



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB1432

Introduced 1/31/2023, by Rep. Patrick Windhorst

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3  
720 ILCS 5/11-9.4-1  
730 ILCS 150/2

from Ch. 38, par. 222

Amends the Criminal Code of 2012. Provides that for the purposes of the statutes prohibiting the presence within school zone by child sex offenders and prohibiting their approaching, contacting, residing with, or communicating with a child within certain places and prohibiting sexual predators and child sex offenders presence or loitering in or near public parks, includes in the definition of child sex offender when the victim is a person under 18 years of age at the time of the commission of the offense, a person who committed a violation or attempted violation of the unauthorized video recording and live video transmission offense that involves: (1) knowingly making a video record or transmitting live video of another person without that person's consent in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom; (2) knowingly making a video record or transmitting live video of another person's intimate parts for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent; or (3) placing or causing to be placed a device that makes a video record or transmitting a live video in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom with the intent to make a video record or transmitting live video of another person without that person's consent. Amends the Sex Offender Registration Act. Provides that "sex offense" under the Act includes a person who committed a violation or attempted violation of these video recording or live video transmission violations.

LRB103 05851 RLC 50871 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 Criminal Code of 2012 is amended by  
5 changing Sections 11-9.3 and 11-9.4-1 as follows:

6 (720 ILCS 5/11-9.3)

7 Sec. 11-9.3. Presence within school zone by child sex  
8 offenders prohibited; approaching, contacting, residing with,  
9 or communicating with a child within certain places by child  
10 sex offenders prohibited.

11 (a) It is unlawful for a child sex offender to knowingly be  
12 present in any school building, on real property comprising  
13 any school, or in any conveyance owned, leased, or contracted  
14 by a school to transport students to or from school or a school  
15 related activity when persons under the age of 18 are present  
16 in the building, on the grounds or in the conveyance, unless  
17 the offender is a parent or guardian of a student attending the  
18 school and the parent or guardian is: (i) attending a  
19 conference at the school with school personnel to discuss the  
20 progress of his or her child academically or socially, (ii)  
21 participating in child review conferences in which evaluation  
22 and placement decisions may be made with respect to his or her  
23 child regarding special education services, or (iii) attending

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

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

23 (a-10) It is unlawful for a child sex offender to  
24 knowingly be present in any public park building, a playground  
25 or recreation area within any publicly accessible privately  
26 owned building, or on real property comprising any public park

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

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

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

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

15 (b-5) It is unlawful for a child sex offender to knowingly  
16 reside within 500 feet of a school building or the real  
17 property comprising any school that persons under the age of  
18 18 attend. Nothing in this subsection (b-5) prohibits a child  
19 sex offender from residing within 500 feet of a school  
20 building or the real property comprising any school that  
21 persons under 18 attend if the property is owned by the child  
22 sex offender and was purchased before July 7, 2000 (the  
23 effective date of Public Act 91-911).

24 (b-10) It is unlawful for a child sex offender to  
25 knowingly reside within 500 feet of a playground, child care  
26 institution, day care center, part day child care facility,

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

18 (b-15) It is unlawful for a child sex offender to  
19 knowingly reside within 500 feet of the victim of the sex  
20 offense. Nothing in this subsection (b-15) prohibits a child  
21 sex offender from residing within 500 feet of the victim if the  
22 property in which the child sex offender resides is owned by  
23 the child sex offender and was purchased before August 22,  
24 2002.

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

1 (b-20) It is unlawful for a child sex offender to  
2 knowingly communicate, other than for a lawful purpose under  
3 Illinois law, using the Internet or any other digital media,  
4 with a person under 18 years of age or with a person whom he or  
5 she believes to be a person under 18 years of age, unless the  
6 offender is a parent or guardian of the person under 18 years  
7 of age.

