



Sen. Jacqueline Y. Collins

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LRB094 05157 RLC 46846 a

1 AMENDMENT TO HOUSE BILL 350

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 350, AS AMENDED, by  
3 inserting after the enacting clause the following:

4 "Section 2. The Criminal Code of 1961 is amended by  
5 changing Sections 11-9.3 and 11-9.4 as follows:

6 (720 ILCS 5/11-9.3)

7 Sec. 11-9.3. Presence within school zone by child sex  
8 offenders prohibited.

9 (a) It is unlawful for a child sex offender to knowingly be  
10 present in any school building, on real property comprising any  
11 school, or in any conveyance owned, leased, or contracted by a  
12 school to transport students to or from school or a school  
13 related activity when persons under the age of 18 are present  
14 in the building, on the grounds or in the conveyance, unless  
15 the offender is a parent or guardian of a student present in  
16 the building, on the grounds or in the conveyance or unless the  
17 offender has permission to be present from the superintendent  
18 or the school board or in the case of a private school from the  
19 principal. In the case of a public school, if permission is  
20 granted, the superintendent or school board president must  
21 inform the principal of the school where the sex offender will  
22 be present. Notification includes the nature of the sex  
23 offender's visit and the hours in which the sex offender will  
24 be present in the school. The sex offender is responsible for

1 notifying the principal's office when he or she arrives on  
2 school property and when he or she departs from school  
3 property. If the sex offender is to be present in the vicinity  
4 of children, the sex offender has the duty to remain under the  
5 direct supervision of a school official. A child sex offender  
6 who violates this provision is guilty of a Class 4 felony.

7 (1) (Blank; or)

8 (2) (Blank.)

9 (b) It is unlawful for a child sex offender to knowingly  
10 loiter on a public way within 500 feet of a school building or  
11 real property comprising any school while persons under the age  
12 of 18 are present in the building or on the grounds, unless the  
13 offender is a parent or guardian of a student present in the  
14 building or on the grounds or has permission to be present from  
15 the superintendent or the school board or in the case of a  
16 private school from the principal. In the case of a public  
17 school, if permission is granted, the superintendent or school  
18 board president must inform the principal of the school where  
19 the sex offender will be present. Notification includes the  
20 nature of the sex offender's visit and the hours in which the  
21 sex offender will be present in the school. The sex offender is  
22 responsible for notifying the principal's office when he or she  
23 arrives on school property and when he or she departs from  
24 school property. If the sex offender is to be present in the  
25 vicinity of children, the sex offender has the duty to remain  
26 under the direct supervision of a school official. A child sex  
27 offender who violates this provision is guilty of a Class 4  
28 felony.

29 (1) (Blank; or)

30 (2) (Blank.)

31 (b-5) It is unlawful for a child sex offender to knowingly  
32 reside within 500 feet of a school building or the real  
33 property comprising any school that persons under the age of 18  
34 attend. Nothing in this subsection (b-5) prohibits a child sex

1 offender from residing within 500 feet of a school building or  
2 the real property comprising any school that persons under 18  
3 attend if the property is owned by the child sex offender and  
4 was purchased before the effective date of this amendatory Act  
5 of the 91st General Assembly. Nothing in this subsection (b-5)  
6 prohibits a child sex offender from residing in a transitional  
7 housing facility licensed by the Department of Corrections that  
8 is located within 500 feet of a school building or the real  
9 property comprising any school that persons under 18 attend if  
10 the facility: (i) was in operation during any portion of the 18  
11 month period immediately prior to the effective date of this  
12 amendatory Act of the 94th General Assembly; (ii) makes  
13 application to the Department of Corrections to be licensed  
14 under the Transitional Housing for Sex Offenders Law within 120  
15 days from the effective date of this amendatory Act of the 94th  
16 General Assembly; and (iii) is located in a county with a  
17 population in excess of 3,000,000.

18 (c) Definitions. In this Section:

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

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

25 (A) is convicted of such offense or an attempt  
26 to commit such offense; or

27 (B) is found not guilty by reason of insanity  
28 of such offense or an attempt to commit such  
29 offense; or

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

34 (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  
27 the Interstate Agreements on Sexually Dangerous  
28 Persons Act.

29 Convictions that result from or are connected with the  
30 same act, or result from offenses committed at the same  
31 time, shall be counted for the purpose of this Section as  
32 one conviction. Any conviction set aside pursuant to law is  
33 not a conviction for purposes of this Section.

