



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5198

Introduced 2/1/2010, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3

Amends the Criminal Code of 1961. For the purpose of the statute prohibiting child sex offenders from knowingly being present within 100 feet of a site posted as a pick-up or discharge stop for a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when one or more persons under the age of 18 are present at the site, defines such stop as having a sign which is visible from the nearest public roadway and containing text or graphics, or both, sufficient to denote to a reasonable person the presence of a pick-up or discharge stop for a conveyance used for the transport of students to school.

LRB096 18645 RLC 34028 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 11-9.3 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 (b) It is unlawful for a child sex offender to knowingly
24 loiter within 500 feet of a school building or real property
25 comprising any school while persons under the age of 18 are
26 present in the building or on the grounds, unless the offender

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

25 (b-5) It is unlawful for a child sex offender to knowingly
26 reside within 500 feet of a school building or the real

1 property comprising any school that persons under the age of 18
2 attend. Nothing in this subsection (b-5) prohibits a child sex
3 offender from residing within 500 feet of a school building or
4 the real property comprising any school that persons under 18
5 attend if the property is owned by the child sex offender and
6 was purchased before the effective date of this amendatory Act
7 of the 91st General Assembly.

8 (c) Definitions. In this Section:

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

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

15 (A) is convicted of such offense or an attempt
16 to commit such offense; or

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

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

24 (D) is the subject of a finding not resulting
25 in an acquittal at a hearing conducted pursuant to
26 subsection (a) of Section 104-25 of the Code of

1 Criminal Procedure of 1963 for the alleged
2 commission or attempted commission of such
3 offense; or

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

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

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

24 (iii) is subject to the provisions of Section 2 of
25 the Interstate Agreements on Sexually Dangerous
26 Persons Act.

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

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

8 (i) A violation of any of the following Sections of
9 the Criminal Code of 1961: 10-7 (aiding or abetting
10 child abduction under Section 10-5(b)(10)),
11 10-5(b)(10) (child luring), 11-6 (indecent
12 solicitation of a child), 11-6.5 (indecent
13 solicitation of an adult), 11-9 (public indecency when
14 committed in a school, on the real property comprising
15 a school, or on a conveyance, owned, leased, or
16 contracted by a school to transport students to or from
17 school or a school related activity), 11-9.1 (sexual
18 exploitation of a child), 11-15.1 (soliciting for a
19 juvenile prostitute), 11-17.1 (keeping a place of
20 juvenile prostitution), 11-18.1 (patronizing a
21 juvenile prostitute), 11-19.1 (juvenile pimping),
22 11-19.2 (exploitation of a child), 11-20.1 (child
23 pornography), 11-20.3 (aggravated child pornography),
24 11-21 (harmful material), 12-14.1 (predatory criminal
25 sexual assault of a child), 12-33 (ritualized abuse of
26 a child), 11-20 (obscenity) (when that offense was

1 committed in any school, on real property comprising
2 any school, in any conveyance owned, leased, or
3 contracted by a school to transport students to or from
4 school or a school related activity). An attempt to
5 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 12-15 (criminal sexual abuse), 12-16 (aggravated
11 criminal sexual abuse). An attempt to commit any of
12 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
24 clause (2)(i) of subsection (c) of this Section.

25 (2.5) For the purposes of subsection (b-5) only, a sex
26 offense means:

1 (i) A violation of any of the following Sections of
2 the Criminal Code of 1961:

3 10-5(b)(10) (child luring), 10-7 (aiding or
4 abetting child abduction under Section 10-5(b)(10)),
5 11-6 (indecent solicitation of a child), 11-6.5
6 (indecent solicitation of an adult), 11-15.1
7 (soliciting for a juvenile prostitute), 11-17.1
8 (keeping a place of juvenile prostitution), 11-18.1
9 (patronizing a juvenile prostitute), 11-19.1 (juvenile
10 pimping), 11-19.2 (exploitation of a child), 11-20.1
11 (child pornography), 11-20.3 (aggravated child
12 pornography), 12-14.1 (predatory criminal sexual
13 assault of a child), or 12-33 (ritualized abuse of a
14 child). An attempt to commit any of these offenses.

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

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

26 10-1 (kidnapping),

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

4 An attempt to commit any of these offenses.

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

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

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

19 (5) "Loiter" means:

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

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

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

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

7 (7) "Site posted as a pick-up or discharge stop for a
8 conveyance owned, leased, or contracted by a school to
9 transport students to or from school or a school related
10 activity" means that the site has a sign which is visible
11 from the nearest public roadway and contains text or
12 graphics, or both, sufficient to denote to a reasonable
13 person the presence of a pick-up or discharge stop for a
14 conveyance used for the transport of students to school.

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

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

22 (Source: P.A. 95-331, eff. 8-21-07; 95-440, eff. 8-27-07;
23 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff. 8-21-08;
24 96-328, eff. 8-11-09; 96-710, eff. 1-1-10.)