



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3866

Introduced 2/18/2025, by Rep. Travis Weaver

SYNOPSIS AS INTRODUCED:

10 ILCS 5/11-4.1	from Ch. 46, par. 11-4.1
10 ILCS 5/19A-10.5	
70 ILCS 1205/8-23a	
105 ILCS 5/2-3.25f-5	
105 ILCS 5/34-4	from Ch. 122, par. 34-4
720 ILCS 5/11-9.3	

Amends the Criminal Code of 2012. Provides that the prohibitions of "child sex offenders" being knowingly present within a school zone and of knowingly approaching, contacting, residing with, or communicating with a child within certain places or knowingly operating, managing, being employed by, volunteering at, being associated with, knowingly being present at certain facilities, or participating in certain holiday events applies to all "sex offenders". Defines "sex offender". Amends various other Acts to make conforming changes.

LRB104 12337 RLC 22516 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Election Code is amended by changing
5 Sections 11-4.1 and 19A-10.5 as follows:

6 (10 ILCS 5/11-4.1) (from Ch. 46, par. 11-4.1)

7 Sec. 11-4.1. (a) In appointing polling places under this
8 Article, the county board or board of election commissioners
9 shall, insofar as they are convenient and available, use
10 schools and other public buildings as polling places.

11 (b) Upon request of the county board or board of election
12 commissioners, the proper agency of government (including
13 school districts and units of local government) shall make a
14 public building under its control available for use as a
15 polling place on an election day and for a reasonably
16 necessary time before and after election day, without charge.
17 If the county board or board of election commissioners chooses
18 a school to be a polling place, then the school district must
19 make the school available for use as a polling place. However,
20 for the day of the election, a school district is encouraged to
21 (i) close the school or (ii) hold a teachers institute on that
22 day with students not in attendance.

23 (c) A government agency which makes a public building

1 under its control available for use as a polling place shall
2 (i) ensure the portion of the building to be used as the
3 polling place is accessible to voters with disabilities and
4 elderly voters and (ii) allow the election authority to
5 administer the election as authorized under this Code.

6 (d) If a qualified elector's precinct polling place is a
7 school and the elector will be unable to enter that polling
8 place without violating Section 11-9.3 of the Criminal Code of
9 2012 because the elector is a ~~child~~ sex offender as defined in
10 Section 11-9.3 of the Criminal Code of 2012, that elector may
11 vote by a vote by mail ballot in accordance with Article 19 of
12 this Code or may vote early in accordance with Article 19A of
13 this Code.

14 (Source: P.A. 98-773, eff. 7-18-14; 98-1171, eff. 6-1-15;
15 99-143, eff. 7-27-15.)

16 (10 ILCS 5/19A-10.5)

17 Sec. 19A-10.5. Child sex offenders. If an election
18 authority designates one or more permanent early voting
19 polling places under this Article, the election authority must
20 designate at least one permanent early voting polling place
21 that a qualified elector who is a ~~child~~ sex offender as defined
22 in Section 11-9.3 of the Criminal Code of 2012 may enter
23 without violating Section 11-9.3 of that Code.

24 If an election authority designates one or more temporary
25 early voting polling places under this Article, the election

1 authority must designate at least one temporary early voting
2 polling place that a qualified elector who is a child sex
3 offender as defined in Section 11-9.3 of the Criminal Code of
4 2012 may enter without violating Section 11-9.3 of that Code.
5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 Section 10. The Park District Code is amended by changing
7 Section 8-23a as follows:

8 (70 ILCS 1205/8-23a)

9 Sec. 8-23a. Application for volunteers; disclosure of
10 ~~child~~ sex offenses; penalty for failure to disclose.

11 (a) For purposes of this Section:

12 "Sex~~Child~~~~sex~~ offender" has the meaning provided in
13 paragraph (1) of subsection (d) of Section 11-9.3 of the
14 Criminal Code of 2012.

15 "Volunteer" means any individual who without compensation
16 or benefits reports to, and is under the direct supervision
17 of, a park district's administrative staff and provides
18 personal services to a park district recreational program that
19 is offered to children.