8 (c) It is unlawful for a child sex offender to knowingly  
9 operate, manage, be employed by, volunteer at, be associated  
10 with, or knowingly be present at any: (i) facility providing  
11 programs or services exclusively directed toward persons under  
12 the age of 18; (ii) day care center; (iii) part day child care  
13 facility; (iv) child care institution; (v) school providing  
14 before and after school programs for children under 18 years  
15 of age; (vi) day care home; or (vii) group day care home. This  
16 does not prohibit a child sex offender from owning the real  
17 property upon which the programs or services are offered or  
18 upon which the day care center, part day child care facility,  
19 child care institution, or school providing before and after  
20 school programs for children under 18 years of age is located,  
21 provided the child sex offender refrains from being present on  
22 the premises for the hours during which: (1) the programs or  
23 services are being offered or (2) the day care center, part day  
24 child care facility, child care institution, or school  
25 providing before and after school programs for children under  
26 18 years of age, day care home, or group day care home is

1 operated.

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

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

21 (c-6) It is unlawful for a child sex offender who owns and  
22 resides at residential real estate to knowingly rent any  
23 residential unit within the same building in which he or she  
24 resides to a person who is the parent or guardian of a child or  
25 children under 18 years of age. This subsection shall apply  
26 only to leases or other rental arrangements entered into after



1 January 1, 2009 (the effective date of Public Act 95-820).

2 (c-7) It is unlawful for a child sex offender to knowingly  
3 offer or provide any programs or services to persons under 18  
4 years of age in his or her residence or the residence of  
5 another or in any facility for the purpose of offering or  
6 providing such programs or services, whether such programs or  
7 services are offered or provided by contract, agreement,  
8 arrangement, or on a volunteer basis.

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

16 (d) Definitions. In this Section:

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

18 (i) has been charged under Illinois law, or any  
19 substantially similar federal law or law of another  
20 state, with a sex offense set forth in paragraph (2) of  
21 this subsection (d) or the attempt to commit an  
22 included sex offense, and the victim is a person under  
23 18 years of age at the time of the offense; and:

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

26 (B) is found not guilty by reason of insanity

1 of such offense or an attempt to commit such  
2 offense; or

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

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

13 (E) is found not guilty by reason of insanity  
14 following a hearing conducted pursuant to a  
15 federal law or the law of another state  
16 substantially similar to subsection (c) of Section  
17 104-25 of the Code of Criminal Procedure of 1963  
18 of such offense or of the attempted commission of  
19 such offense; or

20 (F) is the subject of a finding not resulting  
21 in an acquittal at a hearing conducted pursuant to  
22 a federal law or the law of another state  
23 substantially similar to subsection (a) of Section  
24 104-25 of the Code of Criminal Procedure of 1963  
25 for the alleged violation or attempted commission  
26 of such offense; or

1 (ii) is certified as a sexually dangerous person  
2 pursuant to the Illinois Sexually Dangerous Persons  
3 Act, or any substantially similar federal law or the  
4 law of another state, when any conduct giving rise to  
5 such certification is committed or attempted against a  
6 person less than 18 years of age; or

7 (iii) is subject to the provisions of Section 2 of  
8 the Interstate Agreements on Sexually Dangerous  
9 Persons Act.

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

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

17 (i) A violation of any of the following Sections  
18 of the Criminal Code of 1961 or the Criminal Code of  
19 2012: 10-4 (forcible detention), 10-7 (aiding or  
20 abetting child abduction under Section 10-5(b)(10)),  
21 10-5(b)(10) (child luring), 11-1.40 (predatory  
22 criminal sexual assault of a child), 11-6 (indecent  
23 solicitation of a child), 11-6.5 (indecent  
24 solicitation of an adult), 11-9.1 (sexual exploitation  
25 of a child), 11-9.2 (custodial sexual misconduct),  
26 11-9.5 (sexual misconduct with a person with a

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

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

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

13 10-1 (kidnapping),  
14 10-2 (aggravated kidnapping),  
15 10-3 (unlawful restraint),  
16 10-3.1 (aggravated unlawful restraint),  
17 11-9.1(A) (permitting sexual abuse of a child).

18 An attempt to commit any of these offenses.

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

23 (2.1) "Sex offense" includes a violation or attempted  
24 violation of subsection (a), (a-10), or (a-15) of Section  
25 26-4 when the violation or attempted violation was  
26 committed on or after the effective of this amendatory Act

1 of the 103rd General Assembly and the victim is a person  
2 under 18 years of age at the time of the commission of the  
3 offense.

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

6 (i) A violation of any of the following Sections  
7 of the Criminal Code of 1961 or the Criminal Code of  
8 2012:

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

1 11-25 (grooming), 11-26 (traveling to meet a minor or  
2 traveling to meet a child), or 12-33 (ritualized abuse  
3 of a child). An attempt to commit any of these  
4 offenses.

