



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0156

Introduced 1/19/2007, by Rep. David Reis - Tom Cross

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.4

Amends the Criminal Code of 1961. Provides that it is unlawful for a child sex offender to knowingly operate, manage, be employed by, volunteer at, or be associated with any carnival, circus, street fair, or public festival when persons under the age of 18 are present.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 11-9.4 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

1 building or on the grounds.

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

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

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

1 (c) It is unlawful for a child sex offender to knowingly  
2 operate, manage, be employed by, volunteer at, be associated  
3 with, or knowingly be present at any: (i) facility providing  
4 programs or services exclusively directed towards persons  
5 under the age of 18; (ii) day care center; (iii) part day child  
6 care facility; (iv) child care institution, or (v) school  
7 providing before and after school programs for children under  
8 18 years of age. This does not prohibit a child sex offender  
9 from owning the real property upon which the programs or  
10 services are offered or upon which the day care center, part  
11 day child care facility, child care institution, or school  
12 providing before and after school programs for children under  
13 18 years of age is located, provided the child sex offender  
14 refrains from being present on the premises for the hours  
15 during which: (1) the programs or services are being offered or  
16 (2) the day care center, part day child care facility, child  
17 care institution, or school providing before and after school  
18 programs for children under 18 years of age is operated.

19 (c-5) It is unlawful for a child sex offender to knowingly  
20 operate, manage, be employed by, volunteer at, or be associated  
21 with any carnival, circus, street fair, or public festival when  
22 persons under the age of 18 are present.

23 (d) Definitions. In this Section:

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

25 (i) has been charged under Illinois law, or any  
26 substantially similar federal law or law of another

1 state, with a sex offense set forth in paragraph (2) of  
2 this subsection (d) or the attempt to commit an  
3 included sex offense, and:

4 (A) is convicted of such offense or an attempt  
5 to commit such offense; or

6 (B) is found not guilty by reason of insanity  
7 of such offense or an attempt to commit such  
8 offense; or

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

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

19 (E) is found not guilty by reason of insanity  
20 following a hearing conducted pursuant to a  
21 federal law or the law of another state  
22 substantially similar to subsection (c) of Section  
23 104-25 of the Code of Criminal Procedure of 1963 of  
24 such offense or of the attempted commission of such  
25 offense; or

26 (F) is the subject of a finding not resulting

1 in an acquittal at a hearing conducted pursuant to  
2 a federal law or the law of another state  
3 substantially similar to subsection (a) of Section  
4 104-25 of the Code of Criminal Procedure of 1963  
5 for the alleged violation or attempted commission  
6 of such offense; or

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

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

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

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

23 (i) A violation of any of the following Sections of  
24 the Criminal Code of 1961: 10-7 (aiding and abetting  
25 child abduction under Section 10-5(b)(10)),  
26 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, on a conveyance owned, leased, or contracted  
5 by a school to transport students to or from school or  
6 a school related activity, or in a public park), 11-9.1  
7 (sexual exploitation of a child), 11-15.1 (soliciting  
8 for a 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, on any conveyance  
17 owned, leased, or contracted by a school to transport  
18 students to or from school or a school related  
19 activity, or in a public park). An attempt to commit  
20 any of these offenses.

21 (ii) A violation of any of the following Sections  
22 of the Criminal Code of 1961, when the victim is a  
23 person under 18 years of age: 12-13 (criminal sexual  
24 assault), 12-14 (aggravated criminal sexual assault),  
25 12-15 (criminal sexual abuse), 12-16 (aggravated  
26 criminal sexual abuse). An attempt to commit any of

1 these offenses.

2 (iii) A violation of any of the following Sections  
3 of the Criminal Code of 1961, when the victim is a  
4 person under 18 years of age and the defendant is not a  
5 parent of the victim:

6 10-1 (kidnapping),

7 10-2 (aggravated kidnapping),

8 10-3 (unlawful restraint),

9 10-3.1 (aggravated unlawful restraint).

10 An attempt to commit any of these offenses.

11 (iv) A violation of any former law of this State  
12 substantially equivalent to any offense listed in  
13 clause (2) (i) of this subsection (d).

14 (2.5) For the purposes of subsection (b-5) only, a sex  
15 offense means:

16 (i) A violation of any of the following Sections of  
17 the Criminal Code of 1961:

18 10-5(b)(10) (child luring), 10-7 (aiding and  
19 abetting child abduction under Section  
20 10-5(b)(10)), 11-6 (indecent solicitation of a  
21 child), 11-6.5 (indecent solicitation of an  
22 adult), 11-15.1 (soliciting for a juvenile  
23 prostitute), 11-17.1 (keeping a place of juvenile  
24 prostitution), 11-18.1 (patronizing a juvenile  
25 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
26 (exploitation of a child), 11-20.1 (child



1           pornography), 12-14.1 (predatory criminal sexual  
2           assault of a child), or 12-33 (ritualized abuse of  
3           a child). An attempt to commit any of these  
4           offenses.

5           (ii) A violation of any of the following Sections  
6           of the Criminal Code of 1961, when the victim is a  
7           person under 18 years of age: 12-13 (criminal sexual  
8           assault), 12-14 (aggravated criminal sexual assault),  
9           12-16 (aggravated criminal sexual abuse), and  
10          subsection (a) of Section 12-15 (criminal sexual  
11          abuse). An attempt to commit any of these offenses.

12          (iii) 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 and the defendant is not a  
15          parent of the victim:

16                10-1 (kidnapping),  
17                10-2 (aggravated kidnapping),  
18                10-3 (unlawful restraint),  
19                10-3.1 (aggravated unlawful restraint).

20          An attempt to commit any of these offenses.

21          (iv) A violation of any former law of this State  
22          substantially equivalent to any offense listed in this  
23          paragraph (2.5) of this subsection.

24          (3) A conviction for an offense of federal law or the  
25          law of another state that is substantially equivalent to  
26          any offense listed in paragraph (2) of this subsection (d)

1 shall constitute a conviction for the purpose of this  
2 Section. A finding or adjudication as a sexually dangerous  
3 person under any federal law or law of another state that  
4 is substantially equivalent to the Sexually Dangerous  
5 Persons Act shall constitute an adjudication for the  
6 purposes of this Section.

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

10 (5) "Facility providing programs or services directed  
11 towards persons under the age of 18" means any facility  
12 providing programs or services exclusively directed  
13 towards persons under the age of 18.

14 (6) "Loiter" means:

15 (i) Standing, sitting idly, whether or not the  
16 person is in a vehicle or remaining in or around public  
17 park property.

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

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

26 (8) "Child care institution" has the meaning ascribed

1 to it in Section 2.06 of the Child Care Act of 1969.

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

4 (10) "Part day child care facility" has the meaning  
5 ascribed to it in Section 2.10 of the Child Care Act of  
6 1969.

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

9 (Source: P.A. 94-925, eff. 6-26-06.)