20 (b) Every park district shall require volunteers to
21 complete an application prior to beginning any work as a
22 volunteer. The application shall include, but shall not be
23 limited to, a question for the applicant to answer concerning
24 whether they have been convicted of or found to be a ~~child~~ sex

1 offender as defined in Section 11-9.3 of the Criminal Code of
2 2012. If a volunteer is under 18 years of age, the volunteer's
3 parent or legal guardian may complete the application on
4 behalf of the volunteer. No park district shall knowingly
5 engage a volunteer who has been convicted of or found to be a
6 ~~child~~ sex offender as defined in Section 11-9.3 of the
7 Criminal Code of 2012 and shall terminate the services of the
8 volunteer upon discovery of such an offender.

9 (c) If a current volunteer with a park district is
10 convicted of or found to be a ~~child~~ sex offender as defined in
11 Section 11-9.3 of the Criminal Code of 2012, the volunteer
12 shall immediately disclose the conviction or finding to the
13 park district.

14 (Source: P.A. 100-472, eff. 9-8-17.)

15 Section 15. The School Code is amended by changing
16 Sections 2-3.25f-5 and 34-4 as follows:

17 (105 ILCS 5/2-3.25f-5)

18 Sec. 2-3.25f-5. Independent Authority.

19 (a) The General Assembly finds all of the following:

20 (1) A fundamental goal of the people of this State, as
21 expressed in Section 1 of Article X of the Illinois
22 Constitution, is the educational development of all
23 persons to the limits of their capacities. When a school
24 board faces governance difficulties, continued operation

1 of the public school system is threatened.

2 (2) Sound school board governance, academic
3 achievement, and sound financial structure are essential
4 to the continued operation of any school system. It is
5 vital to commercial, educational, and cultural interests
6 that public schools remain in operation. To achieve that
7 goal, public school systems must have effective
8 leadership.

9 (3) To promote the sound operation of districts, as
10 defined in this Section, it may be necessary to provide
11 for the creation of independent authorities with the
12 powers necessary to promote sound governance, sound
13 academic planning, and sound financial management and to
14 ensure the continued operation of the public schools.

15 (4) It is the purpose of this Section to provide for a
16 sound basis for the continued operation of public schools.
17 The intention of the General Assembly, in creating this
18 Section, is to establish procedures, provide powers, and
19 impose restrictions to ensure the educational integrity of
20 public school districts.

21 (b) As used in this Section:

22 "Board" means a school board of a district.

23 "Chairperson" means the Chairperson of the Independent
24 Authority.

25 "District" means any school district having a population
26 of not more than 500,000.

1 "State Board" means the State Board of Education.

2 "State Superintendent" means the State Superintendent of
3 Education.

4 (c) The State Board has the power to direct the State
5 Superintendent to remove a board. Boards may be removed when
6 the criteria provided for in subsection (d) of this Section
7 are met. At no one time may the State Board remove more than 4
8 school boards and establish Independent Authorities pursuant
9 to subsection (e) of this Section.

10 If the State Board proposes to direct the State
11 Superintendent to remove a board from a district, board
12 members shall receive individual written notice of the
13 intended removal. Written notice must be provided at least 30
14 calendar days before a hearing is held by the State Board. This
15 notice shall identify the basis for proposed removal.

16 Board members are entitled to a hearing, during which time
17 each board member shall have the opportunity to respond
18 individually, both orally and through written comments, to the
19 basis laid out in the notice. Written comments must be
20 submitted to the State Board on or before the hearing.

21 Board members are entitled to be represented by counsel at
22 the hearing, but counsel must not be paid with district funds,
23 unless the State Board decides that the board will not be
24 removed and then the board members may be reimbursed for all
25 reasonable attorney's fees by the district.

26 The State Board shall make a final decision on removal

1 immediately following the hearing or at its next regularly
2 scheduled or special meeting. In no event may the decision be
3 made later than the next regularly scheduled meeting.