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

13 (iii) A violation of any of the following Sections  
14 of the Criminal Code of 1961 or the Criminal Code of  
15 2012, when the victim is a person under 18 years of age  
16 and the defendant is not a 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 11-9.1(A) (permitting sexual abuse of a child).

22 An attempt to commit any of these offenses.

23 (iv) A violation of any former law of this State  
24 substantially equivalent to any offense listed in this  
25 paragraph (2.5) of this subsection.

26 (3) A conviction for an offense of federal law or the

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

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

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

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

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

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

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

25 (10) "Internet" has the meaning set forth in Section  
26 16-0.1 of this Code.



1 (11) "Loiter" means:

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

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

9 (iii) Entering or remaining in a building in or  
10 around school property, other than the offender's  
11 residence.

12 (12) "Part day child care facility" has the meaning  
13 ascribed to it in Section 2.10 of the Child Care Act of  
14 1969.

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

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

22 (15) "School" means a public or private preschool or  
23 elementary or secondary school.

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

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

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

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

17 (720 ILCS 5/11-9.4-1)

18 Sec. 11-9.4-1. Sexual predator and child sex offender;  
19 presence or loitering in or near public parks prohibited.

20 (a) For the purposes of this Section:

21 "Child sex offender" has the meaning ascribed to it in  
22 subsection (d) of Section 11-9.3 of this Code, including  
23 an offense described in paragraph (2.1) of subsection (d)  
24 of Section 11-9.3, but does not include as a sex offense  
25 under paragraph (2) of subsection (d) of Section 11-9.3,

1 the offenses under subsections (b) and (c) of Section  
2 11-1.50 or subsections (b) and (c) of Section 12-15 of  
3 this Code.

4 "Public park" includes a park, forest preserve,  
5 bikeway, trail, or conservation area under the  
6 jurisdiction of the State or a unit of local government.

7 "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 "Sexual predator" has the meaning ascribed to it in  
16 subsection (E) of Section 2 of the Sex Offender  
17 Registration Act.

18 (b) It is unlawful for a sexual predator or a child sex  
19 offender to knowingly be present in any public park building  
20 or on real property comprising any public park.

21 (c) It is unlawful for a sexual predator or a child sex  
22 offender to knowingly loiter on a public way within 500 feet of  
23 a public park building or real property comprising any public  
24 park. For the purposes of this subsection (c), the 500 feet  
25 distance shall be measured from the edge of the property  
26 comprising the public park building or the real property

1 comprising the public park.

2 (d) Sentence. A person who violates this Section is guilty  
3 of a Class A misdemeanor, except that a second or subsequent  
4 violation is a Class 4 felony.

5 (Source: P.A. 96-1099, eff. 1-1-11; 97-698, eff. 1-1-13;  
6 97-1109, eff. 1-1-13.)

7 Section 10. The Sex Offender Registration Act is amended  
8 by changing Section 2 as follows:

9 (730 ILCS 150/2) (from Ch. 38, par. 222)

10 Sec. 2. Definitions.

11 (A) As used in this Article, "sex offender" means any  
12 person who is:

13 (1) charged pursuant to Illinois law, or any  
14 substantially similar federal, Uniform Code of Military  
15 Justice, sister state, or foreign country law, with a sex  
16 offense set forth in subsection (B) of this Section or the  
17 attempt to commit an included sex offense, and:

18 (a) is convicted of such offense or an attempt to  
19 commit such offense; or

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

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

1           commit such offense; or

2           (d) is the subject of a finding not resulting in an  
3           acquittal at a hearing conducted pursuant to Section  
4           104-25(a) of the Code of Criminal Procedure of 1963  
5           for the alleged commission or attempted commission of  
6           such offense; or

7           (e) is found not guilty by reason of insanity  
8           following a hearing conducted pursuant to a federal,  
9           Uniform Code of Military Justice, sister state, or  
10          foreign country law substantially similar to Section  
11          104-25(c) of the Code of Criminal Procedure of 1963 of  
12          such offense or of the attempted commission of such  
13          offense; or

