



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0248

Introduced 1/19/2007, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3
720 ILCS 5/11-9.4

Amends the Criminal Code of 1961. Increases from within 500 feet to within 2,000 feet, the distance from which a child sex offender may not loiter or reside from a school, playground, child care institution, day care center, part day child care facility, any other facility providing programs or services exclusively directed toward persons under 18 years of age, or a victim of a sex offense who is under 21 years of age.

LRB095 00368 RLC 20368 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Sections 11-9.3 and 11-9.4 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

1 principal of the school of his or her presence at the school or
2 unless the offender has permission to be present from the
3 superintendent or the school board or in the case of a private
4 school from the principal. In the case of a public school, if
5 permission is granted, the superintendent or school board
6 president must inform the principal of the school where the sex
7 offender will be present. Notification includes the nature of
8 the sex offender's visit and the hours in which the sex
9 offender will be present in the school. The sex offender is
10 responsible for notifying the principal's office when he or she
11 arrives on school property and when he or she departs from
12 school property. If the sex offender is to be present in the
13 vicinity of children, the sex offender has the duty to remain
14 under the direct supervision of a school official. A child sex
15 offender who violates this provision is guilty of a Class 4
16 felony.

17 Nothing in this Section shall be construed to infringe upon
18 the constitutional right of a child sex offender to be present
19 in a school building that is used as a polling place for the
20 purpose of voting.

21 (1) (Blank; or)

22 (2) (Blank.)

23 (b) It is unlawful for a child sex offender to knowingly
24 loiter within 2,000 ~~500~~ feet of a school building or real
25 property comprising any school while persons under the age of
26 18 are present in the building or on the grounds, unless the

1 offender is a parent or guardian of a student attending the
2 school and the parent or guardian is: (i) attending a
3 conference at the school with school personnel to discuss the
4 progress of his or her child academically or socially, (ii)
5 participating in child review conferences in which evaluation
6 and placement decisions may be made with respect to his or her
7 child regarding special education services, or (iii) attending
8 conferences to discuss other student issues concerning his or
9 her child such as retention and promotion and notifies the
10 principal of the school of his or her presence at the school or
11 has permission to be present from the superintendent or the
12 school board or in the case of a private school from the
13 principal. In the case of a public school, if permission is
14 granted, the superintendent or school board president must
15 inform the principal of the school where the sex offender will
16 be present. Notification includes the nature of the sex
17 offender's visit and the hours in which the sex offender will
18 be present in the school. The sex offender is responsible for
19 notifying the principal's office when he or she arrives on
20 school property and when he or she departs from school
21 property. If the sex offender is to be present in the vicinity
22 of children, the sex offender has the duty to remain under the
23 direct supervision of a school official. A child sex offender
24 who violates this provision is guilty of a Class 4 felony.

25 (1) (Blank; or)

26 (2) (Blank.)

1 (b-5) It is unlawful for a child sex offender to knowingly
2 reside within 2,000 ~~500~~ feet of a school building or the real
3 property comprising any school that persons under the age of 18
4 attend. Nothing in this subsection (b-5) prohibits a child sex
5 offender from residing within 500 feet of a school building or
6 the real property comprising any school that persons under 18
7 attend if the property is owned by the child sex offender and
8 was purchased before the effective date of this amendatory Act
9 of the 91st General Assembly. Nothing in this subsection (b-5)
10 prohibits a child sex offender from residing 500 feet to 2,000
11 feet of a school building or the real property comprising any
12 school that persons under 18 attend if the property is owned by
13 the child sex offender and was purchased before the effective
14 date of this amendatory Act of the 95th General Assembly.

15 (c) Definitions. In this Section:

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

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

22 (A) is convicted of such offense or an attempt
23 to commit such offense; or

24 (B) is found not guilty by reason of insanity
25 of such offense or an attempt to commit such
26 offense; or

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

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

11 (E) is found not guilty by reason of insanity
12 following a hearing conducted pursuant to a
13 federal law or the law of another state
14 substantially similar to subsection (c) of Section
15 104-25 of the Code of Criminal Procedure of 1963 of
16 such offense or of the attempted commission of such
17 offense; or

18 (F) is the subject of a finding not resulting
19 in an acquittal at a hearing conducted pursuant to
20 a federal law or the law of another state
21 substantially similar to subsection (a) of Section
22 104-25 of the Code of Criminal Procedure of 1963
23 for the alleged violation or attempted commission
24 of such offense; or

25 (ii) is certified as a sexually dangerous person
26 pursuant to the Illinois Sexually Dangerous Persons

1 Act, or any substantially similar federal law or the
2 law of another state, when any conduct giving rise to
3 such certification is committed or attempted against a
4 person less than 18 years of age; or

5 (iii) is subject to the provisions of Section 2 of
6 the Interstate Agreements on Sexually Dangerous
7 Persons Act.

