

SB0062



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0062

Introduced 1/30/2009, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.4

Amends the Criminal Code of 1961. Provides that it is a Class 4 felony for a child sex offender to knowingly operate, whether authorized to do so or not, any vehicle or specific type of vehicle, including, but not limited to, an ice cream truck or authorized emergency vehicle, for the purpose of attracting or enticing a person under 18 years of age to be in the presence of the offender. Provides that it is a defense that the offender was the parent of the person under 18 years of age in the offender's presence. Effective immediately.

LRB096 03603 RLC 13630 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 (Text of Section before amendment by P.A. 95-983)

8 Sec. 11-9.4. Approaching, contacting, residing, or
9 communicating with a child within certain places by child sex
10 offenders prohibited.

11 (a) It is unlawful for a child sex offender to knowingly be
12 present in any public park building or on real property
13 comprising any public park when persons under the age of 18 are
14 present in the building or on the grounds and to approach,
15 contact, or communicate with a child under 18 years of age,
16 unless the offender is a parent or guardian of a person under
17 18 years of age present in the building or on the grounds.

18 (b) It is unlawful for a child sex offender to knowingly
19 loiter on a public way within 500 feet of a public park
20 building or real property comprising any public park while
21 persons under the age of 18 are present in the building or on
22 the grounds and to approach, contact, or communicate with a
23 child under 18 years of age, unless the offender is a parent or

1 guardian of a person under 18 years of age present in the
2 building or on the grounds.

3 (b-5) It is unlawful for a child sex offender to knowingly
4 reside within 500 feet of a playground, child care institution,
5 day care center, part day child care facility, day care home,
6 group day care home, or a facility providing programs or
7 services exclusively directed toward persons under 18 years of
8 age. Nothing in this subsection (b-5) prohibits a child sex
9 offender from residing within 500 feet of a playground or a
10 facility providing programs or services exclusively directed
11 toward persons under 18 years of age if the property is owned
12 by the child sex offender and was purchased before the
13 effective date of this amendatory Act of the 91st General
14 Assembly. Nothing in this subsection (b-5) prohibits a child
15 sex offender from residing within 500 feet of a child care
16 institution, day care center, or part day child care facility
17 if the property is owned by the child sex offender and was
18 purchased before the effective date of this amendatory Act of
19 the 94th General Assembly. Nothing in this subsection (b-5)
20 prohibits a child sex offender from residing within 500 feet of
21 a day care home or group day care home if the property is owned
22 by the child sex offender and was purchased before August 14,
23 2008 (the effective date of Public Act 95-821) ~~this amendatory~~
24 ~~Act of the 95th General Assembly.~~

25 (b-6) It is unlawful for a child sex offender to knowingly
26 reside within 500 feet of the victim of the sex offense.

1 Nothing in this subsection (b-6) prohibits a child sex offender
2 from residing within 500 feet of the victim if the property in
3 which the child sex offender resides is owned by the child sex
4 offender and was purchased before the effective date of this
5 amendatory Act of the 92nd General Assembly.

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

8 (c) It is unlawful for a child sex offender to knowingly
9 operate, manage, be employed by, volunteer at, be associated
10 with, or knowingly be present at any: (i) facility providing
11 programs or services exclusively directed towards persons
12 under the age of 18; (ii) day care center; (iii) part day child
13 care facility; (iv) child care institution; (v) school
14 providing before and after school programs for children under
15 18 years of age; (vi) day care home; or (vii) group day care
16 home. This does not prohibit a child sex offender from owning
17 the real property upon which the programs or services are
18 offered or upon which the day care center, part day child care
19 facility, child care institution, or school providing before
20 and after school programs for children under 18 years of age is
21 located, provided the child sex offender refrains from being
22 present on the premises for the hours during which: (1) the
23 programs or services are being offered or (2) the day care
24 center, part day child care facility, child care institution,
25 school providing before and after school programs for children
26 under 18 years of age, day care home, or group day care home is

1 operated.

2 (c-5) It is unlawful for a child sex offender to knowingly
3 operate, manage, be employed by, or be associated with any
4 county fair when persons under the age of 18 are present.

