



Rep. Patrick Windhorst

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LRB102 21443 RLC 36321 a

1 AMENDMENT TO HOUSE BILL 5038

2 AMENDMENT NO. _____. Amend House Bill 5038 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 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

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
16 sex offender will be present. Notification includes the nature
17 of 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
20 she 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

1 by 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
5 knowingly be present in any public park building, a playground
6 or recreation area within any publicly accessible privately
7 owned building, or on real property comprising any public park
8 when persons under the age of 18 are present in the building or
9 on 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
21 child review conferences in which evaluation and placement
22 decisions may be made with respect to his or her child
23 regarding special education services, or (iii) attending
24 conferences to discuss other student issues concerning his or
25 her child such as retention and promotion and notifies the
26 principal of the school of his or her presence at the school or

1 has permission to be present from the superintendent or the
2 school board or in the case of a private school from the
3 principal. In the case of a public school, if permission is
4 granted, the superintendent or school board president must
5 inform the principal of the school where the sex offender will
6 be present. Notification includes the nature of the sex
7 offender's visit and the hours in which the sex offender will
8 be present in the school. The sex offender is responsible for
9 notifying the principal's office when he or she arrives on
10 school property and when he or she departs from school
11 property. If the sex offender is to be present in the vicinity
12 of children, the sex offender has the duty to remain under the
13 direct supervision of a school 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
25 18 attend. Nothing in this subsection (b-5) prohibits a child
26 sex offender from residing within 500 feet of a school

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

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

25 (b-15) It is unlawful for a child sex offender to
26 knowingly reside within 500 feet of the victim of the sex

1 offense. Nothing in this subsection (b-15) prohibits a child
2 sex offender from residing within 500 feet of the victim if the
3 property in which the child sex offender resides is owned by
4 the child sex offender and was purchased before August 22,
5 2002.

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

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

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

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

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

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

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

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

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

22 (d) Definitions. In this Section:

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

24 (i) has been charged under Illinois law, or any
25 substantially similar federal law or law of another
26 state, with a sex offense set forth in paragraph (2) of

1 this subsection (d) or the attempt to commit an
2 included sex offense, and the victim is a person under
3 18 years of age at the time of the offense; and:

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

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

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

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

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

26 (F) is the subject of a finding not resulting

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

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

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

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

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

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

1 10-5(b)(10) (child luring), 11-1.40 (predatory
2 criminal sexual assault of a child), 11-6 (indecent
3 solicitation of a child), 11-6.5 (indecent
4 solicitation of an adult), 11-9.1 (sexual exploitation
5 of a child), 11-9.2 (custodial sexual misconduct),
6 11-9.5 (sexual misconduct with a person with a
7 disability), 11-11 (sexual relations within families),
8 11-14.3(a)(1) (promoting prostitution by advancing
9 prostitution), 11-14.3(a)(2)(A) (promoting
10 prostitution by profiting from prostitution by
11 compelling a person to be a prostitute),
12 11-14.3(a)(2)(C) (promoting prostitution by profiting
13 from prostitution by means other than as described in
14 subparagraphs (A) and (B) of paragraph (2) of
15 subsection (a) of Section 11-14.3), 11-14.4 (promoting
16 juvenile prostitution), 11-18.1 (patronizing a
17 juvenile prostitute), 11-20.1 (child pornography),
18 11-20.1B (aggravated child pornography), 11-21
19 (harmful material), 11-25 (grooming), 11-26 (traveling
20 to meet a minor or traveling to meet a child), 12-33
21 (ritualized abuse of a child), 11-20 (obscenity) (when
22 that offense was committed in any school, on real
23 property comprising any school, in any conveyance
24 owned, leased, or contracted by a school to transport
25 students to or from school or a school related
26 activity, or in a public park), 11-30 (public

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

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

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

19 10-1 (kidnapping),

20 10-2 (aggravated kidnapping),

21 10-3 (unlawful restraint),

22 10-3.1 (aggravated unlawful restraint),

23 11-9.1(A) (permitting sexual abuse of a child).

24 An attempt to commit any of these offenses.

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

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

3 (2.1) "Sex offense" includes a violation or attempted
4 violation of subsection (a), (a-10), or (a-15) of Section
5 26-4 when the violation or attempted violation was
6 committed after the effective of this amendatory Act of
7 the 102nd General Assembly and the victim is a person
8 under 18 years of age at the time of the commission of the
9 offense.