14          (f) is the subject of a finding not resulting in an  
15          acquittal at a hearing conducted pursuant to a  
16          federal, Uniform Code of Military Justice, sister  
17          state, or foreign country law substantially similar to  
18          Section 104-25(a) of the Code of Criminal Procedure of  
19          1963 for the alleged violation or attempted commission  
20          of such offense; or

21          (2) declared as a sexually dangerous person pursuant  
22          to the Illinois Sexually Dangerous Persons Act, or any  
23          substantially similar federal, Uniform Code of Military  
24          Justice, sister state, or foreign country law; or

25          (3) subject to the provisions of Section 2 of the  
26          Interstate Agreements on Sexually Dangerous Persons Act;

1 or

2 (4) found to be a sexually violent person pursuant to  
3 the Sexually Violent Persons Commitment Act or any  
4 substantially similar federal, Uniform Code of Military  
5 Justice, sister state, or foreign country law; or

6 (5) adjudicated a juvenile delinquent as the result of  
7 committing or attempting to commit an act which, if  
8 committed by an adult, would constitute any of the  
9 offenses specified in item (B), (C), or (C-5) of this  
10 Section or a violation of any substantially similar  
11 federal, Uniform Code of Military Justice, sister state,  
12 or foreign country law, or found guilty under Article V of  
13 the Juvenile Court Act of 1987 of committing or attempting  
14 to commit an act which, if committed by an adult, would  
15 constitute any of the offenses specified in item (B), (C),  
16 or (C-5) of this Section or a violation of any  
17 substantially similar federal, Uniform Code of Military  
18 Justice, sister state, or foreign country law.

19 Convictions that result from or are connected with the  
20 same act, or result from offenses committed at the same time,  
21 shall be counted for the purpose of this Article as one  
22 conviction. Any conviction set aside pursuant to law is not a  
23 conviction for purposes of this Article.

24 For purposes of this Section, "convicted" shall have the  
25 same meaning as "adjudicated".

26 (B) As used in this Article, "sex offense" means:

1 (1) A violation of any of the following Sections of  
2 the Criminal Code of 1961 or the Criminal Code of 2012:

3 11-20.1 (child pornography),  
4 11-20.1B or 11-20.3 (aggravated child  
5 pornography),

6 11-6 (indecent solicitation of a child),

7 11-9.1 (sexual exploitation of a child),

8 11-9.2 (custodial sexual misconduct),

9 11-9.5 (sexual misconduct with a person with a  
10 disability),

11 11-14.4 (promoting juvenile prostitution),

12 11-15.1 (soliciting for a juvenile prostitute),

13 11-18.1 (patronizing a juvenile prostitute),

14 11-17.1 (keeping a place of juvenile  
15 prostitution),

16 11-19.1 (juvenile pimping),

17 11-19.2 (exploitation of a child),

18 11-25 (grooming),

19 11-26 (traveling to meet a minor or traveling to  
20 meet a child),

21 11-1.20 or 12-13 (criminal sexual assault),

22 11-1.30 or 12-14 (aggravated criminal sexual  
23 assault),

24 11-1.40 or 12-14.1 (predatory criminal sexual  
25 assault of a child),

26 11-1.50 or 12-15 (criminal sexual abuse),

1           11-1.60 or 12-16 (aggravated criminal sexual  
2           abuse),

3           12-33 (ritualized abuse of a child).

4           An attempt to commit any of these offenses.

5           (1.5) A violation of any of the following Sections of  
6           the Criminal Code of 1961 or the Criminal Code of 2012,  
7           when the victim is a person under 18 years of age, the  
8           defendant is not a parent of the victim, the offense was  
9           sexually motivated as defined in Section 10 of the Sex  
10          Offender Evaluation and Treatment Act, and the offense was  
11          committed on or after January 1, 1996:

12                 10-1 (kidnapping),

13                 10-2 (aggravated kidnapping),

14                 10-3 (unlawful restraint),

15                 10-3.1 (aggravated unlawful restraint).

16          If the offense was committed before January 1, 1996,  
17          it is a sex offense requiring registration only when the  
18          person is convicted of any felony after July 1, 2011, and  
19          paragraph (2.1) of subsection (c) of Section 3 of this Act  
20          applies.

