



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3975

Introduced 2/26/2009, by Rep. Charles E. Jefferson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3
720 ILCS 5/11-9.4
730 ILCS 150/8

from Ch. 38, par. 228

Amends the Criminal Code of 1961 and the Sex Offender Registration Act. Prohibits a child sex offender from residing within 1,000 (rather than 500) feet of a school, park, playground, child care institution, day care center, part day child care facility, day care home, group day care home, or facility providing services exclusively directed toward children under 18 years of age. Prohibits a child sex offender from loitering within 1,000 feet of a school or on a public way within 1,000 feet of a public park. Establishes exemptions for persons who purchased property before the effective date of the amendatory Act. Amends the Sex Offender Registration Act relating to the statement a child sex offender must sign that he or she understands the prohibitions imposed by Illinois law on residing or loitering in certain places. Effective immediately.

LRB096 10058 RLC 20223 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning sex offenders.

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 (a-5) It is unlawful for a child sex offender to knowingly
18 be present within 100 feet of a site posted as a pick-up or
19 discharge stop for a conveyance owned, leased, or contracted by
20 a school to transport students to or from school or a school
21 related activity when one or more persons under the age of 18
22 are present at the site.

23 (b) It is unlawful for a child sex offender to knowingly
24 loiter within 1,000 ~~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 (b-5) It is unlawful for a child sex offender to knowingly
26 reside within 1,000 ~~500~~ feet of a school building or the real

1 property comprising any school that persons under the age of 18
2 attend. Nothing in this subsection (b-5) prohibits a child sex
3 offender from residing within 500 feet of a school building or
4 the real property comprising any school that persons under 18
5 attend if the property is owned by the child sex offender and
6 was purchased before the effective date of this amendatory Act
7 of the 91st General Assembly. Nothing in this subsection (b-5)
8 prohibits a child sex offender from residing between 500 feet
9 and 1,000 feet of a school building or the real property
10 comprising any school that persons under 18 attend if the
11 property is owned by the child sex offender and was purchased
12 before the effective date of this amendatory Act of the 96th
13 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), 11-20.3 (aggravated child pornography),
4 11-21 (harmful material), 12-14.1 (predatory criminal
5 sexual assault of a child), 12-33 (ritualized abuse of
6 a child), 11-20 (obscenity) (when that offense was
7 committed in any school, on real property comprising
8 any school, in any conveyance owned, leased, or
9 contracted by a school to transport students to or from
10 school or a school related activity). An attempt to
11 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 10-5(b)(10)),
11 11-6 (indecent solicitation of a child), 11-6.5
12 (indecent solicitation of an adult), 11-15.1
13 (soliciting for a juvenile prostitute), 11-17.1
14 (keeping a place of juvenile prostitution), 11-18.1
15 (patronizing a juvenile prostitute), 11-19.1 (juvenile
16 pimping), 11-19.2 (exploitation of a child), 11-20.1
17 (child pornography), 11-20.3 (aggravated child
18 pornography), 12-14.1 (predatory criminal sexual
19 assault of a child), or 12-33 (ritualized abuse of a
20 child). An attempt to commit any of these 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 (c-5) For the purposes of this Section, the 500 feet
14 distance shall be measured from the edge of the property of the
15 school building or the real property comprising the school that
16 is closest to the edge of the property of the child sex
17 offender's residence or where he or she is loitering.

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

20 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
21 94-170, eff. 7-11-05; 95-331, eff. 8-21-07; 95-440, eff.
22 8-27-07; 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff.
23 8-21-08; revised 9-23-08.)

24 (720 ILCS 5/11-9.4)

25 (Text of Section before amendment by P.A. 95-983)

1 Sec. 11-9.4. Approaching, contacting, residing, or
2 communicating with a child within certain places by child sex
3 offenders prohibited.

4 (a) It is unlawful for a child sex offender to knowingly be
5 present in any public park building or on real property
6 comprising any public park when persons under the age of 18 are
7 present in the building or on the grounds and to approach,
8 contact, or communicate with a child under 18 years of age,
9 unless the offender is a parent or guardian of a person under
10 18 years of age present in the building or on the grounds.