34 (2) Except as otherwise provided in paragraph (2.5),

1 "sex offense" means:

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

25 (ii) A violation of any of the following Sections  
26 of the Criminal Code of 1961, when the victim is a  
27 person under 18 years of age: 12-13 (criminal sexual  
28 assault), 12-14 (aggravated criminal sexual assault),  
29 12-15 (criminal sexual abuse), 12-16 (aggravated  
30 criminal sexual abuse). An attempt to commit any of  
31 these offenses.

32 (iii) A violation of any of the following Sections  
33 of the Criminal Code of 1961, when the victim is a  
34 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  
9 clause (2) (i) of subsection (c) of this Section.

10 (2.5) For the purposes of subsection (b-5) only, a sex  
11 offense means:

12 (i) A violation of any of the following Sections of  
13 the Criminal Code of 1961:

14 10-5(b)(10) (child luring), 10-7 (aiding and  
15 abetting child abduction under Section  
16 10-5(b)(10)), 11-6 (indecent solicitation of a  
17 child), 11-6.5 (indecent solicitation of an  
18 adult), 11-15.1 (soliciting for a juvenile  
19 prostitute), 11-17.1 (keeping a place of juvenile  
20 prostitution), 11-18.1 (patronizing a juvenile  
21 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
22 (exploitation of a child), 11-20.1 (child  
23 pornography), 12-14.1 (predatory criminal sexual  
24 assault of a child), or 12-33 (ritualized abuse of  
25 a child). An attempt to commit any of these  
26 offenses.

27 (ii) A violation of any of the following Sections  
28 of the Criminal Code of 1961, when the victim is a  
29 person under 18 years of age: 12-13 (criminal sexual  
30 assault), 12-14 (aggravated criminal sexual assault),  
31 12-16 (aggravated criminal sexual abuse), and  
32 subsection (a) of Section 12-15 (criminal sexual  
33 abuse). An attempt to commit any of these offenses.

34 (iii) A violation of any of the following Sections

1 of the Criminal Code of 1961, when the victim is a  
2 person under 18 years of age and the defendant is not a  
3 parent of the victim:

4 10-1 (kidnapping),

5 10-2 (aggravated kidnapping),

6 10-3 (unlawful restraint),

7 10-3.1 (aggravated unlawful restraint).

8 An attempt to commit any of these offenses.

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

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

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

23 (5) "Loiter" means:

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

27 (ii) Standing, sitting idly, whether or not the  
28 person is in a vehicle or remaining in or around school  
29 property, for the purpose of committing or attempting  
30 to commit a sex offense.

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

34 (d) Sentence. A person who violates this Section is guilty

1 of a Class 4 felony.

2 (Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98;  
3 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)

4 (720 ILCS 5/11-9.4)

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

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

15 (b) It is unlawful for a child sex offender to knowingly  
16 loiter on a public way within 500 feet of a public park  
17 building or real property comprising any public park while  
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-5) It is unlawful for a child sex offender to knowingly  
24 reside within 500 feet of a playground or a facility providing  
25 programs or services exclusively directed toward persons under  
26 18 years of age. Nothing in this subsection (b-5) prohibits a  
27 child sex offender from residing within 500 feet of a  
28 playground or a facility providing programs or services  
29 exclusively directed toward persons under 18 years of age if  
30 the property is owned by the child sex offender and was  
31 purchased before the effective date of this amendatory Act of  
32 the 91st General Assembly. Nothing in this subsection (b-5)  
33 prohibits a child sex offender from residing in a transitional

1 housing facility licensed by the Department of Corrections that  
2 is located within 500 feet of a playground or a facility  
3 providing programs or services exclusively directed toward  
4 persons under 18 years of age if the facility: (i) was in  
5 operation during any portion of the 18 month period immediately  
6 prior to the effective date of this amendatory Act of the 94th  
7 General Assembly; (ii) makes application to the Department of  
8 Corrections to be licensed under the Transitional Housing for  
9 Sex Offenders Law within 120 days from the effective date of  
10 this amendatory Act of the 94th General Assembly; and (iii) is  
11 located in a county with a population in excess of 3,000,000.

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

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

21 (c) It is unlawful for a child sex offender to knowingly  
22 operate, manage, be employed by, volunteer at, be associated  
23 with, or knowingly be present at any facility providing  
24 programs or services exclusively directed towards persons  
25 under the age of 18. This does not prohibit a child sex  
26 offender from owning the real property upon which the programs  
27 or services are offered, provided the child sex offender  
28 refrains from being present on the premises for the hours  
29 during which the programs or services are being offered.

