



## 99TH GENERAL ASSEMBLY

### State of Illinois

### 2015 and 2016

### HB0400

by Rep. Martin J. Moylan

#### SYNOPSIS AS INTRODUCED:

430 ILCS 85/2-1	from Ch. 111 1/2, par. 4051
430 ILCS 85/2-2	from Ch. 111 1/2, par. 4052
430 ILCS 85/2-20	
430 ILCS 85/2-21	
720 ILCS 5/11-9.3	

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.

LRB099 03500 MGM 23508 b

A BILL FOR

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

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

11 (430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)

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

1 which is subject to the jurisdiction of a local building code.

2 4. "Amusement ride" means:

3 (a) any mechanized device or combination of devices,  
4 including electrical equipment which is an integral part of  
5 the device or devices, which carries passengers along,  
6 around, or over a fixed or restricted course for the  
7 primary purpose of giving its passengers amusement,  
8 pleasure, thrills, or excitement;

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

11 (c) (blank);

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

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

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

23 (g) any inflatable attraction.

24 5. "Carnival" or "amusement enterprise" means an  
25 enterprise which offers amusement or entertainment to the  
26 public by means of one or more amusement attractions or

1 amusement rides.

2 6. "Fair" means an enterprise principally devoted to the  
3 exhibition of products of agriculture or industry in connection  
4 with which amusement rides or amusement attractions are  
5 operated.

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

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

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

25 10. "Inflatable attraction" means an amusement ride or  
26 device designed for use that may include, but not be limited

1 to, bounce, climb, slide, or interactive play, which is made of  
2 flexible fabric, is kept inflated by continuous air flow by one  
3 or more blowers, and relies upon air pressure to maintain its  
4 shape.

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

6 (430 ILCS 85/2-20)

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

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

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

1 in the continued employ of the entity.

2 The criminal history records check performed under this  
3 subsection (b) shall be performed by the Illinois State Police,  
4 another State or federal law enforcement agency, or a business  
5 belonging to the National Association of Professional  
6 Background Check Screeners. Any criminal history checks  
7 performed by the Illinois State Police shall be pursuant to the  
8 Illinois Uniform Conviction Information Act.

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

12 (c) Any person, firm, corporation, or other entity that  
13 owns or operates a carnival, amusement enterprise, or fair must  
14 have a substance abuse policy in place for its workers, which  
15 shall include random drug testing of carnival or amusement  
16 enterprise workers.

17 (d) Any person, firm, corporation, or other entity that  
18 owns or operates a carnival, amusement enterprise, or fair that  
19 violates the provisions of subsection (a) of this Section or  
20 fails to conduct a criminal history records check or a sex  
21 offender registry check for its employees or volunteers  
22 ~~carnival or amusement enterprise workers~~ in its employ, as  
23 required by subsection (b) of this Section, shall be assessed a  
24 civil penalty in an amount not to exceed \$10,000 ~~\$1,000~~ for a  
25 first offense, not to exceed \$25,000 ~~\$5,000~~ for a second  
26 offense, and not to exceed \$50,000 ~~\$15,000~~ for a third or

1 subsequent offense. The collection of these penalties shall be  
2 enforced in a civil action brought by the Attorney General on  
3 behalf of the Department.

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

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

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

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

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

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

25 (430 ILCS 85/2-21)

1           Sec. 2-21. Volunteers. ~~Criminal background checks of~~  
2 ~~volunteers, who manage, physically operate, or assist in the~~  
3 ~~operation of an amusement ride or amusement attraction when it~~  
4 ~~is open to the public, shall be left to the discretion of local~~  
5 ~~law enforcement which has jurisdictional authority in the~~  
6 ~~community in which the event is being held.~~ Volunteers shall be  
7 required to comply with any training and age requirements as  
8 prescribed by rule.

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

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

12           (720 ILCS 5/11-9.3)

13           Sec. 11-9.3. Presence within school zone by child sex  
14 offenders prohibited; approaching, contacting, residing with,  
15 or communicating with a child within certain places by child  
16 sex offenders prohibited.

17           (a) It is unlawful for a child sex offender to knowingly be  
18 present in any school building, on real property comprising any  
19 school, or in any conveyance owned, leased, or contracted by a  
20 school to transport students to or from school or a school  
21 related activity when persons under the age of 18 are present  
22 in the building, on the grounds or in the conveyance, unless  
23 the offender is a parent or guardian of a student attending the  
24 school and the parent or guardian is: (i) attending a



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

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

1 are present at the site.

