

HB4675



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4675

by Rep. Carol A. Sente

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.4

Amends the Criminal Code of 1961. Provides that it is a Class 4 felony for a child sex offender to knowingly operate, manage, be employed by, or be associated with any local fair when persons under 18 years of age are present. Defines "local fair" as an event that is staged by a local municipality in which people gather to trade or display goods. Effective immediately.

LRB096 15356 RLC 30506 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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

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

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

1 building or on the grounds.

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

23 (b-6) It is unlawful for a child sex offender to knowingly
24 reside within 500 feet of the victim of the sex offense.
25 Nothing in this subsection (b-6) prohibits a child sex offender
26 from residing within 500 feet of the victim if the property in

1 which the child sex offender resides is owned by the child sex
2 offender and was purchased before the effective date of this
3 amendatory Act of the 92nd General Assembly.

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

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

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

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

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

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

17 (c-7) It is unlawful for a child sex offender to knowingly
18 offer or provide any programs or services to persons under 18
19 years of age in his or her residence or the residence of
20 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 (c-8) It is unlawful for a child sex offender to knowingly
25 operate, whether authorized to do so or not, any of the
26 following vehicles: (1) a vehicle which is specifically

1 designed, constructed or modified and equipped to be used for
2 the retail sale of food or beverages, including but not limited
3 to an ice cream truck; (2) an authorized emergency vehicle; or
4 (3) a rescue vehicle.

5 (c-9) It is unlawful for a child sex offender to knowingly
6 operate, manage, be employed by, or be associated with any
7 local fair when persons under 18 years of age are present.

8 (d) Definitions. In this Section:

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

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

15 (A) is convicted of such offense or an attempt
16 to commit such offense; or

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

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

24 (D) is the subject of a finding not resulting
25 in an acquittal at a hearing conducted pursuant to
26 subsection (a) of Section 104-25 of the Code of

1 Criminal Procedure of 1963 for the alleged
2 commission or attempted commission of such
3 offense; or

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

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

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

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

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

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

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

1 committed in any school, on real property comprising
2 any school, on any conveyance owned, leased, or
3 contracted by a school to transport students to or from
4 school or a school related activity, or in a public
5 park). An attempt to commit any of these offenses.

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

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

17 10-1 (kidnapping),
18 10-2 (aggravated kidnapping),
19 10-3 (unlawful restraint),
20 10-3.1 (aggravated unlawful restraint).

21 An attempt to commit any of these offenses.

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

25 (2.5) For the purposes of subsection (b-5) only, a sex
26 offense means:

1 (i) A violation of any of the following Sections of
2 the Criminal Code of 1961:

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

17 (ii) 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: 12-13 (criminal sexual
20 assault), 12-14 (aggravated criminal sexual assault),
21 12-16 (aggravated criminal sexual abuse), and
22 subsection (a) of Section 12-15 (criminal sexual
23 abuse). An attempt to commit any of these offenses.

24 (iii) 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 and the defendant is not a

1 parent of the victim:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 An attempt to commit any of these offenses.

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

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

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

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

26 (6) "Loiter" means:

1 (i) Standing, sitting idly, whether or not the
2 person is in a vehicle or remaining in or around public
3 park property.

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

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

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

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

16 (10) "Part day child care facility" has the meaning
17 ascribed to it in Section 2.10 of the Child Care Act of
18 1969.

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

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

23 (13) "Internet" means an interactive computer service
24 or system or an information service, system, or access
25 software provider that provides or enables computer access
26 by multiple users to a computer server, and includes, but

1 is not limited to, an information service, system, or
2 access software provider that provides access to a network
3 system commonly known as the Internet, or any comparable
4 system or service and also includes, but is not limited to,
5 a World Wide Web page, newsgroup, message board, mailing
6 list, or chat area on any interactive computer service or
7 system or other online service.

8 (14) "Authorized emergency vehicle", "rescue vehicle",
9 and "vehicle" have the meanings ascribed to them in
10 Sections 1-105, 1-171.8 and 1-217, respectively, of the
11 Illinois Vehicle Code.

12 (15) "Local fair" means an event that is staged by a
13 local municipality in which people gather to trade or
14 display goods.

15 (d-5) For the purposes of this Section, the 500 feet
16 distance shall be measured from the edge of the property
17 comprising the public park building or the real property
18 comprising the public park, playground, child care
19 institution, day care center, part day child care facility, or
20 a facility providing programs or services exclusively directed
21 toward persons under 18 years of age, or a victim of the sex
22 offense who is under 21 years of age to the edge of the child
23 sex offender's place of residence or where he or she is
24 loitering.

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

1 (Source: P.A. 95-32, eff. 1-1-08; 95-640, eff. 6-1-08; 95-819,
2 eff. 1-1-09; 95-820, eff. 1-1-09; 95-821, eff. 8-14-08; 95-876,
3 eff. 8-21-08; 95-983, eff. 6-1-09; 96-118, eff. 8-4-09; 96-328,
4 eff. 8-11-09; 96-710, eff. 1-1-10; revised 10-6-09.)

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