



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB6296

by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

See Index

Amends the Carnival and Amusement Rides Safety Act. Changes the name of the Act to the Amusement Ride and Attraction Safety Act. Changes the definition of "volunteer" to mean "any person who operates or assists in the operation of an amusement ride or amusement attraction, or performs any other function related to a carnival or fair, for an owner or operator without pay or lodging". Provides that no person, firm, corporation, or other entity that owns or operates a carnival or fair shall employ any individual, or permit any individual to volunteer, who (i) has been convicted of any offense set forth in Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012, (ii) is a registered sex offender, as defined in the Sex Offender Registration Act, or (iii) has ever been convicted of any offense set forth in Article 9 of the Criminal Code of 1961 or the Criminal Code of 2012. Provides that a person, firm, corporation, or other entity that owns or operates a carnival or fair must conduct a criminal history records check and perform a check of the National Sex Offender Public Registry for all employees and volunteers, regardless of their job function, at the time they are hired or begin volunteering, and annually thereafter except if they are in the continued employ of the entity. Provides that a carnival or fair owner is not responsible for any personal information submitted by an employee or volunteer for criminal history records checks. Provides that any person, firm, corporation, or other entity that owns or operates a carnival or fair that violates the provisions of subsection (a) of this Section or fails to conduct a criminal history records check or a sex offender registry check for its employees or volunteers shall be assessed a civil penalty in an amount not to exceed \$10,000 for a first offense, not to exceed \$25,000 for a second offense, and not to exceed \$50,000 for a third or subsequent offense. Amends the Criminal Code of 2012. Provides that it is unlawful for a child sex offender to knowingly operate, manage, be employed by, or be associated with any amusement enterprise, carnival, or fair, including a county fair, when persons under the age of 18 are present. Effective immediately.

LRB098 22672 MGM 61602 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Carnival and Amusement Rides Safety Act is
5 amended by changing Sections 2-1, 2-2, 2-20, and 2-21 as
6 follows:

7 (430 ILCS 85/2-1) (from Ch. 111 1/2, par. 4051)

8 (Text of Section before amendment by P.A. 98-769)

9 Sec. 2-1. This Article shall be known and may be cited as
10 the Amusement Ride and Attraction Safety Act ~~"Carnival and~~
11 ~~Amusement Rides Safety Act"~~.

12 (Source: P.A. 83-1240.)

13 (Text of Section after amendment by P.A. 98-769)

14 Sec. 2-1. This Article shall be known and may be cited as
15 the "Amusement Ride and Attraction Safety Act".

16 (Source: P.A. 98-769, eff. 1-1-15.)

17 (430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)

18 (Text of Section before amendment by P.A. 98-769)

19 Sec. 2-2. Definitions. As used in this Act, unless the
20 context otherwise requires:

21 1. "Director" means the Director of Labor or his or her

1 designee.

2 2. "Department" means Department of Labor.

3 3. "Amusement attraction" means an enclosed building or
4 structure, including electrical equipment which is an integral
5 part of the building or structure, through which people walk
6 without the aid of any moving device, that provides amusement,
7 thrills or excitement at a fair or carnival, except any such
8 enclosed building or structure which is subject to the
9 jurisdiction of a local building code.

10 4. "Amusement ride" means:

11 (a) any mechanized device or combination of devices,
12 including electrical equipment which is an integral part of
13 the device or devices, which carries passengers along,
14 around, or over a fixed or restricted course for the
15 primary purpose of giving its passengers amusement,
16 pleasure, thrills, or excitement;

17 (b) any ski lift, rope tow, or other device used to
18 transport snow skiers;

19 (c) (blank);

20 (d) any dry slide over 20 feet in height, alpine slide,
21 or toboggan slide;

22 (e) any tram, open car, or combination of open cars or
23 wagons pulled by a tractor or other motorized device which
24 is not licensed by the Secretary of State, which may, but
25 does not necessarily follow a fixed or restricted course,
26 and is used primarily for the purpose of giving its

1 passengers amusement, pleasure, thrills or excitement, and
2 for which an individual fee is charged or a donation
3 accepted with the exception of hayrack rides;

4 (f) any bungee cord or similar elastic device; or

5 (g) any inflatable attraction.