11 (b) It is unlawful for a child sex offender to knowingly
12 loiter on a public way within 1,000 ~~500~~ feet of a public park
13 building or real property comprising any public park while
14 persons under the age of 18 are present in the building or on
15 the grounds and to approach, contact, or communicate with a
16 child under 18 years of age, unless the offender is a parent or
17 guardian of a person under 18 years of age present in the
18 building or on the grounds.

19 (b-5) It is unlawful for a child sex offender to knowingly
20 reside within 1,000 ~~500~~ feet of a playground, child care
21 institution, day care center, part day child care facility, day
22 care home, group day care home, or a facility providing
23 programs or services exclusively directed toward persons under
24 18 years of age. Nothing in this subsection (b-5) prohibits a
25 child sex offender from residing within 500 feet of a
26 playground or a facility providing programs or services

1 exclusively directed toward persons under 18 years of age if
2 the property is owned by the child sex offender and was
3 purchased before the effective date of this amendatory Act of
4 the 91st General Assembly. Nothing in this subsection (b-5)
5 prohibits a child sex offender from residing within 500 feet of
6 a child care institution, day care center, or part day child
7 care facility if the property is owned by the child sex
8 offender and was purchased before the effective date of this
9 amendatory Act of the 94th General Assembly. Nothing in this
10 subsection (b-5) prohibits a child sex offender from residing
11 within 500 feet of a day care home or group day care home if the
12 property is owned by the child sex offender and was purchased
13 before August 14, 2008 (the effective date of Public Act
14 95-821). Nothing in this subsection (b-5) prohibits a child sex
15 offender from residing between 500 feet and 1,000 feet of a
16 playground or a facility providing programs or services
17 exclusively directed toward persons under 18 years of age if
18 the property is owned by the child sex offender and was
19 purchased before the effective date of this amendatory Act of
20 the 96th General Assembly. Nothing in this subsection (b-5)
21 prohibits a child sex offender from residing between 500 feet
22 and 1,000 feet of a child care institution, day care center, or
23 part day child care facility if the property is owned by the
24 child sex offender and was purchased before the effective date
25 of this amendatory Act of the 96th General Assembly. Nothing in
26 this subsection (b-5) prohibits a child sex offender from

1 residing within between 500 feet and 1,000 feet of a day care
2 home or group day care home if the property is owned by the
3 child sex offender and was purchased before the effective date
4 of this amendatory Act of the 96th General Assembly ~~this~~
5 ~~amendatory Act of the 95th General Assembly.~~

6 (b-6) It is unlawful for a child sex offender to knowingly
7 reside within 1,000 ~~500~~ feet of the victim of the sex offense.
8 Nothing in this subsection (b-6) prohibits a child sex offender
9 from residing within 500 feet of the victim if the property in
10 which the child sex offender resides is owned by the child sex
11 offender and was purchased before the effective date of this
12 amendatory Act of the 92nd General Assembly. Nothing in this
13 subsection (b-6) prohibits a child sex offender from residing
14 between 500 and 1,000 feet of the victim if the property in
15 which the child sex offender resides is owned by the child sex
16 offender and was purchased before the effective date of this
17 amendatory Act of the 96th General Assembly.

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

20 (c) It is unlawful for a child sex offender to knowingly
21 operate, manage, be employed by, volunteer at, be associated
22 with, or knowingly be present at any: (i) facility providing
23 programs or services exclusively directed towards persons
24 under the age of 18; (ii) day care center; (iii) part day child
25 care facility; (iv) child care institution; (v) school
26 providing before and after school programs for children under

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

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

17 (c-6) It is unlawful for a child sex offender who owns and
18 resides at residential real estate to knowingly rent any
19 residential unit within the same building in which he or she
20 resides to a person who is the parent or guardian of a child or
21 children under 18 years of age. This subsection shall apply
22 only to leases or other rental arrangements entered into after
23 January 1, 2009 (the effective date of Public Act 95-820) ~~this~~
24 ~~amendatory Act of the 95th General Assembly.~~

25 (c-7) ~~(c-6)~~ It is unlawful for a child sex offender to
26 knowingly offer or provide any programs or services to persons

1 under 18 years of age in his or her residence or the residence
2 of another or in any facility for the purpose of offering or
3 providing such programs or services, whether such programs or
4 services are offered or provided by contract, agreement,
5 arrangement, or on a volunteer basis.

