



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB2022

Introduced 2/26/2007, by Rep. Robert F. Flider

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.4

Amends the Criminal Code of 1961. Provides that it is unlawful for a child sex offender to knowingly reside in the same household where a child under 18 years of age resides without the explicit consent of the parents or legal guardian of that child. Provides that before a child sex offender may reside in the same household where a child under 18 years of age resides, the child sex offender must notify the local law enforcement agency of the jurisdiction in which the child sex offender intends to reside. The local law enforcement agency must notify the parents or legal guardian of the child or children in whose household the child sex offender intends to reside of the status of the child sex offender, including the information about the child sex offender contained in the Statewide Sex Offender Database. Provides that the parents or legal guardian of the child or children in whose household the child sex offender intends to reside may condition their consent to the child sex offender residing in their household to the child sex offender's participation in therapy or counseling. Provides that a violation is a Class 4 felony.

LRB095 09160 RLC 29353 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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

1 building or on the grounds.

2 (b-5) It is unlawful for a child sex offender to knowingly
3 reside within 500 feet of a playground, child care institution,
4 day care center, part day child care facility, or a facility
5 providing programs or services exclusively directed toward
6 persons under 18 years of age. Nothing in this subsection (b-5)
7 prohibits a child sex offender from residing within 500 feet of
8 a playground or a facility providing programs or services
9 exclusively directed toward persons under 18 years of age if
10 the property is owned by the child sex offender and was
11 purchased before the effective date of this amendatory Act of
12 the 91st General Assembly. Nothing in this subsection (b-5)
13 prohibits a child sex offender from residing within 500 feet of
14 a child care institution, day care center, or part day child
15 care facility if the property is owned by the child sex
16 offender and was purchased before the effective date of this
17 amendatory Act of the 94th General Assembly.

18 (b-6) It is unlawful for a child sex offender to knowingly
19 reside within 500 feet of the victim of the sex offense.
20 Nothing in this subsection (b-6) prohibits a child sex offender
21 from residing within 500 feet of the victim if the property in
22 which the child sex offender resides is owned by the child sex
23 offender and was purchased before the effective date of this
24 amendatory Act of the 92nd General Assembly.

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

1 (b-7) It is unlawful for a child sex offender to knowingly
2 reside in the same household where a child under 18 years of
3 age resides without the explicit consent of the parents or
4 legal guardian of that child. Before a child sex offender may
5 reside in the same household where a child under 18 years of
6 age resides, the child sex offender must notify the local law
7 enforcement agency of the jurisdiction in which the child sex
8 offender intends to reside. The local law enforcement agency
9 must notify the parents or legal guardian of the child or
10 children in whose household the child sex offender intends to
11 reside of the status of the child sex offender, including the
12 information about the child sex offender contained in the
13 Statewide Sex Offender Database. The parents or legal guardian
14 of the child or children in whose household the child sex
15 offender intends to reside may condition their consent to the
16 child sex offender residing in their household to the child sex
17 offender's participation in therapy or counseling.

18 (c) It is unlawful for a child sex offender to knowingly
19 operate, manage, be employed by, volunteer at, be associated
20 with, or knowingly be present at any: (i) facility providing
21 programs or services exclusively directed towards persons
22 under the age of 18; (ii) day care center; (iii) part day child
23 care facility; (iv) child care institution, or (v) school
24 providing before and after school programs for children under
25 18 years of age. This does not prohibit a child sex offender
26 from owning the real property upon which the programs or

1 services are offered or upon which the day care center, part
2 day child care facility, child care institution, or school
3 providing before and after school programs for children under
4 18 years of age is located, provided the child sex offender
5 refrains from being present on the premises for the hours
6 during which: (1) the programs or services are being offered or
7 (2) the day care center, part day child care facility, child
8 care institution, or school providing before and after school
9 programs for children under 18 years of age is operated.

10 (d) Definitions. In this Section:

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

12 (i) has been charged under Illinois law, or any
13 substantially similar federal law or law of another
14 state, with a sex offense set forth in paragraph (2) of
15 this subsection (d) or the attempt to commit an
16 included sex offense, and:

17 (A) is convicted of such offense or an attempt
18 to commit such offense; or

19 (B) is found not guilty by reason of insanity
20 of such offense or an attempt to commit such
21 offense; or

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

26 (D) is the subject of a finding not resulting

1 in an acquittal at a hearing conducted pursuant to
2 subsection (a) of Section 104-25 of the Code of
3 Criminal Procedure of 1963 for the alleged
4 commission or attempted commission of such
5 offense; or

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

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

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

26 (iii) is subject to the provisions of Section 2 of

1 the Interstate Agreements on Sexually Dangerous
2 Persons Act.

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

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

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

1 (ritualized abuse of a child), 11-20 (obscenity) (when
2 that offense was committed in any school, on real
3 property comprising any school, on any conveyance
4 owned, leased, or contracted by a school to transport
5 students to or from school or a school related
6 activity, or in a public park). An attempt to commit
7 any of these offenses.

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

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

- 19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

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

1 (2.5) For the purposes of subsection (b-5) only, a sex
2 offense means:

3 (i) A violation of any of the following Sections of
4 the Criminal Code of 1961:

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

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

25 (iii) A violation of any of the following Sections
26 of the Criminal Code of 1961, when the victim is a

1 person under 18 years of age and the defendant is not a
2 parent of the victim:

3 10-1 (kidnapping),
4 10-2 (aggravated kidnapping),
5 10-3 (unlawful restraint),
6 10-3.1 (aggravated unlawful restraint).

7 An attempt to commit any of these offenses.

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

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

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

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

1 (6) "Loiter" means:

2 (i) Standing, sitting idly, whether or not the
3 person is in a vehicle or remaining in or around public
4 park property.

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

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

13 (8) "Child care institution" has the meaning ascribed
14 to it in Section 2.06 of the Child Care Act of 1969.

15 (9) "Day care center" has the meaning ascribed to it in
16 Section 2.09 of the Child Care Act of 1969.

17 (10) "Part day child care facility" has the meaning
18 ascribed to it in Section 2.10 of the Child Care Act of
19 1969.

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

22 (Source: P.A. 94-925, eff. 6-26-06.)