



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4360

Introduced 02/03/04, by Ed Sullivan Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3

Amends the Criminal Code of 1961. Provides that it is unlawful for a child sex offender to knowingly loiter on a public way within 1,000 (rather than 500) feet of a school building or school grounds while persons under the age of 18 are present in the building or on the grounds. Provides that it is unlawful for a child sex offender to reside within 1,000 (rather than 500) feet of a school building or school grounds that persons under 18 years of age attend. Exempts persons who purchased property before the effective date of the amendatory Act.

LRB093 17974 RLC 43657 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 11-9.3 as follows:

6 (720 ILCS 5/11-9.3)

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

9 (a) It is unlawful for a child sex offender to knowingly be
10 present in any school building, on real property comprising any
11 school, or in any conveyance owned, leased, or contracted by a
12 school to transport students to or from school or a school
13 related activity when persons under the age of 18 are present
14 in the building, on the grounds or in the conveyance, unless
15 the offender is a parent or guardian of a student present in
16 the building, on the grounds or in the conveyance or unless the
17 offender has permission to be present from the superintendent
18 or the school board or in the case of a private school from the
19 principal. In the case of a public school, if permission is
20 granted, the superintendent or school board president must
21 inform the principal of the school where the sex offender will
22 be present. Notification includes the nature of the sex
23 offender's visit and the hours in which the sex offender will
24 be present in the school. The sex offender is responsible for
25 notifying the principal's office when he or she arrives on
26 school property and when he or she departs from school
27 property. If the sex offender is to be present in the vicinity
28 of children, the sex offender has the duty to remain under the
29 direct supervision of a school official. A child sex offender
30 who violates this provision is guilty of a Class 4 felony.

31 (1) (Blank; or)

32 (2) (Blank.)

1 (b) It is unlawful for a child sex offender to knowingly
2 loiter on a public way within 1,000 ~~500~~ feet of a school
3 building or real property comprising any school while persons
4 under the age of 18 are present in the building or on the
5 grounds, unless the offender is a parent or guardian of a
6 student present in the building or on the grounds or has
7 permission to be present from the superintendent or the school
8 board or in the case of a private school from the principal. In
9 the case of a public school, if permission is granted, the
10 superintendent or school board president must inform the
11 principal of the school where the sex offender will be present.
12 Notification includes the nature of the sex offender's visit
13 and the hours in which the sex offender will be present in the
14 school. The sex offender is responsible for notifying the
15 principal's office when he or she arrives on school property
16 and when he or she departs from school property. If the sex
17 offender is to be present in the vicinity of children, the sex
18 offender has the duty to remain under the direct supervision of
19 a school official. A child sex offender who violates this
20 provision is guilty of a Class 4 felony.

21 (1) (Blank; or)

22 (2) (Blank.)

23 (b-5) It is unlawful for a child sex offender to knowingly
24 reside within 1,000 ~~500~~ feet of a school building or the real
25 property comprising any school that persons under the age of 18
26 attend. Nothing in this subsection (b-5) prohibits a child sex
27 offender from residing within 500 feet of a school building or
28 the real property comprising any school that persons under 18
29 attend if the property is owned by the child sex offender and
30 was purchased before July 7, 2000 ~~the effective date of this~~
31 ~~amendatory Act of the 91st General Assembly~~. Nothing in this
32 subsection (b-5) prohibits a child sex offender from residing
33 between 500 and 1,000 feet of a school building or the real
34 property comprising any school that persons under the age of 18
35 attend if the property is owned by the child sex offender and
36 was purchased on or after July 7, 2000 and before the effective

1 date of this amendatory Act of the 93rd General Assembly.