4 The State Board shall issue a final written decision. If
5 the State Board directs the State Superintendent to remove the
6 board, the State Superintendent shall do so within 30 days
7 after the written decision. Following the removal of the
8 board, the State Superintendent shall establish an Independent
9 Authority pursuant to subsection (e) of this Section.

10 If there is a financial oversight panel operating in the
11 district pursuant to Article 1B or 1H of this Code, the State
12 Board may, at its discretion, abolish the panel.

13 (d) The State Board may require districts with one or more
14 schools in Intensive Support status that have been identified
15 as having deficiencies in one or more core functions of the
16 needs assessment, as described in subsection (b-5) of Section
17 2-3.25f of this Code, to seek accreditation through an
18 independent accreditation organization chosen by the State
19 Board and paid for by the State. The State Board may direct the
20 State Superintendent to remove board members pursuant to
21 subsection (c) of this Section in any district in which the
22 district is unable to obtain accreditation in whole or in part
23 due to reasons specifically related to school board
24 governance. When determining if a district has failed to meet
25 the standards for accreditation specifically related to school
26 board governance, the accreditation entity shall take into

1 account the overall academic, fiscal, and operational
2 condition of the district and consider whether the board has
3 failed to protect district assets, to direct sound
4 administrative and academic policy, to abide by basic
5 governance principles, including those set forth in district
6 policies, and to conduct itself with professionalism and care
7 and in a legally, ethically, and financially responsible
8 manner. When considering if a board has failed in these areas,
9 the accreditation entity shall consider some or all of the
10 following factors:

11 (1) Failure to protect district assets by, without
12 limitation, incidents of fiscal fraud or misappropriation
13 of district funds; acts of neglecting the district's
14 building conditions; a failure to meet regularly
15 scheduled, payroll-period obligations when due; a failure
16 to abide by competitive bidding laws; a failure to prevent
17 an audit finding of material internal control weaknesses;
18 a failure to comply with required accounting principles; a
19 failure to develop and implement a comprehensive,
20 risk-management plan; a failure to provide financial
21 information or cooperate with the State Superintendent; or
22 a failure to file an annual financial report, an annual
23 budget, a deficit reduction plan, or other financial
24 information as required by law.

25 (2) Failure to direct sound administrative and
26 academic policy by, without limitation, hiring staff who

1 do not meet minimal certification requirements for the
2 positions being filled or who do not meet the customary
3 qualifications held by those occupying similar positions
4 in other school districts; a failure to avoid conflicts of
5 interest as it relates to hiring or other contractual
6 obligations; a failure to provide minimum graduation
7 requirements and curricular requirements of the School
8 Code and regulations; a failure to provide a minimum
9 school term as required by law; or a failure to adopt and
10 implement policies and practices that promote conditions
11 that support student learning, effective instruction, and
12 assessment that produce equitable and challenging learning
13 experiences for all students.

14 (3) Failure to abide by basic governance principles
15 by, without limitation, a failure to comply with the
16 mandated oath of office; a failure to adopt and abide by
17 sound local governance policies; a failure to abide by the
18 principle that official action by the board occurs only
19 through a duly-called and legally conducted meeting of the
20 board; a failure to abide by majority decisions of the
21 board; a failure to protect the privacy of students; a
22 failure to ensure that board decisions and actions are in
23 accordance with defined roles and responsibilities; or a
24 failure of the board to protect, support, and respect the
25 autonomy of a system to accomplish goals for improvement
26 in student learning and instruction and to manage

1 day-to-day operations of the school system and its
2 schools, including maintaining the distinction between the
3 board's roles and responsibilities and those of
4 administrative leadership.

5 (4) Failure to conduct itself in a legally, ethically,
6 and financially responsible manner by, without limitation,
7 a failure to act in accordance with the Constitution of
8 the United States of America and the Constitution of the
9 State of Illinois and within the scope of State and
10 federal laws; laws, including a failure to comply with
11 provisions of the School Code, the Open Meetings Act, and
12 the Freedom of Information Act and federal and State laws
13 that protect the rights of protected categories of
14 students; a failure to comply with all district policies
15 and procedures and all State rules; or a failure to comply
16 with the governmental entities provisions of the State
17 Officials and Employees Ethics Act, including the gift ban
18 and prohibited political activities provisions.