6 (d) Definitions. In this Section:

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

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

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

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

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

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

1 offense; or

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

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

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

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

25 Convictions that result from or are connected with the
26 same act, or result from offenses committed at the same

1 time, shall be counted for the purpose of this Section as
2 one conviction. Any conviction set aside pursuant to law is
3 not a conviction for purposes of this Section.

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

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

1 contracted by a school to transport students to or from
2 school or a school related activity, or in a public
3 park). An attempt to commit any of these offenses.

4 (ii) A violation of any of the following Sections
5 of the Criminal Code of 1961, when the victim is a
6 person under 18 years of age: 12-13 (criminal sexual
7 assault), 12-14 (aggravated criminal sexual assault),
8 12-15 (criminal sexual abuse), 12-16 (aggravated
9 criminal sexual abuse). An attempt to commit any of
10 these offenses.

11 (iii) 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 and the defendant is not a
14 parent of the victim:

15 10-1 (kidnapping),

16 10-2 (aggravated kidnapping),

17 10-3 (unlawful restraint),

18 10-3.1 (aggravated unlawful restraint).

19 An attempt to commit any of these offenses.

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

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

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

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

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

22 (iii) 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 and the defendant is not a
25 parent of the victim:

26 10-1 (kidnapping),

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

4 An attempt to commit any of these offenses.

5 (iv) A violation of any former law of this State
6 substantially equivalent to any offense listed in this
7 paragraph (2.5) of this subsection.

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

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

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

24 (6) "Loiter" means:

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

1 park property.

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

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

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

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

14 (10) "Part day child care facility" has the meaning
15 ascribed to it in Section 2.10 of the Child Care Act of
16 1969.

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

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

21 (d-5) For the purposes of this Section, the 1,000 ~~500~~ feet
22 distance shall be measured from the edge of the property
23 comprising the public park building or the real property
24 comprising the public park, playground, child care
25 institution, day care center, part day child care facility, or
26 a facility providing programs or services exclusively directed

1 toward persons under 18 years of age, or a victim of the sex
2 offense who is under 21 years of age to the edge of the child
3 sex offender's place of residence or where he or she is
4 loitering.

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

7 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,
8 eff. 6-1-08; 95-819, eff. 1-1-09; 95-820, eff. 1-1-09; 95-821,
9 eff. 8-14-08; 95-876, eff. 8-21-08; revised 10-20-08.)

10 (Text of Section after amendment by P.A. 95-983)

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

14 (a) It is unlawful for a child sex offender to knowingly be
15 present in any public park building or on real property
16 comprising any public park when persons under the age of 18 are
17 present in the building or on the grounds and to approach,
18 contact, or communicate with a child under 18 years of age,
19 unless the offender is a parent or guardian of a person under
20 18 years of age present in the building or on the grounds.

21 (b) It is unlawful for a child sex offender to knowingly
22 loiter on a public way within 1,000 ~~500~~ feet of a public park
23 building or real property comprising any public park while
24 persons under the age of 18 are present in the building or on
25 the grounds and to approach, contact, or communicate with a

