



Sen. John J. Cullerton

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09500SB1006sam002

LRB095 05880 RLC 34478 a

1 AMENDMENT TO SENATE BILL 1006

2 AMENDMENT NO. _____. Amend Senate Bill 1006 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 11-9.4 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 by child sex
9 offenders prohibited.

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

1 (b) It is unlawful for a child sex offender to knowingly
2 loiter on a public way within 500 feet of a public park
3 building or real property comprising any public park while
4 persons under the age of 18 are present in the building or on
5 the grounds and to approach, contact, or communicate with a
6 child under 18 years of age, unless the offender is a parent or
7 guardian of a person under 18 years of age present in the
8 building or on the grounds.

9 (b-5) It is unlawful for a child sex offender to knowingly
10 reside within 500 feet of a playground, child care institution,
11 day care center, part day child care facility, or a facility
12 providing programs or services exclusively directed toward
13 persons under 18 years of age. Nothing in this subsection (b-5)
14 prohibits a child sex offender from residing within 500 feet of
15 a playground or a facility providing programs or services
16 exclusively directed toward persons under 18 years of age if
17 the property is owned by the child sex offender and was
18 purchased before the effective date of this amendatory Act of
19 the 91st General Assembly. Nothing in this subsection (b-5)
20 prohibits a child sex offender from residing within 500 feet of
21 a child care institution, day care center, or part day child
22 care facility if the property is owned by the child sex
23 offender and was purchased before the effective date of this
24 amendatory Act of the 94th 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, or (v) school
14 providing before and after school programs for children under
15 18 years of age. This does not prohibit a child sex offender
16 from owning the real property upon which the programs or
17 services are offered or upon which the day care center, part
18 day child care facility, child care institution, or school
19 providing before and after school programs for children under
20 18 years of age is located, provided the child sex offender
21 refrains from being present on the premises for the hours
22 during which: (1) the programs or services are being offered or
23 (2) the day care center, part day child care facility, child
24 care institution, or school providing before and after school
25 programs for children under 18 years of age is operated.

26 (c-5) It is unlawful for a child sex offender to knowingly

1 operate, manage, or own a cemetery. A child sex offender who
2 owns a cemetery on the effective date of this amendatory Act of
3 the 95th General Assembly shall have 6 months following the
4 effective date of this amendatory Act of the 95th General
5 Assembly to divest himself or herself of such ownership.

6 (d) Definitions. In this Section:

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

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

13 (A) is convicted of such offense or an attempt
14 to commit such offense; or

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

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

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

1 offense; or

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

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

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

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

25 Convictions that result from or are connected with the
26 same act, or result from offenses committed at the same

1 time, shall be counted for the purpose of this Section as
2 one conviction. Any conviction set aside pursuant to law is
3 not a conviction for purposes of this Section.

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

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

1 students to or from school or a school related
2 activity, or in a public park). An attempt to commit
3 any of these offenses.

4 (ii) 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: 12-13 (criminal sexual
7 assault), 12-14 (aggravated criminal sexual assault),
8 12-15 (criminal sexual abuse), 12-16 (aggravated
9 criminal sexual abuse). An attempt to commit any of
10 these offenses.

11 (iii) 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 and the defendant is not a
14 parent of the victim:

15 10-1 (kidnapping),

16 10-2 (aggravated kidnapping),

17 10-3 (unlawful restraint),

18 10-3.1 (aggravated unlawful restraint).

19 An attempt to commit any of these offenses.

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

23 (2.5) For the purposes of subsection (b-5) only, a sex
24 offense means:

25 (i) A violation of any of the following Sections of
26 the Criminal Code of 1961:

1 10-5(b)(10) (child luring), 10-7 (aiding and
2 abetting child abduction under Section
3 10-5(b)(10)), 11-6 (indecent solicitation of a
4 child), 11-6.5 (indecent solicitation of an
5 adult), 11-15.1 (soliciting for a juvenile
6 prostitute), 11-17.1 (keeping a place of juvenile
7 prostitution), 11-18.1 (patronizing a juvenile
8 prostitute), 11-19.1 (juvenile pimping), 11-19.2
9 (exploitation of a child), 11-20.1 (child
10 pornography), 12-14.1 (predatory criminal sexual
11 assault of a child), or 12-33 (ritualized abuse of
12 a child). An attempt to commit any of these
13 offenses.

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

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

25 10-1 (kidnapping),

26 10-2 (aggravated kidnapping),

1 10-3 (unlawful restraint),

2 10-3.1 (aggravated unlawful restraint).

3 An attempt to commit any of these offenses.

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

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

16 (4) "Public park" includes a park, forest preserve, or
17 conservation area under the jurisdiction of the State or a
18 unit of local government.

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

23 (6) "Loiter" means:

24 (i) Standing, sitting idly, whether or not the
25 person is in a vehicle or remaining in or around public
26 park property.

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

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

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

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

13 (10) "Part day child care facility" has the meaning
14 ascribed to it in Section 2.10 of the Child Care Act of
15 1969.

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

18 (Source: P.A. 94-925, eff. 6-26-06.)".