

HB0163



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0163

Introduced 1/19/2007, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.4

Amends the Criminal Code of 1961. Provides that it is a Class 4 felony 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.

LRB095 04109 RLC 24147 b

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.)