



Sen. John J. Cullerton

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LRB094 05157 RLC 45942 a

1 AMENDMENT TO HOUSE BILL 350

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 350, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by  
6 changing Sections 11-9.3 and 11-9.4 as follows:

7 (720 ILCS 5/11-9.3)

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

10 (a) It is unlawful for a child sex offender to knowingly be  
11 present in any school building, on real property comprising any  
12 school, or in any conveyance owned, leased, or contracted by a  
13 school to transport students to or from school or a school  
14 related activity when persons under the age of 18 are present  
15 in the building, on the grounds or in the conveyance, unless  
16 the offender is a parent or guardian of a student present in  
17 the building, on the grounds or in the conveyance or unless the  
18 offender has permission to be present from the superintendent  
19 or the school board or in the case of a private school from the  
20 principal. In the case of a public school, if permission is  
21 granted, the superintendent or school board president must  
22 inform the principal of the school where the sex offender will  
23 be present. Notification includes the nature of the sex  
24 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. A child sex offender  
7 who violates this provision is guilty of a Class 4 felony.

8 (1) (Blank; or)

9 (2) (Blank.)

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

30 (1) (Blank; or)

31 (2) (Blank.)

32 (b-5) It is unlawful for a child sex offender to knowingly  
33 reside within 500 feet of a school building or the real  
34 property comprising any school that persons under the age of 18

1 attend, unless the offender resides in a transitional housing  
2 facility licensed by, and in good standing with, the Illinois  
3 Department of Corrections. Nothing in this subsection (b-5)  
4 prohibits a child sex offender from residing within 500 feet of  
5 a school building or the real property comprising any school  
6 that persons under 18 attend if the property is owned by the  
7 child sex offender and was purchased before the effective date  
8 of this amendatory Act of the 91st General Assembly.

9 (c) Definitions. In this Section:

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

11 (i) has been charged under Illinois law, or any  
12 substantially similar federal law or law of another  
13 state, with a sex offense set forth in paragraph (2) of  
14 this subsection (c) or the attempt to commit an  
15 included sex offense, and:

16 (A) is convicted of such offense or an attempt  
17 to commit such offense; or

18 (B) is found not guilty by reason of insanity  
19 of such offense or an attempt to commit such  
20 offense; or

21 (C) is found not guilty by reason of insanity  
22 pursuant to subsection (c) of Section 104-25 of the  
23 Code of Criminal Procedure of 1963 of such offense  
24 or an attempt to commit such offense; or

25 (D) is the subject of a finding not resulting  
26 in an acquittal at a hearing conducted pursuant to  
27 subsection (a) of Section 104-25 of the Code of  
28 Criminal Procedure of 1963 for the alleged  
29 commission or attempted commission of such  
30 offense; or

31 (E) is found not guilty by reason of insanity  
32 following a hearing conducted pursuant to a  
33 federal law or the law of another state  
34 substantially similar to subsection (c) of Section

1           104-25 of the Code of Criminal Procedure of 1963 of  
2           such offense or of the attempted commission of such  
3           offense; or

4           (F) is the subject of a finding not resulting  
5           in an acquittal at a hearing conducted pursuant to  
6           a federal law or the law of another state  
7           substantially similar to subsection (a) of Section  
8           104-25 of the Code of Criminal Procedure of 1963  
9           for the alleged violation or attempted commission  
10          of such offense; or

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

17          (iii) is subject to the provisions of Section 2 of  
18          the Interstate Agreements on Sexually Dangerous  
19          Persons Act.

