



Sen. Kirk W. Dillard

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1 AMENDMENT TO SENATE BILL 417

2 AMENDMENT NO. _____. Amend Senate Bill 417, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Election Code is amended by adding Section
6 1-15 as follows:

7 (10 ILCS 5/1-15 new)

8 Sec. 1-15. Sex offenders. Notwithstanding any other
9 provision of this Code to the contrary, an otherwise qualified
10 elector subject to the registration requirement of the Sex
11 Offender Registration Act whose assigned polling place is in a
12 school must vote by absentee ballot or early voting ballot. A
13 person subject to the registration requirement of the Sex
14 Offender Registration Act who enters a polling place located in
15 a school commits a Class 4 felony.

16 Each election authority shall distribute to the election

1 judges of a polling place located in a school at least one copy
2 of the list of persons registered in the election jurisdiction
3 under the Sex Offender Registration Act provided to the
4 election authority by the Department of State Police under
5 Section 120 of the Sex Offender Community Notification Law. An
6 election judge who becomes aware of a person who enters a
7 polling place in violation of this Section shall promptly
8 notify the local law enforcement authority.

9 Section 10. The Criminal Code of 1961 is amended by
10 changing Section 11-9.3 as follows:

11 (720 ILCS 5/11-9.3)

12 Sec. 11-9.3. Presence within school zone by child sex
13 offenders prohibited.

14 (a) It is unlawful for a child sex offender to knowingly be
15 present in any school building, on real property comprising any
16 school, or in any conveyance owned, leased, or contracted by a
17 school to transport students to or from school or a school
18 related activity when persons under the age of 18 are present
19 in the building, on the grounds or in the conveyance, unless
20 the offender is a parent or guardian of a student attending the
21 school and the parent or guardian is: (i) attending a
22 conference at the school with school personnel to discuss the
23 progress of his or her child academically or socially, (ii)
24 participating in child review conferences in which evaluation

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

21 ~~Nothing in this Section shall be construed to infringe upon~~
22 ~~the constitutional right of a child sex offender to be present~~
23 ~~in a school building that is used as a polling place for the~~
24 ~~purpose of voting.~~

25 ~~(1) (Blank; or)~~

26 ~~(2) (Blank.)~~

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

1 official. A child sex offender who violates this provision is
2 guilty of a Class 4 felony.

3 ~~(1) (Blank; or)~~

4 ~~(2) (Blank.)~~

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

14 (c) Definitions. In this Section:

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

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

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

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

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

1 pursuant to subsection (c) of Section 104-25 of the
2 Code of Criminal Procedure of 1963 of such offense
3 or an attempt to commit such offense; or

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

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

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

24 (ii) is certified as a sexually dangerous person
25 pursuant to the Illinois Sexually Dangerous Persons
26 Act, or any substantially similar federal law or the

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

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

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

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

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

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

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

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

22 10-1 (kidnapping),

23 10-2 (aggravated kidnapping),

24 10-3 (unlawful restraint),

25 10-3.1 (aggravated unlawful restraint).

26 An attempt to commit any of these offenses.

1 (iv) A violation of any former law of this State
2 substantially equivalent to any offense listed in
3 clause (2)(i) of subsection (c) of this Section.

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

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

8 10-5(b)(10) (child luring), 10-7 (aiding and
9 abetting child abduction under Section
10 10-5(b)(10)), 11-6 (indecent solicitation of a
11 child), 11-6.5 (indecent solicitation of an
12 adult), 11-15.1 (soliciting for a juvenile
13 prostitute), 11-17.1 (keeping a place of juvenile
14 prostitution), 11-18.1 (patronizing a juvenile
15 prostitute), 11-19.1 (juvenile pimping), 11-19.2
16 (exploitation of a child), 11-20.1 (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 subsection (c) of
17 this Section shall constitute a conviction for the purpose
18 of this Article. A finding or adjudication as a sexually
19 dangerous person under any federal law or law of another
20 state that is substantially equivalent to the Sexually
21 Dangerous Persons Act shall constitute an adjudication for
22 the purposes of this Section.

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

25 (5) "Loiter" means:

26 (i) Standing, sitting idly, whether or not the

1 person is in a vehicle or remaining in or around school
2 property.

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

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

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

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

15 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
16 94-170, eff. 7-11-05; revised 9-15-06.)

17 Section 15. The Sex Offender Community Notification Law is
18 amended by changing Section 120 as follows:

19 (730 ILCS 152/120)

20 Sec. 120. Community notification of sex offenders.

21 (a) The sheriff of the county, except Cook County, shall
22 disclose to the following the name, address, date of birth,
23 place of employment, school attended, and offense or
24 adjudication of all sex offenders required to register under

1 Section 3 of the Sex Offender Registration Act:

2 (1) The boards of institutions of higher education or
3 other appropriate administrative offices of each
4 non-public institution of higher education located in the
5 county where the sex offender is required to register,
6 resides, is employed, or is attending an institution of
7 higher education; and

8 (2) School boards of public school districts and the
9 principal or other appropriate administrative officer of
10 each nonpublic school located in the county where the sex
11 offender is required to register or is employed; and

12 (3) Child care facilities located in the county where
13 the sex offender is required to register or is employed.