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

12 (i) A violation of any of the following Sections
13 of the Criminal Code of 1961 or the Criminal Code of
14 2012:

15 10-5(b)(10) (child luring), 10-7 (aiding or
16 abetting child abduction under Section 10-5(b)(10)),
17 11-1.40 (predatory criminal sexual assault of a
18 child), 11-6 (indecent solicitation of a child),
19 11-6.5 (indecent solicitation of an adult), 11-9.2
20 (custodial sexual misconduct), 11-9.5 (sexual
21 misconduct with a person with a disability), 11-11
22 (sexual relations within families), 11-14.3(a)(1)
23 (promoting prostitution by advancing prostitution),
24 11-14.3(a)(2)(A) (promoting prostitution by profiting
25 from prostitution by compelling a person to be a
26 prostitute), 11-14.3(a)(2)(C) (promoting prostitution

1 by profiting from prostitution by means other than as
2 described in subparagraphs (A) and (B) of paragraph
3 (2) of subsection (a) of Section 11-14.3), 11-14.4
4 (promoting juvenile prostitution), 11-18.1
5 (patronizing a juvenile prostitute), 11-20.1 (child
6 pornography), 11-20.1B (aggravated child pornography),
7 11-25 (grooming), 11-26 (traveling to meet a minor or
8 traveling to meet a child), or 12-33 (ritualized abuse
9 of a child). An attempt to commit any of these
10 offenses.

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

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

23 10-1 (kidnapping),

24 10-2 (aggravated kidnapping),

25 10-3 (unlawful restraint),

26 10-3.1 (aggravated unlawful restraint),

1 11-9.1(A) (permitting sexual abuse of a child).

2 An attempt to commit any of these offenses.

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

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

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

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

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

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

25 (8) "Facility providing programs or services directed
26 towards persons under the age of 18" means any facility

1 providing programs or services exclusively directed
2 towards persons under the age of 18.

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

5 (10) "Internet" has the meaning set forth in Section
6 16-0.1 of this Code.

7 (11) "Loiter" means:

8 (i) Standing, sitting idly, whether or not the
9 person is in a vehicle, or remaining in or around
10 school or public park property.

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

15 (iii) Entering or remaining in a building in or
16 around school property, other than the offender's
17 residence.

18 (12) "Part day child care facility" has the meaning
19 ascribed to it in Section 2.10 of the Child Care Act of
20 1969.

21 (13) "Playground" means a piece of land owned or
22 controlled by a unit of local government that is
23 designated by the unit of local government for use solely
24 or primarily for children's recreation.

25 (14) "Public park" includes a park, forest preserve,
26 bikeway, trail, or conservation area under the

1 jurisdiction of the State or a unit of local government.

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

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

7 (e) For the purposes of this Section, the 500 feet
8 distance shall be measured from: (1) the edge of the property
9 of the school building or the real property comprising the
10 school that is closest to the edge of the property of the child
11 sex offender's residence or where he or she is loitering, and
12 (2) the edge of the property comprising the public park
13 building or the real property comprising the public park,
14 playground, child care institution, day care center, part day
15 child care facility, or facility providing programs or
16 services exclusively directed toward persons under 18 years of
17 age, or a victim of the sex offense who is under 21 years of
18 age, to the edge of the child sex offender's place of residence
19 or place where he or she is loitering.

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

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

23 (720 ILCS 5/11-9.4-1)

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

1 (a) For the purposes of this Section:

2 "Child sex offender" has the meaning ascribed to it in
3 subsection (d) of Section 11-9.3 of this Code, including
4 an offense described in paragraph (2.1) of subsection (d)
5 of Section 11-9.3, but does not include as a sex offense
6 under paragraph (2) of subsection (d) of Section 11-9.3,
7 the offenses under subsections (b) and (c) of Section
8 11-1.50 or subsections (b) and (c) of Section 12-15 of
9 this Code.

10 "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 "Loiter" means:

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

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

21 "Sexual predator" has the meaning ascribed to it in
22 subsection (E) of Section 2 of the Sex Offender
23 Registration Act.