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

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

27          (i) A violation of any of the following Sections of  
28          the Criminal Code of 1961: 10-7 (aiding and abetting  
29          child abduction under Section 10-5(b)(10)),  
30          10-5(b)(10) (child luring), 11-6 (indecent  
31          solicitation of a child), 11-6.5 (indecent  
32          solicitation of an adult), 11-9 (public indecency when  
33          committed in a school, on the real property comprising  
34          a school, or on a conveyance, owned, leased, or

1           contracted by a school to transport students to or from  
2           school or a school related activity), 11-9.1 (sexual  
3           exploitation of a child), 11-15.1 (soliciting for a  
4           juvenile prostitute), 11-17.1 (keeping a place of  
5           juvenile prostitution), 11-18.1 (patronizing a  
6           juvenile prostitute), 11-19.1 (juvenile pimping),  
7           11-19.2 (exploitation of a child), 11-20.1 (child  
8           pornography), 11-21 (harmful material), 12-14.1  
9           (predatory criminal sexual assault of a child), 12-33  
10          (ritualized abuse of a child), 11-20 (obscenity) (when  
11          that offense was committed in any school, on real  
12          property comprising any school, in any conveyance  
13          owned, leased, or contracted by a school to transport  
14          students to or from school or a school related  
15          activity). An attempt to commit any of these offenses.

16           (ii) A violation of any of the following Sections  
17          of the Criminal Code of 1961, when the victim is a  
18          person under 18 years of age: 12-13 (criminal sexual  
19          assault), 12-14 (aggravated criminal sexual assault),  
20          12-15 (criminal sexual abuse), 12-16 (aggravated  
21          criminal sexual abuse). An attempt to commit any of  
22          these offenses.

23           (iii) A violation of any of the following Sections  
24          of the Criminal Code of 1961, when the victim is a  
25          person under 18 years of age and the defendant is not a  
26          parent of the victim:

27           10-1 (kidnapping),  
28           10-2 (aggravated kidnapping),  
29           10-3 (unlawful restraint),  
30           10-3.1 (aggravated unlawful restraint).

31          An attempt to commit any of these offenses.

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

1           (2.5) For the purposes of subsection (b-5) only, a sex  
2 offense means:

3           (i) A violation of any of the following Sections of  
4 the Criminal Code of 1961:

5           10-5(b)(10) (child luring), 10-7 (aiding and  
6 abetting child abduction under Section  
7 10-5(b)(10)), 11-6 (indecent solicitation of a  
8 child), 11-6.5 (indecent solicitation of an  
9 adult), 11-15.1 (soliciting for a juvenile  
10 prostitute), 11-17.1 (keeping a place of juvenile  
11 prostitution), 11-18.1 (patronizing a juvenile  
12 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
13 (exploitation of a child), 11-20.1 (child  
14 pornography), 12-14.1 (predatory criminal sexual  
15 assault of a child), or 12-33 (ritualized abuse of  
16 a child). An attempt to commit any of these  
17 offenses.

18           (ii) A violation of any of the following Sections  
19 of the Criminal Code of 1961, when the victim is a  
20 person under 18 years of age: 12-13 (criminal sexual  
21 assault), 12-14 (aggravated criminal sexual assault),  
22 12-16 (aggravated criminal sexual abuse), and  
23 subsection (a) of Section 12-15 (criminal sexual  
24 abuse). An attempt to commit any of these offenses.

25           (iii) A violation of any of the following Sections  
26 of the Criminal Code of 1961, when the victim is a  
27 person under 18 years of age and the defendant is not a  
28 parent of the victim:

29           10-1 (kidnapping),  
30           10-2 (aggravated kidnapping),  
31           10-3 (unlawful restraint),  
32           10-3.1 (aggravated unlawful restraint).

33           An attempt to commit any of these offenses.

34           (iv) A violation of any former law of this State

1 substantially equivalent to any offense listed in this  
2 paragraph (2.5) of this subsection.

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

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

14 (5) "Loiter" means:

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

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

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

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

27 (Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98;  
28 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)

29 (720 ILCS 5/11-9.4)

30 Sec. 11-9.4. Approaching, contacting, residing, or  
31 communicating with a child within certain places by child sex  
32 offenders prohibited.

33 (a) It is unlawful for a child sex offender to knowingly be

1 present in any public park building or on real property  
2 comprising any public park when persons under the age of 18 are  
3 present in the building or on the grounds and to approach,  
4 contact, or communicate with a child under 18 years of age,  
5 unless the offender is a parent or guardian of a person under  
6 18 years of age present in the building or on the grounds.

