

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 (Text of Section after amendment by P.A. 95-640)

8 Sec. 11-9.4. Approaching, contacting, residing, or
9 communicating with a child within certain places by child sex
10 offenders prohibited.

11 (a) It is unlawful for a child sex offender to knowingly be
12 present in any public park building or on real property
13 comprising any public park when persons under the age of 18 are
14 present in the building or on the grounds and to approach,
15 contact, or communicate with a child under 18 years of age,
16 unless the offender is a parent or guardian of a person under
17 18 years of age present in the building or on the grounds.

18 (b) It is unlawful for a child sex offender to knowingly
19 loiter on a public way within 500 feet of a public park
20 building or real property comprising any public park while
21 persons under the age of 18 are present in the building or on
22 the grounds and to approach, contact, or communicate with a
23 child under 18 years of age, unless the offender is a parent or

1 guardian of a person under 18 years of age present in the
2 building or on the grounds.

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

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

26 This subsection (b-6) does not apply if the victim of the

1 sex offense is 21 years of age or older.

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

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

23 (c-6) It is unlawful for a child sex offender who owns and
24 resides at residential real estate to knowingly rent any
25 residential unit within the same building in which he or she
26 resides to a person who is the parent or guardian of a child or

1 children under 18 years of age. This subsection shall apply
2 only to leases or other rental arrangements entered into after
3 the effective date of this amendatory Act of the 95th General
4 Assembly.

5 (d) Definitions. In this Section:

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

7 (i) has been charged under Illinois law, or any
8 substantially similar federal law or law of another
9 state, with a sex offense set forth in paragraph (2) of
10 this subsection (d) or the attempt to commit an
11 included sex offense, and:

12 (A) is convicted of such offense or an attempt
13 to commit such offense; or

14 (B) is found not guilty by reason of insanity
15 of such offense or an attempt to commit such
16 offense; or

17 (C) is found not guilty by reason of insanity
18 pursuant to subsection (c) of Section 104-25 of the
19 Code of Criminal Procedure of 1963 of such offense
20 or an attempt to commit such offense; or

21 (D) is the subject of a finding not resulting
22 in an acquittal at a hearing conducted pursuant to
23 subsection (a) of Section 104-25 of the Code of
24 Criminal Procedure of 1963 for the alleged
25 commission or attempted commission of such
26 offense; or

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

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

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

21 (iii) is subject to the provisions of Section 2 of
22 the Interstate Agreements on Sexually Dangerous
23 Persons Act.

24 Convictions that result from or are connected with the
25 same act, or result from offenses committed at the same
26 time, shall be counted for the purpose of this Section as

1 one conviction. Any conviction set aside pursuant to law is
2 not a conviction for purposes of this Section.

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

5 (i) A violation of any of the following Sections of
6 the Criminal Code of 1961: 10-7 (aiding and abetting
7 child abduction under Section 10-5(b)(10)),
8 10-5(b)(10) (child luring), 11-6 (indecent
9 solicitation of a child), 11-6.5 (indecent
10 solicitation of an adult), 11-9 (public indecency when
11 committed in a school, on the real property comprising
12 a school, on a conveyance owned, leased, or contracted
13 by a school to transport students to or from school or
14 a school related activity, or in a public park), 11-9.1
15 (sexual exploitation of a child), 11-15.1 (soliciting
16 for a juvenile prostitute), 11-17.1 (keeping a place of
17 juvenile prostitution), 11-18.1 (patronizing a
18 juvenile prostitute), 11-19.1 (juvenile pimping),
19 11-19.2 (exploitation of a child), 11-20.1 (child
20 pornography), 11-20.3 (aggravated child pornography),
21 11-21 (harmful material), 12-14.1 (predatory criminal
22 sexual assault of a child), 12-33 (ritualized abuse of
23 a child), 11-20 (obscenity) (when that offense was
24 committed in any school, on real property comprising
25 any school, on any conveyance owned, leased, or
26 contracted by a school to transport students to or from

1 school or a school related activity, or in a public
2 park). An attempt to commit any of these offenses.

3 (ii) 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: 12-13 (criminal sexual
6 assault), 12-14 (aggravated criminal sexual assault),
7 12-15 (criminal sexual abuse), 12-16 (aggravated
8 criminal sexual abuse). An attempt to commit any of
9 these offenses.

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

14 10-1 (kidnapping),
15 10-2 (aggravated kidnapping),
16 10-3 (unlawful restraint),
17 10-3.1 (aggravated unlawful restraint).

