



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4298

Introduced 12/21/05, by Rep. Patrick J Verschoore

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3
720 ILCS 5/11-9.4

Amends the Criminal Code of 1961. Increases from within 500 feet to within 2,000 feet the distance from which a child sex offender may not loiter near a school or public park. Increases from within 500 feet to within 2,000 feet the distance from which a child sex offender may not reside near a school, playground, or a facility providing programs or services exclusively directed toward persons under 18 years of age or from a victim under 21 years of age.

LRB094 15751 RLC 50964 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 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 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 or
25 unless the offender has permission to be present from the
26 superintendent or the school board or in the case of a private
27 school from the principal. In the case of a public school, if
28 permission is granted, the superintendent or school board
29 president must inform the principal of the school where the sex
30 offender will be present. Notification includes the nature of
31 the sex offender's visit and the hours in which the sex
32 offender will be present in the school. The sex offender is

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

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

12 (1) (Blank; or)

13 (2) (Blank.)

14 (b) It is unlawful for a child sex offender to knowingly
15 loiter within 2,000 ~~500~~ feet of a school building or real
16 property comprising any school while persons under the age of
17 18 are present in the building or on the grounds, unless the
18 offender is a parent or guardian of a student attending the
19 school and the parent or guardian is: (i) attending a
20 conference at the school with school personnel to discuss the
21 progress of his or her child academically or socially, (ii)
22 participating in child review conferences in which evaluation
23 and placement decisions may be made with respect to his or her
24 child regarding special education services, or (iii) attending
25 conferences to discuss other student issues concerning his or
26 her child such as retention and promotion and notifies the
27 principal of the school of his or her presence at the school or
28 has permission to be present from the superintendent or the
29 school board or in the case of a private school from the
30 principal. In the case of a public school, if permission is
31 granted, the superintendent or school board president must
32 inform the principal of the school where the sex offender will
33 be present. Notification includes the nature of the sex
34 offender's visit and the hours in which the sex offender will
35 be present in the school. The sex offender is responsible for
36 notifying the principal's office when he or she arrives on

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

6 (1) (Blank; or)

7 (2) (Blank.)

8 (b-5) It is unlawful for a child sex offender to knowingly
9 reside within 2,000 ~~500~~ feet of a school building or the real
10 property comprising any school that persons under the age of 18
11 attend. Nothing in this subsection (b-5) prohibits a child sex
12 offender from residing between 500 and 2,000 feet of a school
13 building or the real property comprising any school that
14 persons under 18 attend if the property is owned by the child
15 sex offender and was purchased before the effective date of
16 this amendatory Act of the 94th General Assembly. Nothing in
17 this subsection (b-5) prohibits a child sex offender from
18 residing within 500 feet of a school building or the real
19 property comprising any school that persons under 18 attend if
20 the property is owned by the child sex offender and was
21 purchased before the effective date of this amendatory Act of
22 the 91st General Assembly.

23 (c) Definitions. In this Section:

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

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

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

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

35 (C) is found not guilty by reason of insanity
36 pursuant to subsection (c) of Section 104-25 of the

1 Code of Criminal Procedure of 1963 of such offense
2 or an attempt to commit such offense; or

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

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

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

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

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

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

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

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

26 (ii) A violation of any of the following Sections
27 of the Criminal Code of 1961, when the victim is a
28 person under 18 years of age: 12-13 (criminal sexual
29 assault), 12-14 (aggravated criminal sexual assault),
30 12-15 (criminal sexual abuse), 12-16 (aggravated
31 criminal sexual abuse). An attempt to commit any of
32 these offenses.

33 (iii) 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 and the defendant is not a
36 parent of the victim:

1 10-1 (kidnapping),
2 10-2 (aggravated kidnapping),
3 10-3 (unlawful restraint),
4 10-3.1 (aggravated unlawful restraint).

5 An attempt to commit any of these offenses.

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

9 (2.5) For the purposes of subsection (b-5) only, a sex
10 offense means:

11 (i) A violation of any of the following Sections of
12 the Criminal Code of 1961:

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

26 (ii) A violation of any of the following Sections
27 of the Criminal Code of 1961, when the victim is a
28 person under 18 years of age: 12-13 (criminal sexual
29 assault), 12-14 (aggravated criminal sexual assault),
30 12-16 (aggravated criminal sexual abuse), and
31 subsection (a) of Section 12-15 (criminal sexual
32 abuse). An attempt to commit any of these offenses.

33 (iii) 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 and the defendant is not a
36 parent of the victim:

1 10-1 (kidnapping),
2 10-2 (aggravated kidnapping),
3 10-3 (unlawful restraint),
4 10-3.1 (aggravated unlawful restraint).

5 An attempt to commit any of these offenses.

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

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

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

20 (5) "Loiter" means:

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

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

28 (iii) Entering or remaining in a building in or
29 around school property, other than the offender's
30 residence.

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

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

36 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;

1 94-170, eff. 7-11-05; revised 8-19-05.)