19 (e) Upon removal of the board, the State Superintendent
20 shall establish an Independent Authority. Upon establishment
21 of an Independent Authority, there is established a body both
22 corporate and politic to be known as the "(Name of the School
23 District) Independent Authority", which in this name shall
24 exercise all of the authority vested in an Independent
25 Authority by this Section and by the name may sue and be sued
26 in all courts and places where judicial proceedings are had.

1 (f) Upon establishment of an Independent Authority under
2 subsection (e) of this Section, the State Superintendent
3 shall, within 30 working days thereafter and in consultation
4 with State and locally elected officials, appoint 5 or 7
5 members to serve on an Independent Authority for the district.
6 Members appointed to the Independent Authority shall serve at
7 the pleasure of the State Superintendent. The State
8 Superintendent shall designate one of the members of the
9 Independent Authority to serve as its chairperson. In the
10 event of vacancy or resignation, the State Superintendent
11 shall, within 15 working days after receiving notice, appoint
12 a successor to serve out that member's term. If the State Board
13 has abolished a financial oversight panel pursuant to
14 subsection (c) of this Section, the State Superintendent may
15 appoint former members of the panel to the Independent
16 Authority. These members may serve as part of the 5 or 7
17 members or may be appointed in addition to the 5 or 7 members,
18 with the Independent Authority not to exceed 9 members in
19 total.

20 Members of the Independent Authority must be selected
21 primarily on the basis of their experience and knowledge in
22 education policy and governance, with consideration given to
23 persons knowledgeable in the operation of a school district. A
24 member of the Independent Authority must be a registered voter
25 as provided in the general election law, must not be a school
26 trustee, and must not be a ~~child~~ sex offender as defined in

1 Section 11-9.3 of the Criminal Code of 2012. A majority of the
2 members of the Independent Authority must be residents of the
3 district that the Independent Authority serves. A member of
4 the Independent Authority may not be an employee of the
5 district, nor may a member have a direct financial interest in
6 the district.

7 Independent Authority members may be reimbursed by the
8 district for travel if they live more than 25 miles away from
9 the district's headquarters and other necessary expenses
10 incurred in the performance of their official duties. The
11 amount reimbursed members for their expenses must be charged
12 to the school district.

13 With the exception of the Chairperson, the Independent
14 Authority may elect such officers as it deems appropriate.

15 The first meeting of the Independent Authority must be
16 held at the call of the Chairperson. The Independent Authority
17 shall prescribe the times and places for its meetings and the
18 manner in which regular and special meetings may be called and
19 shall comply with the Open Meetings Act.

20 All Independent Authority members must complete the
21 training required of school board members under Section 10-16a
22 of this Code.

23 (g) The purpose of the Independent Authority is to operate
24 the district. The Independent Authority shall have all of the
25 powers and duties of a board and all other powers necessary to
26 meet its responsibilities and to carry out its purpose and the

1 purposes of this Section and that may be requisite or proper
2 for the maintenance, operation, and development of any school
3 or schools under the jurisdiction of the Independent
4 Authority. This grant of powers does not release an
5 Independent Authority from any duty imposed upon it by this
6 Code or any other law.

7 The Independent Authority shall have no power to
8 unilaterally cancel or modify any collective bargaining
9 agreement in force upon the date of creation of the
10 Independent Authority.

11 (h) The Independent Authority may prepare and file with
12 the State Superintendent a proposal for emergency financial
13 assistance for the school district and for the operations
14 budget of the Independent Authority, in accordance with
15 Section 1B-8 of this Code. A district may receive both a loan
16 and a grant.

