

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, or be associated with any  
21 county fair when persons under the age of 18 are present.

22 (d) Definitions. In this Section:

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

24 (i) has been charged under Illinois law, or any  
25 substantially similar federal law or law of another  
26 state, with a sex offense set forth in paragraph (2) of

1           this subsection (d) or the attempt to commit an  
2           included sex offense, and:

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

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

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

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

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

25                  (F) is the subject of a finding not resulting  
26                  in an acquittal at a hearing conducted pursuant to

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

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

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

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

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

22 (i) A violation of any of the following Sections of  
23 the Criminal Code of 1961: 10-7 (aiding and abetting  
24 child abduction under Section 10-5(b)(10)),  
25 10-5(b)(10) (child luring), 11-6 (indecent  
26 solicitation of a child), 11-6.5 (indecent

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

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

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint).

9 An attempt to commit any of these offenses.

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

13 (2.5) For the purposes of subsection (b-5) only, a sex  
14 offense means:

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

17 10-5(b)(10) (child luring), 10-7 (aiding and

18 abetting child abduction under Section

19 10-5(b)(10)), 11-6 (indecent solicitation of a

20 child), 11-6.5 (indecent solicitation of an

21 adult), 11-15.1 (soliciting for a juvenile

22 prostitute), 11-17.1 (keeping a place of juvenile

23 prostitution), 11-18.1 (patronizing a juvenile

24 prostitute), 11-19.1 (juvenile pimping), 11-19.2

25 (exploitation of a child), 11-20.1 (child

26 pornography), 12-14.1 (predatory criminal sexual

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

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

11 (iii) A violation of any of the following Sections  
12 of the Criminal Code of 1961, when the victim is a  
13 person under 18 years of age and the defendant is not a  
14 parent of the victim:

15 10-1 (kidnapping),  
16 10-2 (aggravated kidnapping),  
17 10-3 (unlawful restraint),  
18 10-3.1 (aggravated unlawful restraint).

19 An attempt to commit any of these offenses.

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

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



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

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

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

13 (6) "Loiter" means:

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

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

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

25 (8) "Child care institution" has the meaning ascribed  
26 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. 94-925, eff. 6-26-06.)