5 (c-6) It is unlawful for a child sex offender who owns and
6 resides at residential real estate to knowingly rent any
7 residential unit within the same building in which he or she
8 resides to a person who is the parent or guardian of a child or
9 children under 18 years of age. This subsection shall apply
10 only to leases or other rental arrangements entered into after
11 January 1, 2009 (the effective date of Public Act 95-820) ~~this~~
12 ~~amendatory Act of the 95th General Assembly.~~

13 (c-7) ~~(c-6)~~ It is unlawful for a child sex offender to
14 knowingly offer or provide any programs or services to persons
15 under 18 years of age in his or her residence or the residence
16 of another or in any facility for the purpose of offering or
17 providing such programs or services, whether such programs or
18 services are offered or provided by contract, agreement,
19 arrangement, or on a volunteer basis.

20 (c-8) It is unlawful for a child sex offender to knowingly
21 operate, whether authorized to do so or not, any vehicle or
22 specific type of vehicle, including, but not limited to, an ice
23 cream truck or authorized emergency vehicle, for the purpose of
24 attracting or enticing a person under 18 years of age to be in
25 the presence of the offender. It is a defense to a violation of
26 this subsection (c-8) that the offender was the parent of the

1 person under 18 years of age in the offender's presence.

2 (d) Definitions. In this Section:

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

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

9 (A) is convicted of such offense or an attempt
10 to commit such offense; or

11 (B) is found not guilty by reason of insanity
12 of such offense or an attempt to commit such
13 offense; or

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

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

24 (E) is found not guilty by reason of insanity
25 following a hearing conducted pursuant to a
26 federal law or the law of another state

1 substantially similar to subsection (c) of Section
2 104-25 of the Code of Criminal Procedure of 1963 of
3 such offense or of the attempted commission of such
4 offense; or

5 (F) is the subject of a finding not resulting
6 in an acquittal at a hearing conducted pursuant to
7 a federal law or the law of another state
8 substantially similar to subsection (a) of Section
9 104-25 of the Code of Criminal Procedure of 1963
10 for the alleged violation or attempted commission
11 of such offense; or

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

18 (iii) is subject to the provisions of Section 2 of
19 the Interstate Agreements on Sexually Dangerous
20 Persons Act.

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

26 (2) Except as otherwise provided in paragraph (2.5),

1 "sex offense" means:

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

26 (ii) A violation of any of the following Sections

1 of the Criminal Code of 1961, when the victim is a
2 person under 18 years of age: 12-13 (criminal sexual
3 assault), 12-14 (aggravated criminal sexual assault),
4 12-15 (criminal sexual abuse), 12-16 (aggravated
5 criminal sexual abuse). An attempt to commit any of
6 these offenses.

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

11 10-1 (kidnapping),

12 10-2 (aggravated kidnapping),

13 10-3 (unlawful restraint),

14 10-3.1 (aggravated unlawful restraint).

15 An attempt to commit any of these offenses.

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

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

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

23 10-5(b)(10) (child luring), 10-7 (aiding and
24 abetting child abduction under Section
25 10-5(b)(10)), 11-6 (indecent solicitation of a
26 child), 11-6.5 (indecent solicitation of an

1 adult), 11-15.1 (soliciting for a juvenile
2 prostitute), 11-17.1 (keeping a place of juvenile
3 prostitution), 11-18.1 (patronizing a juvenile
4 prostitute), 11-19.1 (juvenile pimping), 11-19.2
5 (exploitation of a child), 11-20.1 (child
6 pornography), 11-20.3 (aggravated child
7 pornography), 12-14.1 (predatory criminal sexual
8 assault of a child), or 12-33 (ritualized abuse of
9 a child). An attempt to commit any of these
10 offenses.

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

18 (iii) 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 and the defendant is not a
21 parent of the victim:

22 10-1 (kidnapping),
23 10-2 (aggravated kidnapping),
24 10-3 (unlawful restraint),
25 10-3.1 (aggravated unlawful restraint).