7 (b) 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 playground or a facility providing  
17 programs or services exclusively directed toward persons under  
18 18 years of age, unless the offender resides in a transitional  
19 housing facility licensed by, and in good standing with, the  
20 Illinois Department of Corrections. Nothing in this subsection  
21 (b-5) prohibits a child sex offender from residing within 500  
22 feet of a playground or a facility providing programs or  
23 services exclusively directed toward persons under 18 years of  
24 age if the property is owned by the child sex offender and was  
25 purchased before the effective date of this amendatory Act of  
26 the 91st General Assembly.

27 (b-6) It is unlawful for a child sex offender to knowingly  
28 reside within 500 feet of the victim of the sex offense.  
29 Nothing in this subsection (b-6) prohibits a child sex offender  
30 from residing within 500 feet of the victim if the property in  
31 which the child sex offender resides is owned by the child sex  
32 offender and was purchased before the effective date of this  
33 amendatory Act of the 92nd General Assembly.

34 This subsection (b-6) does not apply if the victim of the



1 sex offense is 21 years of age or older.

2 (c) It is unlawful for a child sex offender to knowingly  
3 operate, manage, be employed by, volunteer at, be associated  
4 with, or knowingly be present at any facility providing  
5 programs or services exclusively directed towards persons  
6 under the age of 18. This does not prohibit a child sex  
7 offender from owning the real property upon which the programs  
8 or services are offered, provided the child sex offender  
9 refrains from being present on the premises for the hours  
10 during which the programs or services are being offered.

11 (d) Definitions. In this Section:

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

13 (i) has been charged under Illinois law, or any  
14 substantially similar federal law or law of another  
15 state, with a sex offense set forth in paragraph (2) of  
16 this subsection (d) or the attempt to commit an  
17 included sex offense, and:

18 (A) is convicted of such offense or an attempt  
19 to commit such offense; or

20 (B) is found not guilty by reason of insanity  
21 of such offense or an attempt to commit such  
22 offense; or

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

27 (D) is the subject of a finding not resulting  
28 in an acquittal at a hearing conducted pursuant to  
29 subsection (a) of Section 104-25 of the Code of  
30 Criminal Procedure of 1963 for the alleged  
31 commission or attempted commission of such  
32 offense; or

33 (E) is found not guilty by reason of insanity  
34 following a hearing conducted pursuant to a

1 federal law or the law of another state  
2 substantially similar to subsection (c) of Section  
3 104-25 of the Code of Criminal Procedure of 1963 of  
4 such offense or of the attempted commission of such  
5 offense; or

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

13 (ii) is certified as a sexually dangerous person  
14 pursuant to the Illinois Sexually Dangerous Persons  
15 Act, or any substantially similar federal law or the  
16 law of another state, when any conduct giving rise to  
17 such certification is committed or attempted against a  
18 person less than 18 years of age; or

19 (iii) is subject to the provisions of Section 2 of  
20 the Interstate Agreements on Sexually Dangerous  
21 Persons Act.

22 Convictions that result from or are connected with the  
23 same act, or result from offenses committed at the same  
24 time, shall be counted for the purpose of this Section as  
25 one conviction. Any conviction set aside pursuant to law is  
26 not a conviction for purposes of this Section.

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

29 (i) A violation of any of the following Sections of  
30 the Criminal Code of 1961: 10-7 (aiding and abetting  
31 child abduction under Section 10-5(b)(10)),  
32 10-5(b)(10) (child luring), 11-6 (indecent  
33 solicitation of a child), 11-6.5 (indecent  
34 solicitation of an adult), 11-9 (public indecency when