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

1 (c) It is unlawful for a sexual predator or a child sex
2 offender to knowingly loiter on a public way within 500 feet of
3 a public park building or real property comprising any public
4 park. For the purposes of this subsection (c), the 500 feet
5 distance shall be measured from the edge of the property
6 comprising the public park building or the real property
7 comprising the public park.

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

11 (Source: P.A. 96-1099, eff. 1-1-11; 97-698, eff. 1-1-13;
12 97-1109, eff. 1-1-13.)

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

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

16 Sec. 2. Definitions.

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

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

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

1 commit such offense; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 11-20.1 (child pornography),

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

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

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

14 11-9.2 (custodial sexual misconduct),

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

17 11-14.4 (promoting juvenile prostitution),

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

19 11-18.1 (patronizing a juvenile prostitute),

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

22 11-19.1 (juvenile pimping),

23 11-19.2 (exploitation of a child),

24 11-25 (grooming),

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

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

10 An attempt to commit any of these offenses.

11 (1.5) A violation of any of the following Sections of
12 the Criminal Code of 1961 or the Criminal Code of 2012,
13 when the victim is a person under 18 years of age, the
14 defendant is not a parent of the victim, the offense was
15 sexually motivated as defined in Section 10 of the Sex
16 Offender Evaluation and Treatment Act, and the offense was
17 committed on or after January 1, 1996:

18 10-1 (kidnapping),
19 10-2 (aggravated kidnapping),
20 10-3 (unlawful restraint),
21 10-3.1 (aggravated unlawful restraint).

22 If the offense was committed before January 1, 1996,
23 it is a sex offense requiring registration only when the
24 person is convicted of any felony after July 1, 2011, and
25 paragraph (2.1) of subsection (c) of Section 3 of this Act
26 applies.

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

5 (1.7) (Blank).

6 (1.8) A violation or attempted violation of Section
7 11-11 (sexual relations within families) of the Criminal
8 Code of 1961 or the Criminal Code of 2012, and the offense
9 was committed on or after June 1, 1997. If the offense was
10 committed before June 1, 1997, it is a sex offense
11 requiring registration only when the person is convicted
12 of any felony after July 1, 2011, and paragraph (2.1) of
13 subsection (c) of Section 3 of this Act applies.

14 (1.9) Child abduction under paragraph (10) of
15 subsection (b) of Section 10-5 of the Criminal Code of
16 1961 or the Criminal Code of 2012 committed by luring or
17 attempting to lure a child under the age of 16 into a motor
18 vehicle, building, house trailer, or dwelling place
19 without the consent of the parent or lawful custodian of
20 the child for other than a lawful purpose and the offense
21 was committed on or after January 1, 1998, provided the
22 offense was sexually motivated as defined in Section 10 of
23 the Sex Offender Management Board Act. If the offense was
24 committed before January 1, 1998, it is a sex offense
25 requiring registration only when the person is convicted
26 of any felony after July 1, 2011, and paragraph (2.1) of

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

2 (1.10) A violation or attempted violation of any of
3 the following Sections of the Criminal Code of 1961 or the
4 Criminal Code of 2012 when the offense was committed on or
5 after July 1, 1999:

6 10-4 (forcible detention, if the victim is under
7 18 years of age), provided the offense was sexually
8 motivated as defined in Section 10 of the Sex Offender
9 Management Board Act,

10 11-6.5 (indecent solicitation of an adult),

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

14 subdivision (a)(2)(A) or (a)(2)(B) of Section
15 11-14.3, or Section 11-16 (pandering, if the victim is
16 under 18 years of age),

17 11-18 (patronizing a prostitute, if the victim is
18 under 18 years of age),

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

22 If the offense was committed before July 1, 1999, it
23 is a sex offense requiring registration only when the
24 person is convicted of any felony after July 1, 2011, and
25 paragraph (2.1) of subsection (c) of Section 3 of this Act
26 applies.

1 (1.11) A violation or attempted violation of any of
2 the following Sections of the Criminal Code of 1961 or the
3 Criminal Code of 2012 when the offense was committed on or
4 after August 22, 2002:

5 11-9 or 11-30 (public indecency for a third or
6 subsequent conviction).

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

12 (1.12) A violation or attempted violation of Section
13 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
14 Criminal Code of 1961 or the Criminal Code of 2012
15 (permitting sexual abuse) when the offense was committed
16 on or after August 22, 2002. If the offense was committed
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 (1.13) A violation or attempted violation of
22 subsection (a), (a-10), or (a-15) of Section 26-4 of the
23 Criminal Code of 2012 when the violation or attempted
24 violation was committed after the effective of this
25 amendatory Act of the 102nd General Assembly.

