



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB1551

Introduced 2/26/2021, by Sen. Rachelle Crowe

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3	
720 ILCS 5/12-7.3	from Ch. 38, par. 12-7.3
720 ILCS 5/12-7.4	from Ch. 38, par. 12-7.4
730 ILCS 150/2	from Ch. 38, par. 222

Amends the Criminal Code of 2012. Provides that "child" means a person under 17 years of age unless an accused is a family member or in a position of trust, authority, or supervision to the victim, then "child" is a person under 18 years of age. Provides that aggravated stalking against a child is a Class 2 felony. Provides that under certain conditions, stalking, and aggravated stalking are included as sex offenses.

LRB102 13599 KMF 18948 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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, 12-7.3, and 12-7.4 as follows:

6 (720 ILCS 5/11-9.3)

7 Sec. 11-9.3. Presence within school zone by child sex  
8 offenders prohibited; approaching, contacting, residing with,  
9 or communicating with a child within certain places by child  
10 sex offenders prohibited.

11 (a) It is unlawful for a child sex offender to knowingly be  
12 present in any school building, on real property comprising  
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), ~~11-~~

17 12-7.3 (stalking),

18 12-7.4 (aggravated stalking).

19 An attempt to commit any of these offenses.

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

24 (2.5) For the purposes of subsections (b-5) and (b-10)  
25 only, a sex offense means:

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

1 of the Criminal Code of 1961 or the Criminal Code of  
2 2012:

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

25 (ii) A violation of any of the following Sections  
26 of the Criminal Code of 1961 or the Criminal Code of

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

7           (iii) 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 age  
10          and the defendant is not a parent of the victim:

11               10-1 (kidnapping),

12               10-2 (aggravated kidnapping),

13               10-3 (unlawful restraint),

14               10-3.1 (aggravated unlawful restraint),

15               11-9.1(A) (permitting sexual abuse of a child).

16           An attempt to commit any of these offenses.

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

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

1 Dangerous Persons Act shall constitute an adjudication for  
2 the purposes of this Section.

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

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

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

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

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

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

19 (10) "Internet" has the meaning set forth in Section  
20 16-0.1 of this Code.

21 (11) "Loiter" means:

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

25 (ii) Standing, sitting idly, whether or not the  
26 person is in a vehicle, or remaining in or around



1 school or public park property, for the purpose of  
2 committing or attempting to commit a sex offense.

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

6 (12) "Part day child care facility" has the meaning  
7 ascribed to it in Section 2.10 of the Child Care Act of  
8 1969.

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

13 (14) "Public park" includes a park, forest preserve,  
14 bikeway, trail, or conservation area under the  
15 jurisdiction of the State 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 5/12-7.3) (from Ch. 38, par. 12-7.3)

12 Sec. 12-7.3. Stalking.

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

17 (1) fear for his or her safety or the safety of a third  
18 person; or

19 (2) suffer other emotional distress.

20 (a-3) A person commits stalking when he or she, knowingly  
21 and without lawful justification, on at least 2 separate  
22 occasions follows another person or places the person under  
23 surveillance or any combination thereof and:

24 (1) at any time transmits a threat of immediate or  
25 future bodily harm, sexual assault, confinement or

1 restraint and the threat is directed towards that person  
2 or a family member of that person; or

3 (2) places that person in reasonable apprehension of  
4 immediate or future bodily harm, sexual assault,  
5 confinement or restraint to or of that person or a family  
6 member of that person.

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

10 (1) follows that same person or places that same  
11 person under surveillance; and

12 (2) transmits a threat of immediate or future bodily  
13 harm, sexual assault, confinement or restraint to that  
14 person or a family member of that person.

15 (b) Sentence. Stalking is a Class 4 felony; a second or  
16 subsequent conviction is a Class 3 felony. Stalking against a  
17 child is a Class 3 felony.

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

19 "Child" means person under 17 years of age unless the  
20 accused is a family member as defined in Section 11-0.1 or  
21 in a position trust, authority, or supervision to the  
22 victim, then "child" is a person under 18 years of age.

23 ~~(1)~~ "Course of conduct" means 2 or more acts,  
24 including but not limited to acts in which a defendant  
25 directly, indirectly, or through third parties, by any  
26 action, method, device, or means follows, monitors,

1 observes, surveils, threatens, or communicates to or  
2 about, a person, engages in other non-consensual contact,  
3 or interferes with or damages a person's property or pet.  
4 A course of conduct may include contact via electronic  
5 communications.