18 An attempt to commit any of these offenses.

19 (iv) A violation of any former law of this State
20 substantially equivalent to any offense listed in
21 clause (2)(i) of this subsection (d).

22 (2.5) For the purposes of subsection (b-5) only, a sex
23 offense means:

24 (i) A violation of any of the following Sections of
25 the Criminal Code of 1961:

26 10-5(b)(10) (child luring), 10-7 (aiding and

1 abetting child abduction under Section
2 10-5(b)(10)), 11-6 (indecent solicitation of a
3 child), 11-6.5 (indecent solicitation of an
4 adult), 11-15.1 (soliciting for a juvenile
5 prostitute), 11-17.1 (keeping a place of juvenile
6 prostitution), 11-18.1 (patronizing a juvenile
7 prostitute), 11-19.1 (juvenile pimping), 11-19.2
8 (exploitation of a child), 11-20.1 (child
9 pornography), 11-20.3 (aggravated child
10 pornography), 12-14.1 (predatory criminal sexual
11 assault of a child), or 12-33 (ritualized abuse of
12 a child). An attempt to commit any of these
13 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 12-16 (aggravated criminal sexual abuse), and
19 subsection (a) of Section 12-15 (criminal sexual
20 abuse). An attempt to commit any of 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 this
6 paragraph (2.5) of this subsection.

7 (3) A conviction for an offense of federal law or the
8 law of another state that is substantially equivalent to
9 any offense listed in paragraph (2) of this subsection (d)
10 shall constitute a conviction for the purpose of this
11 Section. A finding or adjudication as a sexually dangerous
12 person under any federal law or law of another state that
13 is substantially equivalent to the Sexually Dangerous
14 Persons Act shall constitute an adjudication for the
15 purposes of this Section.

16 (4) "Public park" includes a park, forest preserve, or
17 conservation area under the jurisdiction of the State or a
18 unit of local government.

19 (5) "Facility providing programs or services directed
20 towards persons under the age of 18" means any facility
21 providing programs or services exclusively directed
22 towards persons under the age of 18.

23 (6) "Loiter" means:

24 (i) Standing, sitting idly, whether or not the
25 person is in a vehicle or remaining in or around public
26 park property.

1 (ii) Standing, sitting idly, whether or not the
2 person is in a vehicle or remaining in or around public
3 park property, for the purpose of committing or
4 attempting to commit a sex offense.

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

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

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

13 (10) "Part day child care facility" has the meaning
14 ascribed to it in Section 2.10 of the Child Care Act of
15 1969.

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

18 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,
19 eff. 6-1-08; revised 10-30-07.)

20 Section 10. The Landlord and Tenant Act is amended by
21 adding Section 10 as follows:

22 (765 ILCS 705/10 new)

23 Sec. 10. Failure to inform lessor who is a child sex
24 offender and who resides in the same building in which the

1 lessee resides or intends to reside that the lessee is a parent
2 or guardian of a child under 18 years of age. If a lessor of
3 residential real estate resides at such real estate and is a
4 child sex offender as defined in Section 11-9.4 of the Criminal
5 Code of 1961 and rents such real estate to a person who does
6 not inform the lessor that the person is a parent or guardian
7 of a child or children under 18 years of age and subsequent to
8 such lease, the lessee discovers that the landlord is a child
9 sex offender, then the lessee may not terminate the lease based
10 upon such discovery that the lessor is a child sex offender and
11 such lease shall be in full force and effect. This subsection
12 shall apply only to leases or other rental arrangements entered
13 into after the effective date of this amendatory Act of the
14 95th General Assembly.

15 Section 15. The Illinois Human Rights Act is amended by
16 changing Section 3-106 as follows:

17 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

18 Sec. 3-106. Exemptions. Nothing contained in Section 3-102
19 shall prohibit:

20 (A) Private Sales of Single Family Homes.

21 (1) Any sale of a single family home by its owner so
22 long as the following criteria are met:

23 (a) The owner does not own or have a beneficial
24 interest in more than three single family homes at the

1 time of the sale;

2 (b) The owner or a member of his or her family was
3 the last current resident of the home;

4 (c) The home is sold without the use in any manner
5 of the sales or rental facilities or services of any
6 real estate broker or salesman, or of any employee or
7 agent of any real estate broker or salesman;

8 (d) The home is sold without the publication,
9 posting or mailing, after notice, of any advertisement
10 or written notice in violation of paragraph (F) of
11 Section 3-102.

12 (2) This exemption does not apply to paragraph (F) of
13 Section 3-102.

