



Adopted in House Comm. on Jan 24, 2006

09400HB4311ham001

LRB094 13917 RLC 54385 a

1 AMENDMENT TO HOUSE BILL 4311

2 AMENDMENT NO. _____. Amend House Bill 4311 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 3-1 and 3-5 as follows:

6 (10 ILCS 5/3-1) (from Ch. 46, par. 3-1)

7 Sec. 3-1. Voter eligibility.

8 (a) Except as provided in subsection (b) of this Section,
9 every ~~Every~~ person (i) who has resided in this State and in the
10 election district 30 days next preceding any election therein,
11 or (ii) who has resided in and is registered to vote from the
12 election district 30 days next preceding any election therein
13 and has moved to another election district in this State within
14 said 30 days and has made and subscribed to the affidavit
15 provided in paragraph (b) of Section 17-10 of this Act, or
16 (iii) who has resided in and is registered to vote from the
17 election district 30 days next preceding any election therein
18 and has not moved to another residence but whose address has
19 changed as a result of implementation of a 9-1-1 emergency
20 telephone system and has made and subscribed to the affidavit
21 provided in subsection (a) of Section 17-10, and who is a
22 citizen of the United States, of the age of 18 or more years is
23 entitled to vote at such election for all offices and on all
24 propositions. Any military establishment within the boundaries

1 of Illinois is "in this State" even though the government of
2 the United States may have exclusive jurisdiction over such
3 establishment.

4 (b) A person convicted of a sex offense as defined in
5 Section 2 of the Sex Offender Registration Act is ineligible to
6 vote at any election during the duration of the sex offender's
7 natural life.

8 (Source: P.A. 90-664, eff. 7-30-98.)

9 (10 ILCS 5/3-5) (from Ch. 46, par. 3-5)

10 Sec. 3-5. Voting by offender.

11 (a) No person who has been legally convicted, in this or
12 another State or in any federal court, of any crime, and is
13 serving a sentence of confinement in any penal institution, or
14 who has been convicted under any section of this Act and is
15 serving a sentence of confinement in any penal institution,
16 shall vote, offer to vote, attempt to vote or be permitted to
17 vote at any election until his release from confinement.

18 Confinement for purposes of this Section shall include any
19 person convicted and imprisoned but granted a furlough as
20 provided by Section 3-11-1 of the "Unified Code of
21 Corrections", or admitted to a work release program as provided
22 by Section 3-13-2 of the "Unified Code of Corrections".
23 Confinement shall not include any person convicted and
24 imprisoned but released on parole.

25 Confinement or detention in a jail pending acquittal or
26 conviction of a crime is not a disqualification for voting.

27 (b) Subsection (a) does not apply to a person who has been
28 convicted of a sex offense as defined in Section 2 of the Sex
29 Offender Registration Act. A person convicted of a sex offense
30 as defined in Section 2 of the Sex Offender Registration Act is
31 ineligible to vote for the duration of his or her natural life.

32 (Source: P.A. 94-637, eff. 1-1-06.)

1 Section 10. The Criminal Code of 1961 is amended by
2 changing Section 11-9.3 as follows:

3 (720 ILCS 5/11-9.3)

4 Sec. 11-9.3. Presence within school zone by child sex
5 offenders prohibited.

6 (a) It is unlawful for a child sex offender to knowingly be
7 present in any school building, on real property comprising any
8 school, or in any conveyance owned, leased, or contracted by a
9 school to transport students to or from school or a school
10 related activity when persons under the age of 18 are present
11 in the building, on the grounds or in the conveyance, unless
12 the offender is a parent or guardian of a student attending the
13 school and the parent or guardian is: (i) attending a
14 conference at the school with school personnel to discuss the
15 progress of his or her child academically or socially, (ii)
16 participating in child review conferences in which evaluation
17 and placement decisions may be made with respect to his or her
18 child regarding special education services, or (iii) attending
19 conferences to discuss other student issues concerning his or
20 her child such as retention and promotion and notifies the
21 principal of the school of his or her presence at the school or
22 unless the offender has permission to be present from the
23 superintendent or the school board or in the case of a private
24 school from the principal. In the case of a public school, if
25 permission is granted, the superintendent or school board
26 president must inform the principal of the school where the sex
27 offender will be present. Notification includes the nature of
28 the sex offender's visit and the hours in which the sex
29 offender will be present in the school. The sex offender is
30 responsible for notifying the principal's office when he or she
31 arrives on school property and when he or she departs from
32 school property. If the sex offender is to be present in the
33 vicinity of children, the sex offender has the duty to remain