6 5. "Carnival" means an enterprise which offers amusement or
7 entertainment to the public by means of one or more amusement
8 attractions or amusement rides.

9 6. "Fair" means an enterprise principally devoted to the
10 exhibition of products of agriculture or industry in connection
11 with which amusement rides or amusement attractions are
12 operated.

13 7. "Operator" means a person, or the agent of a person, who
14 owns or controls or has the duty to control the operation of an
15 amusement ride or an amusement attraction at a carnival or
16 fair. "Operator" includes an agency of the State or any of its
17 political subdivisions.

18 8. "Carnival worker" means a person who is employed (and is
19 therefore not a volunteer) by a carnival or fair to manage,
20 physically operate, or assist in the operation of an amusement
21 ride or amusement attraction when it is open to the public.

22 9. "Volunteer" means any a person who operates or assists
23 in the operation of an amusement ride or amusement attraction,
24 or performs any other function related to a carnival or fair,
25 for an owner or operator without pay or lodging. An individual
26 shall not be considered a volunteer if the individual is

1 otherwise employed by the same owner or operator to perform the
2 same type of service as those for which the individual proposes
3 to volunteer.

4 10. "Inflatable attraction" means an amusement ride or
5 device designed for use that may include, but not be limited
6 to, bounce, climb, slide, or interactive play, which is made of
7 flexible fabric, is kept inflated by continuous air flow by one
8 or more blowers, and relies upon air pressure to maintain its
9 shape.

10 (Source: P.A. 98-541, eff. 8-23-13.)

11 (Text of Section after amendment by P.A. 98-769)

12 Sec. 2-2. Definitions. As used in this Act, unless the
13 context otherwise requires:

14 1. "Director" means the Director of Labor or his or her
15 designee.

16 2. "Department" means Department of Labor.

17 3. "Amusement attraction" means an enclosed building or
18 structure, including electrical equipment which is an integral
19 part of the building or structure, through which people walk
20 without the aid of any moving device, that provides amusement,
21 thrills or excitement at a fair, carnival, or an amusement
22 enterprise, except any such enclosed building or structure
23 which is subject to the jurisdiction of a local building code.

24 4. "Amusement ride" means:

25 (a) any mechanized device or combination of devices,

1 including electrical equipment which is an integral part of
2 the device or devices, which carries passengers along,
3 around, or over a fixed or restricted course for the
4 primary purpose of giving its passengers amusement,
5 pleasure, thrills, or excitement;

6 (b) any ski lift, rope tow, or other device used to
7 transport snow skiers;

8 (c) (blank);

9 (d) any dry slide over 20 feet in height, alpine slide,
10 or toboggan slide;

11 (e) any tram, open car, or combination of open cars or
12 wagons pulled by a tractor or other motorized device which
13 is not licensed by the Secretary of State, which may, but
14 does not necessarily follow a fixed or restricted course,
15 and is used primarily for the purpose of giving its
16 passengers amusement, pleasure, thrills or excitement, and
17 for which an individual fee is charged or a donation
18 accepted with the exception of hayrack rides;

19 (f) any bungee cord or similar elastic device; or

20 (g) any inflatable attraction.

21 5. "Carnival" or "amusement enterprise" means an
22 enterprise which offers amusement or entertainment to the
23 public by means of one or more amusement attractions or
24 amusement rides.

25 6. "Fair" means an enterprise principally devoted to the
26 exhibition of products of agriculture or industry in connection

1 with which amusement rides or amusement attractions are
2 operated.

3 7. "Operator" means a person, or the agent of a person, who
4 owns or controls or has the duty to control the operation of an
5 amusement ride or an amusement attraction at a carnival,
6 amusement enterprise, or fair. "Operator" includes an agency of
7 the State or any of its political subdivisions.

