



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4287

Introduced 12/20/2005, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3
720 ILCS 5/11-9.4

Amends the Criminal Code of 1961. Eliminates the provisions that permit a child sex offender to reside within 500 feet of a school, playground, or a facility providing programs or services exclusively directed toward persons under 18 years of age or within 500 feet of the victim of the sex offense who is under 21 years of age if the residence property is owned by the child sex offender and was purchased before the effective date of the provisions prohibiting child sex offenders from residing near these facilities or victims.

LRB094 15752 RLC 50965 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 1961 is amended by changing
5 Sections 11-9.3 and 11-9.4 as follows:

6 (720 ILCS 5/11-9.3)

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

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 attending the
16 school and the parent or guardian is: (i) attending a
17 conference at the school with school personnel to discuss the
18 progress of his or her child academically or socially, (ii)
19 participating in child review conferences in which evaluation
20 and placement decisions may be made with respect to his or her
21 child regarding special education services, or (iii) attending
22 conferences to discuss other student issues concerning his or
23 her child such as retention and promotion and notifies the
24 principal of the school of his or her presence at the school or
25 unless the offender has permission to be present from the
26 superintendent or the school board or in the case of a private
27 school from the principal. In the case of a public school, if
28 permission is granted, the superintendent or school board
29 president must inform the principal of the school where the sex
30 offender will be present. Notification includes the nature of
31 the sex offender's visit and the hours in which the sex
32 offender will be present in the school. The sex offender is

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

8 Nothing in this Section shall be construed to infringe upon
9 the constitutional right of a child sex offender to be present
10 in a school building that is used as a polling place for the
11 purpose of voting.

12 (1) (Blank; or)

13 (2) (Blank.)

14 (b) It is unlawful for a child sex offender to knowingly
15 loiter within 500 feet of a school building or real property
16 comprising any school while persons under the age of 18 are
17 present in the building or on the grounds, unless the offender
18 is a parent or guardian of a student attending the school and
19 the parent or guardian is: (i) attending a conference at the
20 school with school personnel to discuss the progress of his or
21 her child academically or socially, (ii) participating in child
22 review conferences in which evaluation and placement decisions
23 may be made with respect to his or her child regarding special
24 education services, or (iii) attending conferences to discuss
25 other student issues concerning his or her child such as
26 retention and promotion and notifies the principal of the
27 school of his or her presence at the school or has permission
28 to be present from the superintendent or the school board or in
29 the case of a private school from the principal. In the case of
30 a public school, if permission is granted, the superintendent
31 or school board president must inform the principal of the
32 school where the sex offender will be present. Notification
33 includes the nature of the sex offender's visit and the hours
34 in which the sex offender will be present in the school. The
35 sex offender is responsible for notifying the principal's
36 office when he or she arrives on school property and when he or

1 she departs from school property. If the sex offender is to be
2 present in the vicinity of children, the sex offender has the
3 duty to remain under the direct supervision of a school
4 official. A child sex offender who violates this provision is
5 guilty of a Class 4 felony.

6 (1) (Blank; or)

7 (2) (Blank.)

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

17 (c) Definitions. In this Section:

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

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

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

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

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

33 (D) is the subject of a finding not resulting
34 in an acquittal at a hearing conducted pursuant to
35 subsection (a) of Section 104-25 of the Code of
36 Criminal Procedure of 1963 for the alleged

1 commission or attempted commission of such
2 offense; or

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

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

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

23 (iii) is subject to the provisions of Section 2 of
24 the Interstate Agreements on Sexually Dangerous
25 Persons Act.