2 (720 ILCS 5/11-9.4)

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

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

13 (b) It is unlawful for a child sex offender to knowingly
14 loiter on a public way within 2,000 ~~500~~ feet of a public park
15 building or real property comprising any public park while
16 persons under the age of 18 are present in the building or on
17 the grounds and to approach, contact, or communicate with a
18 child under 18 years of age, unless the offender is a parent or
19 guardian of a person under 18 years of age present in the
20 building or on the grounds.

21 (b-5) It is unlawful for a child sex offender to knowingly
22 reside within 2,000 ~~500~~ feet of a playground or a facility
23 providing programs or services exclusively directed toward
24 persons under 18 years of age. Nothing in this subsection (b-5)
25 prohibits a child sex offender from residing between 500 and
26 2,000 feet of a playground or a facility providing programs or
27 services exclusively directed toward persons under 18 years of
28 age if the property is owned by the child sex offender and was
29 purchased before the effective date of this amendatory Act of
30 the 94th General Assembly. Nothing in this subsection (b-5)
31 prohibits a child sex offender from residing within 500 feet of
32 a playground or a facility providing programs or services
33 exclusively directed toward persons under 18 years of age if
34 the property is owned by the child sex offender and was
35 purchased before the effective date of this amendatory Act of

1 the 91st General Assembly.

2 (b-6) It is unlawful for a child sex offender to knowingly
3 reside within 2,000 ~~500~~ feet of the victim of the sex offense.
4 Nothing in this subsection (b-6) prohibits a child sex offender
5 from residing between 500 and 2,000 feet of the victim if the
6 property in which the child sex offender resides is owned by
7 the child sex offender and was purchased before the effective
8 date of this amendatory Act of the 94th General Assembly.

9 Nothing in this subsection (b-6) prohibits a child sex offender
10 from residing within 500 feet of the victim if the property in
11 which the child sex offender resides is owned by the child sex
12 offender and was purchased before the effective date of this
13 amendatory Act of the 92nd General Assembly.

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

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

25 (d) Definitions. In this Section:

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

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

32 (A) is convicted of such offense or an attempt
33 to commit such offense; or

34 (B) is found not guilty by reason of insanity
35 of such offense or an attempt to commit such
36 offense; or

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

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

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

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

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

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

34 Convictions that result from or are connected with the
35 same act, or result from offenses committed at the same
36 time, shall be counted for the purpose of this Section as

1 one conviction. Any conviction set aside pursuant to law is
2 not a conviction for purposes of this Section.

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

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

29 (ii) 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: 12-13 (criminal sexual
32 assault), 12-14 (aggravated criminal sexual assault),
33 12-15 (criminal sexual abuse), 12-16 (aggravated
34 criminal sexual abuse). An attempt to commit any of
35 these offenses.

36 (iii) A violation of any of the following Sections

1 of the Criminal Code of 1961, when the victim is a
2 person under 18 years of age and the defendant is not a
3 parent of the victim:

4 10-1 (kidnapping),

5 10-2 (aggravated kidnapping),

6 10-3 (unlawful restraint),

7 10-3.1 (aggravated unlawful restraint).

8 An attempt to commit any of these offenses.

9 (iv) A violation of any former law of this State
10 substantially equivalent to any offense listed in
11 clause (2)(i) of this subsection (d).

12 (2.5) For the purposes of subsection (b-5) only, a sex
13 offense means:

14 (i) A violation of any of the following Sections of
15 the Criminal Code of 1961:

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

29 (ii) 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: 12-13 (criminal sexual
32 assault), 12-14 (aggravated criminal sexual assault),
33 12-16 (aggravated criminal sexual abuse), and
34 subsection (a) of Section 12-15 (criminal sexual
35 abuse). An attempt to commit any of these offenses.

36 (iii) A violation of any of the following Sections

1 of the Criminal Code of 1961, when the victim is a
2 person under 18 years of age and the defendant is not a
3 parent of the victim:

4 10-1 (kidnapping),

5 10-2 (aggravated kidnapping),

6 10-3 (unlawful restraint),

7 10-3.1 (aggravated unlawful restraint).

8 An attempt to commit any of these offenses.

9 (iv) A violation of any former law of this State
10 substantially equivalent to any offense listed in this
11 paragraph (2.5) of this subsection.

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

21 (4) "Public park" includes a park, forest preserve, or
22 conservation area under the jurisdiction of the State or a
23 unit of local government.

24 (5) "Facility providing programs or services directed
25 towards persons under the age of 18" means any facility
26 providing programs or services exclusively directed
27 towards persons under the age of 18.

28 (6) "Loiter" means:

29 (i) Standing, sitting idly, whether or not the
30 person is in a vehicle or remaining in or around public
31 park property.

32 (ii) Standing, sitting idly, whether or not the
33 person is in a vehicle or remaining in or around public
34 park property, for the purpose of committing or
35 attempting to commit a sex offense.

36 (7) "Playground" means a piece of land owned or

1 controlled by a unit of local government that is designated
2 by the unit of local government for use solely or primarily
3 for children's recreation.

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

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