21          (1.6) First degree murder under Section 9-1 of the  
22          Criminal Code of 1961 or the Criminal Code of 2012,  
23          provided the offense was sexually motivated as defined in  
24          Section 10 of the Sex Offender Management Board Act.

25          (1.7) (Blank).

26          (1.8) A violation or attempted violation of Section



1 11-11 (sexual relations within families) of the Criminal  
2 Code of 1961 or the Criminal Code of 2012, and the offense  
3 was committed on or after June 1, 1997. If the offense was  
4 committed before June 1, 1997, it is a sex offense  
5 requiring registration only when the person is convicted  
6 of any felony after July 1, 2011, and paragraph (2.1) of  
7 subsection (c) of Section 3 of this Act applies.

8 (1.9) Child abduction under paragraph (10) of  
9 subsection (b) of Section 10-5 of the Criminal Code of  
10 1961 or the Criminal Code of 2012 committed by luring or  
11 attempting to lure a child under the age of 16 into a motor  
12 vehicle, building, house trailer, or dwelling place  
13 without the consent of the parent or lawful custodian of  
14 the child for other than a lawful purpose and the offense  
15 was committed on or after January 1, 1998, provided the  
16 offense was sexually motivated as defined in Section 10 of  
17 the Sex Offender Management Board Act. If the offense was  
18 committed before January 1, 1998, it is a sex offense  
19 requiring registration only when the person is convicted  
20 of any felony after July 1, 2011, and paragraph (2.1) of  
21 subsection (c) of Section 3 of this Act applies.

22 (1.10) A violation or attempted violation of any of  
23 the following Sections of the Criminal Code of 1961 or the  
24 Criminal Code of 2012 when the offense was committed on or  
25 after July 1, 1999:

26 10-4 (forcible detention, if the victim is under

1 18 years of age), provided the offense was sexually  
2 motivated as defined in Section 10 of the Sex Offender  
3 Management Board Act,

4 11-6.5 (indecent solicitation of an adult),

5 11-14.3 that involves soliciting for a prostitute,  
6 or 11-15 (soliciting for a prostitute, if the victim  
7 is under 18 years of age),

8 subdivision (a) (2) (A) or (a) (2) (B) of Section  
9 11-14.3, or Section 11-16 (pandering, if the victim is  
10 under 18 years of age),

11 11-18 (patronizing a prostitute, if the victim is  
12 under 18 years of age),

13 subdivision (a) (2) (C) of Section 11-14.3, or  
14 Section 11-19 (pimping, if the victim is under 18  
15 years of age).

16 If the offense was committed before July 1, 1999, it  
17 is a sex offense requiring registration only when the  
18 person is convicted of any felony after July 1, 2011, and  
19 paragraph (2.1) of subsection (c) of Section 3 of this Act  
20 applies.

21 (1.11) A violation or attempted violation of any of  
22 the following Sections of the Criminal Code of 1961 or the  
23 Criminal Code of 2012 when the offense was committed on or  
24 after August 22, 2002:

25 11-9 or 11-30 (public indecency for a third or  
26 subsequent conviction).

1           If the third or subsequent conviction was imposed  
2 before August 22, 2002, it is a sex offense requiring  
3 registration only when the person is convicted of any  
4 felony after July 1, 2011, and paragraph (2.1) of  
5 subsection (c) of Section 3 of this Act applies.

6           (1.12) A violation or attempted violation of Section  
7 5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
8 Criminal Code of 1961 or the Criminal Code of 2012  
9 (permitting sexual abuse) when the offense was committed  
10 on or after August 22, 2002. If the offense was committed  
11 before August 22, 2002, it is a sex offense requiring  
12 registration only when the person is convicted of any  
13 felony after July 1, 2011, and paragraph (2.1) of  
14 subsection (c) of Section 3 of this Act applies.

15           (1.13) A violation or attempted violation of  
16 subsection (a), (a-10), or (a-15) of Section 26-4 of the  
17 Criminal Code of 2012 when the violation or attempted  
18 violation was committed on or after the effective of this  
19 amendatory Act of the 103rd General Assembly.

20           (2) A violation of any former law of this State  
21 substantially equivalent to any offense listed in  
22 subsection (B) of this Section.