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

1 substantially equivalent to any offense listed in
2 subsection (B) of this Section.

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

15 (C-5) A person at least 17 years of age at the time of the
16 commission of the offense who is convicted of first degree
17 murder under Section 9-1 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, against a person under 18 years of age,
19 shall be required to register for natural life. A conviction
20 for an offense of federal, Uniform Code of Military Justice,
21 sister state, or foreign country law that is substantially
22 equivalent to any offense listed in subsection (C-5) of this
23 Section shall constitute a conviction for the purpose of this
24 Article. This subsection (C-5) applies to a person who
25 committed the offense before June 1, 1996 if: (i) the person is
26 incarcerated in an Illinois Department of Corrections facility

1 on August 20, 2004 (the effective date of Public Act 93-977),
2 or (ii) subparagraph (i) does not apply and the person is
3 convicted of any felony after July 1, 2011, and paragraph
4 (2.1) of subsection (c) of Section 3 of this Act applies.

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

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

1 where out-of-state employees are employed or are otherwise
2 required to register.

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

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

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

16 10-5.1 (luring of a minor),

17 11-14.4 that involves keeping a place of juvenile
18 prostitution, or 11-17.1 (keeping a place of juvenile
19 prostitution),

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

22 subdivision (a) (4) of Section 11-14.4, or Section
23 11-19.2 (exploitation of a child),

24 11-20.1 (child pornography),

25 11-20.1B or 11-20.3 (aggravated child
26 pornography),

1 11-1.20 or 12-13 (criminal sexual assault),
2 11-1.30 or 12-14 (aggravated criminal sexual
3 assault),
4 11-1.40 or 12-14.1 (predatory criminal sexual
5 assault of a child),
6 11-1.60 or 12-16 (aggravated criminal sexual
7 abuse),
8 12-33 (ritualized abuse of a child);
9 (2) (blank);
10 (3) declared as a sexually dangerous person pursuant
11 to the Sexually Dangerous Persons Act or any substantially
12 similar federal, Uniform Code of Military Justice, sister
13 state, or foreign country law;
14 (4) found to be a sexually violent person pursuant to
15 the Sexually Violent Persons Commitment Act or any
16 substantially similar federal, Uniform Code of Military
17 Justice, sister state, or foreign country law;
18 (5) convicted of a second or subsequent offense which
19 requires registration pursuant to this Act. For purposes
20 of this paragraph (5), "convicted" shall include a
21 conviction under any substantially similar Illinois,
22 federal, Uniform Code of Military Justice, sister state,
23 or foreign country law;
24 (6) (blank); or
25 (7) if the person was convicted of an offense set
26 forth in this subsection (E) on or before July 1, 1999, the

1 person is a sexual predator for whom registration is
2 required only when the person is convicted of a felony
3 offense after July 1, 2011, and paragraph (2.1) of
4 subsection (c) of Section 3 of this Act applies.

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

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

15 (2) Section 11-9.5 (sexual misconduct with a person
16 with a disability);

17 (3) when the victim is a person under 18 years of age,
18 the defendant is not a parent of the victim, the offense
19 was sexually motivated as defined in Section 10 of the Sex
20 Offender Management Board Act, and the offense was
21 committed on or after January 1, 1996: (A) Section 10-1
22 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
23 (C) Section 10-3 (unlawful restraint), and (D) Section
24 10-3.1 (aggravated unlawful restraint); and

25 (4) Section 10-5(b)(10) (child abduction committed by
26 luring or attempting to lure a child under the age of 16

1 into a motor vehicle, building, house trailer, or dwelling
2 place without the consent of the parent or lawful
3 custodian of the child for other than a lawful purpose and
4 the offense was committed on or after January 1, 1998,
5 provided the offense was sexually motivated as defined in
6 Section 10 of the Sex Offender Management Board Act).

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

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

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

1 employment time for any portion of a day spent in Illinois.

2 (H) As used in this Article, "school" means any public or
3 private educational institution, including, but not limited
4 to, any elementary or secondary school, trade or professional
5 institution, or institution of higher education.

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

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

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