8 Convictions that result from or are connected with the
9 same act, or result from offenses committed at the same
10 time, shall be counted for the purpose of this Section as
11 one conviction. Any conviction set aside pursuant to law is
12 not a conviction for purposes of this Section.

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

15 (i) A violation of any of the following Sections of
16 the Criminal Code of 1961: 10-7 (aiding and abetting
17 child abduction under Section 10-5(b)(10)),
18 10-5(b)(10) (child luring), 11-6 (indecent
19 solicitation of a child), 11-6.5 (indecent
20 solicitation of an adult), 11-9 (public indecency when
21 committed in a school, on the real property comprising
22 a school, or on a conveyance, owned, leased, or
23 contracted by a school to transport students to or from
24 school or a school related activity), 11-9.1 (sexual
25 exploitation of a child), 11-15.1 (soliciting for a
26 juvenile prostitute), 11-17.1 (keeping a place of

1 juvenile prostitution), 11-18.1 (patronizing a
2 juvenile prostitute), 11-19.1 (juvenile pimping),
3 11-19.2 (exploitation of a child), 11-20.1 (child
4 pornography), 11-21 (harmful material), 12-14.1
5 (predatory criminal sexual assault of a child), 12-33
6 (ritualized abuse of a child), 11-20 (obscenity) (when
7 that offense was committed in any school, on real
8 property comprising any school, in any conveyance
9 owned, leased, or contracted by a school to transport
10 students to or from school or a school related
11 activity). An attempt to commit any of these offenses.

12 (ii) 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: 12-13 (criminal sexual
15 assault), 12-14 (aggravated criminal sexual assault),
16 12-15 (criminal sexual abuse), 12-16 (aggravated
17 criminal sexual abuse). An attempt to commit any of
18 these offenses.

19 (iii) A violation of any of the following Sections
20 of the Criminal Code of 1961, when the victim is a
21 person under 18 years of age and the defendant is not a
22 parent of the victim:

23 10-1 (kidnapping),

24 10-2 (aggravated kidnapping),

25 10-3 (unlawful restraint),

26 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

1 subsection (a) of Section 12-15 (criminal sexual
2 abuse). An attempt to commit any of these offenses.

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

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

12 (iv) A violation of any former law of this State
13 substantially equivalent to any offense listed in this
14 paragraph (2.5) of this subsection.

15 (3) A conviction for an offense of federal law or the
16 law of another state that is substantially equivalent to
17 any offense listed in paragraph (2) of subsection (c) of
18 this Section shall constitute a conviction for the purpose
19 of this Article. A finding or adjudication as a sexually
20 dangerous person under any federal law or law of another
21 state that is substantially equivalent to the Sexually
22 Dangerous Persons Act shall constitute an adjudication for
23 the purposes of this Section.

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

26 (5) "Loiter" means:

1 (i) Standing, sitting idly, whether or not the
2 person is in a vehicle or remaining in or around school
3 property.

4 (ii) Standing, sitting idly, whether or not the
5 person is in a vehicle or remaining in or around school
6 property, for the purpose of committing or attempting
7 to commit a sex offense.

8 (iii) Entering or remaining in a building in or
9 around school property, other than the offender's
10 residence.

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

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

16 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
17 94-170, eff. 7-11-05; revised 8-19-05.)

18 (720 ILCS 5/11-9.4)

19 Sec. 11-9.4. Approaching, contacting, residing, or
20 communicating with a child within certain places by child sex
21 offenders prohibited.

22 (a) It is unlawful for a child sex offender to knowingly be
23 present in any public park building or on real property
24 comprising any public park when persons under the age of 18 are
25 present in the building or on the grounds and to approach,

1 contact, or communicate with a child under 18 years of age,
2 unless the offender is a parent or guardian of a person under
3 18 years of age present in the building or on the grounds.