8 8. "Carnival worker" or "amusement enterprise worker"
9 means a person who is employed (and is therefore not a
10 volunteer) by a carnival, amusement enterprise, or fair to
11 manage, physically operate, or assist in the operation of an
12 amusement ride or amusement attraction when it is open to the
13 public.

14 9. "Volunteer" means any ~~a~~ person who operates or assists
15 in the operation of an amusement ride or amusement attraction,
16 or performs any other function related to a carnival or fair,
17 for an owner or operator without pay or lodging. An individual
18 shall not be considered a volunteer if the individual is
19 otherwise employed by the same owner or operator to perform the
20 same type of service as those for which the individual proposes
21 to volunteer.

22 10. "Inflatable attraction" means an amusement ride or
23 device designed for use that may include, but not be limited
24 to, bounce, climb, slide, or interactive play, which is made of
25 flexible fabric, is kept inflated by continuous air flow by one
26 or more blowers, and relies upon air pressure to maintain its

1 shape.

2 (Source: P.A. 98-541, eff. 8-23-13; 98-769, eff. 1-1-15.)

3 (430 ILCS 85/2-20)

4 (Text of Section before amendment by P.A. 98-769)

5 Sec. 2-20. Employment of carnival workers.

6 (a) Beginning on January 1, 2008, no person, firm,
7 corporation, or other entity that owns or operates a carnival
8 or fair shall employ any individual, or permit any individual
9 to volunteer, a carnival worker who (i) has been convicted of
10 any offense set forth in Article 11 of the Criminal Code of
11 1961 or the Criminal Code of 2012, (ii) is a registered sex
12 offender, as defined in the Sex Offender Registration Act, or
13 (iii) has ever been convicted of any offense set forth in
14 Article 9 of the Criminal Code of 1961 or the Criminal Code of
15 2012.

16 (b) A person, firm, corporation, or other entity that owns
17 or operates a carnival or fair must conduct a criminal history
18 records check and perform a check of the National Sex Offender
19 Public Registry for all employees and volunteers, regardless of
20 their job function, carnival workers at the time they are hired
21 or begin volunteering, and annually thereafter except if they
22 are in the continued employ of the entity.

23 The criminal history records check performed under this
24 subsection (b) shall be performed by the Illinois State Police,
25 another State or federal law enforcement agency, or a business

1 belonging to the National Association of Professional
2 Background Check Screeners. Any criminal history checks
3 performed by the Illinois State Police shall be pursuant to the
4 Illinois Uniform Conviction Information Act.

5 Individuals who are under the age of 17 are exempt from the
6 criminal history records check requirements set forth in this
7 subsection (b).

8 (c) Any person, firm, corporation, or other entity that
9 owns or operates a carnival or fair must have a substance abuse
10 policy in place for its workers, which shall include random
11 drug testing of carnival workers.

12 (d) Any person, firm, corporation, or other entity that
13 owns or operates a carnival or fair that violates the
14 provisions of subsection (a) of this Section or fails to
15 conduct a criminal history records check or a sex offender
16 registry check for its employees or volunteers ~~carnival workers~~
17 ~~in its employ~~, as required by subsection (b) of this Section,
18 shall be assessed a civil penalty in an amount not to exceed
19 \$10,000 ~~\$1,000~~ for a first offense, not to exceed \$25,000
20 ~~\$5,000~~ for a second offense, and not to exceed \$50,000 ~~\$15,000~~
21 for a third or subsequent offense. The collection of these
22 penalties shall be enforced in a civil action brought by the
23 Attorney General on behalf of the Department.

24 (e) A carnival or fair owner is not responsible for:

25 (1) any personal information submitted by an employee
26 or volunteer ~~a carnival worker~~ for criminal history records

1 check purposes; or

2 (2) any information provided by a third party for a
3 criminal history records check or a sex offender registry
4 check.

5 (f) Recordkeeping requirements. Any person, firm,
6 corporation, or other entity that owns or operates a carnival
7 or fair subject to the provisions of this Act shall make,
8 preserve, and make available to the Department, upon its
9 request, all records that are required by this Act, including
10 but not limited to a written substance abuse policy, evidence
11 of the required criminal history records check and sex offender
12 registry check, and any other information the Director may deem
13 necessary and appropriate for enforcement of this Act.