1 committed in a school, on the real property comprising  
2 a school, on a conveyance owned, leased, or contracted  
3 by a school to transport students to or from school or  
4 a school related activity, or in a public park), 11-9.1  
5 (sexual exploitation of a child), 11-15.1 (soliciting  
6 for a juvenile prostitute), 11-17.1 (keeping a place of  
7 juvenile prostitution), 11-18.1 (patronizing a  
8 juvenile prostitute), 11-19.1 (juvenile pimping),  
9 11-19.2 (exploitation of a child), 11-20.1 (child  
10 pornography), 11-21 (harmful material), 12-14.1  
11 (predatory criminal sexual assault of a child), 12-33  
12 (ritualized abuse of a child), 11-20 (obscenity) (when  
13 that offense was committed in any school, on real  
14 property comprising any school, on any conveyance  
15 owned, leased, or contracted by a school to transport  
16 students to or from school or a school related  
17 activity, or in a public park). An attempt to commit  
18 any of these offenses.

19 (ii) A violation of any of the following Sections  
20 of the Criminal Code of 1961, when the victim is a  
21 person under 18 years of age: 12-13 (criminal sexual  
22 assault), 12-14 (aggravated criminal sexual assault),  
23 12-15 (criminal sexual abuse), 12-16 (aggravated  
24 criminal sexual abuse). An attempt to commit any of  
25 these offenses.

26 (iii) A violation of any of the following Sections  
27 of the Criminal Code of 1961, when the victim is a  
28 person under 18 years of age and the defendant is not a  
29 parent of the victim:

- 30 10-1 (kidnapping),  
31 10-2 (aggravated kidnapping),  
32 10-3 (unlawful restraint),  
33 10-3.1 (aggravated unlawful restraint).

34 An attempt to commit any of these offenses.

1 (iv) A violation of any former law of this State  
2 substantially equivalent to any offense listed in  
3 clause (2)(i) of this subsection (d).

4 (2.5) For the purposes of subsection (b-5) only, a sex  
5 offense means:

6 (i) A violation of any of the following Sections of  
7 the Criminal Code of 1961:

8 10-5(b)(10) (child luring), 10-7 (aiding and  
9 abetting child abduction under Section  
10 10-5(b)(10)), 11-6 (indecent solicitation of a  
11 child), 11-6.5 (indecent solicitation of an  
12 adult), 11-15.1 (soliciting for a juvenile  
13 prostitute), 11-17.1 (keeping a place of juvenile  
14 prostitution), 11-18.1 (patronizing a juvenile  
15 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
16 (exploitation of a child), 11-20.1 (child  
17 pornography), 12-14.1 (predatory criminal sexual  
18 assault of a child), or 12-33 (ritualized abuse of  
19 a child). An attempt to commit any of these  
20 offenses.

21 (ii) A violation of any of the following Sections  
22 of the Criminal Code of 1961, when the victim is a  
23 person under 18 years of age: 12-13 (criminal sexual  
24 assault), 12-14 (aggravated criminal sexual assault),  
25 12-16 (aggravated criminal sexual abuse), and  
26 subsection (a) of Section 12-15 (criminal sexual  
27 abuse). An attempt to commit any of these offenses.

28 (iii) A violation of any of the following Sections  
29 of the Criminal Code of 1961, when the victim is a  
30 person under 18 years of age and the defendant is not a  
31 parent of the victim:

32 10-1 (kidnapping),  
33 10-2 (aggravated kidnapping),  
34 10-3 (unlawful restraint),

1 10-3.1 (aggravated unlawful restraint).

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

15 (4) "Public park" includes a park, forest preserve, or  
16 conservation area under the jurisdiction of the State or a  
17 unit of local government.

18 (5) "Facility providing programs or services directed  
19 towards persons under the age of 18" means any facility  
20 providing programs or services exclusively directed  
21 towards persons under the age of 18.

22 (6) "Loiter" means:

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

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

30 (7) "Playground" means a piece of land owned or  
31 controlled by a unit of local government that is designated  
32 by the unit of local government for use solely or primarily  
33 for children's recreation.

34 (e) Sentence. A person who violates this Section is guilty

1 of a Class 4 felony.

2 (Source: P.A. 91-458, eff. 1-1-00; 91-911, eff. 7-7-00; 92-828,

3 eff. 8-22-02.)".