

1 AN ACT in relation to 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 1961 is amended by
5 changing Section 11-9.3 as follows:

6 (720 ILCS 5/11-9.3)

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

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

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

10 (1) (Blank; or)

11 (2) (Blank.)

12 (b) It is unlawful for a child sex offender to knowingly
 13 loiter on a public way within 500 feet of a school or
 14 institution of higher education building or real property
 15 comprising any school or institution of higher education
 16 while persons under the age of 18 are present in the building
 17 or on the grounds, unless the offender is a parent or
 18 guardian of a student present in the building or on the
 19 grounds or has permission to be present from the
 20 superintendent or the school board or in the case of a
 21 private school from the principal or in the case of an
 22 institution of higher education, the administrator. In the
 23 case of a public school, if permission is granted, the
 24 superintendent or school board president must inform the
 25 principal of the school where the sex offender will be
 26 present. Notification includes the nature of the sex
 27 offender's visit and the hours in which the sex offender will
 28 be present in the school or institution of higher education.
 29 The sex offender is responsible for notifying the principal's
 30 or security personnel's office when he or she arrives on
 31 school or institution of higher education property and when
 32 he or she departs from school or institution of higher
 33 education property. If the sex offender is to be present in
 34 the vicinity of children, the sex offender has the duty to

1 remain under the direct supervision of a school official or
2 institution of higher education. A child sex offender who
3 violates this provision is guilty of a Class 4 felony.

4 (1) (Blank; or)

5 (2) (Blank.)

6 (b-5) It is unlawful for a child sex offender to
7 knowingly reside within 500 feet of a school building or an
8 institution of higher education or the real property
9 comprising any school or institution of higher education that
10 persons under the age of 18 attend. Nothing in this
11 subsection (b-5) prohibits a child sex offender from residing
12 within 500 feet of a school building or institution of higher
13 education or the real property comprising any school that
14 persons under 18 attend if the property is owned by the child
15 sex offender and was purchased before the effective date of
16 this amendatory Act of the 91st General Assembly or 93rd
17 General Assembly, respectively.

18 (c) Definitions. In this Section:

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

20 (i) has been charged under Illinois law, or
21 any substantially similar federal law or law of
22 another state, with a sex offense set forth in
23 paragraph (2) of this subsection (c) or the attempt
24 to commit an included sex offense, and:

25 (A) is convicted of such offense or an
26 attempt to commit such offense; or

27 (B) is found not guilty by reason of
28 insanity of such offense or an attempt to
29 commit such offense; or

30 (C) is found not guilty by reason of
31 insanity pursuant to subsection (c) of Section
32 104-25 of the Code of Criminal Procedure of
33 1963 of such offense or an attempt to commit
34 such offense; or

1 (D) is the subject of a finding not
2 resulting in an acquittal at a hearing
3 conducted pursuant to subsection (a) of Section
4 104-25 of the Code of Criminal Procedure of
5 1963 for the alleged commission or attempted
6 commission of such offense; or

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

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

22 (ii) is certified as a sexually dangerous
23 person pursuant to the Illinois Sexually Dangerous
24 Persons Act, or any substantially similar federal
25 law or the law of another state, when any conduct
26 giving rise to such certification is committed or
27 attempted against a person less than 18 years of
28 age; or

29 (iii) is subject to the provisions of Section
30 2 of the Interstate Agreements on Sexually Dangerous
31 Persons Act.

32 Convictions that result from or are connected with
33 the same act, or result from offenses committed at the
34 same time, shall be counted for the purpose of this

1 Section as one conviction. Any conviction set aside
2 pursuant to law is not a conviction for purposes of this
3 Section.

4 (2) Except as otherwise provided in paragraph
5 (2.5), "sex offense" means:

6 (i) A violation of any of the following
7 Sections of the Criminal Code of 1961: 10-7 (aiding
8 and abetting child abduction under Section
9 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6
10 (indecent solicitation of a child), 11-6.5 (indecent
11 solicitation of an adult), 11-9 (public indecency
12 when committed in a school, on the real property
13 comprising a school, or on a conveyance, owned,
14 leased, or contracted by a school to transport
15 students to or from school or a school related
16 activity), 11-9.1 (sexual exploitation of a child),
17 11-15.1 (soliciting for a juvenile prostitute),
18 11-17.1 (keeping a place of juvenile prostitution),
19 11-18.1 (patronizing a juvenile prostitute), 11-19.1
20 (juvenile pimping), 11-19.2 (exploitation of a
21 child), 11-20.1 (child pornography), 11-21 (harmful
22 material), 12-14.1 (predatory criminal sexual
23 assault of a child), 12-33 (ritualized abuse of a
24 child), 11-20 (obscenity) (when that offense was
25 committed in any school, on real property comprising
26 any school, in any conveyance owned, leased, or
27 contracted by a school to transport students to or
28 from school or a school related activity). An
29 attempt to commit any of these offenses.

30 (ii) A violation of any of the following
31 Sections of the Criminal Code of 1961, when the
32 victim is a person under 18 years of age: 12-13
33 (criminal sexual assault), 12-14 (aggravated
34 criminal sexual assault), 12-15 (criminal sexual

1 abuse), 12-16 (aggravated criminal sexual abuse).
2 An attempt to commit any of these offenses.

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

- 7 10-1 (kidnapping),
- 8 10-2 (aggravated kidnapping),
- 9 10-3 (unlawful restraint),
- 10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

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

15 (2.5) For the purposes of subsection (b-5) only, a
16 sex offense means:

17 (i) A violation of any of the following
18 Sections of the Criminal Code of 1961:

- 19 10-5(b)(10) (child luring), 10-7 (aiding
- 20 and abetting child abduction under Section
- 21 10-5(b)(10)), 11-6 (indecent solicitation of a
- 22 child), 11-6.5 (indecent solicitation of an
- 23 adult), 11-15.1 (soliciting for a juvenile
- 24 prostitute), 11-17.1 (keeping a place of
- 25 juvenile prostitution), 11-18.1 (patronizing a
- 26 juvenile prostitute), 11-19.1 (juvenile
- 27 pimping), 11-19.2 (exploitation of a child),
- 28 11-20.1 (child pornography), 12-14.1 (predatory
- 29 criminal sexual assault of a child), or 12-33
- 30 (ritualized abuse of a child). An attempt to
- 31 commit any of these offenses.

32 (ii) A violation of any of the following
33 Sections of the Criminal Code of 1961, when the
34 victim is a person under 18 years of age: 12-13

1 (criminal sexual assault), 12-14 (aggravated
 2 criminal sexual assault), 12-16 (aggravated criminal
 3 sexual abuse), and subsection (a) of Section 12-15
 4 (criminal sexual abuse). An attempt to commit any
 5 of these offenses.

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

- 10 10-1 (kidnapping),
- 11 10-2 (aggravated kidnapping),
- 12 10-3 (unlawful restraint),
- 13 10-3.1 (aggravated unlawful restraint).

14 An attempt to commit any of these offenses.

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

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

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

29 (5) "Loiter" means:

30 (i) Standing, sitting idly, whether or not the
 31 person is in a vehicle or remaining in or around
 32 school property.

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

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

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

7 (7) "Institution of higher education" means a
8 university, college, community college, or a laboratory
9 or facility that trains teachers on how to protect
10 themselves and the students from sex offenders.

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

13 (Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98;
14 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.