14 (g) A carnival or fair owner shall not be liable to any
15 employee or volunteer in carrying out the requirements of this
16 Section.

17 (Source: P.A. 96-151, eff. 8-7-09; 97-1150, eff. 1-25-13.)

18 (Text of Section after amendment by P.A. 98-769)

19 Sec. 2-20. Employment of carnival and amusement enterprise
20 workers.

21 (a) Beginning on January 1, 2008, no person, firm,
22 corporation, or other entity that owns or operates a carnival,
23 amusement enterprise, or fair shall employ any individual, or
24 permit any individual to volunteer, ~~a carnival or amusement~~
25 ~~enterprise worker~~ who (i) has been convicted of any offense set

1 forth in Article 11 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, (ii) is a registered sex offender, as
3 defined in the Sex Offender Registration Act, or (iii) has ever
4 been convicted of any offense set forth in Article 9 of the
5 Criminal Code of 1961 or the Criminal Code of 2012.

6 (b) A person, firm, corporation, or other entity that owns
7 or operates a carnival, amusement enterprise, or fair must
8 conduct a criminal history records check and perform a check of
9 the National Sex Offender Public Registry for all employees and
10 volunteers, regardless of their job function, ~~carnival or~~
11 ~~amusement enterprise workers~~ at the time they are hired or
12 begin volunteering, and annually thereafter except if they are
13 in the continued employ of the entity.

14 The criminal history records check performed under this
15 subsection (b) shall be performed by the Illinois State Police,
16 another State or federal law enforcement agency, or a business
17 belonging to the National Association of Professional
18 Background Check Screeners. Any criminal history checks
19 performed by the Illinois State Police shall be pursuant to the
20 Illinois Uniform Conviction Information Act.

21 Individuals who are under the age of 17 are exempt from the
22 criminal history records check requirements set forth in this
23 subsection (b).

24 (c) Any person, firm, corporation, or other entity that
25 owns or operates a carnival, amusement enterprise, or fair must
26 have a substance abuse policy in place for its workers, which

1 shall include random drug testing of carnival or amusement
2 enterprise workers.

3 (d) Any person, firm, corporation, or other entity that
4 owns or operates a carnival, amusement enterprise, or fair that
5 violates the provisions of subsection (a) of this Section or
6 fails to conduct a criminal history records check or a sex
7 offender registry check for its employees or volunteers
8 ~~carnival or amusement enterprise workers in its employ~~, as
9 required by subsection (b) of this Section, shall be assessed a
10 civil penalty in an amount not to exceed \$10,000 ~~\$1,000~~ for a
11 first offense, not to exceed \$25,000 ~~\$5,000~~ for a second
12 offense, and not to exceed \$50,000 ~~\$15,000~~ for a third or
13 subsequent offense. The collection of these penalties shall be
14 enforced in a civil action brought by the Attorney General on
15 behalf of the Department.

16 (e) A carnival, amusement enterprise, or fair owner is not
17 responsible for:

18 (1) any personal information submitted by an employee
19 or volunteer ~~a carnival or amusement enterprise worker~~ for
20 criminal history records check purposes; or

21 (2) any information provided by a third party for a
22 criminal history records check or a sex offender registry
23 check.

24 (f) Recordkeeping requirements. Any person, firm,
25 corporation, or other entity that owns or operates a carnival,
26 amusement enterprise, or fair subject to the provisions of this

1 Act shall make, preserve, and make available to the Department,
2 upon its request, all records that are required by this Act,
3 including but not limited to a written substance abuse policy,
4 evidence of the required criminal history records check and sex
5 offender registry check, and any other information the Director
6 may deem necessary and appropriate for enforcement of this Act.

7 (g) A carnival, amusement enterprise, or fair owner shall
8 not be liable to any employee or volunteer in carrying out the
9 requirements of this Section.