26 An attempt to commit any of these offenses.

1 (iv) A violation of any former law of this State
2 substantially equivalent to any offense listed in this
3 paragraph (2.5) of this subsection.

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

13 (4) "Public park" includes a park, forest preserve, or
14 conservation area under the jurisdiction of the State or a
15 unit of local government.

16 (5) "Facility providing programs or services directed
17 towards persons under the age of 18" means any facility
18 providing programs or services exclusively directed
19 towards persons under the age of 18.

20 (6) "Loiter" means:

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

24 (ii) Standing, sitting idly, whether or not the
25 person is in a vehicle or remaining in or around public
26 park property, for the purpose of committing or

1 attempting to commit a sex offense.

2 (7) "Playground" means a piece of land owned or
3 controlled by a unit of local government that is designated
4 by the unit of local government for use solely or primarily
5 for children's recreation.

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

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

10 (10) "Part day child care facility" has the meaning
11 ascribed to it in Section 2.10 of the Child Care Act of
12 1969.

13 (11) "Day care home" has the meaning ascribed to it in
14 Section 2.18 of the Child Care Act of 1969.

15 (12) "Group day care home" has the meaning ascribed to
16 it in Section 2.20 of the Child Care Act of 1969.

17 (14) "Vehicle" and "authorized emergency vehicle" have
18 the meanings ascribed to them in the Illinois Vehicle Code.

19 (d-5) For the purposes of this Section, the 500 feet
20 distance shall be measured from the edge of the property
21 comprising the public park building or the real property
22 comprising the public park, playground, child care
23 institution, day care center, part day child care facility, or
24 a facility providing programs or services exclusively directed
25 toward persons under 18 years of age, or a victim of the sex
26 offense who is under 21 years of age to the edge of the child

1 sex offender's place of residence or where he or she is
2 loitering.

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

5 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,
6 eff. 6-1-08; 95-819, eff. 1-1-09; 95-820, eff. 1-1-09; 95-821,
7 eff. 8-14-08; 95-876, eff. 8-21-08; revised 10-20-08.)

8 (Text of Section after amendment by P.A. 95-983)

9 Sec. 11-9.4. Approaching, contacting, residing, or
10 communicating with a child within certain places by child sex
11 offenders prohibited.

12 (a) It is unlawful for a child sex offender to knowingly be
13 present in any public park building or on real property
14 comprising any public park when persons under the age of 18 are
15 present in the building or on the grounds and to approach,
16 contact, or communicate with a child under 18 years of age,
17 unless the offender is a parent or guardian of a person under
18 18 years of age present in the building or on the grounds.

19 (b) It is unlawful for a child sex offender to knowingly
20 loiter on a public way within 500 feet of a public park
21 building or real property comprising any public park while
22 persons under the age of 18 are present in the building or on
23 the grounds and to approach, contact, or communicate with a
24 child under 18 years of age, unless the offender is a parent or
25 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, day care home,
5 group day care home, or a facility providing programs or
6 services exclusively directed toward persons under 18 years of
7 age. Nothing in this subsection (b-5) prohibits a child sex
8 offender from residing within 500 feet of a playground or a
9 facility providing programs or services exclusively directed
10 toward persons under 18 years of age if the property is owned
11 by the child sex offender and was purchased before the
12 effective date of this amendatory Act of the 91st General
13 Assembly. Nothing in this subsection (b-5) prohibits a child
14 sex offender from residing within 500 feet of a child care
15 institution, day care center, or part day child care facility
16 if the property is owned by the child sex offender and was
17 purchased before the effective date of this amendatory Act of
18 the 94th General Assembly. Nothing in this subsection (b-5)
19 prohibits a child sex offender from residing within 500 feet of
20 a day care home or group day care home if the property is owned
21 by the child sex offender and was purchased before August 14,
22 2008 (the effective date of Public Act 95-821) ~~this amendatory~~
23 ~~Act of the 95th General Assembly.~~

24 (b-6) It is unlawful for a child sex offender to knowingly
25 reside within 500 feet of the victim of the sex offense.
26 Nothing in this subsection (b-6) prohibits a child sex offender

1 from residing within 500 feet of the victim if the property in
2 which the child sex offender resides is owned by the child sex
3 offender and was purchased before the effective date of this
4 amendatory Act of the 92nd General Assembly.