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

11 (b) It is unlawful for a child sex offender to knowingly  
12 loiter within 500 feet of a school building or real property  
13 comprising any school while persons under the age of 18 are  
14 present in the building or on the grounds, unless the offender  
15 is a parent or guardian of a student attending the school and  
16 the parent or guardian is: (i) attending a conference at the  
17 school with school personnel to discuss the progress of his or  
18 her child academically or socially, (ii) participating in child  
19 review conferences in which evaluation and placement decisions  
20 may be made with respect to his or her child regarding special  
21 education services, or (iii) attending conferences to discuss  
22 other student issues concerning his or her child such as  
23 retention and promotion and notifies the principal of the  
24 school of his or her presence at the school or has permission  
25 to be present from the superintendent or the school board or in  
26 the case of a private school from the principal. In the case of

1 a public school, if permission is granted, the superintendent  
2 or school board president must inform the principal of the  
3 school where the sex offender will be present. Notification  
4 includes the nature of the sex offender's visit and the hours  
5 in which the sex offender will be present in the school. The  
6 sex offender is responsible for notifying the principal's  
7 office when he or she arrives on school property and when he or  
8 she departs from school property. If the sex offender is to be  
9 present in the vicinity of children, the sex offender has the  
10 duty to remain under the direct supervision of a school  
11 official.

12 (b-2) It is unlawful for a child sex offender to knowingly  
13 loiter on a public way within 500 feet of a public park  
14 building or real property comprising any public park while  
15 persons under the age of 18 are present in the building or on  
16 the grounds and to approach, contact, or communicate with a  
17 child under 18 years of age, unless the offender is a parent or  
18 guardian of a person under 18 years of age present in the  
19 building or on the grounds.

20 (b-5) It is unlawful for a child sex offender to knowingly  
21 reside within 500 feet of a school building or the real  
22 property comprising any school that persons under the age of 18  
23 attend. Nothing in this subsection (b-5) prohibits a child sex  
24 offender from residing within 500 feet of a school building or  
25 the real property comprising any school that persons under 18  
26 attend if the property is owned by the child sex offender and

1 was purchased before July 7, 2000 (the effective date of Public  
2 Act 91-911).

3 (b-10) It is unlawful for a child sex offender to knowingly  
4 reside within 500 feet of a playground, child care institution,  
5 day care center, part day child care facility, day care home,  
6 group day care home, or a facility providing programs or  
7 services exclusively directed toward persons under 18 years of  
8 age. Nothing in this subsection (b-10) prohibits a child sex  
9 offender from residing within 500 feet of a playground or a  
10 facility providing programs or services exclusively directed  
11 toward persons under 18 years of age if the property is owned  
12 by the child sex offender and was purchased before July 7,  
13 2000. Nothing in this subsection (b-10) prohibits a child sex  
14 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 June 26, 2006. Nothing in this subsection  
18 (b-10) prohibits a child sex offender from residing within 500  
19 feet of a day care home or group day care home if the property  
20 is owned by the child sex offender and was purchased before  
21 August 14, 2008 (the effective date of Public Act 95-821).

22 (b-15) It is unlawful for a child sex offender to knowingly  
23 reside within 500 feet of the victim of the sex offense.  
24 Nothing in this subsection (b-15) prohibits a child sex  
25 offender from residing within 500 feet of the victim if the  
26 property in which the child sex offender resides is owned by

1 the child sex offender and was purchased before August 22,  
2 2002.

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

5 (b-20) 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 toward persons under  
16 the age of 18; (ii) day care center; (iii) part day child care  
17 facility; (iv) child care institution; (v) school providing  
18 before and after school programs for children under 18 years of  
19 age; (vi) day care home; or (vii) group day care home. This  
20 does not prohibit a child sex offender from owning the real  
21 property upon which the programs or services are offered or  
22 upon which the day care center, part day child care facility,  
23 child care institution, or school providing before and after  
24 school programs for children under 18 years of age is located,  
25 provided the child sex offender refrains from being present on  
26 the premises for the hours during which: (1) the programs or

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

6 (c-2) It is unlawful for a child sex offender to  
7 participate in a holiday event involving children under 18  
8 years of age, including but not limited to distributing candy  
9 or other items to children on Halloween, wearing a Santa Claus  
10 costume on or preceding Christmas, being employed as a  
11 department store Santa Claus, or wearing an Easter Bunny  
12 costume on or preceding Easter. For the purposes of this  
13 subsection, child sex offender has the meaning as defined in  
14 this Section, but does not include as a sex offense under  
15 paragraph (2) of subsection (d) of this Section, the offense  
16 under subsection (c) of Section 11-1.50 of this Code. This  
17 subsection does not apply to a child sex offender who is a  
18 parent or guardian of children under 18 years of age that are  
19 present in the home and other non-familial minors are not  
20 present.

