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09400HB5249ham001

LRB094 15334 RLC 55139 a

1 AMENDMENT TO HOUSE BILL 5249

2 AMENDMENT NO. _____. Amend House Bill 5249 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 11-9.4 as follows:

6 (720 ILCS 5/11-9.4)

7 Sec. 11-9.4. Approaching, contacting, residing, or
8 communicating with a child within certain places by child sex
9 offenders prohibited.

10 (a) It is unlawful for a child sex offender to knowingly be
11 present in any public park building or on real property
12 comprising any public park when persons under the age of 18 are
13 present in the building or on the grounds and to approach,
14 contact, or communicate with a child under 18 years of age,
15 unless the offender is a parent or guardian of a person under
16 18 years of age present in the building or on the grounds.

17 (b) It is unlawful for a child sex offender to knowingly
18 loiter on a public way within 500 feet of a public park
19 building or real property comprising any public park while
20 persons under the age of 18 are present in the building or on
21 the grounds and to approach, contact, or communicate with a
22 child under 18 years of age, unless the offender is a parent or
23 guardian of a person under 18 years of age present in the
24 building or on the grounds.

1 (b-5) It is unlawful for a child sex offender to knowingly
2 reside within 500 feet of a playground, child care institution,
3 day care center, part day child care facility, or a facility
4 providing programs or services exclusively directed toward
5 persons under 18 years of age. Nothing in this subsection (b-5)
6 prohibits a child sex offender from residing within 500 feet of
7 a playground or a facility providing programs or services
8 exclusively directed toward persons under 18 years of age if
9 the property is owned by the child sex offender and was
10 purchased before the effective date of this amendatory Act of
11 the 91st General Assembly. Nothing in this subsection (b-5)
12 prohibits a child sex offender from residing within 500 feet of
13 a child care institution, day care center, or part day child
14 care facility if the property is owned by the child sex
15 offender and was purchased before the effective date of this
16 amendatory Act of the 94th General Assembly.

17 (b-6) It is unlawful for a child sex offender to knowingly
18 reside within 500 feet of the victim of the sex offense.
19 Nothing in this subsection (b-6) prohibits a child sex offender
20 from residing within 500 feet of the victim if the property in
21 which the child sex offender resides is owned by the child sex
22 offender and was purchased before the effective date of this
23 amendatory Act of the 92nd General Assembly.

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

26 (c) It is unlawful for a child sex offender to knowingly
27 operate, manage, be employed by, volunteer at, be associated
28 with, or knowingly be present at any: (i) facility providing
29 programs or services exclusively directed towards persons
30 under the age of 18; (ii) day care center; (iii) part day child
31 care facility; (iv) child care institution, or (v) school
32 providing before and after school programs for children under
33 18 years of age. This does not prohibit a child sex offender
34 from owning the real property upon which the programs or

1 services are offered or upon which the day care center, part
2 day child care facility, child care institution, or school
3 providing before and after school programs for children under
4 18 years of age is located, provided the child sex offender
5 refrains from being present on the premises for the hours
6 during which: (1) the programs or services are being offered or
7 (2) the day care center, part day child care facility, child
8 care institution, or school providing before and after school
9 programs for children under 18 years of age is operated.

10 (d) Definitions. In this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 a school, on a conveyance owned, leased, or contracted
2 by a school to transport students to or from school or
3 a school related activity, or in a public park), 11-9.1
4 (sexual exploitation of a child), 11-15.1 (soliciting
5 for a juvenile prostitute), 11-17.1 (keeping a place of
6 juvenile prostitution), 11-18.1 (patronizing a
7 juvenile prostitute), 11-19.1 (juvenile pimping),
8 11-19.2 (exploitation of a child), 11-20.1 (child
9 pornography), 11-21 (harmful material), 12-14.1
10 (predatory criminal sexual assault of a child), 12-33
11 (ritualized abuse of a child), 11-20 (obscenity) (when
12 that offense was committed in any school, on real
13 property comprising any school, on any conveyance
14 owned, leased, or contracted by a school to transport
15 students to or from school or a school related
16 activity, or in a public park). An attempt to commit
17 any of these 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 12-15 (criminal sexual abuse), 12-16 (aggravated
23 criminal sexual abuse). An attempt to commit any of
24 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
2 clause (2)(i) of this subsection (d).

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).

1 An attempt to commit any of these offenses.

2 (iv) A violation of any former law of this State
3 substantially equivalent to any offense listed in this
4 paragraph (2.5) of this subsection.

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

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

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

21 (6) "Loiter" means:

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

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

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

33 (8) "Child care institution" has the meaning ascribed
34 to it in Section 2.06 of the Child Care Act of 1969.

1 (9) "Day care center" has the meaning ascribed to it in
2 Section 2.09 of the Child Care Act of 1969.

3 (10) "Part day child care facility" has the meaning
4 ascribed to it in Section 2.10 of the Child Care Act of
5 1969.

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

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."