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

4 (b-5) It is unlawful for a child sex offender to knowingly
5 reside within 1,000 ~~500~~ feet of a playground, child care
6 institution, day care center, part day child care facility, day
7 care home, group day care home, or a facility providing
8 programs or services exclusively directed toward persons under
9 18 years of age. Nothing in this subsection (b-5) prohibits a
10 child sex offender from residing within 1,000 ~~500~~ feet of a
11 playground or a facility providing programs or services
12 exclusively directed toward persons under 18 years of age if
13 the property is owned by the child sex offender and was
14 purchased before the effective date of this amendatory Act of
15 the 91st General Assembly. Nothing in this subsection (b-5)
16 prohibits a child sex offender from residing within 500 feet of
17 a child care institution, day care center, or part day child
18 care facility if the property is owned by the child sex
19 offender and was purchased before the effective date of this
20 amendatory Act of the 94th General Assembly. Nothing in this
21 subsection (b-5) prohibits a child sex offender from residing
22 within 500 feet of a day care home or group day care home if the
23 property is owned by the child sex offender and was purchased
24 before August 14, 2008 (the effective date of Public Act
25 95-821). Nothing in this subsection (b-5) prohibits a child sex
26 offender from residing between 500 feet and 1,000 feet of a

1 playground or a facility providing programs or services
2 exclusively directed toward persons under 18 years of age if
3 the property is owned by the child sex offender and was
4 purchased before the effective date of this amendatory Act of
5 the 96th General Assembly. Nothing in this subsection (b-5)
6 prohibits a child sex offender from residing between 500 feet
7 and 1,000 feet of a child care institution, day care center, or
8 part day child care facility if the property is owned by the
9 child sex offender and was purchased before the effective date
10 of this amendatory Act of the 96th General Assembly. Nothing in
11 this subsection (b-5) prohibits a child sex offender from
12 residing within between 500 feet and 1,000 feet of a day care
13 home or group day care home if the property is owned by the
14 child sex offender and was purchased before the effective date
15 of this amendatory Act of the 96th General Assembly ~~this~~
16 ~~amendatory Act of the 95th General Assembly.~~

17 (b-6) It is unlawful for a child sex offender to knowingly
18 reside within 1,000 ~~500~~ feet of the victim of the sex offense.
19 Nothing in this subsection (b-6) prohibits a child sex offender
20 from residing within 500 feet of the victim if the property in
21 which the child sex offender resides is owned by the child sex
22 offender and was purchased before the effective date of this
23 amendatory Act of the 92nd General Assembly. Nothing in this
24 subsection (b-6) prohibits a child sex offender from residing
25 between 500 and 1,000 feet of the victim if the property in
26 which the child sex offender resides is owned by the child sex

1 offender and was purchased before the effective date of this
2 amendatory Act of the 96th General Assembly.

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

5 (b-7) It is unlawful for a child sex offender to knowingly
6 communicate, other than for a lawful purpose under Illinois
7 law, using the Internet or any other digital media, with a
8 person under 18 years of age or with a person whom he or she
9 believes to be a person under 18 years of age, unless the
10 offender is a parent or guardian of the person under 18 years
11 of age.

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

1 programs or services are being offered or (2) the day care
2 center, part day child care facility, child care institution,
3 school providing before and after school programs for children
4 under 18 years of age, day care home, or group day care home is
5 operated.

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

9 (c-6) It is unlawful for a child sex offender who owns and
10 resides at residential real estate to knowingly rent any
11 residential unit within the same building in which he or she
12 resides to a person who is the parent or guardian of a child or
13 children under 18 years of age. This subsection shall apply
14 only to leases or other rental arrangements entered into after
15 January 1, 2009 (the effective date of Public Act 95-820) ~~this~~
16 ~~amendatory Act of the 95th General Assembly.~~

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

24 (d) Definitions. In this Section:

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

26 (i) has been charged under Illinois law, or any

1 substantially similar federal law or law of another
2 state, with a sex offense set forth in paragraph (2) of
3 this subsection (d) or the attempt to commit an
4 included sex offense, and:

5 (A) is convicted of such offense or an attempt
6 to commit such offense; or

7 (B) is found not guilty by reason of insanity
8 of such offense or an attempt to commit such
9 offense; or

10 (C) is found not guilty by reason of insanity
11 pursuant to subsection (c) of Section 104-25 of the
12 Code of Criminal Procedure of 1963 of such offense
13 or an attempt to commit such offense; or