17 (i) An election for board members must not be held in a
18 district upon the establishment of an Independent Authority
19 and is suspended until the next regularly scheduled school
20 board election that takes place no less than 2 years following
21 the establishment of the Independent Authority. For this first
22 election, 3 school board members must be elected to serve out
23 terms of 4 years and until successors are elected and have
24 qualified. Members of the Independent Authority are eligible
25 to run for election in the district, provided that they meet
26 all other eligibility requirements of Section 10-10 of this

1 Code. Following this election, the school board shall consist
2 of the newly elected members and any remaining members of the
3 Independent Authority. The majority of this board must be
4 residents of the district. The State Superintendent must
5 appoint new members who are residents to the Independent
6 Authority if necessary to maintain this majority. At the next
7 school board election, 4 school board members must be elected
8 to serve out terms of 4 years and until successors are elected
9 and have qualified. For purposes of these first 2 elections,
10 the school board members must be elected at-large. In
11 districts where board members were previously elected using an
12 alternative format pursuant to Article 9 of this Code,
13 following these first 2 elections, the voting shall
14 automatically revert back to the original form. Following the
15 election, any remaining Independent Authority members shall
16 serve in the district as an oversight panel until such time as
17 the district meets the governance standards necessary to
18 achieve accreditation. If some or all of the Independent
19 Authority members have been elected to the board, the State
20 Superintendent may, in his or her discretion, appoint new
21 members to the Independent Authority pursuant to subsection
22 (f) of this Section. The school board shall get approval of all
23 actions by the Independent Authority during the time the
24 Independent Authority serves as an oversight panel.

25 Board members who were removed pursuant to subsection (c)
26 of this Section are ineligible to run for school board in the

1 district for 10 years following the abolition of the
2 Independent Authority pursuant to subsection (l) of this
3 Section. However, board members who were removed pursuant to
4 subsection (c) of this Section and were appointed to the
5 Independent Authority by the State Superintendent are eligible
6 to run for school board in the district.

7 (j) The Independent Authority, upon its members taking
8 office and annually thereafter and upon request, shall prepare
9 and submit to the State Superintendent a report on the state of
10 the district, including without limitation the academic
11 improvement and financial situation of the district. This
12 report must be submitted annually on or before March 1 of each
13 year. The State Superintendent shall provide copies of any and
14 all reports to the regional office of education for the
15 district and to the State Senator and Representative
16 representing the area where the district is located.

17 (k) The district shall render such services to and permit
18 the use of its facilities and resources by the Independent
19 Authority at no charge as may be requested by the Independent
20 Authority. Any State agency, unit of local government, or
21 school district may, within its lawful powers and duties,
22 render such services to the Independent Authority as may be
23 requested by the Independent Authority.

24 (l) An Independent Authority must be abolished when the
25 district, following the election of the full board, meets the
26 governance standards necessary to achieve accreditation status

1 by an independent accreditation agency chosen by the State
2 Board. The abolition of the Independent Authority shall be
3 done by the State Board and take place within 30 days after the
4 determination of the accreditation agency.

5 Upon abolition of the Independent Authority, all powers
6 and duties allowed by this Code to be exercised by a school
7 board shall be transferred to the elected school board.

8 (m) The Independent Authority must be indemnified through
9 insurance purchased by the district. The district shall
10 purchase insurance through which the Independent Authority is
11 to be indemnified.

12 The district retains the duty to represent and to
13 indemnify Independent Authority members following the
14 abolition of the Independent Authority for any cause of action
15 or remedy available against the Independent Authority, its
16 members, its employees, or its agents for any right or claim
17 existing or any liability incurred prior to the abolition.

18 The insurance shall indemnify and protect districts,
19 Independent Authority members, employees, volunteer personnel
20 authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of
21 this Code, mentors of certified or licensed staff as
22 authorized in Article 21A and Sections 2-3.53a, 2-3.53b, and
23 34-18.33 of this Code, and student teachers against civil
24 rights damage claims and suits, constitutional rights damage
25 claims and suits, and death and bodily injury and property
26 damage claims and suits, including defense thereof, when

1 damages are sought for negligent or wrongful acts alleged to
2 have been committed in the scope of employment, under the
3 direction of the Independent Authority, or related to any
4 mentoring services provided to certified or licensed staff of
5 the district. Such indemnification and protection shall extend
6 to persons who were members of an Independent Authority,
7 employees of an Independent Authority, authorized volunteer
8 personnel, mentors of certified or licensed staff, or student
9 teachers at the time of the incident from which a claim arises.
10 No agent may be afforded indemnification or protection unless
11 he or she was a member of an Independent Authority, an employee
12 of an Independent Authority, an authorized volunteer, a mentor
13 of certified or licensed staff, or a student teacher at the
14 time of the incident from which the claim arises.