30 (d) Definitions. In this Section:

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

32 (i) has been charged under Illinois law, or any  
33 substantially similar federal law or law of another  
34 state, with a sex offense set forth in paragraph (2) of

1           this subsection (d) or the attempt to commit an  
2 included sex offense, and:

3           (A) is convicted of such offense or an attempt  
4 to commit such offense; or

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

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

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

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

25           (F) is the subject of a finding not resulting  
26 in an acquittal at a hearing conducted pursuant to  
27 a federal law or the law of another state  
28 substantially similar to subsection (a) of Section  
29 104-25 of the Code of Criminal Procedure of 1963  
30 for the alleged violation or attempted commission  
31 of such offense; or

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

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

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

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

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

14 (i) A violation of any of the following Sections of  
15 the Criminal Code of 1961: 10-7 (aiding and abetting  
16 child abduction under Section 10-5(b)(10)),  
17 10-5(b)(10) (child luring), 11-6 (indecent  
18 solicitation of a child), 11-6.5 (indecent  
19 solicitation of an adult), 11-9 (public indecency when  
20 committed in a school, on the real property comprising  
21 a school, on a conveyance owned, leased, or contracted  
22 by a school to transport students to or from school or  
23 a school related activity, or in a public park), 11-9.1  
24 (sexual exploitation of a child), 11-15.1 (soliciting  
25 for a juvenile prostitute), 11-17.1 (keeping a place of  
26 juvenile prostitution), 11-18.1 (patronizing a  
27 juvenile prostitute), 11-19.1 (juvenile pimping),  
28 11-19.2 (exploitation of a child), 11-20.1 (child  
29 pornography), 11-21 (harmful material), 12-14.1  
30 (predatory criminal sexual assault of a child), 12-33  
31 (ritualized abuse of a child), 11-20 (obscenity) (when  
32 that offense was committed in any school, on real  
33 property comprising any school, on any conveyance  
34 owned, leased, or contracted by a school to transport

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

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

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

15 10-1 (kidnapping),  
16 10-2 (aggravated kidnapping),  
17 10-3 (unlawful restraint),  
18 10-3.1 (aggravated unlawful restraint).

19 An attempt to commit any of these offenses.

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

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

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

27 10-5(b)(10) (child luring), 10-7 (aiding and  
28 abetting child abduction under Section  
29 10-5(b)(10)), 11-6 (indecent solicitation of a  
30 child), 11-6.5 (indecent solicitation of an  
31 adult), 11-15.1 (soliciting for a juvenile  
32 prostitute), 11-17.1 (keeping a place of juvenile  
33 prostitution), 11-18.1 (patronizing a juvenile  
34 prostitute), 11-19.1 (juvenile pimping), 11-19.2

1 (exploitation of a child), 11-20.1 (child  
2 pornography), 12-14.1 (predatory criminal sexual  
3 assault of a child), or 12-33 (ritualized abuse of  
4 a child). An attempt to commit any of these  
5 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 12-16 (aggravated criminal sexual abuse), and  
11 subsection (a) of Section 12-15 (criminal sexual  
12 abuse). An attempt to commit any of 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 this  
24 paragraph (2.5) of this subsection.

25 (3) A conviction for an offense of federal law or the  
26 law of another state that is substantially equivalent to  
27 any offense listed in paragraph (2) of this subsection (d)  
28 shall constitute a conviction for the purpose of this  
29 Section. A finding or adjudication as a sexually dangerous  
30 person under any federal law or law of another state that  
31 is substantially equivalent to the Sexually Dangerous  
32 Persons Act shall constitute an adjudication for the  
33 purposes of this Section.

34 (4) "Public park" includes a park, forest preserve, or

1 conservation area under the jurisdiction of the State or a  
2 unit of local government.

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

7 (6) "Loiter" means:

8 (i) Standing, sitting idly, whether or not the  
9 person is in a vehicle or remaining in or around public  
10 park property.

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

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

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

21 (Source: P.A. 91-458, eff. 1-1-00; 91-911, eff. 7-7-00; 92-828,  
22 eff. 8-22-02.)"; and

23 in paragraph (7.6) of subsection (a) of Sec. 3-3-7 of Section  
24 5, by replacing "any licensed medical facility" with "a Class 1  
25 Institution for Mental Diseases (IMD) in accordance with 89  
26 Ill. Adm. Code 145.30"; and

27 by inserting after the last line of subsection (e) of Sec.  
28 3-17-5 of Section 5 the following:

29 "(f) Nothing in this Article shall be construed to exempt a  
30 transitional housing facility licensed under this Article from  
31 the jurisdiction of any county, municipality, or other unit of  
32 local government acting within the scope of its lawful powers

1 to protect the public health, safety and welfare."