4 (b) It is unlawful for a child sex offender to knowingly
5 loiter on a public way within 2,000 ~~500~~ feet of a public park
6 building or real property comprising any public park while
7 persons under the age of 18 are present in the building or on
8 the grounds and to approach, contact, or communicate with a
9 child under 18 years of age, unless the offender is a parent or
10 guardian of a person under 18 years of age present in the
11 building or on the grounds.

12 (b-5) It is unlawful for a child sex offender to knowingly
13 reside within 2,000 ~~500~~ feet of a playground, child care
14 institution, day care center, part day child care facility, or
15 a facility providing programs or services exclusively directed
16 toward persons under 18 years of age. Nothing in this
17 subsection (b-5) prohibits a child sex offender from residing
18 within 500 feet of a playground or a facility providing
19 programs or services exclusively directed toward persons under
20 18 years of age if the property is owned by the child sex
21 offender and was purchased before the effective date of this
22 amendatory Act of the 91st General Assembly. Nothing in this
23 subsection (b-5) prohibits a child sex offender from residing
24 within 500 feet of a child care institution, day care center,
25 or part day child care facility if the property is owned by the
26 child sex offender and was purchased before the effective date

1 of this amendatory Act of the 94th General Assembly. Nothing in
2 this subsection (b-5) prohibits a child sex offender from
3 residing 500 feet to 2,000 feet of a playground, child care
4 institution, day care center, part day child care facility, or
5 any other facility providing programs or services exclusively
6 directed toward persons under 18 years of age if the property
7 is owned by the child sex offender and was purchased before the
8 effective date of this amendatory Act of the 95th General
9 Assembly.

10 (b-6) It is unlawful for a child sex offender to knowingly
11 reside within 2,000 ~~500~~ feet of the victim of the sex offense.
12 Nothing in this subsection (b-6) prohibits a child sex offender
13 from residing within 500 feet of the victim if the property in
14 which the child sex offender resides is owned by the child sex
15 offender and was purchased before the effective date of this
16 amendatory Act of the 92nd General Assembly. Nothing in this
17 subsection (b-6) prohibits a child sex offender from residing
18 500 feet to 2,000 feet of the victim if the property in which
19 the child sex offender resides is owned by the child sex
20 offender and was purchased before the effective date of this
21 amendatory Act of the 95th General Assembly.

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

24 (c) It is unlawful for a child sex offender to knowingly
25 operate, manage, be employed by, volunteer at, be associated
26 with, or knowingly be present at any: (i) facility providing

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

16 (d) Definitions. In this Section:

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

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

23 (A) is convicted of such offense or an attempt
24 to commit such offense; or

25 (B) is found not guilty by reason of insanity
26 of such offense or an attempt to commit such

1 offense; or

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

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

12 (E) is found not guilty by reason of insanity
13 following a hearing conducted pursuant to a
14 federal law or the law of another state
15 substantially similar to subsection (c) of Section
16 104-25 of the Code of Criminal Procedure of 1963 of
17 such offense or of the attempted commission of such
18 offense; or

19 (F) is the subject of a finding not resulting
20 in an acquittal at a hearing conducted pursuant to
21 a federal law or the law of another state
22 substantially similar to subsection (a) of Section
23 104-25 of the Code of Criminal Procedure of 1963
24 for the alleged violation or attempted commission
25 of such offense; or

26 (ii) is certified as a sexually dangerous person

1 pursuant to the Illinois Sexually Dangerous Persons
2 Act, or any substantially similar federal law or the
3 law of another state, when any conduct giving rise to
4 such certification is committed or attempted against a
5 person less than 18 years of age; or

6 (iii) is subject to the provisions of Section 2 of
7 the Interstate Agreements on Sexually Dangerous
8 Persons Act.

9 Convictions that result from or are connected with the
10 same act, or result from offenses committed at the same
11 time, shall be counted for the purpose of this Section as
12 one conviction. Any conviction set aside pursuant to law is
13 not a conviction for purposes of this Section.