14 (D) is the subject of a finding not resulting
15 in an acquittal at a hearing conducted pursuant to
16 subsection (a) of Section 104-25 of the Code of
17 Criminal Procedure of 1963 for the alleged
18 commission or attempted commission of such
19 offense; or

20 (E) is found not guilty by reason of insanity
21 following a hearing conducted pursuant to a
22 federal law or the law of another state
23 substantially similar to subsection (c) of Section
24 104-25 of the Code of Criminal Procedure of 1963 of
25 such offense or of the attempted commission of such
26 offense; or

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

8 (ii) is certified as a sexually dangerous person
9 pursuant to the Illinois Sexually Dangerous Persons
10 Act, or any substantially similar federal law or the
11 law of another state, when any conduct giving rise to
12 such certification is committed or attempted against a
13 person less than 18 years of age; or

14 (iii) is subject to the provisions of Section 2 of
15 the Interstate Agreements on Sexually Dangerous
16 Persons Act.

17 Convictions that result from or are connected with the
18 same act, or result from offenses committed at the same
19 time, shall be counted for the purpose of this Section as
20 one conviction. Any conviction set aside pursuant to law is
21 not a conviction for purposes of this Section.

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

24 (i) A violation of any of the following Sections of
25 the Criminal Code of 1961: 10-7 (aiding and abetting
26 child abduction under Section 10-5(b)(10)),

1 10-5(b)(10) (child luring), 11-6 (indecent
2 solicitation of a child), 11-6.5 (indecent
3 solicitation of an adult), 11-9 (public indecency when
4 committed in a school, on the real property comprising
5 a school, on a conveyance owned, leased, or contracted
6 by a school to transport students to or from school or
7 a school related activity, or in a public park), 11-9.1
8 (sexual exploitation of a child), 11-15.1 (soliciting
9 for a juvenile prostitute), 11-17.1 (keeping a place of
10 juvenile prostitution), 11-18.1 (patronizing a
11 juvenile prostitute), 11-19.1 (juvenile pimping),
12 11-19.2 (exploitation of a child), 11-20.1 (child
13 pornography), 11-20.3 (aggravated child pornography),
14 11-21 (harmful material), 12-14.1 (predatory criminal
15 sexual assault of a child), 12-33 (ritualized abuse of
16 a child), 11-20 (obscenity) (when that offense was
17 committed in any school, on real property comprising
18 any school, on any conveyance owned, leased, or
19 contracted by a school to transport students to or from
20 school or a school related activity, or in a public
21 park). An attempt to commit any of these 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 12-15 (criminal sexual abuse), 12-16 (aggravated

1 criminal sexual abuse). An attempt to commit any of
2 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
14 clause (2) (i) of this subsection (d).

15 (2.5) For the purposes of subsection (b-5) only, a sex
16 offense means:

17 (i) A violation of any of the following Sections of
18 the Criminal Code of 1961:

19 10-5(b)(10) (child luring), 10-7 (aiding and
20 abetting child abduction under Section
21 10-5(b)(10)), 11-6 (indecent solicitation of a
22 child), 11-6.5 (indecent solicitation of an
23 adult), 11-15.1 (soliciting for a juvenile
24 prostitute), 11-17.1 (keeping a place of juvenile
25 prostitution), 11-18.1 (patronizing a juvenile
26 prostitute), 11-19.1 (juvenile pimping), 11-19.2

1 (exploitation of a child), 11-20.1 (child
2 pornography), 11-20.3 (aggravated child
3 pornography), 12-14.1 (predatory criminal sexual
4 assault of a child), or 12-33 (ritualized abuse of
5 a child). An attempt to commit any of these
6 offenses.

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

14 (iii) 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 and the defendant is not a
17 parent of the victim:

18 10-1 (kidnapping),
19 10-2 (aggravated kidnapping),
20 10-3 (unlawful restraint),
21 10-3.1 (aggravated unlawful restraint).

