is being held.

14 A child sex offender may be present in a designated child
15 area or attend a designated child program only when accompanied
16 by the child sex offender's son or daughter, provided the son
17 or daughter remains in the immediate area of the child sex
18 offender at all times while the child sex offender is in the
19 designated child area or attending the designated child
20 program. This paragraph does not apply to a child sex offender
21 who engages in conduct creating a risk of harm to others, or
22 whose presence in the library is otherwise in violation of any
23 law, statute, ordinance, or library policy, bylaw, term, rule,
24 or regulation.

25 A library shall identify any designated child area or
26 designated teen area, and shall ensure that each designated

1 child area or designated teen area is prominently marked with
2 signage uniform across all libraries identifying it as a
3 designated child area or designated teen area. A library shall
4 identify any designated child program or designated teen
5 program as such in any on-line or printed registration or
6 promotional material and, if held outside of a designated child
7 area or designated teen area, shall post temporary signage
8 uniform across all libraries at the location and for the
9 duration of the program.

10 Except as otherwise provided in this subsection (b-25),
11 this subsection shall not be construed to prohibit a child sex
12 offender's access to any library subject to the same policies,
13 bylaws, terms, rules, and regulations applicable to all
14 patrons.

15 A violation of this subsection (b-25) may result in
16 expulsion of the person from library facilities and suspension
17 of his or her library privileges, in addition to any criminal
18 penalties imposed under this Section.

19 (c) It is unlawful for a child sex offender to knowingly
20 operate, manage, be employed by, volunteer at, be associated
21 with, or knowingly be present at any: (i) facility providing
22 programs or services exclusively directed toward persons under
23 the age of 18; (ii) day care center; (iii) part day child care
24 facility; (iv) child care institution; (v) school providing
25 before and after school programs for children under 18 years of
26 age; (vi) day care home; or (vii) group day care home. This

1 does not prohibit a child sex offender from owning the real
2 property upon which the programs or services are offered or
3 upon which the day care center, part day child care facility,
4 child care institution, or school providing before and after
5 school programs for children under 18 years of age is located,
6 provided the child sex offender refrains from being present on
7 the premises for the hours during which: (1) the programs or
8 services are being offered or (2) the day care center, part day
9 child care facility, child care institution, or school
10 providing before and after school programs for children under
11 18 years of age, day care home, or group day care home is
12 operated.

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

1 present.

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

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

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

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

26 (d) Definitions. In this Section:

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

2 (i) has been charged under Illinois law, or any
3 substantially similar federal law or law of another
4 state, with a sex offense set forth in paragraph (2) of
5 this subsection (d) or the attempt to commit an
6 included sex offense, and the victim is a person under
7 18 years of age at the time of the offense; and:

8 (A) is convicted of such offense or an attempt
9 to commit such offense; or

10 (B) is found not guilty by reason of insanity
11 of such offense or an attempt to commit such
12 offense; or

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

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

23 (E) is found not guilty by reason of insanity
24 following a hearing conducted pursuant to a
25 federal law or the law of another state
26 substantially similar to subsection (c) of Section

1 104-25 of the Code of Criminal Procedure of 1963 of
2 such offense or of the attempted commission of such
3 offense; or

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

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

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

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

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

1 (i) A violation of any of the following Sections of
2 the Criminal Code of 1961 or the Criminal Code of 2012:
3 10-4 (forcible detention), 10-7 (aiding or abetting
4 child abduction under Section 10-5(b)(10)),
5 10-5(b)(10) (child luring), 11-1.40 (predatory
6 criminal sexual assault of a child), 11-6 (indecent
7 solicitation of a child), 11-6.5 (indecent
8 solicitation of an adult), 11-9.1 (sexual exploitation
9 of a child), 11-9.2 (custodial sexual misconduct),
10 11-9.5 (sexual misconduct with a person with a
11 disability), 11-11 (sexual relations within families),
12 11-14.3(a)(1) (promoting prostitution by advancing
13 prostitution), 11-14.3(a)(2)(A) (promoting
14 prostitution by profiting from prostitution by
15 compelling a person to be a prostitute),
16 11-14.3(a)(2)(C) (promoting prostitution by profiting
17 from prostitution by means other than as described in
18 subparagraphs (A) and (B) of paragraph (2) of
19 subsection (a) of Section 11-14.3), 11-14.4 (promoting
20 juvenile prostitution), 11-18.1 (patronizing a
21 juvenile prostitute), 11-20.1 (child pornography),
22 11-20.1B (aggravated child pornography), 11-21
23 (harmful material), 11-25 (grooming), 11-26 (traveling
24 to meet a minor), 12-33 (ritualized abuse of a child),
25 11-20 (obscenity) (when that offense was committed in
26 any school, on real property comprising any school, in

