



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0100

Introduced 1/26/2005, by Sen. Wendell E. Jones

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3

Amends the Criminal Code of 1961. In provisions making it unlawful for a child sex offender to knowingly be present on school property or a school vehicle when persons under the age of 18 are present, eliminates an exception for an offender who is the parent or guardian of a student who is present. Effective immediately.

LRB094 06762 RLC 36864 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, 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
25 notifying the principal's office when he or she arrives on
26 school property and when he or she departs from school
27 property. If the sex offender is to be present in the vicinity
28 of children, the sex offender has the duty to remain under the
29 direct supervision of a school official. A child sex offender
30 who violates this provision is guilty of a Class 4 felony.

31 (1) (Blank; or)

32 (2) (Blank.)

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

21 (1) (Blank; or)

22 (2) (Blank.)

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

32 (c) Definitions. In this Section:

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

34 (i) has been charged under Illinois law, or any
35 substantially similar federal law or law of another
36 state, with a sex offense set forth in paragraph (2) of

1 this subsection (c) or the attempt to commit an
2 included sex offense, and:

3 (A) is convicted of such offense or an attempt
4 to commit such offense; or

5 (B) is found not guilty by reason of insanity
6 of such offense or an attempt to commit such
7 offense; or

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

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

18 (E) is found not guilty by reason of insanity
19 following a hearing conducted pursuant to a
20 federal law or the law of another state
21 substantially similar to subsection (c) of Section
22 104-25 of the Code of Criminal Procedure of 1963 of
23 such offense or of the attempted commission of such
24 offense; or

25 (F) is the subject of a finding not resulting
26 in an acquittal at a hearing conducted pursuant to
27 a federal law or the law of another state
28 substantially similar to subsection (a) of Section
29 104-25 of the Code of Criminal Procedure of 1963
30 for the alleged violation or attempted commission
31 of such offense; or

32 (ii) is certified as a sexually dangerous person
33 pursuant to the Illinois Sexually Dangerous Persons
34 Act, or any substantially similar federal law or the
35 law of another state, when any conduct giving rise to
36 such certification is committed or attempted against a

1 person less than 18 years of age; or

2 (iii) is subject to the provisions of Section 2 of
3 the Interstate Agreements on Sexually Dangerous
4 Persons Act.

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

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

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

35 (ii) A violation of any of the following Sections
36 of the Criminal Code of 1961, when the victim is a

1 person under 18 years of age: 12-13 (criminal sexual
2 assault), 12-14 (aggravated criminal sexual assault),
3 12-15 (criminal sexual abuse), 12-16 (aggravated
4 criminal sexual abuse). An attempt to commit any of
5 these offenses.

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

10 10-1 (kidnapping),
11 10-2 (aggravated kidnapping),
12 10-3 (unlawful restraint),
13 10-3.1 (aggravated unlawful restraint).

14 An attempt to commit any of these offenses.

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

18 (2.5) For the purposes of subsection (b-5) only, a sex
19 offense means:

20 (i) A violation of any of the following Sections of
21 the Criminal Code of 1961:

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

35 (ii) A violation of any of the following Sections
36 of the Criminal Code of 1961, when the victim is a

1 person under 18 years of age: 12-13 (criminal sexual
2 assault), 12-14 (aggravated criminal sexual assault),
3 12-16 (aggravated criminal sexual abuse), and
4 subsection (a) of Section 12-15 (criminal sexual
5 abuse). An attempt to commit any of these offenses.

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

- 10 10-1 (kidnapping),
11 10-2 (aggravated kidnapping),
12 10-3 (unlawful restraint),
13 10-3.1 (aggravated unlawful restraint).

14 An attempt to commit any of these offenses.

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

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

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

29 (5) "Loiter" means:

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

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

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

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

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.