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

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

33 (i) A violation of any of the following Sections of
34 the Criminal Code of 1961: 10-7 (aiding and abetting
35 child abduction under Section 10-5(b)(10)),
36 10-5(b)(10) (child luring), 11-6 (indecent

1 solicitation of a child), 11-6.5 (indecent
2 solicitation of an adult), 11-9 (public indecency when
3 committed in a school, on the real property comprising
4 a school, or on a conveyance, owned, leased, or
5 contracted by a school to transport students to or from
6 school or a school related activity), 11-9.1 (sexual
7 exploitation of a child), 11-15.1 (soliciting for a
8 juvenile prostitute), 11-17.1 (keeping a place of
9 juvenile prostitution), 11-18.1 (patronizing a
10 juvenile prostitute), 11-19.1 (juvenile pimping),
11 11-19.2 (exploitation of a child), 11-20.1 (child
12 pornography), 11-21 (harmful material), 12-14.1
13 (predatory criminal sexual assault of 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). An attempt to commit any of these offenses.

20 (ii) 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: 12-13 (criminal sexual
23 assault), 12-14 (aggravated criminal sexual assault),
24 12-15 (criminal sexual abuse), 12-16 (aggravated
25 criminal sexual abuse). An attempt to commit any of
26 these offenses.

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

31 10-1 (kidnapping),
32 10-2 (aggravated kidnapping),
33 10-3 (unlawful restraint),
34 10-3.1 (aggravated unlawful restraint).

35 An attempt to commit any of these offenses.

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

1 substantially equivalent to any offense listed in
2 clause (2)(i) of subsection (c) of this Section.

3 (2.5) For the purposes of subsection (b-5) only, a sex
4 offense means:

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

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

20 (ii) 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: 12-13 (criminal sexual
23 assault), 12-14 (aggravated criminal sexual assault),
24 12-16 (aggravated criminal sexual abuse), and
25 subsection (a) of Section 12-15 (criminal sexual
26 abuse). An attempt to commit any of these offenses.

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

31 10-1 (kidnapping),
32 10-2 (aggravated kidnapping),
33 10-3 (unlawful restraint),
34 10-3.1 (aggravated unlawful restraint).

35 An attempt to commit any of these offenses.

36 (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 (iii) Entering or remaining in a building in or
23 around school property, other than the offender's
24 residence.

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

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

30 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
31 94-170, eff. 7-11-05; revised 8-19-05.)

32 (720 ILCS 5/11-9.4)

33 Sec. 11-9.4. Approaching, contacting, residing, or
34 communicating with a child within certain places by child sex
35 offenders prohibited.

1 (a) It is unlawful for a child sex offender to knowingly be
2 present in any public park building or on real property
3 comprising any public park when persons under the age of 18 are
4 present in the building or on the grounds and to approach,
5 contact, or communicate with a child under 18 years of age,
6 unless the offender is a parent or guardian of a person under
7 18 years of age present in the building or on the grounds.

8 (b) It is unlawful for a child sex offender to knowingly
9 loiter on a public way within 500 feet of a public park
10 building or real property comprising any public park while
11 persons under the age of 18 are present in the building or on
12 the grounds and to approach, contact, or communicate with a
13 child under 18 years of age, unless the offender is a parent or
14 guardian of a person under 18 years of age present in the
15 building or on the grounds.

16 (b-5) It is unlawful for a child sex offender to knowingly
17 reside within 500 feet of a playground or a facility providing
18 programs or services exclusively directed toward persons under
19 18 years of age. ~~Nothing in this subsection (b-5) prohibits a~~
20 ~~child sex offender from residing within 500 feet of a~~
21 ~~playground or a facility providing programs or services~~
22 ~~exclusively directed toward persons under 18 years of age if~~
23 ~~the property is owned by the child sex offender and was~~
24 ~~purchased before the effective date of this amendatory Act of~~
25 ~~the 91st General Assembly.~~

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

33 This subsection (b-6) does not apply if the victim of the
34 sex offense is 21 years of age or older.

35 (c) It is unlawful for a child sex offender to knowingly
36 operate, manage, be employed by, volunteer at, be associated

1 with, or knowingly be present at any facility providing
2 programs or services exclusively directed towards persons
3 under the age of 18. This does not prohibit a child sex
4 offender from owning the real property upon which the programs
5 or services are offered, provided the child sex offender
6 refrains from being present on the premises for the hours
7 during which the programs or services are being offered.