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

7 (b-7) It is unlawful for a child sex offender to knowingly
8 communicate, other than for a lawful purpose under Illinois
9 law, using the Internet or any other digital media, with a
10 person under 18 years of age or with a person whom he or she
11 believes to be a person under 18 years of age, unless the
12 offender is a parent or guardian of the person under 18 years
13 of age.

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

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

8 (c-5) It is unlawful for a child sex offender to knowingly
9 operate, manage, be employed by, or be associated with any
10 county fair when persons under the age of 18 are present.

11 (c-6) It is unlawful for a child sex offender who owns and
12 resides at residential real estate to knowingly rent any
13 residential unit within the same building in which he or she
14 resides to a person who is the parent or guardian of a child or
15 children under 18 years of age. This subsection shall apply
16 only to leases or other rental arrangements entered into after
17 January 1, 2009 (the effective date of Public Act 95-820) ~~this~~
18 ~~amendatory Act of the 95th General Assembly.~~

19 (c-7) ~~(c-6)~~ It is unlawful for a child sex offender to
20 knowingly offer or provide any programs or services to persons
21 under 18 years of age in his or her residence or the residence
22 of another or in any facility for the purpose of offering or
23 providing such programs or services, whether such programs or
24 services are offered or provided by contract, agreement,
25 arrangement, or on a volunteer basis.

26 (c-8) It is unlawful for a child sex offender to knowingly

1 operate, whether authorized to do so or not, any vehicle or
2 specific type of vehicle, including, but not limited to, an ice
3 cream truck or authorized emergency vehicle, for the purpose of
4 attracting or enticing a person under 18 years of age to be in
5 the presence of the offender. It is a defense to a violation of
6 this subsection (c-8) that the offender was the parent of the
7 person under 18 years of age in the offender's presence.

8 (d) 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 (d) 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 and 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, on a conveyance owned, leased, or contracted
16 by a school to transport students to or from school or
17 a school related activity, or in a public park), 11-9.1
18 (sexual exploitation of a child), 11-15.1 (soliciting
19 for a 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, on any conveyance owned, leased, or
3 contracted by a school to transport students to or from
4 school or a school related activity, or in a public
5 park). 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 12-15 (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 this subsection (d).

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

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

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

1 parent of the victim:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 An attempt to commit any of these offenses.

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

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

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

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

26 (6) "Loiter" means:

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

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

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

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

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

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

19 (11) "Day care home" has the meaning ascribed to it in
20 Section 2.18 of the Child Care Act of 1969.

21 (12) "Group day care home" has the meaning ascribed to
22 it in Section 2.20 of the Child Care Act of 1969.

23 (13) ~~(11)~~ "Internet" means an interactive computer
24 service or system or an information service, system, or
25 access software provider that provides or enables computer
26 access by multiple users to a computer server, and

1 includes, but is not limited to, an information service,
2 system, or access software provider that provides access to
3 a network system commonly known as the Internet, or any
4 comparable system or service and also includes, but is not
5 limited to, a World Wide Web page, newsgroup, message
6 board, mailing list, or chat area on any interactive
7 computer service or system or other online service.

8 (14) "Vehicle" and "authorized emergency vehicle" have
9 the meanings ascribed to them in the Illinois Vehicle Code.

10 (d-5) For the purposes of this Section, the 500 feet
11 distance shall be measured from the edge of the property
12 comprising the public park building or the real property
13 comprising the public park, playground, child care
14 institution, day care center, part day child care facility, or
15 a facility providing programs or services exclusively directed
16 toward persons under 18 years of age, or a victim of the sex
17 offense who is under 21 years of age to the edge of the child
18 sex offender's place of residence or where he or she is
19 loitering.

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; 95-32, eff. 1-1-08; 95-640,
23 eff. 6-1-08; 95-819, eff. 1-1-09; 95-820, eff. 1-1-09; 95-821,
24 eff. 8-14-08; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09;
25 revised 10-20-08.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

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