

1 AN ACT in relation to 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  
5 changing 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 public--park  
9 zone by child sex offenders prohibited.

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

26 (b-5) It is unlawful for a child sex offender to  
27 knowingly reside within 500 feet of a playground or a  
28 facility providing programs or services exclusively directed  
29 toward persons under 18 years of age. Nothing in this  
30 subsection (b-5) prohibits a child sex offender from residing  
31 within 500 feet of a playground or a facility providing

1 programs or services exclusively directed toward persons  
2 under 18 years of age if the property is owned by the child  
3 sex offender and was purchased before the effective date of  
4 this amendatory Act of the 91st General Assembly.

5 (b-6) It is unlawful for a child sex offender to  
6 knowingly reside within 500 feet of the victim of the sex  
7 offense. Nothing in this subsection (b-6) prohibits a child  
8 sex offender from residing within 500 feet of the victim if  
9 the property in which the child sex offender resides is owned  
10 by the child sex offender and was purchased before the  
11 effective date of this amendatory Act of the 92nd General  
12 Assembly.

13 (c) It is unlawful for a child sex offender to knowingly  
14 operate, manage, be employed by, volunteer at, be associated  
15 with, or knowingly be present at any facility providing  
16 programs or services exclusively directed towards persons  
17 under the age of 18. This does not prohibit a child sex  
18 offender from owning the real property upon which the  
19 programs or services are offered, provided the child sex  
20 offender refrains from being present on the premises for the  
21 hours during which the programs or services are being  
22 offered.

23 (d) Definitions. In this Section:

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

25 (i) has been charged under Illinois law, or  
26 any substantially similar federal law or law of  
27 another state, with a sex offense set forth in  
28 paragraph (2) of this subsection (d) or the attempt  
29 to commit an included sex offense, and:

30 (A) is convicted of such offense or an  
31 attempt to commit such offense; or

32 (B) is found not guilty by reason of  
33 insanity of such offense or an attempt to  
34 commit such offense; or

1 (C) is found not guilty by reason of  
2 insanity pursuant to subsection (c) of Section  
3 104-25 of the Code of Criminal Procedure of  
4 1963 of such offense or an attempt to commit  
5 such offense; or

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

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

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

27 (ii) is certified as a sexually dangerous  
28 person pursuant to the Illinois Sexually Dangerous  
29 Persons Act, or any substantially similar federal  
30 law or the law of another state, when any conduct  
31 giving rise to such certification is committed or  
32 attempted against a person less than 18 years of  
33 age; or

34 (iii) is subject to the provisions of Section

1           2 of the Interstate Agreements on Sexually Dangerous  
2           Persons Act.

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

9           (2) Except as otherwise provided in paragraph  
10          (2.5), "sex offense" means:

11                 (i) A violation of any of the following  
12                 Sections of the Criminal Code of 1961: 10-7 (aiding  
13                 and abetting child abduction under Section  
14                 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6  
15                 (indecent solicitation of a child), 11-6.5 (indecent  
16                 solicitation of an adult), 11-9 (public indecency  
17                 when committed in a school, on the real property  
18                 comprising a school, on a conveyance owned, leased,  
19                 or contracted by a school to transport students to  
20                 or from school or a school related activity, or in a  
21                 public park), 11-9.1 (sexual exploitation of a  
22                 child), 11-15.1 (soliciting for a juvenile  
23                 prostitute), 11-17.1 (keeping a place of juvenile  
24                 prostitution), 11-18.1 (patronizing a juvenile  
25                 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
26                 (exploitation of a child), 11-20.1 (child  
27                 pornography), 11-21 (harmful material), 12-14.1  
28                 (predatory criminal sexual assault of a child),  
29                 12-33 (ritualized abuse of a child), 11-20  
30                 (obscenity) (when that offense was committed in any  
31                 school, on real property comprising any school, on  
32                 any conveyance owned, leased, or contracted by a  
33                 school to transport students to or from school or a  
34                 school related activity, or in a public park). An

1 attempt to commit any of these offenses.

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

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

- 13 10-1 (kidnapping),
- 14 10-2 (aggravated kidnapping),
- 15 10-3 (unlawful restraint),
- 16 10-3.1 (aggravated unlawful restraint).

17 An attempt to commit any of these offenses.

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

21 (2.5) For the purposes of subsection (b-5) only, a  
22 sex offense means:

23 (i) A violation of any of the following  
24 Sections of the Criminal Code of 1961:

- 25 10-5(b)(10) (child luring), 10-7 (aiding  
26 and abetting child abduction under Section  
27 10-5(b)(10)), 11-6 (indecent solicitation of a  
28 child), 11-6.5 (indecent solicitation of an  
29 adult), 11-15.1 (soliciting for a juvenile  
30 prostitute), 11-17.1 (keeping a place of  
31 juvenile prostitution), 11-18.1 (patronizing a  
32 juvenile prostitute), 11-19.1 (juvenile  
33 pimping), 11-19.2 (exploitation of a child),  
34 11-20.1 (child pornography), 12-14.1 (predatory

1 criminal sexual assault of a child), or 12-33  
2 (ritualized abuse of a child). An attempt to  
3 commit any of these offenses.

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

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

- 16 10-1 (kidnapping),
- 17 10-2 (aggravated kidnapping),
- 18 10-3 (unlawful restraint),
- 19 10-3.1 (aggravated unlawful restraint).

20 An attempt to commit any of these offenses.

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

24 (3) A conviction for an offense of federal law or  
25 the law of another state that is substantially equivalent  
26 to any offense listed in paragraph (2) of this  
27 subsection (d) shall constitute a conviction for the  
28 purpose of this Section. A finding or adjudication as a  
29 sexually dangerous person under any federal law or law of  
30 another state that is substantially equivalent to the  
31 Sexually Dangerous Persons Act shall constitute an  
32 adjudication for the purposes of this Section.

33 (4) "Public park" includes a park, forest preserve,  
34 or conservation area under the jurisdiction of the State

1 or a unit of local government.

2 (5) "Facility providing programs or services  
3 directed towards persons under the age of 18" means any  
4 facility providing programs or services exclusively  
5 directed towards persons under the age of 18.

6 (6) "Loiter" means:

7 (i) Standing, sitting idly, whether or not the  
8 person is in a vehicle or remaining in or around  
9 public park property.

10 (ii) Standing, sitting idly, whether or not  
11 the person is in a vehicle or remaining in or around  
12 public park property, for the purpose of committing  
13 or attempting to commit a sex offense.

14 (7) "Playground" means a piece of land owned or  
15 controlled by a unit of local government that is  
16 designated by the unit of local government for use solely  
17 or primarily for children's recreation.

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

20 (Source: P.A. 91-458, eff. 1-1-00; 91-911, eff. 7-7-00.)