15 (n) The State Board may adopt rules as may be necessary for
16 the administration of this Section.

17 (Source: P.A. 103-175, eff. 6-30-23.)

18 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

19 Sec. 34-4. Eligibility. To be eligible for election or
20 appointment to the Board, a person shall be a citizen of the
21 United States, shall be a registered voter as provided in the
22 Election Code, shall have been, for a period of one year
23 immediately before election or appointment, a resident of the
24 city, district, and subdistrict that the member represents,
25 and shall not be a ~~child~~ sex offender as defined in Section

1 11-9.3 of the Criminal Code of 2012. A person is ineligible for
2 election or appointment to the Board if that person is not in
3 compliance with the provisions of Section 10-9 as referenced
4 in Section 34-3. For the 2024 general election, all persons
5 eligible for election to the Board shall be nominated by a
6 petition signed by at least 1,000 but not more than 3,000 of
7 the voters residing within the electoral district on a
8 petition in order to be placed on the ballot. For the 2026
9 general election and general elections thereafter, persons
10 eligible for election to the Board shall be nominated by a
11 petition signed by at least 500 but no more than 1,500 voters
12 residing within the subdistrict on a petition in order to be
13 placed on the ballot, except that persons eligible for
14 election to the Board at large shall be nominated by a petition
15 signed by no less than 2,500 voters residing within the city.
16 Any registered voter may sign a nominating petition,
17 irrespective of any partisan petition the voter signs or may
18 sign. For the 2024 general election only, the petition
19 circulation period shall begin on March 26, 2024, and the
20 filing period shall be from June 17, 2024 to June 24, 2024.
21 Permanent removal from the city by any member of the Board
22 during the member's term of office constitutes a resignation
23 therefrom and creates a vacancy in the Board. Board members
24 shall serve without any compensation; however, members of the
25 Board shall be reimbursed for expenses incurred while in the
26 performance of their duties upon submission of proper receipts

1 or upon submission of a signed voucher in the case of an
2 expense allowance evidencing the amount of such reimbursement
3 or allowance to the President of the Board for verification
4 and approval. Board members shall not hold other public office
5 under the Federal, State or any local government other than
6 that of Director of the Regional Transportation Authority,
7 member of the economic development commission of a city having
8 a population exceeding 500,000, notary public or member of the
9 National Guard, and by accepting any such office while members
10 of the Board, or by not resigning any such office held at the
11 time of being elected or appointed to the Board within 30 days
12 after such election or appointment, shall be deemed to have
13 vacated their membership in the Board.

14 (Source: P.A. 102-177, eff. 6-1-22; 102-691, eff. 12-17-21;
15 103-584, eff. 3-18-24.)

16 Section 20. The Criminal Code of 2012 is amended by
17 changing Section 11-9.3 as follows:

18 (720 ILCS 5/11-9.3)

19 Sec. 11-9.3. Presence within school zone by ~~child~~ sex
20 offenders prohibited; approaching, contacting, residing with,
21 or communicating with a child within certain places by ~~child~~
22 sex offenders prohibited.

23 (a) It is unlawful for a ~~child~~ sex offender to knowingly be
24 present in any school building, on real property comprising

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

1 under the direct supervision of a school official.