21 (c-5) It is unlawful for a child sex offender to knowingly  
22 operate, manage, be employed by, or be associated with any  
23 amusement enterprise, carnival, or fair, including a county  
24 fair, ~~county fair~~ when persons under the age of 18 are present.  
25 For purposes of this section, "amusement enterprise",  
26 "carnival", and "fair" have the meanings given to those terms

1 in the Amusement Ride and Attraction Safety Act.

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

9 (c-7) It is unlawful for a child sex offender to knowingly  
10 offer or provide any programs or services to persons under 18  
11 years of age in his or her residence or the residence of  
12 another or in any facility for the purpose of offering or  
13 providing such programs or services, whether such programs or  
14 services are offered or provided by contract, agreement,  
15 arrangement, or on a volunteer basis.

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

23 (d) Definitions. In this Section:

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

25 (i) has been charged under Illinois law, or any  
26 substantially similar federal law or law of another

1 state, with a sex offense set forth in paragraph (2) of  
2 this subsection (d) or the attempt to commit an  
3 included sex offense, and the victim is a person under  
4 18 years of age at the time of the 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 or the Criminal Code of 2012:  
26 10-4 (forcible detention), 10-7 (aiding or abetting

1 child abduction under Section 10-5(b)(10)),  
2 10-5(b)(10) (child luring), 11-1.40 (predatory  
3 criminal sexual assault of a child), 11-6 (indecent  
4 solicitation of a child), 11-6.5 (indecent  
5 solicitation of an adult), 11-9.1 (sexual exploitation  
6 of a child), 11-9.2 (custodial sexual misconduct),  
7 11-9.5 (sexual misconduct with a person with a  
8 disability), 11-11 (sexual relations within families),  
9 11-14.3(a)(1) (promoting prostitution by advancing  
10 prostitution), 11-14.3(a)(2)(A) (promoting  
11 prostitution by profiting from prostitution by  
12 compelling a person to be a prostitute),  
13 11-14.3(a)(2)(C) (promoting prostitution by profiting  
14 from prostitution by means other than as described in  
15 subparagraphs (A) and (B) of paragraph (2) of  
16 subsection (a) of Section 11-14.3), 11-14.4 (promoting  
17 juvenile prostitution), 11-18.1 (patronizing a  
18 juvenile prostitute), 11-20.1 (child pornography),  
19 11-20.1B (aggravated child pornography), 11-21  
20 (harmful material), 11-25 (grooming), 11-26 (traveling  
21 to meet a minor), 12-33 (ritualized abuse of a child),  
22 11-20 (obscenity) (when that offense was committed in  
23 any school, on real property comprising any school, in  
24 any conveyance owned, leased, or contracted by a school  
25 to transport students to or from school or a school  
26 related activity, or in a public park), 11-30 (public

1 indecency) (when committed in a school, on real  
2 property comprising a school, in any conveyance owned,  
3 leased, or contracted by a school to transport students  
4 to or from school or a school related activity, or in a  
5 public park). 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 or the Criminal Code of  
9 2012, when the victim is a person under 18 years of  
10 age: 11-1.20 (criminal sexual assault), 11-1.30  
11 (aggravated criminal sexual assault), 11-1.50  
12 (criminal sexual abuse), 11-1.60 (aggravated criminal  
13 sexual abuse). An attempt to commit any of these  
14 offenses.

15 (iii) A violation of any of the following Sections  
16 of the Criminal Code of 1961 or the Criminal Code of  
17 2012, when the victim is a person under 18 years of age  
18 and the defendant is not a parent of the victim:

19 10-1 (kidnapping),  
20 10-2 (aggravated kidnapping),  
21 10-3 (unlawful restraint),  
22 10-3.1 (aggravated unlawful restraint),  
23 11-9.1(A) (permitting sexual abuse of a child).

