



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3655

Introduced 2/24/2005, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3

Amends the Criminal Code of 1961. Makes it unlawful for a child sex offender to be knowingly present in a licensed child care facility or to knowingly loiter on a public way within 500 feet of a licensed child care facility. Makes it unlawful for a child sex offender to reside within 500 feet of a licensed child care facility. Provides that a violation is a Class 4 felony.

LRB094 06694 RLC 36790 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 or licensed child care facility,
11 on real property comprising any school or licensed child care
12 facility, or in any conveyance owned, leased, or contracted by
13 a school to transport students to or from school or a school
14 related activity when persons under the age of 18 are present
15 in the building, on the grounds or in the conveyance, unless
16 the offender is a parent or guardian of a student or child
17 present in the building, on the grounds or in the conveyance or
18 unless the offender has permission to be present from the
19 superintendent or the school board or director of the licensed
20 child care facility or in the case of a private school from the
21 principal. In the case of a public school, if permission is
22 granted, the superintendent or school board president must
23 inform the principal of the school where the sex offender will
24 be present. Notification includes the nature of the sex
25 offender's visit and the hours in which the sex offender will
26 be present in the school. The sex offender is responsible for
27 notifying the principal's office when he or she arrives on
28 school property and when he or she departs from school
29 property. If the sex offender is to be present in the vicinity
30 of children, the sex offender has the duty to remain under the
31 direct supervision of a school official. A child sex offender
32 who violates this provision is guilty of a Class 4 felony.

1 (1) (Blank; or)

2 (2) (Blank.)

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

25 (1) (Blank; or)

26 (2) (Blank.)

27 (b-5) It is unlawful for a child sex offender to knowingly
28 reside within 500 feet of a school building or licensed child
29 care facility or the real property comprising any school or
30 licensed child care facility that persons under the age of 18
31 attend. Nothing in this subsection (b-5) prohibits a child sex
32 offender from residing within 500 feet of a school building or
33 the real property comprising any school that persons under 18
34 attend if the property is owned by the child sex offender and
35 was purchased before the effective date of this amendatory Act
36 of the 91st General Assembly. Nothing in this subsection (b-5)

1 prohibits a child sex offender from residing within 500 feet of
2 a licensed child care facility or the real property comprising
3 any licensed child care facility if the property is owned by
4 the child sex offender and was purchased before the effective
5 date of this amendatory Act of the 94th General Assembly.

6 (c) Definitions. In this Section:

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

8 (i) has been charged under Illinois law, or any
9 substantially similar federal law or law of another
10 state, with a sex offense set forth in paragraph (2) of
11 this subsection (c) or the attempt to commit an
12 included sex offense, and:

13 (A) is convicted of such offense or an attempt
14 to commit such offense; or

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

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

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

28 (E) is found not guilty by reason of insanity
29 following a hearing conducted pursuant to a
30 federal law or the law of another state
31 substantially similar to subsection (c) of Section
32 104-25 of the Code of Criminal Procedure of 1963 of
33 such offense or of the attempted commission of such
34 offense; or

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

1 a federal law or the law of another state
2 substantially similar to subsection (a) of Section
3 104-25 of the Code of Criminal Procedure of 1963
4 for the alleged violation or attempted commission
5 of such offense; or

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

12 (iii) is subject to the provisions of Section 2 of
13 the Interstate Agreements on Sexually Dangerous
14 Persons Act.

15 Convictions that result from or are connected with the
16 same act, or result from offenses committed at the same
17 time, shall be counted for the purpose of this Section as
18 one conviction. Any conviction set aside pursuant to law is
19 not a conviction for purposes of this Section.

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

22 (i) A violation of any of the following Sections of
23 the Criminal Code of 1961: 10-7 (aiding and abetting
24 child abduction under Section 10-5(b)(10)),
25 10-5(b)(10) (child luring), 11-6 (indecent
26 solicitation of a child), 11-6.5 (indecent
27 solicitation of an adult), 11-9 (public indecency when
28 committed in a school, on the real property comprising
29 a school, or on a conveyance, owned, leased, or
30 contracted by a school to transport students to or from
31 school or a school related activity), 11-9.1 (sexual
32 exploitation of a child), 11-15.1 (soliciting for a
33 juvenile prostitute), 11-17.1 (keeping a place of
34 juvenile prostitution), 11-18.1 (patronizing a
35 juvenile prostitute), 11-19.1 (juvenile pimping),
36 11-19.2 (exploitation of a child), 11-20.1 (child

1 pornography), 11-21 (harmful material), 12-14.1
2 (predatory criminal sexual assault of a child), 12-33
3 (ritualized abuse of a child), 11-20 (obscenity) (when
4 that offense was committed in any school, on real
5 property comprising any school, in any conveyance
6 owned, leased, or contracted by a school to transport
7 students to or from school or a school related
8 activity). An attempt to commit any of these offenses.

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

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

20 10-1 (kidnapping),
21 10-2 (aggravated kidnapping),
22 10-3 (unlawful restraint),
23 10-3.1 (aggravated unlawful restraint).

24 An attempt to commit any of these offenses.

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

28 (2.5) For the purposes of subsection (b-5) only, a sex
29 offense means:

30 (i) A violation of any of the following Sections of
31 the Criminal Code of 1961:

32 10-5(b)(10) (child luring), 10-7 (aiding and
33 abetting child abduction under Section
34 10-5(b)(10)), 11-6 (indecent solicitation of a
35 child), 11-6.5 (indecent solicitation of an
36 adult), 11-15.1 (soliciting for a juvenile

1 prostitute), 11-17.1 (keeping a place of juvenile
2 prostitution), 11-18.1 (patronizing a juvenile
3 prostitute), 11-19.1 (juvenile pimping), 11-19.2
4 (exploitation of a child), 11-20.1 (child
5 pornography), 12-14.1 (predatory criminal sexual
6 assault of a child), or 12-33 (ritualized abuse of
7 a child). An attempt to commit any of these
8 offenses.

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

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

20 10-1 (kidnapping),
21 10-2 (aggravated kidnapping),
22 10-3 (unlawful restraint),
23 10-3.1 (aggravated unlawful restraint).

24 An attempt to commit any of these offenses.

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

28 (3) A conviction for an offense of federal law or the
29 law of another state that is substantially equivalent to
30 any offense listed in paragraph (2) of subsection (c) of
31 this Section shall constitute a conviction for the purpose
32 of this Article. A finding or adjudication as a sexually
33 dangerous person under any federal law or law of another
34 state that is substantially equivalent to the Sexually
35 Dangerous Persons Act shall constitute an adjudication for
36 the purposes of this Section.

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

3 (5) "Loiter" means:

4 (i) Standing, sitting idly, whether or not the
5 person is in a vehicle or remaining in or around school
6 property.

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

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

14 (7) "Child care facility" has the meaning ascribed to
15 it in Section 2.05 of the Child Care Act of 1969.

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

18 (Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98;
19 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)