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

4 ~~Nothing in this Section shall be construed to infringe upon~~
5 ~~the constitutional right of a child sex offender to be present~~
6 ~~in a school building that is used as a polling place for the~~
7 ~~purpose of voting.~~

8 (1) (Blank; or)

9 (2) (Blank.)

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

1 duty to remain under the direct supervision of a school
2 official. A child sex offender who violates this provision is
3 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 knowingly
7 reside within 500 feet of a school building or the real
8 property comprising any school that persons under the age of 18
9 attend. Nothing in this subsection (b-5) prohibits a child sex
10 offender from residing within 500 feet of a school building or
11 the real property comprising any school that persons under 18
12 attend if the property is owned by the child sex offender and
13 was purchased before the effective date of this amendatory Act
14 of the 91st General Assembly.

15 (c) Definitions. In this Section:

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

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

22 (A) is convicted of such offense or an attempt
23 to commit such offense; or

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

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

31 (D) is the subject of a finding not resulting
32 in an acquittal at a hearing conducted pursuant to
33 subsection (a) of Section 104-25 of the Code of
34 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

1 child abduction under Section 10-5(b)(10)),
2 10-5(b)(10) (child luring), 11-6 (indecent
3 solicitation of a child), 11-6.5 (indecent
4 solicitation of an adult), 11-9 (public indecency when
5 committed in a school, on the real property comprising
6 a school, or on a conveyance, owned, leased, or
7 contracted by a school to transport students to or from
8 school or a school related activity), 11-9.1 (sexual
9 exploitation of a child), 11-15.1 (soliciting for a
10 juvenile prostitute), 11-17.1 (keeping a place of
11 juvenile prostitution), 11-18.1 (patronizing a
12 juvenile prostitute), 11-19.1 (juvenile pimping),
13 11-19.2 (exploitation of a child), 11-20.1 (child
14 pornography), 11-21 (harmful material), 12-14.1
15 (predatory criminal sexual assault of a child), 12-33
16 (ritualized abuse of a child), 11-20 (obscenity) (when
17 that offense was committed in any school, on real
18 property comprising any school, in any conveyance
19 owned, leased, or contracted by a school to transport
20 students to or from school or a school related
21 activity). An attempt to commit any of these offenses.

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

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

33 10-1 (kidnapping),

34 10-2 (aggravated kidnapping),

1 10-3 (unlawful restraint),
2 10-3.1 (aggravated unlawful restraint).

3 An attempt to commit any of these offenses.

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

7 (2.5) For the purposes of subsection (b-5) only, a sex
8 offense means:

9 (i) A violation of any of the following Sections of
10 the Criminal Code of 1961:

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

24 (ii) A violation of any of the following Sections
25 of the Criminal Code of 1961, when the victim is a
26 person under 18 years of age: 12-13 (criminal sexual
27 assault), 12-14 (aggravated criminal sexual assault),
28 12-16 (aggravated criminal sexual abuse), and
29 subsection (a) of Section 12-15 (criminal sexual
30 abuse). An attempt to commit any of these offenses.

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

1 10-1 (kidnapping),
2 10-2 (aggravated kidnapping),
3 10-3 (unlawful restraint),
4 10-3.1 (aggravated unlawful restraint).

5 An attempt to commit any of these offenses.

6 (iv) A violation of any former law of this State
7 substantially equivalent to any offense listed in this
8 paragraph (2.5) of this subsection.

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

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

20 (5) "Loiter" means:

21 (i) Standing, sitting idly, whether or not the
22 person is in a vehicle or remaining in or around school
23 property.

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

28 (iii) Entering or remaining in a building in or
29 around school property, other than the offender's
30 residence.

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

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

1 of a Class 4 felony.

2 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
3 94-170, eff. 7-11-05; revised 8-19-05.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".