24 An attempt to commit any of these offenses.

25 (iv) A violation of any former law of this State  
26 substantially equivalent to any offense listed in

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

3 (2.5) For the purposes of subsections (b-5) and (b-10)  
4 only, a sex offense means:

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

7 10-5(b)(10) (child luring), 10-7 (aiding or  
8 abetting child abduction under Section 10-5(b)(10)),  
9 11-1.40 (predatory criminal sexual assault of a  
10 child), 11-6 (indecent solicitation of a child),  
11 11-6.5 (indecent solicitation of an adult), 11-9.2  
12 (custodial sexual misconduct), 11-9.5 (sexual  
13 misconduct with a person with a disability), 11-11  
14 (sexual relations within families), 11-14.3(a)(1)  
15 (promoting prostitution by advancing prostitution),  
16 11-14.3(a)(2)(A) (promoting prostitution by profiting  
17 from prostitution by compelling a person to be a  
18 prostitute), 11-14.3(a)(2)(C) (promoting prostitution  
19 by profiting from prostitution by means other than as  
20 described in subparagraphs (A) and (B) of paragraph (2)  
21 of subsection (a) of Section 11-14.3), 11-14.4  
22 (promoting juvenile prostitution), 11-18.1  
23 (patronizing a juvenile prostitute), 11-20.1 (child  
24 pornography), 11-20.1B (aggravated child pornography),  
25 11-25 (grooming), 11-26 (traveling to meet a minor), or  
26 12-33 (ritualized abuse of a child). An attempt to

1           commit any of these offenses.

2           (ii) A violation of any of the following Sections  
3 of the Criminal Code of 1961 or the Criminal Code of  
4 2012, when the victim is a person under 18 years of  
5 age: 11-1.20 (criminal sexual assault), 11-1.30  
6 (aggravated criminal sexual assault), 11-1.60  
7 (aggravated criminal sexual abuse), and subsection (a)  
8 of Section 11-1.50 (criminal sexual abuse). An attempt  
9 to commit any of these offenses.

10           (iii) A violation of any of the following Sections  
11 of the Criminal Code of 1961 or the Criminal Code of  
12 2012, when the victim is a person under 18 years of age  
13 and the defendant is not a parent of the victim:

14           10-1 (kidnapping),  
15           10-2 (aggravated kidnapping),  
16           10-3 (unlawful restraint),  
17           10-3.1 (aggravated unlawful restraint),  
18           11-9.1(A) (permitting sexual abuse of a child).

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 this  
22 paragraph (2.5) of this subsection.

23           (3) A conviction for an offense of federal law or the  
24 law of another state that is substantially equivalent to  
25 any offense listed in paragraph (2) of subsection (d) of  
26 this Section shall constitute a conviction for the purpose

1 of this Section. A finding or adjudication as a sexually  
2 dangerous person under any federal law or law of another  
3 state that is substantially equivalent to the Sexually  
4 Dangerous Persons Act shall constitute an adjudication for  
5 the purposes of this Section.

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

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

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

14 (7) "Day care home" has the meaning ascribed to it in  
15 Section 2.18 of the Child Care Act of 1969.

16 (8) "Facility providing programs or services directed  
17 towards persons under the age of 18" means any facility  
18 providing programs or services exclusively directed  
19 towards persons under the age of 18.

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

22 (10) "Internet" has the meaning set forth in Section  
23 16-0.1 of this Code.

24 (11) "Loiter" means:

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

1 school or public park property.

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

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

9 (12) "Part day child care facility" has the meaning  
10 ascribed to it in Section 2.10 of the Child Care Act of  
11 1969.

12 (13) "Playground" means a piece of land owned or  
13 controlled by a unit of local government that is designated  
14 by the unit of local government for use solely or primarily  
15 for children's recreation.

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

19 (15) "School" means a public or private preschool or  
20 elementary or secondary school.

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

24 (e) For the purposes of this Section, the 500 feet distance  
25 shall be measured from: (1) the edge of the property of the  
26 school building or the real property comprising the school that

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

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

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

15 Section 95. No acceleration or delay. Where this Act makes  
16 changes in a statute that is represented in this Act by text  
17 that is not yet or no longer in effect (for example, a Section  
18 represented by multiple versions), the use of that text does  
19 not accelerate or delay the taking effect of (i) the changes  
20 made by this Act or (ii) provisions derived from any other  
21 Public Act.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.