10 (Source: P.A. 97-1150, eff. 1-25-13; 98-769, eff. 1-1-15.)

11 (430 ILCS 85/2-21)

12 Sec. 2-21. Volunteers. ~~Criminal background checks of~~
13 ~~volunteers, who manage, physically operate, or assist in the~~
14 ~~operation of an amusement ride or amusement attraction when it~~
15 ~~is open to the public, shall be left to the discretion of local~~
16 ~~law enforcement which has jurisdictional authority in the~~
17 ~~community in which the event is being held.~~ Volunteers shall be
18 required to comply with any training and age requirements as
19 prescribed by rule.

20 (Source: P.A. 96-151, eff. 8-7-09.)

21 Section 10. The Criminal Code of 2012 is amended by
22 changing Section 11-9.3 as follows:

23 (720 ILCS 5/11-9.3)

1 Sec. 11-9.3. Presence within school zone by child sex
2 offenders prohibited; approaching, contacting, residing with,
3 or communicating with a child within certain places by child
4 sex offenders prohibited.

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

1 the sex offender's visit and the hours in which the sex
2 offender will be present in the school. The sex offender is
3 responsible for notifying the principal's office when he or she
4 arrives on school property and when he or she departs from
5 school property. If the sex offender is to be present in the
6 vicinity of children, the sex offender has the duty to remain
7 under the direct supervision of a school official.

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

14 (a-10) It is unlawful for a child sex offender to knowingly
15 be present in any public park building, a playground or
16 recreation area within any publicly accessible privately owned
17 building, or on real property comprising any public park when
18 persons under the age of 18 are present in the building or on
19 the grounds and to approach, contact, or communicate with a
20 child under 18 years of age, unless the offender is a parent or
21 guardian of a person under 18 years of age present in the
22 building or on the grounds.

23 (b) It is unlawful for a child sex offender to knowingly
24 loiter within 500 feet of a school building or real property
25 comprising any school while persons under the age of 18 are
26 present in the building or on the grounds, unless the offender

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

24 (b-2) It is unlawful for a child sex offender to knowingly
25 loiter on a public way within 500 feet of a public park
26 building or real property comprising any public park while

1 persons under the age of 18 are present in the building or on
2 the grounds and to approach, contact, or communicate with a
3 child under 18 years of age, unless the offender is a parent or
4 guardian of a person under 18 years of age present in the
5 building or on the grounds.

6 (b-5) It is unlawful for a child sex offender to knowingly
7 reside within 500 feet of a school building or the real
8 property comprising any school that persons under the age of 18
9 attend. Nothing in this subsection (b-5) prohibits a child sex
10 offender from residing within 500 feet of a school building or
11 the real property comprising any school that persons under 18
12 attend if the property is owned by the child sex offender and
13 was purchased before July 7, 2000 (the effective date of Public
14 Act 91-911).

15 (b-10) It is unlawful for a child sex offender to knowingly
16 reside within 500 feet of a playground, child care institution,
17 day care center, part day child care facility, day care home,
18 group day care home, or a facility providing programs or
19 services exclusively directed toward persons under 18 years of
20 age. Nothing in this subsection (b-10) prohibits a child sex
21 offender from residing within 500 feet of a playground or a
22 facility providing programs or services exclusively directed
23 toward persons under 18 years of age if the property is owned
24 by the child sex offender and was purchased before July 7,
25 2000. Nothing in this subsection (b-10) prohibits a child sex
26 offender from residing within 500 feet of a child care

1 institution, day care center, or part day child care facility
2 if the property is owned by the child sex offender and was
3 purchased before June 26, 2006. Nothing in this subsection
4 (b-10) prohibits a child sex offender from residing within 500
5 feet of a day care home or group day care home if the property
6 is owned by the child sex offender and was purchased before
7 August 14, 2008 (the effective date of Public Act 95-821).