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

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

17 (b) It is unlawful for a ~~child~~ sex offender to knowingly
18 loiter within 500 feet of a school building or real property
19 comprising any school while persons under the age of 18 are
20 present in the building or on the grounds, unless the offender
21 is a parent or guardian of a student attending the school and
22 the parent or guardian is: (i) attending a conference at the
23 school with school personnel to discuss the progress of his or
24 her child academically or socially, (ii) participating in
25 child review conferences in which evaluation and placement
26 decisions may be made with respect to his or her child

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

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

26 (b-5) It is unlawful for a ~~child~~ sex offender to knowingly

1 reside within 500 feet of a school building or the real
2 property comprising any school that persons under the age of
3 18 attend. Nothing in this subsection (b-5) prohibits a ~~child~~
4 sex offender from residing within 500 feet of a school
5 building or the real property comprising any school that
6 persons under 18 attend if the property is owned by the ~~child~~
7 sex offender and was purchased before July 7, 2000 (the
8 effective date of Public Act 91-911).

9 (b-10) It is unlawful for a ~~child~~ sex offender to
10 knowingly reside within 500 feet of a playground, child care
11 institution, day care center, part day child care facility,
12 day care home, group day care home, or a facility providing
13 programs or services exclusively directed toward persons under
14 18 years of age. Nothing in this subsection (b-10) prohibits a
15 ~~child~~ sex offender from residing within 500 feet of a
16 playground or a facility providing programs or services
17 exclusively directed toward persons under 18 years of age if
18 the property is owned by the ~~child~~ sex offender and was
19 purchased before July 7, 2000. Nothing in this subsection
20 (b-10) prohibits a ~~child~~ sex offender from residing within 500
21 feet of a child care institution, day care center, or part day
22 child care facility if the property is owned by the ~~child~~ sex
23 offender and was purchased before June 26, 2006. Nothing in
24 this subsection (b-10) prohibits a ~~child~~ sex offender from
25 residing within 500 feet of a day care home or group day care
26 home if the property is owned by the ~~child~~ sex offender and was

1 purchased before August 14, 2008 (the effective date of Public
2 Act 95-821).

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

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

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

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

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

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

1 present.

2 (c-5) It is unlawful for a ~~child~~ sex offender to knowingly
3 operate, manage, be employed by, or be associated with any
4 carnival, amusement enterprise, or county or State fair when
5 persons under the age of 18 are present.

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

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

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

1 (d) Definitions. In this Section:

2 (1) "Sex offender" has the meaning ascribed to the
3 term in Section 2 of the Sex Offender Registration Act.

4 ~~"Child sex offender" means any person who:~~

5 ~~(i) has been charged under Illinois law, or any~~
6 ~~substantially similar federal law or law of another~~
7 ~~state, with a sex offense set forth in paragraph (2) of~~
8 ~~this subsection (d) or the attempt to commit an~~
9 ~~included sex offense, and the victim is a person under~~
10 ~~18 years of age at the time of the offense; and:~~

11 ~~(A) is convicted of such offense or an attempt~~
12 ~~to commit such offense; or~~

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

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

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

26 ~~(E) is found not guilty by reason of insanity~~

1 following a hearing conducted pursuant to a
2 federal law or the law of another state
3 substantially similar to subsection (c) of Section
4 104-25 of the Code of Criminal Procedure of 1963
5 of such offense or of the attempted commission of
6 such offense; or

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

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

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

23 Convictions that result from or are connected with the
24 same act, or result from offenses committed at the same
25 time, shall be counted for the purpose of this Section as
26 one conviction. Any conviction set aside pursuant to law

