



Sen. John J. Cullerton

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09400HB0350sam002

LRB094 05157 RLC 45832 a

1 AMENDMENT TO HOUSE BILL 350

2 AMENDMENT NO. _____. Amend House Bill 350 on page 1, by
3 inserting immediately below line 3 the following:

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

6 (720 ILCS 5/11-9.3)

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

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

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

7 (1) (Blank; or)

8 (2) (Blank.)

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

29 (1) (Blank; or)

30 (2) (Blank.)

31 (b-5) It is unlawful for a child sex offender to knowingly
32 reside within 500 feet of a school building or the real
33 property comprising any school that persons under the age of 18
34 attend, unless the offender resides in a treatment facility

1 that meets one or more of the following qualifications: (1)
2 approval by the either the Illinois Department of Corrections,
3 Chicago Department of Human Services or Illinois Department of
4 Human Services; approval includes regular and random site
5 visits and yearly program audits; (2) receives outside,
6 clinical program assistance; and (3) has a history of
7 successful intervention with sex offenders. Nothing in this
8 subsection (b-5) prohibits a child sex offender from residing
9 within 500 feet of a school building or the real property
10 comprising any school that persons under 18 attend if the
11 property is owned by the child sex offender and was purchased
12 before the effective date of this amendatory Act of the 91st
13 General Assembly.

14 (c) Definitions. In this Section:

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

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

21 (A) is convicted of such offense or an attempt
22 to commit such offense; or

23 (B) is found not guilty by reason of insanity
24 of such offense or an attempt to commit such
25 offense; or

26 (C) is found not guilty by reason of insanity
27 pursuant to subsection (c) of Section 104-25 of the
28 Code of Criminal Procedure of 1963 of such offense
29 or an attempt to commit such offense; or

30 (D) is the subject of a finding not resulting
31 in an acquittal at a hearing conducted pursuant to
32 subsection (a) of Section 104-25 of the Code of
33 Criminal Procedure of 1963 for the alleged
34 commission or attempted commission of such

1 offense; or

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

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

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

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

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

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

32 (i) A violation of any of the following Sections of
33 the Criminal Code of 1961: 10-7 (aiding and abetting
34 child abduction under Section 10-5(b)(10)),

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

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

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

32 10-1 (kidnapping),

33 10-2 (aggravated kidnapping),

34 10-3 (unlawful restraint),

1 10-3.1 (aggravated unlawful restraint).

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
5 clause (2)(i) of subsection (c) of this Section.

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

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

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

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

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

34 10-1 (kidnapping),

1 10-2 (aggravated kidnapping),
2 10-3 (unlawful restraint),
3 10-3.1 (aggravated unlawful restraint).

4 An attempt to commit any of these offenses.

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

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

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

19 (5) "Loiter" means:

20 (i) Standing, sitting idly, whether or not the
21 person is in a vehicle or remaining in or around school
22 property.

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

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

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

32 (Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98;
33 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)

1 (720 ILCS 5/11-9.4)

2 Sec. 11-9.4. Approaching, contacting, residing, or
3 communicating with a child within certain places by child sex
4 offenders prohibited.

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

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

20 (b-5) It is unlawful for a child sex offender to knowingly
21 reside within 500 feet of a playground or a facility providing
22 programs or services exclusively directed toward persons under
23 18 years of age, unless the offender resides in a treatment
24 facility that meets one or more of the following
25 qualifications: (1) approval by the either the Illinois
26 Department of Corrections, Chicago Department of Human
27 Services or Illinois Department of Human Services; approval
28 includes regular and random site visits and yearly program
29 audits; (2) receives outside, clinical program assistance; and
30 (3) has a history of successful intervention with sex
31 offenders. Nothing in this subsection (b-5) prohibits a child
32 sex offender from residing within 500 feet of a playground or a
33 facility providing programs or services exclusively directed
34 toward persons under 18 years of age if the property is owned

1 by the child sex offender and was purchased before the
2 effective date of this amendatory Act of the 91st General
3 Assembly.

4 (b-6) It is unlawful for a child sex offender to knowingly
5 reside within 500 feet of the victim of the sex offense.
6 Nothing in this subsection (b-6) prohibits a child sex offender
7 from residing within 500 feet of the victim if the property in
8 which the child sex offender resides is owned by the child sex
9 offender and was purchased before the effective date of this
10 amendatory Act of the 92nd General Assembly.