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

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

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

21 ~~(5)~~ "Follows another person" means (i) to move in  
22 relative proximity to a person as that person moves from  
23 place to place or (ii) to remain in relative proximity to a  
24 person who is stationary or whose movements are confined  
25 to a small area. "Follows another person" does not include  
26 a following within the residence of the defendant.

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

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

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

19           ~~(9)~~ "Transmits a threat" means a verbal or written  
20 threat or a threat implied by a pattern of conduct or a  
21 combination of verbal or written statements or conduct.

22 (d) Exemptions.

23           (1) This Section does not apply to any individual or  
24 organization (i) monitoring or attentive to compliance  
25 with public or worker safety laws, wage and hour  
26 requirements, or other statutory requirements, or (ii)

1 picketing occurring at the workplace that is otherwise  
2 lawful and arises out of a bona fide labor dispute,  
3 including any controversy concerning wages, salaries,  
4 hours, working conditions or benefits, including health  
5 and welfare, sick leave, insurance, and pension or  
6 retirement provisions, the making or maintaining of  
7 collective bargaining agreements, and the terms to be  
8 included in those agreements.

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

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

22 (d-5) The incarceration of a person in a penal institution  
23 who commits the course of conduct or transmits a threat is not  
24 a bar to prosecution under this Section.

25 (d-10) A defendant who directed the actions of a third  
26 party to violate this Section, under the principles of

1 accountability set forth in Article 5 of this Code, is guilty  
2 of violating this Section as if the same had been personally  
3 done by the defendant, without regard to the mental state of  
4 the third party acting at the direction of the defendant.

5 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;  
6 97-311, eff. 8-11-11; 97-1109, eff. 1-1-13.)

7 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

8 Sec. 12-7.4. Aggravated stalking.

9 (a) A person commits aggravated stalking when he or she  
10 commits stalking and:

11 (1) causes bodily harm to the victim;

12 (2) confines or restrains the victim; or

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

18 (a-1) A person commits aggravated stalking when he or she  
19 is required to register under the Sex Offender Registration  
20 Act or has been previously required to register under that Act  
21 and commits the offense of stalking when the victim of the  
22 stalking is also the victim of the offense for which the sex  
23 offender is required to register under the Sex Offender  
24 Registration Act or a family member of the victim.

25 (b) Sentence. Aggravated stalking is a Class 3 felony; a

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

7 (c) Exemptions.

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

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

22 (3) Telecommunications carriers, commercial mobile  
23 service providers, and providers of information services,  
24 including, but not limited to, Internet service providers  
25 and hosting service providers, are not liable under this  
26 Section, except for willful and wanton misconduct, by



1 virtue of the transmission, storage, or caching of  
2 electronic communications or messages of others or by  
3 virtue of the provision of other related  
4 telecommunications, commercial mobile services, or  
5 information services used by others in violation of this  
6 Section.

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

13 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;  
14 97-311, eff. 8-11-11; 97-468, eff. 1-1-12; 97-1109, eff.  
15 1-1-13.)

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

18 (730 ILCS 150/2) (from Ch. 38, par. 222)

19 Sec. 2. Definitions.

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

22 (1) charged pursuant to Illinois law, or any  
23 substantially similar federal, Uniform Code of Military  
24 Justice, sister state, or foreign country law, with a sex

1 offense set forth in subsection (B) of this Section or the  
2 attempt to commit an included sex offense, and:

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

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

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

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

16 (e) is found not guilty by reason of insanity  
17 following a hearing conducted pursuant to a federal,  
18 Uniform Code of Military Justice, sister state, or  
19 foreign country law substantially similar to Section  
20 104-25(c) of the Code of Criminal Procedure of 1963 of  
21 such offense or of the attempted commission of such  
22 offense; or

23 (f) is the subject of a finding not resulting in an  
24 acquittal at a hearing conducted pursuant to a  
25 federal, Uniform Code of Military Justice, sister  
26 state, or foreign country law substantially similar to

1           Section 104-25(a) of the Code of Criminal Procedure of  
2           1963 for the alleged violation or attempted commission  
3           of such offense; or

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

8           (3) subject to the provisions of Section 2 of the  
9           Interstate Agreements on Sexually Dangerous Persons Act;  
10          or