23           (C) A conviction for an offense of federal law, Uniform  
24 Code of Military Justice, or the law of another state or a  
25 foreign country that is substantially equivalent to any  
26 offense listed in subsections (B), (C), (E), and (E-5) of this

1 Section shall constitute a conviction for the purpose of this  
2 Article. A finding or adjudication as a sexually dangerous  
3 person or a sexually violent person under any federal law,  
4 Uniform Code of Military Justice, or the law of another state  
5 or foreign country that is substantially equivalent to the  
6 Sexually Dangerous Persons Act or the Sexually Violent Persons  
7 Commitment Act shall constitute an adjudication for the  
8 purposes of this Article.

9 (C-5) A person at least 17 years of age at the time of the  
10 commission of the offense who is convicted of first degree  
11 murder under Section 9-1 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012, against a person under 18 years of age,  
13 shall be required to register for natural life. A conviction  
14 for an offense of federal, Uniform Code of Military Justice,  
15 sister state, or foreign country law that is substantially  
16 equivalent to any offense listed in subsection (C-5) of this  
17 Section shall constitute a conviction for the purpose of this  
18 Article. This subsection (C-5) applies to a person who  
19 committed the offense before June 1, 1996 if: (i) the person is  
20 incarcerated in an Illinois Department of Corrections facility  
21 on August 20, 2004 (the effective date of Public Act 93-977),  
22 or (ii) subparagraph (i) does not apply and the person is  
23 convicted of any felony after July 1, 2011, and paragraph  
24 (2.1) of subsection (c) of Section 3 of this Act applies.

25 (C-6) A person who is convicted or adjudicated delinquent  
26 of first degree murder as defined in Section 9-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, against a  
2 person 18 years of age or over, shall be required to register  
3 for his or her natural life. A conviction for an offense of  
4 federal, Uniform Code of Military Justice, sister state, or  
5 foreign country law that is substantially equivalent to any  
6 offense listed in subsection (C-6) of this Section shall  
7 constitute a conviction for the purpose of this Article. This  
8 subsection (C-6) does not apply to those individuals released  
9 from incarceration more than 10 years prior to January 1, 2012  
10 (the effective date of Public Act 97-154).

11 (D) As used in this Article, "law enforcement agency  
12 having jurisdiction" means the Chief of Police in each of the  
13 municipalities in which the sex offender expects to reside,  
14 work, or attend school (1) upon his or her discharge, parole or  
15 release or (2) during the service of his or her sentence of  
16 probation or conditional discharge, or the Sheriff of the  
17 county, in the event no Police Chief exists or if the offender  
18 intends to reside, work, or attend school in an unincorporated  
19 area. "Law enforcement agency having jurisdiction" includes  
20 the location where out-of-state students attend school and  
21 where out-of-state employees are employed or are otherwise  
22 required to register.

23 (D-1) As used in this Article, "supervising officer" means  
24 the assigned Illinois Department of Corrections parole agent  
25 or county probation officer.

26 (E) As used in this Article, "sexual predator" means any

1 person who, after July 1, 1999, is:

2 (1) Convicted for an offense of federal, Uniform Code  
3 of Military Justice, sister state, or foreign country law  
4 that is substantially equivalent to any offense listed in  
5 subsection (E) or (E-5) of this Section shall constitute a  
6 conviction for the purpose of this Article. Convicted of a  
7 violation or attempted violation of any of the following  
8 Sections of the Criminal Code of 1961 or the Criminal Code  
9 of 2012:

10 10-5.1 (luring of a minor),

11 11-14.4 that involves keeping a place of juvenile  
12 prostitution, or 11-17.1 (keeping a place of juvenile  
13 prostitution),

14 subdivision (a) (2) or (a) (3) of Section 11-14.4,  
15 or Section 11-19.1 (juvenile pimping),

16 subdivision (a) (4) of Section 11-14.4, or Section  
17 11-19.2 (exploitation of a child),

18 11-20.1 (child pornography),

19 11-20.1B or 11-20.3 (aggravated child  
20 pornography),

21 11-1.20 or 12-13 (criminal sexual assault),

22 11-1.30 or 12-14 (aggravated criminal sexual  
23 assault),

24 11-1.40 or 12-14.1 (predatory criminal sexual  
25 assault of a child),

26 11-1.60 or 12-16 (aggravated criminal sexual

1 abuse),

2 12-33 (ritualized abuse of a child);

