



Rep. Jerry L. Mitchell

Filed: 3/31/2009

09600HB3350ham001

LRB096 04869 RLC 24860 a

1 AMENDMENT TO HOUSE BILL 3350

2 AMENDMENT NO. _____. Amend House Bill 3350 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing 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

1 conference at the school with school personnel to discuss the
2 progress of his or her child academically or socially, (ii)
3 participating in child review conferences in which evaluation
4 and placement decisions may be made with respect to his or her
5 child regarding special education services, or (iii) attending
6 conferences to discuss other student issues concerning his or
7 her child such as retention and promotion and notifies the
8 principal of the school of his or her presence at the school or
9 unless the offender has permission to be present from the
10 superintendent or the school board or in the case of a private
11 school from the principal. In the case of a public school, if
12 permission is granted, the superintendent or school board
13 president must inform the principal of the school where the sex
14 offender will be present. Notification includes the nature of
15 the sex offender's visit and the hours in which the sex
16 offender will be present in the school. The sex offender is
17 responsible for notifying the principal's office when he or she
18 arrives on school property and when he or she departs from
19 school property. If the sex offender is to be present in the
20 vicinity of children, the sex offender has the duty to remain
21 under the direct supervision of a school official. A child sex
22 offender who violates this provision is guilty of a Class 4
23 felony.

24 (a-5) It is unlawful for a child sex offender to knowingly
25 be present within 100 feet of a site posted as a pick-up or
26 discharge stop for a conveyance owned, leased, or contracted by

1 a school to transport students to or from school or a school
2 related activity when one or more persons under the age of 18
3 are present at the site.

4 (a-6) It is unlawful for a child sex offender to knowingly
5 be present at any school sponsored event, whether on school
6 property or at an off-site location when children under the age
7 of 18 are present, unless the offender is a parent or guardian
8 of a student involved with the school sponsored event and the
9 school superintendent or the school board or in the case of a
10 private school the principal has granted permission for the
11 offender to be present. "School sponsored event" includes, but
12 is not limited to, a school field trip, sporting event, musical
13 event, or theatrical event.

14 (b) It is unlawful for a child sex offender to knowingly
15 loiter within 500 feet of a school building or real property
16 comprising any school while persons under the age of 18 are
17 present in the building or on the grounds, unless the offender
18 is a parent or guardian of a student attending the school and
19 the parent or guardian is: (i) attending a conference at the
20 school with school personnel to discuss the progress of his or
21 her child academically or socially, (ii) participating in child
22 review conferences in which evaluation and placement decisions
23 may be made with respect to his or her child regarding special
24 education services, or (iii) attending conferences to discuss
25 other student issues concerning his or her child such as
26 retention and promotion and notifies the principal of the

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

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

25 (c) Definitions. In this Section:

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

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

6 (A) is convicted of such offense or an attempt
7 to commit such offense; or

8 (B) is found not guilty by reason of insanity
9 of such offense or an attempt to commit such
10 offense; or

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

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

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

1 offense; or

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

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

15 (iii) is subject to the provisions of Section 2 of
16 the Interstate Agreements on Sexually Dangerous
17 Persons Act.

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

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

25 (i) A violation of any of the following Sections of
26 the Criminal Code of 1961: 10-7 (aiding and abetting

1 child abduction under Section 10-5(b)(10)),
2 10-5(b)(10) (child luring), 11-6 (indecent
3 solicitation of a child), 11-6.5 (indecent
4 solicitation of an adult), 11-9 (public indecency when
5 committed in a school, on the real property comprising
6 a school, or on a conveyance, owned, leased, or
7 contracted by a school to transport students to or from
8 school or a school related activity), 11-9.1 (sexual
9 exploitation of a child), 11-15.1 (soliciting for a
10 juvenile prostitute), 11-17.1 (keeping a place of
11 juvenile prostitution), 11-18.1 (patronizing a
12 juvenile prostitute), 11-19.1 (juvenile pimping),
13 11-19.2 (exploitation of a child), 11-20.1 (child
14 pornography), 11-20.3 (aggravated child pornography),
15 11-21 (harmful material), 12-14.1 (predatory criminal
16 sexual assault of a child), 12-33 (ritualized abuse of
17 a child), 11-20 (obscenity) (when that offense was
18 committed in any school, on real property comprising
19 any school, in any conveyance owned, leased, or
20 contracted by a school to transport students to or from
21 school or a school related activity). An attempt to
22 commit any of these offenses.

23 (ii) 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: 12-13 (criminal sexual
26 assault), 12-14 (aggravated criminal sexual assault),

1 12-15 (criminal sexual abuse), 12-16 (aggravated
2 criminal sexual abuse). An attempt to commit any of
3 these offenses.

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

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

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

16 (2.5) For the purposes of subsection (b-5) only, a sex
17 offense means:

18 (i) A violation of any of the following Sections of
19 the Criminal Code of 1961:

20 10-5(b)(10) (child luring), 10-7 (aiding and
21 abetting child abduction under Section 10-5(b)(10)),

22 11-6 (indecent solicitation of a child), 11-6.5

23 (indecent solicitation of an adult), 11-15.1

24 (soliciting for a juvenile prostitute), 11-17.1

25 (keeping a place of juvenile prostitution), 11-18.1

26 (patronizing a juvenile prostitute), 11-19.1 (juvenile

1 pimping), 11-19.2 (exploitation of a child), 11-20.1
2 (child pornography), 11-20.3 (aggravated child
3 pornography), 12-14.1 (predatory criminal sexual
4 assault of a child), or 12-33 (ritualized abuse of a
5 child). An attempt to commit any of these offenses.

6 (ii) 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: 12-13 (criminal sexual
9 assault), 12-14 (aggravated criminal sexual assault),
10 12-16 (aggravated criminal sexual abuse), and
11 subsection (a) of Section 12-15 (criminal sexual
12 abuse). An attempt to commit any of these offenses.

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

17 10-1 (kidnapping),
18 10-2 (aggravated kidnapping),
19 10-3 (unlawful restraint),
20 10-3.1 (aggravated unlawful restraint).

21 An attempt to commit any of these offenses.

22 (iv) A violation of any former law of this State
23 substantially equivalent to any offense listed in this
24 paragraph (2.5) of this subsection.

25 (3) A conviction for an offense of federal law or the
26 law of another state that is substantially equivalent to

1 any offense listed in paragraph (2) of subsection (c) of
2 this Section shall constitute a conviction for the purpose
3 of this Article. A finding or adjudication as a sexually
4 dangerous person under any federal law or law of another
5 state that is substantially equivalent to the Sexually
6 Dangerous Persons Act shall constitute an adjudication for
7 the purposes of this Section.

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

10 (5) "Loiter" means:

11 (i) Standing, sitting idly, whether or not the
12 person is in a vehicle or remaining in or around school
13 property.

14 (ii) Standing, sitting idly, whether or not the
15 person is in a vehicle or remaining in or around school
16 property, for the purpose of committing or attempting
17 to commit a sex offense.

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

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

24 (c-5) For the purposes of this Section, the 500 feet
25 distance shall be measured from the edge of the property of the
26 school building or the real property comprising the school that

1 is closest to the edge of the property of the child sex
2 offender's residence or where he or she is loitering.

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

5 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
6 94-170, eff. 7-11-05; 95-331, eff. 8-21-07; 95-440, eff.
7 8-27-07; 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff.
8 8-21-08; revised 9-23-08.)".