8 (b-15) It is unlawful for a child sex offender to knowingly
9 reside within 500 feet of the victim of the sex offense.
10 Nothing in this subsection (b-15) prohibits a child sex
11 offender from residing within 500 feet of the victim if the
12 property in which the child sex offender resides is owned by
13 the child sex offender and was purchased before August 22,
14 2002.

15 This subsection (b-15) does not apply if the victim of the
16 sex offense is 21 years of age or older.

17 (b-20) It is unlawful for a child sex offender to knowingly
18 communicate, other than for a lawful purpose under Illinois
19 law, using the Internet or any other digital media, with a
20 person under 18 years of age or with a person whom he or she
21 believes to be a person under 18 years of age, unless the
22 offender is a parent or guardian of the person under 18 years
23 of age.

24 (c) It is unlawful for a child sex offender to knowingly
25 operate, manage, be employed by, volunteer at, be associated
26 with, or knowingly be present at any: (i) facility providing

1 programs or services exclusively directed toward persons under
2 the age of 18; (ii) day care center; (iii) part day child care
3 facility; (iv) child care institution; (v) school providing
4 before and after school programs for children under 18 years of
5 age; (vi) day care home; or (vii) group day care home. This
6 does not prohibit a child sex offender from owning the real
7 property upon which the programs or services are offered or
8 upon which the day care center, part day child care facility,
9 child care institution, or school providing before and after
10 school programs for children under 18 years of age is located,
11 provided the child sex offender refrains from being present on
12 the premises for the hours during which: (1) the programs or
13 services are being offered or (2) the day care center, part day
14 child care facility, child care institution, or school
15 providing before and after school programs for children under
16 18 years of age, day care home, or group day care home is
17 operated.

18 (c-2) It is unlawful for a child sex offender to
19 participate in a holiday event involving children under 18
20 years of age, including but not limited to distributing candy
21 or other items to children on Halloween, wearing a Santa Claus
22 costume on or preceding Christmas, being employed as a
23 department store Santa Claus, or wearing an Easter Bunny
24 costume on or preceding Easter. For the purposes of this
25 subsection, child sex offender has the meaning as defined in
26 this Section, but does not include as a sex offense under

1 paragraph (2) of subsection (d) of this Section, the offense
2 under subsection (c) of Section 11-1.50 of this Code. This
3 subsection does not apply to a child sex offender who is a
4 parent or guardian of children under 18 years of age that are
5 present in the home and other non-familial minors are not
6 present.

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 amusement enterprise, carnival, or fair, including a county
10 fair, county fair when persons under the age of 18 are present.
11 For purposes of this section, "amusement enterprise",
12 "carnival", and "fair" have the meanings given to those terms
13 in the Amusement Ride and Attraction Safety Act.

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

21 (c-7) It is unlawful for a child sex offender to knowingly
22 offer or provide any programs or services to persons under 18
23 years of age in his or her residence or the residence of
24 another or in any facility for the purpose of offering or
25 providing such programs or services, whether such programs or
26 services are offered or provided by contract, agreement,

1 arrangement, or on a volunteer basis.

2 (c-8) It is unlawful for a child sex offender to knowingly
3 operate, whether authorized to do so or not, any of the
4 following vehicles: (1) a vehicle which is specifically
5 designed, constructed or modified and equipped to be used for
6 the retail sale of food or beverages, including but not limited
7 to an ice cream truck; (2) an authorized emergency vehicle; or
8 (3) a rescue vehicle.

9 (d) Definitions. In this Section:

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

11 (i) has been charged under Illinois law, or any
12 substantially similar federal law or law of another
13 state, with a sex offense set forth in paragraph (2) of
14 this subsection (d) or the attempt to commit an
15 included sex offense, and the victim is a person under
16 18 years of age at the time of the offense; and:

17 (A) is convicted of such offense or an attempt
18 to commit such offense; or

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

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

26 (D) is the subject of a finding not resulting

1 in an acquittal at a hearing conducted pursuant to
2 subsection (a) of Section 104-25 of the Code of
3 Criminal Procedure of 1963 for the alleged
4 commission or attempted commission of such
5 offense; or

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

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

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

26 (iii) is subject to the provisions of Section 2 of

1 the Interstate Agreements on Sexually Dangerous
2 Persons Act.

