

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, day care home,  
6 group day care home, or a facility providing programs or  
7 services exclusively directed toward persons under 18 years of  
8 age. Nothing in this subsection (b-5) prohibits a child sex  
9 offender from residing within 500 feet of a playground or a  
10 facility providing programs or services exclusively directed  
11 toward persons under 18 years of age if the property is owned  
12 by the child sex offender and was purchased before the  
13 effective date of this amendatory Act of the 91st General  
14 Assembly. Nothing in this subsection (b-5) prohibits a child  
15 sex offender from residing within 500 feet of a child care  
16 institution, day care center, or part day child care facility  
17 if the property is owned by the child sex offender and was  
18 purchased before the effective date of this amendatory Act of  
19 the 94th General Assembly. Nothing in this subsection (b-5)  
20 prohibits a child sex offender from residing within 500 feet of  
21 a day care home or group day care home if the property is owned  
22 by the child sex offender and was purchased before the  
23 effective date of this amendatory Act of the 95th General  
24 Assembly.

25 (b-6) It is unlawful for a child sex offender to knowingly  
26 reside within 500 feet of the victim of the sex offense.

1 Nothing in this subsection (b-6) prohibits a child sex offender  
2 from residing within 500 feet of the victim if the property in  
3 which the child sex offender resides is owned by the child sex  
4 offender and was purchased before the effective date of this  
5 amendatory Act of the 92nd General Assembly.

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

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

1 care home is operated.

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

5 (c-6) It is unlawful for a child sex offender to knowingly  
6 offer or provide any programs or services to persons under 18  
7 years of age in his or her residence or the residence of  
8 another or in any facility for the purpose of offering or  
9 providing such programs or services, whether such programs or  
10 services are offered or provided by contract, agreement,  
11 arrangement, or on a volunteer basis.

12 (d) Definitions. In this Section:

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

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

19 (A) is convicted of such offense or an attempt  
20 to commit such offense; or

21 (B) is found not guilty by reason of insanity  
22 of such offense or an attempt to commit such  
23 offense; or

24 (C) is found not guilty by reason of insanity  
25 pursuant to subsection (c) of Section 104-25 of the  
26 Code of Criminal Procedure of 1963 of such offense

1 or an attempt to commit such offense; or

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

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

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

22 (ii) is certified as a sexually dangerous person  
23 pursuant to the Illinois Sexually Dangerous Persons  
24 Act, or any substantially similar federal law or the  
25 law of another state, when any conduct giving rise to  
26 such certification is committed or attempted against a

1 person less than 18 years of age; or

2 (iii) is subject to the provisions of Section 2 of  
3 the Interstate Agreements on Sexually Dangerous  
4 Persons Act.

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

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

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

1           pornography), 11-20.3 (aggravated child pornography),  
2           11-21 (harmful material), 12-14.1 (predatory criminal  
3           sexual assault of a child), 12-33 (ritualized abuse of  
4           a child), 11-20 (obscenity) (when that offense was  
5           committed in any school, on real property comprising  
6           any school, on any conveyance owned, leased, or  
7           contracted by a school to transport students to or from  
8           school or a school related activity, or in a public  
9           park). An attempt to commit any of these offenses.

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

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

21                   10-1 (kidnapping),  
22                   10-2 (aggravated kidnapping),  
23                   10-3 (unlawful restraint),  
24                   10-3.1 (aggravated unlawful restraint).

25           An attempt to commit any of these offenses.

26           (iv) A violation of any former law of this State

1 substantially equivalent to any offense listed in  
2 clause (2) (i) of this subsection (d).

3 (2.5) For the purposes of subsection (b-5) only, a sex  
4 offense means:

5 (i) A violation of any of the following Sections of  
6 the Criminal Code of 1961:

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



1 abuse). An attempt to commit any of 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 this  
13 paragraph (2.5) of this subsection.

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

23 (4) "Public park" includes a park, forest preserve, or  
24 conservation area under the jurisdiction of the State or a  
25 unit of local government.

26 (5) "Facility providing programs or services directed

1 towards persons under the age of 18" means any facility  
2 providing programs or services exclusively directed  
3 towards persons under the age of 18.

4 (6) "Loiter" means:

5 (i) Standing, sitting idly, whether or not the  
6 person is in a vehicle or remaining in or around public  
7 park property.

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

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

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

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

20 (10) "Part day child care facility" has the meaning  
21 ascribed to it in Section 2.10 of the Child Care Act of  
22 1969.

23 (11) "Day care home" has the meaning ascribed to it in  
24 Section 2.18 of the Child Care Act of 1969.

25 (12) "Group day care home" has the meaning ascribed to  
26 it in Section 2.20 of the Child Care Act of 1969.

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

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

5           Section 99. Effective date. This Act takes effect on June  
6 1, 2008.