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LRB094 03015 RLC 42956 a

1 AMENDMENT TO HOUSE BILL 2077

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2077 by replacing  
3 everything after the enacting clause with the following:

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 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

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

7 (1) (Blank; or)

8 (2) (Blank.)

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

29 (1) (Blank; or)

30 (2) (Blank.)

31 (b-5) It is unlawful for a child sex offender to knowingly  
32 reside within 500 feet of a school building or the real  
33 property comprising any school that persons under the age of 18  
34 attend. Nothing in this subsection (b-5) prohibits a child sex

1 offender from residing within 500 feet of a school building or  
2 the real property comprising any school that persons under 18  
3 attend if the property is owned by the child sex offender and  
4 was purchased before the effective date of this amendatory Act  
5 of the 91st General Assembly.

6 (c) Definitions. In this Section:

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

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

13 (A) is convicted of such offense or an attempt  
14 to commit such offense; or

15 (B) is found not guilty by reason of insanity  
16 of such offense or an attempt to commit such  
17 offense; or

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

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

28 (E) is found not guilty by reason of insanity  
29 following a hearing conducted pursuant to a  
30 federal law or the law of another state  
31 substantially similar to subsection (c) of Section  
32 104-25 of the Code of Criminal Procedure of 1963 of  
33 such offense or of the attempted commission of such  
34 offense; or

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

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

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

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

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

24 (i) A violation of any of the following Sections of  
25 the Criminal Code of 1961: 10-7 (aiding and abetting  
26 child abduction under Section 10-5(b)(10)),  
27 10-5(b)(10) (child luring), 11-6 (indecent  
28 solicitation of a child), 11-6.5 (indecent  
29 solicitation of an adult), 11-9 (public indecency when  
30 committed in a school, on the real property comprising  
31 a school, or on a conveyance, owned, leased, or  
32 contracted by a school to transport students to or from  
33 school or a school related activity), 11-9.1 (sexual  
34 exploitation of a child), 11-15.1 (soliciting for a

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

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

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

- 24 10-1 (kidnapping),  
25 10-2 (aggravated kidnapping),  
26 10-3 (unlawful restraint),  
27 10-3.1 (aggravated unlawful restraint).

28 An attempt to commit any of these offenses.

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

32 (2.5) For the purposes of subsection (b-5) only, a sex  
33 offense means:

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

1 the Criminal Code of 1961:

2 10-5(b)(10) (child luring), 10-7 (aiding and  
3 abetting child abduction under Section  
4 10-5(b)(10)), 11-6 (indecent solicitation of a  
5 child), 11-6.5 (indecent solicitation of an  
6 adult), 11-15.1 (soliciting for a juvenile  
7 prostitute), 11-17.1 (keeping a place of juvenile  
8 prostitution), 11-18.1 (patronizing a juvenile  
9 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
10 (exploitation of a child), 11-20.1 (child  
11 pornography), 12-14.1 (predatory criminal sexual  
12 assault of a child), or 12-33 (ritualized abuse of  
13 a child). An attempt to commit any of these  
14 offenses.

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

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

26 10-1 (kidnapping),  
27 10-2 (aggravated kidnapping),  
28 10-3 (unlawful restraint),  
29 10-3.1 (aggravated unlawful restraint).

30 An attempt to commit any of these offenses.

31 (iv) A violation of any former law of this State  
32 substantially equivalent to any offense listed in this  
33 paragraph (2.5) of this subsection.

34 (3) A conviction for an offense of federal law or the

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

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

11 (5) "Loiter" means:

12 (i) Standing, sitting idly, whether or not the  
13 person is in a vehicle or remaining in or around school  
14 property.

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

19 (iii) Entering or remaining in a building in or  
20 around school property, other than the offender's  
21 residence.

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.)".