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

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

10 (i) A violation of any of the following Sections of
11 the Criminal Code of 1961 or the Criminal Code of 2012:
12 10-4 (forcible detention), 10-7 (aiding or abetting
13 child abduction under Section 10-5(b)(10)),
14 10-5(b)(10) (child luring), 11-1.40 (predatory
15 criminal sexual assault of a child), 11-6 (indecent
16 solicitation of a child), 11-6.5 (indecent
17 solicitation of an adult), 11-9.1 (sexual exploitation
18 of a child), 11-9.2 (custodial sexual misconduct),
19 11-9.5 (sexual misconduct with a person with a
20 disability), 11-11 (sexual relations within families),
21 11-14.3(a)(1) (promoting prostitution by advancing
22 prostitution), 11-14.3(a)(2)(A) (promoting
23 prostitution by profiting from prostitution by
24 compelling a person to be a prostitute),
25 11-14.3(a)(2)(C) (promoting prostitution by profiting
26 from prostitution by means other than as described in

1 subparagraphs (A) and (B) of paragraph (2) of
2 subsection (a) of Section 11-14.3), 11-14.4 (promoting
3 juvenile prostitution), 11-18.1 (patronizing a
4 juvenile prostitute), 11-20.1 (child pornography),
5 11-20.1B (aggravated child pornography), 11-21
6 (harmful material), 11-25 (grooming), 11-26 (traveling
7 to meet a minor), 12-33 (ritualized abuse of a child),
8 11-20 (obscenity) (when that offense was committed in
9 any school, on real property comprising any school, in
10 any conveyance owned, leased, or contracted by a school
11 to transport students to or from school or a school
12 related activity, or in a public park), 11-30 (public
13 indecent) (when committed in a school, on real
14 property comprising a school, in any conveyance owned,
15 leased, or contracted by a school to transport students
16 to or from school or a school related activity, or in a
17 public park). An attempt to commit any of these
18 offenses.

19 (ii) A violation of any of the following Sections
20 of the Criminal Code of 1961 or the Criminal Code of
21 2012, when the victim is a person under 18 years of
22 age: 11-1.20 (criminal sexual assault), 11-1.30
23 (aggravated criminal sexual assault), 11-1.50
24 (criminal sexual abuse), 11-1.60 (aggravated criminal
25 sexual abuse). An attempt to commit any of these
26 offenses.

1 (iii) A violation of any of the following Sections
2 of the Criminal Code of 1961 or the Criminal Code of
3 2012, when the victim is a person under 18 years of age
4 and the defendant is not a parent of the victim:

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint),

9 11-9.1(A) (permitting sexual abuse of a child).

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
13 clause (2)(i) or (2)(ii) of subsection (d) of this
14 Section.

15 (2.5) For the purposes of subsections (b-5) and (b-10)
16 only, a sex offense means:

17 (i) A violation of any of the following Sections of
18 the Criminal Code of 1961 or the Criminal Code of 2012:

19 10-5(b)(10) (child luring), 10-7 (aiding or
20 abetting child abduction under Section 10-5(b)(10)),

21 11-1.40 (predatory criminal sexual assault of a
22 child), 11-6 (indecent solicitation of a child),

23 11-6.5 (indecent solicitation of an adult), 11-9.2
24 (custodial sexual misconduct), 11-9.5 (sexual

25 misconduct with a person with a disability), 11-11
26 (sexual relations within families), 11-14.3(a)(1)

1 (promoting prostitution by advancing prostitution),
2 11-14.3(a)(2)(A) (promoting prostitution by profiting
3 from prostitution by compelling a person to be a
4 prostitute), 11-14.3(a)(2)(C) (promoting prostitution
5 by profiting from prostitution by means other than as
6 described in subparagraphs (A) and (B) of paragraph (2)
7 of subsection (a) of Section 11-14.3), 11-14.4
8 (promoting juvenile prostitution), 11-18.1
9 (patronizing a juvenile prostitute), 11-20.1 (child
10 pornography), 11-20.1B (aggravated child pornography),
11 11-25 (grooming), 11-26 (traveling to meet a minor), or
12 12-33 (ritualized abuse of a child). An attempt to
13 commit any of these offenses.