14 (B) Apartments. Rental of a housing accommodation in a
15 building which contains housing accommodations for not more
16 than 4 families living independently of each other, if the
17 owner resides in one of the housing accommodations. This
18 exemption does not apply to paragraph (F) of Section 3-102.

19 (C) Private Rooms. Rental of a room or rooms in a private
20 home by an owner if he or she or a member of his or her family
21 resides therein or, while absent for a period of not more than
22 twelve months, if he or she or a member of his or her family
23 intends to return to reside therein.

24 (D) Reasonable local, State, or Federal restrictions
25 regarding the maximum number of occupants permitted to occupy a
26 dwelling.

1 (E) Religious Organizations. A religious organization,
2 association, or society, or any nonprofit institution or
3 organization operated, supervised or controlled by or in
4 conjunction with a religious organization, association, or
5 society, from limiting the sale, rental or occupancy of a
6 dwelling which it owns or operates for other than a commercial
7 purpose to persons of the same religion, or from giving
8 preference to such persons, unless membership in such religion
9 is restricted on account of race, color, or national origin.

10 (F) Sex. Restricting the rental of rooms in a housing
11 accommodation to persons of one sex.

12 (G) Persons Convicted of Drug-Related Offenses. Conduct
13 against a person because such person has been convicted by any
14 court of competent jurisdiction of the illegal manufacture or
15 distribution of a controlled substance as defined in Section
16 102 of the federal Controlled Substances Act (21 U.S.C. 802).

17 (H) Persons engaged in the business of furnishing
18 appraisals of real property from taking into consideration
19 factors other than those based on unlawful discrimination or
20 familial status in furnishing appraisals.

21 (H-1) The owner of an owner-occupied residential building
22 with 4 or fewer units (including the unit in which the owner
23 resides) from making decisions regarding whether to rent to a
24 person based upon that person's sexual orientation.

25 (I) Housing for Older Persons. No provision in this Article
26 regarding familial status shall apply with respect to housing

1 for older persons.

2 (1) As used in this Section, "housing for older
3 persons" means housing:

4 (a) provided under any State or Federal program
5 that the Department determines is specifically
6 designed and operated to assist elderly persons (as
7 defined in the State or Federal program); or

8 (b) intended for, and solely occupied by, persons
9 62 years of age or older; or

10 (c) intended and operated for occupancy by persons
11 55 years of age or older and:

12 (i) at least 80% of the occupied units are
13 occupied by at least one person who is 55 years of
14 age or older;

15 (ii) the housing facility or community
16 publishes and adheres to policies and procedures
17 that demonstrate the intent required under this
18 subdivision (c); and

19 (iii) the housing facility or community
20 complies with rules adopted by the Department for
21 verification of occupancy, which shall:

22 (aa) provide for verification by reliable
23 surveys and affidavits; and

24 (bb) include examples of the types of
25 policies and procedures relevant to a
26 determination of compliance with the

1 requirement of clause (ii).

2 These surveys and affidavits shall be admissible in
3 administrative and judicial proceedings for the purposes
4 of such verification.

5 (2) Housing shall not fail to meet the requirements for
6 housing for older persons by reason of:

7 (a) persons residing in such housing as of the
8 effective date of this amendatory Act of 1989 who do
9 not meet the age requirements of subsections (1)(b) or
10 (c); provided, that new occupants of such housing meet
11 the age requirements of subsections (1)(b) or (c) of
12 this subsection; or

13 (b) unoccupied units; provided, that such units
14 are reserved for occupancy by persons who meet the age
15 requirements of subsections (1)(b) or (c) of this
16 subsection.

17 (3) (a) A person shall not be held personally liable
18 for monetary damages for a violation of this Article if
19 the person reasonably relied, in good faith, on the
20 application of the exemption under this subsection (I)
21 relating to housing for older persons.

22 (b) For the purposes of this item (3), a person may
23 show good faith reliance on the application of the
24 exemption only by showing that:

25 (i) the person has no actual knowledge that the
26 facility or community is not, or will not be,

1 eligible for the exemption; and
2 (ii) the facility or community has stated
3 formally, in writing, that the facility or
4 community complies with the requirements for the
5 exemption.

6 (J) Child Sex Offender Refusal to Rent. Refusal of a child
7 sex offender who owns and resides at residential real estate to
8 rent any residential unit within the same building in which he
9 or she resides to a person who is the parent or guardian of a
10 child or children under 18 years of age.

11 (Source: P.A. 95-42, eff. 8-10-07.)