1 any conveyance owned, leased, or contracted by a school
2 to transport students to or from school or a school
3 related activity, or in a public park), 11-30 (public
4 indecency) (when committed in a school, on real
5 property comprising a school, in any conveyance owned,
6 leased, or contracted by a school to transport students
7 to or from school or a school related activity, or in a
8 public park). An attempt to commit any of these
9 offenses.

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

18 (iii) A violation of any of the following Sections
19 of the Criminal Code of 1961 or the Criminal Code of
20 2012, when the victim is a person under 18 years of age
21 and the defendant is not a parent of the victim:

22 10-1 (kidnapping),

23 10-2 (aggravated kidnapping),

24 10-3 (unlawful restraint),

25 10-3.1 (aggravated unlawful restraint),

26 11-9.1(A) (permitting sexual abuse of a child).

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
4 clause (2)(i) or (2)(ii) of subsection (d) of this
5 Section.

6 (2.5) For the purposes of subsections (b-5) and (b-10)
7 only, a sex offense means:

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

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

1 pornography), 11-20.1B (aggravated child pornography),
2 11-25 (grooming), 11-26 (traveling to meet a minor), or
3 12-33 (ritualized abuse of a child). An attempt to
4 commit any of these offenses.

5 (ii) 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
8 age: 11-1.20 (criminal sexual assault), 11-1.30
9 (aggravated criminal sexual assault), 11-1.60
10 (aggravated criminal sexual abuse), and subsection (a)
11 of Section 11-1.50 (criminal sexual abuse). An attempt
12 to commit any of these offenses.

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

17 10-1 (kidnapping),
18 10-2 (aggravated kidnapping),
19 10-3 (unlawful restraint),
20 10-3.1 (aggravated unlawful restraint),
21 11-9.1(A) (permitting sexual abuse of a child).

22 An attempt to commit any of these offenses.

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

26 (3) A conviction for an offense of federal law or the

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

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

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

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

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

19 (7.1) "Designated child area" means that portion or
20 area of a library reserved for use primarily by persons
21 under the age of 13.

22 (7.2) "Designated child program" means any program
23 conducted in a library directed toward persons under the
24 age of 13.

25 (7.3) "Designated teen area" means that portion or area
26 of a library reserved for use primarily by persons between

1 the ages of 13 and 18.

2 (7.4) "Designated teen program" means any program
3 conducted in a library directed toward persons between the
4 ages of 13 and 18.

5 (8) "Facility providing programs or services directed
6 towards persons under the age of 18" means any facility
7 providing programs or services exclusively directed
8 towards persons under the age of 18.

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

11 (10) "Internet" has the meaning set forth in Section
12 16-0.1 of this Code.

13 (10.1) "Library" means any public library, including a
14 privately endowed or tax-supported library, established or
15 maintained by a unit of local government, school district,
16 or special district, and includes parking lots, patios, and
17 other outdoor spaces under control of a library.

18 (11) "Loiter" means:

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

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

26 (iii) Entering or remaining in a building in or

1 around school property, other than the offender's
2 residence.

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

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

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

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

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

18 (17) "Son or daughter" means a person under 13 years of
19 age who is a biological child, adoptive child, stepchild,
20 foster child, or legal ward.

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

1 the real property comprising the public park, playground, child
2 care institution, day care center, part day child care
3 facility, or facility providing programs or services
4 exclusively directed toward persons under 18 years of age, or a
5 victim of the sex offense who is under 21 years of age, to the
6 edge of the child sex offender's place of residence or place
7 where he or she is loitering.

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

10 (Source: P.A. 97-698, eff. 1-1-13; 97-699, eff. 1-1-13;
11 97-1150, eff. 1-25-13; 98-266, eff. 1-1-14.)