



Sen. Kirk W. Dillard

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1 AMENDMENT TO SENATE BILL 417

2 AMENDMENT NO. _____. Amend Senate Bill 417 on page 1, by
3 inserting below line 12 the following:

4 "Section 10. The Criminal Code of 1961 is amended by
5 changing Section 11-9.3 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

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

24 ~~Nothing in this Section shall be construed to infringe upon~~
25 ~~the constitutional right of a child sex offender to be present~~
26 ~~in a school building that is used as a polling place for the~~

1 ~~purpose of voting.~~

2 ~~(1) (Blank; or)~~

3 ~~(2) (Blank.)~~

4 (b) It is unlawful for a child sex offender to knowingly
5 loiter within 500 feet of a school building or real property
6 comprising any school while persons under the age of 18 are
7 present in the building or on the grounds, unless the offender
8 is a parent or guardian of a student attending the school and
9 the parent or guardian is: (i) attending a conference at the
10 school with school personnel to discuss the progress of his or
11 her child academically or socially, (ii) participating in child
12 review conferences in which evaluation and placement decisions
13 may be made with respect to his or her child regarding special
14 education services, or (iii) attending conferences to discuss
15 other student issues concerning his or her child such as
16 retention and promotion and notifies the principal of the
17 school of his or her presence at the school or has permission
18 to be present from the superintendent or the school board or in
19 the case of a private school from the principal. In the case of
20 a public school, if permission is granted, the superintendent
21 or school board president must inform the principal of the
22 school where the sex offender will be present. Notification
23 includes the nature of the sex offender's visit and the hours
24 in which the sex offender will be present in the school. The
25 sex offender is responsible for notifying the principal's
26 office when he or she arrives on school property and when he or

1 she departs from school property. If the sex offender is to be
2 present in the vicinity of children, the sex offender has the
3 duty to remain under the direct supervision of a school
4 official. A child sex offender who violates this provision is
5 guilty of a Class 4 felony.

6 ~~(1) (Blank; or)~~

7 ~~(2) (Blank.)~~

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

17 (c) Definitions. In this Section:

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

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

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

26 (B) is found not guilty by reason of insanity

1 of such offense or an attempt to commit such
2 offense; or

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

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

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

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

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

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

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

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

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

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

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 subsection (c) of
20 this Section shall constitute a conviction for the purpose
21 of this Article. A finding or adjudication as a sexually
22 dangerous person under any federal law or law of another
23 state that is substantially equivalent to the Sexually
24 Dangerous Persons Act shall constitute an adjudication for
25 the purposes of this Section.

26 (4) "School" means a public or private pre-school,

1 elementary, or secondary school.

2 (5) "Loiter" means:

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

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

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

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

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

18 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
19 94-170, eff. 7-11-05; revised 9-15-06.)".