

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 11-9.4 as follows:

6 (720 ILCS 5/11-9.4)

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

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

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

25 (b-5) It is unlawful for a child sex offender to knowingly  
26 reside within 500 feet of a playground or a facility providing  
27 programs or services exclusively directed toward persons under  
28 18 years of age. Nothing in this subsection (b-5) prohibits a  
29 child sex offender from residing within 500 feet of a  
30 playground or a facility providing programs or services  
31 exclusively directed toward persons under 18 years of age if  
32 the property is owned by the child sex offender and was

1 purchased before the effective date of this amendatory Act of  
2 the 91st General Assembly.

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

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

12 (b-7) It is unlawful for a child sex offender to knowingly  
13 be present, loiter, or reside within 500 feet of a day care  
14 facility or real property comprising any day care facility  
15 while persons under the age of 18 are present in the day care  
16 facility or on the grounds and to approach, contact, or  
17 communicate with a child under 18 years of age, unless the  
18 offender is a parent or guardian of a person under 18 years of  
19 age present in the day care facility or on the grounds.

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

29 (d) Definitions. In this Section:

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

31 (i) has been charged under Illinois law, or any  
32 substantially similar federal law or law of another  
33 state, with a sex offense set forth in paragraph (2) of  
34 this subsection (d) or the attempt to commit an  
35 included sex offense, and:

36 (A) is convicted of such offense or an attempt

1 to commit such offense; or

2 (B) is found not guilty by reason of insanity  
3 of such offense or an attempt to commit such  
4 offense; or

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

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

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

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

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

35 (iii) is subject to the provisions of Section 2 of  
36 the Interstate Agreements on Sexually Dangerous

1           Persons Act.

2           Convictions that result from or are connected with the  
3 same act, or result from offenses committed at the same  
4 time, shall be counted for the purpose of this Section as  
5 one conviction. Any conviction set aside pursuant to law is  
6 not a conviction for purposes of this Section.

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

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

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

1 12-15 (criminal sexual abuse), 12-16 (aggravated  
2 criminal sexual abuse). An attempt to commit any of  
3 these offenses.

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

8 10-1 (kidnapping),  
9 10-2 (aggravated kidnapping),  
10 10-3 (unlawful restraint),  
11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

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

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

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

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

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

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

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

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

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

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

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

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

32 (6) "Loiter" means:

33 (i) Standing, sitting idly, whether or not the  
34 person is in a vehicle or remaining in or around public  
35 park property.

36 (ii) Standing, sitting idly, whether or not the

1 person is in a vehicle or remaining in or around public  
2 park property, for the purpose of committing or  
3 attempting to commit a sex offense.

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

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

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