3 (2) (blank);

4 (3) declared as a sexually dangerous person pursuant  
5 to the Sexually Dangerous Persons Act or any substantially  
6 similar federal, Uniform Code of Military Justice, sister  
7 state, or foreign country law;

8 (4) found to be a sexually violent person pursuant to  
9 the Sexually Violent Persons Commitment Act or any  
10 substantially similar federal, Uniform Code of Military  
11 Justice, sister state, or foreign country law;

12 (5) convicted of a second or subsequent offense which  
13 requires registration pursuant to this Act. For purposes  
14 of this paragraph (5), "convicted" shall include a  
15 conviction under any substantially similar Illinois,  
16 federal, Uniform Code of Military Justice, sister state,  
17 or foreign country law;

18 (6) (blank); or

19 (7) if the person was convicted of an offense set  
20 forth in this subsection (E) on or before July 1, 1999, the  
21 person is a sexual predator for whom registration is  
22 required only when the person is convicted of a felony  
23 offense after July 1, 2011, and paragraph (2.1) of  
24 subsection (c) of Section 3 of this Act applies.

25 (E-5) As used in this Article, "sexual predator" also  
26 means a person convicted of a violation or attempted violation

1 of any of the following Sections of the Criminal Code of 1961  
2 or the Criminal Code of 2012:

3 (1) Section 9-1 (first degree murder, when the victim  
4 was a person under 18 years of age and the defendant was at  
5 least 17 years of age at the time of the commission of the  
6 offense, provided the offense was sexually motivated as  
7 defined in Section 10 of the Sex Offender Management Board  
8 Act);

9 (2) Section 11-9.5 (sexual misconduct with a person  
10 with a disability);

11 (3) when the victim is a person under 18 years of age,  
12 the defendant is not a parent of the victim, the offense  
13 was sexually motivated as defined in Section 10 of the Sex  
14 Offender Management Board Act, and the offense was  
15 committed on or after January 1, 1996: (A) Section 10-1  
16 (kidnapping), (B) Section 10-2 (aggravated kidnapping),  
17 (C) Section 10-3 (unlawful restraint), and (D) Section  
18 10-3.1 (aggravated unlawful restraint); and

19 (4) Section 10-5(b)(10) (child abduction committed by  
20 luring or attempting to lure a child under the age of 16  
21 into a motor vehicle, building, house trailer, or dwelling  
22 place without the consent of the parent or lawful  
23 custodian of the child for other than a lawful purpose and  
24 the offense was committed on or after January 1, 1998,  
25 provided the offense was sexually motivated as defined in  
26 Section 10 of the Sex Offender Management Board Act).



1 (E-10) As used in this Article, "sexual predator" also  
2 means a person required to register in another State due to a  
3 conviction, adjudication or other action of any court  
4 triggering an obligation to register as a sex offender, sexual  
5 predator, or substantially similar status under the laws of  
6 that State.

7 (F) As used in this Article, "out-of-state student" means  
8 any sex offender, as defined in this Section, or sexual  
9 predator who is enrolled in Illinois, on a full-time or  
10 part-time basis, in any public or private educational  
11 institution, including, but not limited to, any secondary  
12 school, trade or professional institution, or institution of  
13 higher learning.

14 (G) As used in this Article, "out-of-state employee" means  
15 any sex offender, as defined in this Section, or sexual  
16 predator who works in Illinois, regardless of whether the  
17 individual receives payment for services performed, for a  
18 period of time of 10 or more days or for an aggregate period of  
19 time of 30 or more days during any calendar year. Persons who  
20 operate motor vehicles in the State accrue one day of  
21 employment time for any portion of a day spent in Illinois.

22 (H) As used in this Article, "school" means any public or  
23 private educational institution, including, but not limited  
24 to, any elementary or secondary school, trade or professional  
25 institution, or institution of higher education.

26 (I) As used in this Article, "fixed residence" means any

1 and all places that a sex offender resides for an aggregate  
2 period of time of 5 or more days in a calendar year.

3 (J) As used in this Article, "Internet protocol address"  
4 means the string of numbers by which a location on the Internet  
5 is identified by routers or other computers connected to the  
6 Internet.

7 (Source: P.A. 100-428, eff. 1-1-18.)