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

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

1 Justice, sister state, or foreign country law.

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

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

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

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

12 11-20.1 (child pornography),

13 11-20.1B or 11-20.3 (aggravated child  
14 pornography),

15 11-6 (indecent solicitation of a child),

16 11-9.1 (sexual exploitation of a child),

17 11-9.2 (custodial sexual misconduct),

18 11-9.5 (sexual misconduct with a person with a  
19 disability),

20 11-14.4 (promoting juvenile prostitution),

21 11-15.1 (soliciting for a juvenile prostitute),

22 11-18.1 (patronizing a juvenile prostitute),

23 11-17.1 (keeping a place of juvenile  
24 prostitution),

25 11-19.1 (juvenile pimping),

26 11-19.2 (exploitation of a child),

1           11-25 (grooming),  
2           11-26 (traveling to meet a minor or traveling to  
3 meet a child),  
4           11-1.20 or 12-13 (criminal sexual assault),  
5           11-1.30 or 12-14 (aggravated criminal sexual  
6 assault),  
7           11-1.40 or 12-14.1 (predatory criminal sexual  
8 assault of a child),  
9           11-1.50 or 12-15 (criminal sexual abuse),  
10          11-1.60 or 12-16 (aggravated criminal sexual  
11 abuse),  
12          12-33 (ritualized abuse of a child).

13          An attempt to commit any of these offenses.

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

21          10-1 (kidnapping),  
22          10-2 (aggravated kidnapping),  
23          10-3 (unlawful restraint),  
24          10-3.1 (aggravated unlawful restraint),  
25          12-7.3 (stalking),  
26          12-7.4 (aggravated stalking).

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

6           (1.6) First degree murder under Section 9-1 of the  
7           Criminal Code of 1961 or the Criminal Code of 2012,  
8           provided the offense was sexually motivated as defined in  
9           Section 10 of the Sex Offender Management Board Act.

10          (1.7) (Blank).

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

19          (1.9) Child abduction under paragraph (10) of  
20          subsection (b) of Section 10-5 of the Criminal Code of  
21          1961 or the Criminal Code of 2012 committed by luring or  
22          attempting to lure a child under the age of 16 into a motor  
23          vehicle, building, house trailer, or dwelling place  
24          without the consent of the parent or lawful custodian of  
25          the child for other than a lawful purpose and the offense  
26          was committed on or after January 1, 1998, provided the

1 offense was sexually motivated as defined in Section 10 of  
2 the Sex Offender Management Board Act. If the offense was  
3 committed before January 1, 1998, it is a sex offense  
4 requiring registration only when the person is convicted  
5 of any felony after July 1, 2011, and paragraph (2.1) of  
6 subsection (c) of Section 3 of this Act applies.

7 (1.10) A violation or attempted violation of any of  
8 the following Sections of the Criminal Code of 1961 or the  
9 Criminal Code of 2012 when the offense was committed on or  
10 after July 1, 1999:

11 10-4 (forcible detention, if the victim is under  
12 18 years of age), provided the offense was sexually  
13 motivated as defined in Section 10 of the Sex Offender  
14 Management Board Act,

15 11-6.5 (indecent solicitation of an adult),

16 11-14.3 that involves soliciting for a prostitute,  
17 or 11-15 (soliciting for a prostitute, if the victim  
18 is under 18 years of age),

19 subdivision (a)(2)(A) or (a)(2)(B) of Section  
20 11-14.3, or Section 11-16 (pandering, if the victim is  
21 under 18 years of age),

22 11-18 (patronizing a prostitute, if the victim is  
23 under 18 years of age),

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

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

6           (1.11) A violation or attempted violation of any of  
7           the following Sections of the Criminal Code of 1961 or the  
8           Criminal Code of 2012 when the offense was committed on or  
9           after August 22, 2002:

10           11-9 or 11-30 (public indecency for a third or  
11           subsequent conviction).

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

17           (1.12) A violation or attempted violation of Section  
18           5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
19           Criminal Code of 1961 or the Criminal Code of 2012  
20           (permitting sexual abuse) when the offense was committed  
21           on or after August 22, 2002. If the offense was committed  
22           before August 22, 2002, it is a sex offense requiring  
23           registration only when the person is convicted of any  
24           felony after July 1, 2011, and paragraph (2.1) of  
25           subsection (c) of Section 3 of this Act applies.

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.)