22 An attempt to commit any of these offenses.

23 (iv) A violation of any former law of this State
24 substantially equivalent to any offense listed in this
25 paragraph (2.5) of this subsection.

26 (3) A conviction for an offense of federal law or the

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

9 (4) "Public park" includes a park, forest preserve, or
10 conservation area under the jurisdiction of the State or a
11 unit of local government.

12 (5) "Facility providing programs or services directed
13 towards persons under the age of 18" means any facility
14 providing programs or services exclusively directed
15 towards persons under the age of 18.

16 (6) "Loiter" means:

17 (i) Standing, sitting idly, whether or not the
18 person is in a vehicle or remaining in or around public
19 park property.

20 (ii) Standing, sitting idly, whether or not the
21 person is in a vehicle or remaining in or around public
22 park property, for the purpose of committing or
23 attempting to commit a sex offense.

24 (7) "Playground" means a piece of land owned or
25 controlled by a unit of local government that is designated
26 by the unit of local government for use solely or primarily

1 for children's recreation.

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

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

6 (10) "Part day child care facility" has the meaning
7 ascribed to it in Section 2.10 of the Child Care Act of
8 1969.

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

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

13 (13) ~~(11)~~ "Internet" means an interactive computer
14 service or system or an information service, system, or
15 access software provider that provides or enables computer
16 access by multiple users to a computer server, and
17 includes, but is not limited to, an information service,
18 system, or access software provider that provides access to
19 a network system commonly known as the Internet, or any
20 comparable system or service and also includes, but is not
21 limited to, a World Wide Web page, newsgroup, message
22 board, mailing list, or chat area on any interactive
23 computer service or system or other online service.

24 (d-5) For the purposes of this Section, the 1,000 ~~500~~ feet
25 distance shall be measured from the edge of the property
26 comprising the public park building or the real property

1 comprising the public park, playground, child care
2 institution, day care center, part day child care facility, or
3 a facility providing programs or services exclusively directed
4 toward persons under 18 years of age, or a victim of the sex
5 offense who is under 21 years of age to the edge of the child
6 sex offender's place of residence or where he or she is
7 loitering.

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

10 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,
11 eff. 6-1-08; 95-819, eff. 1-1-09; 95-820, eff. 1-1-09; 95-821,
12 eff. 8-14-08; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09;
13 revised 10-20-08.)

14 Section 10. The Sex Offender Registration Act is amended by
15 changing Section 8 as follows:

16 (730 ILCS 150/8) (from Ch. 38, par. 228)

17 Sec. 8. Registration Requirements. Registration as
18 required by this Article shall consist of a statement in
19 writing signed by the person giving the information that is
20 required by the Department of State Police, which may include
21 the fingerprints and must include a current photograph of the
22 person, to be updated annually. If the sex offender is a child
23 sex offender as defined in Section 11-9.3 or 11-9.4 of the
24 Criminal Code of 1961, he or she shall sign a statement that he

1 or she understands that according to Illinois law as a child
2 sex offender he or she may not reside within 1,000 ~~500~~ feet of
3 a school, park, ~~or~~ playground, child care institution, day care
4 center, part day child care facility, day care home, or group
5 day care home. The offender may also not reside within 1,000
6 ~~500~~ feet of a facility providing services directed exclusively
7 toward persons under 18 years of age unless the sex offender
8 meets specified exemptions. The offender may also not reside
9 within 1,000 feet of the victim of the sex offense if the
10 victim is under 21 years of age. The offender may also not
11 loiter within 1,000 feet of a school building or school grounds
12 or on a public way within 1,000 feet of a public park building.

13 The registration information must include whether the person is
14 a sex offender as defined in the Sex Offender Community
15 Notification Law. Within 3 days, the registering law
16 enforcement agency shall forward any required information to
17 the Department of State Police. The registering law enforcement
18 agency shall enter the information into the Law Enforcement
19 Agencies Data System (LEADS) as provided in Sections 6 and 7 of
20 the Intergovernmental Missing Child Recovery Act of 1984.

21 (Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06;
22 94-945, eff. 6-27-06.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.