



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB4638**

Introduced 1/21/2022, by Rep. Tony McCombie

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3  
720 ILCS 5/11-9.4-1

Amends the Criminal Code of 2012. In the statutes prohibiting child sex offenders and sexual predators from being present or loitering in public parks, defines "public park" to include in addition to a park, forest preserve, bikeway, trail, or conservation area under the jurisdiction of the State or a unit of local government, any other indoor or outdoor facility, building, or sports field used for recreational purposes under the jurisdiction of the State or a unit of local government.

LRB102 22860 RLC 33014 b

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  
5 changing Sections 11-9.3 and 11-9.4-1 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  
13 any school, or in any conveyance owned, leased, or contracted  
14 by a 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  
9 sex offender will be present. Notification includes the nature  
10 of 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  
13 she 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  
20 by 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  
24 knowingly be present in any public park building, a playground  
25 or recreation area within any publicly accessible privately  
26 owned building, or on real property comprising any public park

1 when persons under the age of 18 are present in the building or  
2 on 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  
14 child review conferences in which evaluation and placement  
15 decisions may be made with respect to his or her child  
16 regarding special education services, or (iii) attending  
17 conferences to discuss other student issues concerning his or  
18 her child such as retention and promotion and notifies the  
19 principal of the school of his or her presence at the school or  
20 has permission to be present from the superintendent or the  
21 school board or in the case of a private school from the  
22 principal. In the case of a public school, if permission is  
23 granted, the superintendent or school board president must  
24 inform the principal of the school where the sex offender will  
25 be present. Notification includes the nature of the sex  
26 offender's visit and the hours in which the sex offender will

1 be present in the school. The sex offender is responsible for  
2 notifying the principal's office when he or she arrives on  
3 school property and when he or she departs from school  
4 property. If the sex offender is to be present in the vicinity  
5 of children, the sex offender has the duty to remain under the  
6 direct supervision of a school 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  
19 sex offender from residing within 500 feet of a school  
20 building or the real property comprising any school that  
21 persons under 18 attend if the property is owned by the child  
22 sex offender and was purchased before July 7, 2000 (the  
23 effective date of Public Act 91-911).

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

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

18 (b-15) It is unlawful for a child sex offender to  
19 knowingly reside within 500 feet of the victim of the sex  
20 offense. Nothing in this subsection (b-15) prohibits a child  
21 sex offender from residing within 500 feet of the victim if the  
22 property in which the child sex offender resides is owned by  
23 the child sex offender and was purchased before August 22,  
24 2002.

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

1 (b-20) It is unlawful for a child sex offender to  
2 knowingly communicate, other than for a lawful purpose under  
3 Illinois law, using the Internet or any other digital media,  
4 with a person under 18 years of age or with a person whom he or  
5 she believes to be a person under 18 years of age, unless the  
6 offender is a parent or guardian of the person under 18 years  
7 of age.

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

1 operated.

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

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

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



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

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

15 (d) Definitions. In this Section:

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

17 (i) has been charged under Illinois law, or any  
18 substantially similar federal law or law of another  
19 state, with a sex offense set forth in paragraph (2) of  
20 this subsection (d) or the attempt to commit an  
21 included sex offense, and the victim is a person under  
22 18 years of age at the time of the offense; and:

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

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

1 offense; or

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

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

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

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

26 (ii) is certified as a sexually dangerous person

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

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

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

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

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

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

26 (ii) A violation of any of the following Sections

1 of the Criminal Code of 1961 or the Criminal Code of  
2 2012, when the victim is a person under 18 years of  
3 age: 11-1.20 (criminal sexual assault), 11-1.30  
4 (aggravated criminal sexual assault), 11-1.50  
5 (criminal sexual abuse), 11-1.60 (aggravated criminal  
6 sexual abuse). An attempt to commit any of these  
7 offenses.

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

12 10-1 (kidnapping),

13 10-2 (aggravated kidnapping),

14 10-3 (unlawful restraint),

15 10-3.1 (aggravated unlawful restraint),

16 11-9.1(A) (permitting sexual abuse of a child).

17 An attempt to commit any of these offenses.

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

22 (2.5) For the purposes of subsections (b-5) and (b-10)  
23 only, a sex offense means:

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

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

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

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

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

9 10-1 (kidnapping),

10 10-2 (aggravated kidnapping),

11 10-3 (unlawful restraint),

12 10-3.1 (aggravated unlawful restraint),

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

14 An attempt to commit any of these offenses.

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

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

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

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

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

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

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

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

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

19          (11) "Loiter" means:

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

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



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

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

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

11          (14) "Public park" includes a park, forest preserve,  
12          bikeway, trail, ~~or~~ conservation area, or any other indoor  
13          or outdoor facility, building, or sports field used for  
14          recreational purposes, under the jurisdiction of the State  
15          or a unit of local government.

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

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

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

1 building or the real property comprising the public park,  
2 playground, child care institution, day care center, part day  
3 child care facility, or facility providing programs or  
4 services exclusively directed toward persons under 18 years of  
5 age, or a victim of the sex offense who is under 21 years of  
6 age, to the edge of the child sex offender's place of residence  
7 or place 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. 100-428, eff. 1-1-18.)

11 (720 ILCS 5/11-9.4-1)

12 Sec. 11-9.4-1. Sexual predator and child sex offender;  
13 presence or loitering in or near public parks prohibited.

14 (a) For the purposes of this Section:

15 "Child sex offender" has the meaning ascribed to it in  
16 subsection (d) of Section 11-9.3 of this Code, but does  
17 not include as a sex offense under paragraph (2) of  
18 subsection (d) of Section 11-9.3, the offenses under  
19 subsections (b) and (c) of Section 11-1.50 or subsections  
20 (b) and (c) of Section 12-15 of this Code.

21 "Public park" includes a park, forest preserve,  
22 bikeway, trail, ~~or~~ conservation area, or any other indoor  
23 or outdoor facility, building, or sports field used for  
24 recreational purposes, under the jurisdiction of the State  
25 or a unit of local government.

1 "Loiter" means:

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

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

9 "Sexual predator" has the meaning ascribed to it in  
10 subsection (E) of Section 2 of the Sex Offender  
11 Registration Act.

12 (b) It is unlawful for a sexual predator or a child sex  
13 offender to knowingly be present in any public park building  
14 or on real property comprising any public park.

15 (c) It is unlawful for a sexual predator or a child sex  
16 offender to knowingly loiter on a public way within 500 feet of  
17 a public park building or real property comprising any public  
18 park. For the purposes of this subsection (c), the 500 feet  
19 distance shall be measured from the edge of the property  
20 comprising the public park building or the real property  
21 comprising the public park.

22 (d) Sentence. A person who violates this Section is guilty  
23 of a Class A misdemeanor, except that a second or subsequent  
24 violation is a Class 4 felony.

25 (Source: P.A. 96-1099, eff. 1-1-11; 97-698, eff. 1-1-13;  
26 97-1109, eff. 1-1-13.)