14 (ii) A violation of any of the following Sections
15 of the Criminal Code of 1961 or the Criminal Code of
16 2012, when the victim is a person under 18 years of
17 age: 11-1.20 (criminal sexual assault), 11-1.30
18 (aggravated criminal sexual assault), 11-1.60
19 (aggravated criminal sexual abuse), and subsection (a)
20 of Section 11-1.50 (criminal sexual abuse). An attempt
21 to commit any of these offenses.

22 (iii) A violation of any of the following Sections
23 of the Criminal Code of 1961 or the Criminal Code of
24 2012, when the victim is a person under 18 years of age
25 and the defendant is not a 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 11-9.1(A) (permitting sexual abuse of a child).

5 An attempt to commit any of these offenses.

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

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

18 (4) "Authorized emergency vehicle", "rescue vehicle",
19 and "vehicle" have the meanings ascribed to them in
20 Sections 1-105, 1-171.8 and 1-217, respectively, of the
21 Illinois Vehicle Code.

22 (5) "Child care institution" has the meaning ascribed
23 to it in Section 2.06 of the Child Care Act of 1969.

24 (6) "Day care center" has the meaning ascribed to it in
25 Section 2.09 of the Child Care Act of 1969.

26 (7) "Day care home" has the meaning ascribed to it in

1 Section 2.18 of the Child Care Act of 1969.

2 (8) "Facility providing programs or services directed
3 towards persons under the age of 18" means any facility
4 providing programs or services exclusively directed
5 towards persons under the age of 18.

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

8 (10) "Internet" has the meaning set forth in Section
9 16-0.1 of this Code.

10 (11) "Loiter" means:

11 (i) Standing, sitting idly, whether or not the
12 person is in a vehicle, or remaining in or around
13 school or public park property.

14 (ii) Standing, sitting idly, whether or not the
15 person is in a vehicle, or remaining in or around
16 school or public park property, for the purpose of
17 committing or attempting to commit a sex offense.

18 (iii) Entering or remaining in a building in or
19 around school property, other than the offender's
20 residence.

21 (12) "Part day child care facility" has the meaning
22 ascribed to it in Section 2.10 of the Child Care Act of
23 1969.

24 (13) "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 (14) "Public park" includes a park, forest preserve,
3 bikeway, trail, or conservation area under the
4 jurisdiction of the State or a unit of local government.

5 (15) "School" means a public or private preschool or
6 elementary or secondary school.

7 (16) "School official" means the principal, a teacher,
8 or any other certified employee of the school, the
9 superintendent of schools or a member of the school board.

10 (e) For the purposes of this Section, the 500 feet distance
11 shall be measured from: (1) the edge of the property of the
12 school building or the real property comprising the school that
13 is closest to the edge of the property of the child sex
14 offender's residence or where he or she is loitering, and (2)
15 the edge of the property comprising the public park building or
16 the real property comprising the public park, playground, child
17 care institution, day care center, part day child care
18 facility, or facility providing programs or services
19 exclusively directed toward persons under 18 years of age, or a
20 victim of the sex offense who is under 21 years of age, to the
21 edge of the child sex offender's place of residence or place
22 where he or she is loitering.

23 (f) Sentence. A person who violates this Section is guilty
24 of a Class 4 felony.

25 (Source: P.A. 97-698, eff. 1-1-13; 97-699, eff. 1-1-13;
26 97-1150, eff. 1-25-13; 98-266, eff. 1-1-14.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 430 ILCS 85/2-1 from Ch. 111 1/2, par. 4051

4 430 ILCS 85/2-2 from Ch. 111 1/2, par. 4052

5 430 ILCS 85/2-20

6 430 ILCS 85/2-21

7 720 ILCS 5/11-9.3