

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 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 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  
25 ~~present in the building, on the grounds or in the conveyance or~~  
26 unless the offender has permission to be present from the  
27 superintendent or the school board or in the case of a private  
28 school from the principal. In the case of a public school, if  
29 permission is granted, the superintendent or school board  
30 president must inform the principal of the school where the sex  
31 offender will be present. Notification includes the nature of  
32 the sex offender's visit and the hours in which the sex

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

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

13 (1) (Blank; or)

14 (2) (Blank.)

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

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

8 (1) (Blank; or)

9 (2) (Blank.)

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

19 (c) Definitions. In this Section:

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

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

26 (A) is convicted of such offense or an attempt  
27 to commit such offense; or

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

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

35 (D) is the subject of a finding not resulting  
36 in an acquittal at a hearing conducted pursuant to

1 subsection (a) of Section 104-25 of the Code of  
2 Criminal Procedure of 1963 for the alleged  
3 commission or attempted commission of such  
4 offense; or

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

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

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

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

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

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

35 (i) A violation of any of the following Sections of  
36 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),  
35 10-3 (unlawful restraint),  
36 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  
4 clause (2) (i) of subsection (c) of this Section.

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

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

9 10-5(b)(10) (child luring), 10-7 (aiding and  
10 abetting child abduction under Section  
11 10-5(b)(10)), 11-6 (indecent solicitation of a  
12 child), 11-6.5 (indecent solicitation of an  
13 adult), 11-15.1 (soliciting for a juvenile  
14 prostitute), 11-17.1 (keeping a place of juvenile  
15 prostitution), 11-18.1 (patronizing a juvenile  
16 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
17 (exploitation of a child), 11-20.1 (child  
18 pornography), 12-14.1 (predatory criminal sexual  
19 assault of a child), or 12-33 (ritualized abuse of  
20 a child). An attempt to commit any of these  
21 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 12-16 (aggravated criminal sexual abuse), and  
27 subsection (a) of Section 12-15 (criminal sexual  
28 abuse). An attempt to commit any of 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),  
35 10-3 (unlawful restraint),  
36 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 subsection (c) of  
8           this Section shall constitute a conviction for the purpose  
9           of this Article. A finding or adjudication as a sexually  
10          dangerous person under any federal law or law of another  
11          state that is substantially equivalent to the Sexually  
12          Dangerous Persons Act shall constitute an adjudication for  
13          the purposes of this Section.

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

16          (5) "Loiter" means:

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

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

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

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

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

31          Section 99. Effective date. This Act takes effect upon  
32          becoming law.