

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 1961 is amended by changing
5 Section 11-9.3 as follows:

6 (720 ILCS 5/11-9.3)

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

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

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

9 Nothing in this Section shall be construed to infringe upon
10 the constitutional right of a child sex offender to be present
11 in a school building that is used as a polling place for the
12 purpose of voting.

13 (1) (Blank; or)

14 (2) (Blank.)

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

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

8 (1) (Blank; or)

9 (2) (Blank.)

10 (b-5) It is unlawful for a child sex offender to knowingly
11 reside within 500 feet of a school building or the real
12 property comprising any school that persons under the age of 18
13 attend. Nothing in this subsection (b-5) prohibits a child sex
14 offender from residing within 500 feet of a school building or
15 the real property comprising any school that persons under 18
16 attend if the property is owned by the child sex offender and
17 was purchased before the effective date of this amendatory Act
18 of the 91st General Assembly.

19 (c) Definitions. In this Section:

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

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

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

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

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

35 (D) is the subject of a finding not resulting
36 in an acquittal at a hearing conducted pursuant to

1 subsection (a) of Section 104-25 of the Code of
2 Criminal Procedure of 1963 for the alleged
3 commission or attempted commission of such
4 offense; or

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

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

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

25 (iii) is subject to the provisions of Section 2 of
26 the Interstate Agreements on Sexually Dangerous
27 Persons Act.

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

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

35 (i) A violation of any of the following Sections of
36 the Criminal Code of 1961: 10-7 (aiding and abetting

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

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

29 (iii) A violation of any of the following Sections
30 of the Criminal Code of 1961, when the victim is a
31 person under 18 years of age and the defendant is not a
32 parent of the victim:

33 10-1 (kidnapping),
34 10-2 (aggravated kidnapping),
35 10-3 (unlawful restraint),
36 10-3.1 (aggravated unlawful restraint).

1 An attempt to commit any of these offenses.

2 (iv) A violation of any former law of this State
3 substantially equivalent to any offense listed in
4 clause (2) (i) of subsection (c) of this Section.

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

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

9 10-5(b)(10) (child luring), 10-7 (aiding and
10 abetting child abduction under Section
11 10-5(b)(10)), 11-6 (indecent solicitation of a
12 child), 11-6.5 (indecent solicitation of an
13 adult), 11-15.1 (soliciting for a juvenile
14 prostitute), 11-17.1 (keeping a place of juvenile
15 prostitution), 11-18.1 (patronizing a juvenile
16 prostitute), 11-19.1 (juvenile pimping), 11-19.2
17 (exploitation of a child), 11-20.1 (child
18 pornography), 12-14.1 (predatory criminal sexual
19 assault of a child), or 12-33 (ritualized abuse of
20 a child). An attempt to commit any of these
21 offenses.

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

29 (iii) A violation of any of the following Sections
30 of the Criminal Code of 1961, when the victim is a
31 person under 18 years of age and the defendant is not a
32 parent of the victim:

33 10-1 (kidnapping),
34 10-2 (aggravated kidnapping),
35 10-3 (unlawful restraint),
36 10-3.1 (aggravated unlawful restraint).

1 An attempt to commit any of these offenses.

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

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

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

16 (5) "Loiter" means:

17 (i) Standing, sitting idly, whether or not the
18 person is in a vehicle or remaining in or around school
19 property.

20 (ii) Standing, sitting idly, whether or not the
21 person is in a vehicle or remaining in or around school
22 property, for the purpose of committing or attempting
23 to commit a sex offense.

24 (6) "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.

27 (d) Sentence. A person who violates this Section is guilty
28 of a Class 4 felony.

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

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.