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

16 (i) A violation of any of the following Sections of
17 the Criminal Code of 1961: 10-7 (aiding and abetting
18 child abduction under Section 10-5(b)(10)),
19 10-5(b)(10) (child luring), 11-6 (indecent
20 solicitation of a child), 11-6.5 (indecent
21 solicitation of an adult), 11-9 (public indecency when
22 committed in a school, on the real property comprising
23 a school, on a conveyance owned, leased, or contracted
24 by a school to transport students to or from school or
25 a school related activity, or in a public park), 11-9.1
26 (sexual exploitation of a child), 11-15.1 (soliciting

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

14 (ii) A violation of any of the following Sections
15 of the Criminal Code of 1961, when the victim is a
16 person under 18 years of age: 12-13 (criminal sexual
17 assault), 12-14 (aggravated criminal sexual assault),
18 12-15 (criminal sexual abuse), 12-16 (aggravated
19 criminal sexual abuse). An attempt to commit any of
20 these offenses.

21 (iii) 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 and the defendant is not a
24 parent of the victim:

25 10-1 (kidnapping),

26 10-2 (aggravated kidnapping),

1 10-3 (unlawful restraint),
2 10-3.1 (aggravated unlawful restraint).

3 An attempt to commit any of these offenses.

4 (iv) A violation of any former law of this State
5 substantially equivalent to any offense listed in
6 clause (2)(i) of this subsection (d).

7 (2.5) For the purposes of subsection (b-5) only, a sex
8 offense means:

9 (i) A violation of any of the following Sections of
10 the Criminal Code of 1961:

11 10-5(b)(10) (child luring), 10-7 (aiding and
12 abetting child abduction under Section
13 10-5(b)(10)), 11-6 (indecent solicitation of a
14 child), 11-6.5 (indecent solicitation of an
15 adult), 11-15.1 (soliciting for a juvenile
16 prostitute), 11-17.1 (keeping a place of juvenile
17 prostitution), 11-18.1 (patronizing a juvenile
18 prostitute), 11-19.1 (juvenile pimping), 11-19.2
19 (exploitation of a child), 11-20.1 (child
20 pornography), 12-14.1 (predatory criminal sexual
21 assault of a child), or 12-33 (ritualized abuse of
22 a child). An attempt to commit any of these
23 offenses.

24 (ii) A violation of any of the following Sections
25 of the Criminal Code of 1961, when the victim is a
26 person under 18 years of age: 12-13 (criminal sexual

1 assault), 12-14 (aggravated criminal sexual assault),
2 12-16 (aggravated criminal sexual abuse), and
3 subsection (a) of Section 12-15 (criminal sexual
4 abuse). An attempt to commit any of these offenses.

5 (iii) 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 and the defendant is not a
8 parent of the victim:

9 10-1 (kidnapping),

10 10-2 (aggravated kidnapping),

11 10-3 (unlawful restraint),

12 10-3.1 (aggravated unlawful restraint).

13 An attempt to commit any of these offenses.

14 (iv) A violation of any former law of this State
15 substantially equivalent to any offense listed in this
16 paragraph (2.5) of this subsection.

17 (3) A conviction for an offense of federal law or the
18 law of another state that is substantially equivalent to
19 any offense listed in paragraph (2) of this subsection (d)
20 shall constitute a conviction for the purpose of this
21 Section. A finding or adjudication as a sexually dangerous
22 person under any federal law or law of another state that
23 is substantially equivalent to the Sexually Dangerous
24 Persons Act shall constitute an adjudication for the
25 purposes of this Section.

26 (4) "Public park" includes a park, forest preserve, or

1 conservation area under the jurisdiction of the State or a
2 unit of local government.

3 (5) "Facility providing programs or services directed
4 towards persons under the age of 18" means any facility
5 providing programs or services exclusively directed
6 towards persons under the age of 18.

7 (6) "Loiter" means:

8 (i) Standing, sitting idly, whether or not the
9 person is in a vehicle or remaining in or around public
10 park property.

11 (ii) Standing, sitting idly, whether or not the
12 person is in a vehicle or remaining in or around public
13 park property, for the purpose of committing or
14 attempting to commit a sex offense.

15 (7) "Playground" means a piece of land owned or
16 controlled by a unit of local government that is designated
17 by the unit of local government for use solely or primarily
18 for children's recreation.

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

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

23 (10) "Part day child care facility" has the meaning
24 ascribed to it in Section 2.10 of the Child Care Act of
25 1969.

26 (e) Sentence. A person who violates this Section is guilty

1 of a Class 4 felony.

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