8 (d) Definitions. In this Section:

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

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

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

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

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

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

30 (E) is found not guilty by reason of insanity
31 following a hearing conducted pursuant to a
32 federal law or the law of another state
33 substantially similar to subsection (c) of Section
34 104-25 of the Code of Criminal Procedure of 1963 of
35 such offense or of the attempted commission of such
36 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, on a conveyance owned, leased, or contracted
32 by a school to transport students to or from school or
33 a school related activity, or in a public park), 11-9.1
34 (sexual exploitation of a child), 11-15.1 (soliciting
35 for a juvenile prostitute), 11-17.1 (keeping a place of
36 juvenile prostitution), 11-18.1 (patronizing a

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

12 (ii) 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: 12-13 (criminal sexual
15 assault), 12-14 (aggravated criminal sexual assault),
16 12-15 (criminal sexual abuse), 12-16 (aggravated
17 criminal sexual abuse). An attempt to commit any of
18 these offenses.

19 (iii) 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 and the defendant is not a
22 parent of the victim:

23 10-1 (kidnapping),
24 10-2 (aggravated kidnapping),
25 10-3 (unlawful restraint),
26 10-3.1 (aggravated unlawful restraint).

27 An attempt to commit any of these offenses.

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

31 (2.5) For the purposes of subsection (b-5) only, a sex
32 offense means:

33 (i) A violation of any of the following Sections of
34 the Criminal Code of 1961:

35 10-5(b)(10) (child luring), 10-7 (aiding and
36 abetting child abduction under Section

1 10-5(b)(10)), 11-6 (indecent solicitation of a
2 child), 11-6.5 (indecent solicitation of an
3 adult), 11-15.1 (soliciting for a juvenile
4 prostitute), 11-17.1 (keeping a place of juvenile
5 prostitution), 11-18.1 (patronizing a juvenile
6 prostitute), 11-19.1 (juvenile pimping), 11-19.2
7 (exploitation of a child), 11-20.1 (child
8 pornography), 12-14.1 (predatory criminal sexual
9 assault of a child), or 12-33 (ritualized abuse of
10 a child). An attempt to commit any of these
11 offenses.

12 (ii) 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: 12-13 (criminal sexual
15 assault), 12-14 (aggravated criminal sexual assault),
16 12-16 (aggravated criminal sexual abuse), and
17 subsection (a) of Section 12-15 (criminal sexual
18 abuse). An attempt to commit any of these offenses.

19 (iii) 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 and the defendant is not a
22 parent of the victim:

23 10-1 (kidnapping),
24 10-2 (aggravated kidnapping),
25 10-3 (unlawful restraint),
26 10-3.1 (aggravated unlawful restraint).

27 An attempt to commit any of these offenses.

28 (iv) A violation of any former law of this State
29 substantially equivalent to any offense listed in this
30 paragraph (2.5) of this subsection.

31 (3) A conviction for an offense of federal law or the
32 law of another state that is substantially equivalent to
33 any offense listed in paragraph (2) of this subsection (d)
34 shall constitute a conviction for the purpose of this
35 Section. A finding or adjudication as a sexually dangerous
36 person under any federal law or law of another state that

1 is substantially equivalent to the Sexually Dangerous
2 Persons Act shall constitute an adjudication for the
3 purposes of this Section.

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

7 (5) "Facility providing programs or services directed
8 towards persons under the age of 18" means any facility
9 providing programs or services exclusively directed
10 towards persons under the age of 18.

11 (6) "Loiter" means:

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

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

19 (7) "Playground" means a piece of land owned or
20 controlled by a unit of local government that is designated
21 by the unit of local government for use solely or primarily
22 for children's recreation.

23 (e) Sentence. A person who violates this Section is guilty
24 of a Class 4 felony.

25 (Source: P.A. 91-458, eff. 1-1-00; 91-911, eff. 7-7-00; 92-828,
26 eff. 8-22-02.)