14 (a-2) The sheriff of Cook County shall disclose to the
15 following the name, address, date of birth, place of
16 employment, school attended, and offense or adjudication of all
17 sex offenders required to register under Section 3 of the Sex
18 Offender Registration Act:

19 (1) School boards of public school districts and the
20 principal or other appropriate administrative officer of
21 each nonpublic school located within the region of Cook
22 County, as those public school districts and nonpublic
23 schools are identified in LEADS, other than the City of
24 Chicago, where the sex offender is required to register or
25 is employed; and

26 (2) Child care facilities located within the region of

1 Cook County, as those child care facilities are identified
2 in LEADS, other than the City of Chicago, where the sex
3 offender is required to register or is employed; and

4 (3) The boards of institutions of higher education or
5 other appropriate administrative offices of each
6 non-public institution of higher education located in the
7 county, other than the City of Chicago, where the sex
8 offender is required to register, resides, is employed, or
9 attending an institution of higher education.

10 (a-3) The Chicago Police Department shall disclose to the
11 following the name, address, date of birth, place of
12 employment, school attended, and offense or adjudication of all
13 sex offenders required to register under Section 3 of the Sex
14 Offender Registration Act:

15 (1) School boards of public school districts and the
16 principal or other appropriate administrative officer of
17 each nonpublic school located in the police district where
18 the sex offender is required to register or is employed if
19 the offender is required to register or is employed in the
20 City of Chicago; and

21 (2) Child care facilities located in the police
22 district where the sex offender is required to register or
23 is employed if the offender is required to register or is
24 employed in the City of Chicago; and

25 (3) The boards of institutions of higher education or
26 other appropriate administrative offices of each

1 non-public institution of higher education located in the
2 police district where the sex offender is required to
3 register, resides, is employed, or attending an
4 institution of higher education in the City of Chicago.

5 (a-4) The Department of State Police shall provide a list
6 of sex offenders required to register to the Illinois
7 Department of Children and Family Services.

8 (a-5) Thirty days before a regular election, as defined in
9 Section 1-3 of the Election Code, the Department of State
10 Police shall provide to each election authority a list of
11 persons registered within the jurisdiction of the election
12 authority.

13 (b) The Department of State Police and any law enforcement
14 agency may disclose, in the Department's or agency's
15 discretion, the following information to any person likely to
16 encounter a sex offender, or sexual predator:

17 (1) The offender's name, address, and date of birth.

18 (2) The offense for which the offender was convicted.

19 (3) Adjudication as a sexually dangerous person.

20 (4) The offender's photograph or other such
21 information that will help identify the sex offender.

22 (5) Offender employment information, to protect public
23 safety.

24 (c) The name, address, date of birth, offense or
25 adjudication, the county of conviction, license plate numbers
26 for every vehicle registered in the name of the sex offender,

1 the age of the sex offender at the time of the commission of
2 the offense, the age of the victim at the time of the
3 commission of the offense, and any distinguishing marks located
4 on the body of the sex offender for sex offenders required to
5 register under Section 3 of the Sex Offender Registration Act
6 shall be open to inspection by the public as provided in this
7 Section. Every municipal police department shall make
8 available at its headquarters the information on all sex
9 offenders who are required to register in the municipality
10 under the Sex Offender Registration Act. The sheriff shall also
11 make available at his or her headquarters the information on
12 all sex offenders who are required to register under that Act
13 and who live in unincorporated areas of the county. Sex
14 offender information must be made available for public
15 inspection to any person, no later than 72 hours or 3 business
16 days from the date of the request. The request must be made in
17 person, in writing, or by telephone. Availability must include
18 giving the inquirer access to a facility where the information
19 may be copied. A department or sheriff may charge a fee, but
20 the fee may not exceed the actual costs of copying the
21 information. An inquirer must be allowed to copy this
22 information in his or her own handwriting. A department or
23 sheriff must allow access to the information during normal
24 public working hours. The sheriff or a municipal police
25 department may publish the photographs of sex offenders where
26 any victim was 13 years of age or younger and who are required

1 to register in the municipality or county under the Sex
2 Offender Registration Act in a newspaper or magazine of general
3 circulation in the municipality or county or may disseminate
4 the photographs of those sex offenders on the Internet or on
5 television. The law enforcement agency may make available the
6 information on all sex offenders residing within any county.

7 (d) The Department of State Police and any law enforcement
8 agency having jurisdiction may, in the Department's or agency's
9 discretion, place the information specified in subsection (b)
10 on the Internet or in other media.

11 (e) (Blank).

12 (f) The administrator of a transitional housing facility
13 for sex offenders shall comply with the notification procedures
14 established in paragraph (4) of subsection (b) of Section
15 3-17-5 of the Unified Code of Corrections.

16 (g) A principal or teacher of a public or private
17 elementary or secondary school shall notify the parents of
18 children attending the school during school registration or
19 during parent-teacher conferences that information about sex
20 offenders is available to the public as provided in this Act.

21 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;
22 94-994, eff. 1-1-07.)".