1 ~~is not a conviction for purposes of this Section.~~

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

4 (i) A violation of any of the following Sections
5 of the Criminal Code of 1961 or the Criminal Code of
6 2012: 10-4 (forcible detention), 10-7 (aiding or
7 abetting child abduction under Section 10-5(b)(10)),
8 10-5(b)(10) (child luring), 11-1.40 (predatory
9 criminal sexual assault of a child), 11-6 (indecent
10 solicitation of a child), 11-6.5 (indecent
11 solicitation of an adult), 11-9.1 (sexual exploitation
12 of a child), 11-9.2 (custodial sexual misconduct),
13 11-9.5 (sexual misconduct with a person with a
14 disability), 11-11 (sexual relations within families),
15 11-14.3(a)(1) (promoting prostitution by advancing
16 prostitution), 11-14.3(a)(2)(A) (promoting
17 prostitution by profiting from prostitution by
18 compelling a person to be a prostitute),
19 11-14.3(a)(2)(C) (promoting prostitution by profiting
20 from prostitution by means other than as described in
21 subparagraphs (A) and (B) of paragraph (2) of
22 subsection (a) of Section 11-14.3), 11-14.4 (promoting
23 juvenile prostitution), 11-18.1 (patronizing a
24 juvenile prostitute), 11-20.1 (child pornography),
25 11-20.1B (aggravated child pornography), 11-21
26 (harmful material), 11-25 (grooming), 11-26 (traveling

1 to meet a minor or traveling to meet a child), 12-33
2 (ritualized abuse of a child), 11-20 (obscenity) (when
3 that offense was committed in any school, on real
4 property comprising any school, in any conveyance
5 owned, leased, or contracted by a school to transport
6 students to or from school or a school related
7 activity, or in a public park), 11-30 (public
8 indecency) (when committed in a school, on real
9 property comprising a school, in any conveyance owned,
10 leased, or contracted by a school to transport
11 students to or from school or a school related
12 activity, or in a public park). An attempt to commit
13 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), 11-1.50
19 (criminal sexual abuse), 11-1.60 (aggravated criminal
20 sexual abuse). An attempt to commit any of these
21 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
8 clause (2)(i) or (2)(ii) of subsection (d) of this
9 Section.

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

12 (i) A violation of any of the following Sections
13 of the Criminal Code of 1961 or the Criminal Code of
14 2012:

15 10-5(b)(10) (child luring), 10-7 (aiding or
16 abetting child abduction under Section 10-5(b)(10)),
17 11-1.40 (predatory criminal sexual assault of a
18 child), 11-6 (indecent solicitation of a child),
19 11-6.5 (indecent solicitation of an adult), 11-9.2
20 (custodial sexual misconduct), 11-9.5 (sexual
21 misconduct with a person with a disability), 11-11
22 (sexual relations within families), 11-14.3(a)(1)
23 (promoting prostitution by advancing prostitution),
24 11-14.3(a)(2)(A) (promoting prostitution by profiting
25 from prostitution by compelling a person to be a
26 prostitute), 11-14.3(a)(2)(C) (promoting prostitution

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

11 (ii) A violation of any of the following Sections
12 of the Criminal Code of 1961 or the Criminal Code of
13 2012, when the victim is a person under 18 years of
14 age: 11-1.20 (criminal sexual assault), 11-1.30
15 (aggravated criminal sexual assault), 11-1.60
16 (aggravated criminal sexual abuse), and subsection (a)
17 of Section 11-1.50 (criminal sexual abuse). An attempt
18 to commit any of these offenses.

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

23 10-1 (kidnapping),

24 10-2 (aggravated kidnapping),

25 10-3 (unlawful restraint),

26 10-3.1 (aggravated unlawful restraint),

1 11-9.1(A) (permitting sexual abuse of a child).

2 An attempt to commit any of these offenses.

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

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

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

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

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

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

25 (8) "Facility providing programs or services directed
26 towards persons under the age of 18" means any facility

1 providing programs or services exclusively directed
2 towards persons under the age of 18.

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

5 (10) "Internet" has the meaning set forth in Section
6 16-0.1 of this Code.

7 (11) "Loiter" means:

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

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

15 (iii) Entering or remaining in a building in or
16 around school property, other than the offender's
17 residence.

18 (12) "Part day child care facility" has the meaning
19 ascribed to it in Section 2.10 of the Child Care Act of
20 1969.

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

25 (14) "Public park" includes a park, forest preserve,
26 bikeway, trail, or conservation area under the

1 jurisdiction of the State or a unit of local government.

2 (15) "School" means a public or private preschool or
3 elementary or secondary school.

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

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

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

22 (Source: P.A. 102-997, eff. 1-1-23.)