2 (c) Definitions. In this Section:

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

4 (i) has been charged under Illinois law, or any
5 substantially similar federal law or law of another
6 state, with a sex offense set forth in paragraph (2) of
7 this subsection (c) or the attempt to commit an
8 included sex offense, and:

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

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

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

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

24 (E) is found not guilty by reason of insanity
25 following a hearing conducted pursuant to a
26 federal law or the law of another state
27 substantially similar to subsection (c) of Section
28 104-25 of the Code of Criminal Procedure of 1963 of
29 such offense or of the attempted commission of such
30 offense; or

31 (F) is the subject of a finding not resulting
32 in an acquittal at a hearing conducted pursuant to
33 a federal law or the law of another state
34 substantially similar to subsection (a) of Section
35 104-25 of the Code of Criminal Procedure of 1963
36 for the alleged violation or attempted commission

1 of such offense; or

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

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

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

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

18 (i) A violation of any of the following Sections of
19 the Criminal Code of 1961: 10-7 (aiding and abetting
20 child abduction under Section 10-5(b)(10)),
21 10-5(b)(10) (child luring), 11-6 (indecent
22 solicitation of a child), 11-6.5 (indecent
23 solicitation of an adult), 11-9 (public indecency when
24 committed in a school, on the real property comprising
25 a school, or on a conveyance, owned, leased, or
26 contracted by a school to transport students to or from
27 school or a school related activity), 11-9.1 (sexual
28 exploitation of a child), 11-15.1 (soliciting for a
29 juvenile prostitute), 11-17.1 (keeping a place of
30 juvenile prostitution), 11-18.1 (patronizing a
31 juvenile prostitute), 11-19.1 (juvenile pimping),
32 11-19.2 (exploitation of a child), 11-20.1 (child
33 pornography), 11-21 (harmful material), 12-14.1
34 (predatory criminal sexual assault of a child), 12-33
35 (ritualized abuse of a child), 11-20 (obscenity) (when
36 that offense was committed in any school, on real

1 property comprising any school, in any conveyance
2 owned, leased, or contracted by a school to transport
3 students to or from school or a school related
4 activity). An attempt to commit any of these offenses.

5 (ii) A violation of any of the following Sections
6 of the Criminal Code of 1961, when the victim is a
7 person under 18 years of age: 12-13 (criminal sexual
8 assault), 12-14 (aggravated criminal sexual assault),
9 12-15 (criminal sexual abuse), 12-16 (aggravated
10 criminal sexual abuse). An attempt to commit any of
11 these offenses.

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

16 10-1 (kidnapping),
17 10-2 (aggravated kidnapping),
18 10-3 (unlawful restraint),
19 10-3.1 (aggravated unlawful restraint).

20 An attempt to commit any of these offenses.

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

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

26 (i) A violation of any of the following Sections of
27 the Criminal Code of 1961:

28 10-5(b)(10) (child luring), 10-7 (aiding and
29 abetting child abduction under Section
30 10-5(b)(10)), 11-6 (indecent solicitation of a
31 child), 11-6.5 (indecent solicitation of an
32 adult), 11-15.1 (soliciting for a juvenile
33 prostitute), 11-17.1 (keeping a place of juvenile
34 prostitution), 11-18.1 (patronizing a juvenile
35 prostitute), 11-19.1 (juvenile pimping), 11-19.2
36 (exploitation of a child), 11-20.1 (child

1 pornography), 12-14.1 (predatory criminal sexual
2 assault of a child), or 12-33 (ritualized abuse of
3 a child). An attempt to commit any of these
4 offenses.

5 (ii) A violation of any of the following Sections
6 of the Criminal Code of 1961, when the victim is a
7 person under 18 years of age: 12-13 (criminal sexual
8 assault), 12-14 (aggravated criminal sexual assault),
9 12-16 (aggravated criminal sexual abuse), and
10 subsection (a) of Section 12-15 (criminal sexual
11 abuse). An attempt to commit any of these offenses.

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

16 10-1 (kidnapping),
17 10-2 (aggravated kidnapping),
18 10-3 (unlawful restraint),
19 10-3.1 (aggravated unlawful restraint).

20 An attempt to commit any of these offenses.

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

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

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

35 (5) "Loiter" means:

36 (i) Standing, sitting idly, whether or not the

1 person is in a vehicle or remaining in or around school
2 property.

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

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

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

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