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

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

22 (d) Definitions. In this Section:

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

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

29 (A) is convicted of such offense or an attempt
30 to commit such offense; or

31 (B) is found not guilty by reason of insanity
32 of such offense or an attempt to commit such
33 offense; or

34 (C) is found not guilty by reason of insanity

1 pursuant to subsection (c) of Section 104-25 of the
2 Code of Criminal Procedure of 1963 of such offense
3 or an attempt to commit such offense; or

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

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

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

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

30 (iii) is subject to the provisions of Section 2 of
31 the Interstate Agreements on Sexually Dangerous
32 Persons Act.

33 Convictions that result from or are connected with the
34 same act, or result from offenses committed at the same

1 time, shall be counted for the purpose of this Section as
2 one conviction. Any conviction set aside pursuant to law is
3 not a conviction for purposes of this Section.

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

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

30 (ii) A violation of any of the following Sections
31 of the Criminal Code of 1961, when the victim is a
32 person under 18 years of age: 12-13 (criminal sexual
33 assault), 12-14 (aggravated criminal sexual assault),
34 12-15 (criminal sexual abuse), 12-16 (aggravated

1 criminal sexual abuse). An attempt to commit any of
2 these offenses.

3 (iii) A violation of any of the following Sections
4 of the Criminal Code of 1961, when the victim is a
5 person under 18 years of age and the defendant is not a
6 parent of the victim:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

12 (iv) A violation of any former law of this State
13 substantially equivalent to any offense listed in
14 clause (2) (i) of this subsection (d).

15 (2.5) For the purposes of subsection (b-5) only, a sex
16 offense means:

17 (i) A violation of any of the following Sections of
18 the Criminal Code of 1961:

19 10-5(b)(10) (child luring), 10-7 (aiding and

20 abetting child abduction under Section

21 10-5(b)(10)), 11-6 (indecent solicitation of a

22 child), 11-6.5 (indecent solicitation of an

23 adult), 11-15.1 (soliciting for a juvenile

24 prostitute), 11-17.1 (keeping a place of juvenile

25 prostitution), 11-18.1 (patronizing a juvenile

26 prostitute), 11-19.1 (juvenile pimping), 11-19.2

27 (exploitation of a child), 11-20.1 (child

28 pornography), 12-14.1 (predatory criminal sexual

29 assault of a child), or 12-33 (ritualized abuse of

30 a child). An attempt to commit any of these

31 offenses.

32 (ii) A violation of any of the following Sections
33 of the Criminal Code of 1961, when the victim is a
34 person under 18 years of age: 12-13 (criminal sexual

1 assault), 12-14 (aggravated criminal sexual assault),
2 12-16 (aggravated criminal sexual abuse), and
3 subsection (a) of Section 12-15 (criminal sexual
4 abuse). An attempt to commit any of these offenses.

5 (iii) A violation of any of the following Sections
6 of the Criminal Code of 1961, when the victim is a
7 person under 18 years of age and the defendant is not a
8 parent of the victim:

- 9 10-1 (kidnapping),
10 10-2 (aggravated kidnapping),
11 10-3 (unlawful restraint),
12 10-3.1 (aggravated unlawful restraint).

13 An attempt to commit any of these offenses.

14 (iv) A violation of any former law of this State
15 substantially equivalent to any offense listed in this
16 paragraph (2.5) of this subsection.

17 (3) A conviction for an offense of federal law or the
18 law of another state that is substantially equivalent to
19 any offense listed in paragraph (2) of this subsection (d)
20 shall constitute a conviction for the purpose of this
21 Section. A finding or adjudication as a sexually dangerous
22 person under any federal law or law of another state that
23 is substantially equivalent to the Sexually Dangerous
24 Persons Act shall constitute an adjudication for the
25 purposes of this Section.

26 (4) "Public park" includes a park, forest preserve, or
27 conservation area under the jurisdiction of the State or a
28 unit of local government.

29 (5) "Facility providing programs or services directed
30 towards persons under the age of 18" means any facility
31 providing programs or services exclusively directed
32 towards persons under the age of 18.

33 (6) "Loiter" means:

- 34 (i) Standing, sitting idly, whether or not the

1 person is in a vehicle or remaining in or around public
2 park property.

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

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

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

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