

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 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

1 principal of the school of his or her presence at the school or  
2 unless the offender has permission to be present from the  
3 superintendent or the school board or in the case of a private  
4 school from the principal. In the case of a public school, if  
5 permission is granted, the superintendent or school board  
6 president must inform the principal of the school where the sex  
7 offender will be present. Notification includes the nature of  
8 the sex offender's visit and the hours in which the sex  
9 offender will be present in the school. The sex offender is  
10 responsible for notifying the principal's office when he or she  
11 arrives on school property and when he or she departs from  
12 school property. If the sex offender is to be present in the  
13 vicinity of children, the sex offender has the duty to remain  
14 under the direct supervision of a school official. A child sex  
15 offender who violates this provision is guilty of a Class 4  
16 felony.

17 (a-5) It is unlawful for a child sex offender to knowingly  
18 be present within 100 feet of a site posted as a pick-up or  
19 discharge stop for a conveyance owned, leased, or contracted by  
20 a school to transport students to or from school or a school  
21 related activity when one or more persons under the age of 18  
22 are present at the site.

23 (a-6) It is unlawful for a child sex offender to knowingly  
24 be present at any school sponsored event, whether on school  
25 property or at an off-site location when children under the age  
26 of 18 are present, unless the offender is a parent or guardian

1 of a student involved with the school sponsored event and the  
2 school superintendent or the school board or in the case of a  
3 private school the principal has granted permission for the  
4 offender to be present. "School sponsored event" includes, but  
5 is not limited to, a school field trip, sporting event, musical  
6 event, or theatrical event.

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

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

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

18 (c) Definitions. In this Section:

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

20 (i) has been charged under Illinois law, or any  
21 substantially similar federal law or law of another  
22 state, with a sex offense set forth in paragraph (2) of  
23 this subsection (c) or the attempt to commit an  
24 included sex offense, and:

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

26 to commit such offense; or

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

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

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

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

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

1 of such offense; or

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

8 (iii) is subject to the provisions of Section 2 of  
9 the Interstate Agreements on Sexually Dangerous  
10 Persons Act.

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

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

18 (i) A violation of any of the following Sections of  
19 the Criminal Code of 1961: 10-7 (aiding and abetting  
20 child abduction under Section 10-5(b)(10)),  
21 10-5(b)(10) (child luring), 11-6 (indecent  
22 solicitation of a child), 11-6.5 (indecent  
23 solicitation of an adult), 11-9 (public indecency when  
24 committed in a school, on the real property comprising  
25 a school, or on a conveyance, owned, leased, or  
26 contracted by a school to transport students to or from

1 school or a school related activity), 11-9.1 (sexual  
2 exploitation of a child), 11-15.1 (soliciting for a  
3 juvenile prostitute), 11-17.1 (keeping a place of  
4 juvenile prostitution), 11-18.1 (patronizing a  
5 juvenile prostitute), 11-19.1 (juvenile pimping),  
6 11-19.2 (exploitation of a child), 11-20.1 (child  
7 pornography), 11-20.3 (aggravated child pornography),  
8 11-21 (harmful material), 12-14.1 (predatory criminal  
9 sexual assault of a child), 12-33 (ritualized abuse of  
10 a child), 11-20 (obscenity) (when that offense was  
11 committed in any school, on real property comprising  
12 any school, in any conveyance owned, leased, or  
13 contracted by a school to transport students to or from  
14 school or a school related activity). An attempt to  
15 commit any of these offenses.

16 (ii) 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: 12-13 (criminal sexual  
19 assault), 12-14 (aggravated criminal sexual assault),  
20 12-15 (criminal sexual abuse), 12-16 (aggravated  
21 criminal sexual abuse). An attempt to commit any of  
22 these offenses.

23 (iii) A violation of any of the following Sections  
24 of the Criminal Code of 1961, when the victim is a  
25 person under 18 years of age and the defendant is not a  
26 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 10-5(b)(10)),  
15          11-6 (indecent solicitation of a child), 11-6.5  
16          (indecent solicitation of an adult), 11-15.1  
17          (soliciting for a juvenile prostitute), 11-17.1  
18          (keeping a place of juvenile prostitution), 11-18.1  
19          (patronizing a juvenile prostitute), 11-19.1 (juvenile  
20          pimping), 11-19.2 (exploitation of a child), 11-20.1  
21          (child pornography), 11-20.3 (aggravated child  
22          pornography), 12-14.1 (predatory criminal sexual  
23          assault of a child), or 12-33 (ritualized abuse of a  
24          child). An attempt to commit any of these offenses.

25           (ii) 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: 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.

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

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

17           (c-5) For the purposes of this Section, the 500 feet  
18 distance shall be measured from the edge of the property of the  
19 school building or the real property comprising the school that  
20 is closest to the edge of the property of the child sex  
21 offender's residence or where he or she is loitering.

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

24           (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;  
25 94-170, eff. 7-11-05; 95-331, eff. 8-21-07; 95-440, eff.  
26 8-27-07; 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff.

1 8-21-08; revised 9-23-08.)