



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB4619**

by Rep. JoAnn D. Osmond

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-1.3 new

Amends the Criminal Code of 1961. Provides that a child murderer may not reside or loiter with certain areas, schools, or facilities in which children under 18 years of age are present. Prohibits child murderers from knowingly operating, managing, being employed by, volunteering at, being associated with, or knowingly being present at certain events or facilities in which children under 18 years of age may be present. Provides for certain exemptions. Provides that a violation of these provisions is a Class 4 felony.

LRB096 14471 RLC 29297 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 adding  
5 Section 9-1.3 as follows:

6 (720 ILCS 5/9-1.3 new)

7 Sec. 9-1.3. Approaching, contacting, residing, or  
8 communicating with a child within certain places by child  
9 murderers prohibited.

10 (a) It is unlawful for a child murderer 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.

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

1 grounds.

2 (c) It is unlawful for a child murderer to knowingly reside  
3 within 500 feet of a playground, child care institution, day  
4 care center, part day child care facility, day care home, group  
5 day care home, or a facility providing programs or services  
6 exclusively directed toward persons under 18 years of age.  
7 Nothing in this subsection (c) prohibits a child murderer from  
8 residing within 500 feet of a playground or a facility  
9 providing programs or services exclusively directed toward  
10 persons under 18 years of age if the property is owned by the  
11 child murderer and was purchased before the effective date of  
12 this amendatory Act of the 96th General Assembly. Nothing in  
13 this subsection (c) prohibits a child murderer from residing  
14 within 500 feet of a child care institution, day care center,  
15 or part day child care facility if the property is owned by the  
16 child murderer and was purchased before the effective date of  
17 this amendatory Act of the 96th General Assembly. Nothing in  
18 this subsection (c) prohibits a child murderer from residing  
19 within 500 feet of a day care home or group day care home if the  
20 property is owned by the child murderer and was purchased  
21 before the effective date of this amendatory Act of the 96th  
22 General Assembly.

23 (d) It is unlawful for a child murderer to knowingly  
24 communicate, other than for a lawful purpose under Illinois  
25 law, using the Internet or any other digital media, with a  
26 person under 18 years of age or with a person whom he or she

1 believes to be a person under 18 years of age, unless the  
2 offender is a parent or guardian of the person under 18 years  
3 of age.

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

24 (f) It is unlawful for a child murderer to knowingly  
25 operate, manage, be employed by, or be associated with any  
26 county fair when persons under the age of 18 are present.

1       (g) It is unlawful for a child murderer who owns and  
2 resides at residential real estate to knowingly rent any  
3 residential unit within the same building in which he or she  
4 resides to a person who is the parent or guardian of a child or  
5 children under 18 years of age. This subsection (g) shall apply  
6 only to leases or other rental arrangements entered into on or  
7 after the effective date of this amendatory Act of the 96th  
8 General Assembly.

9       (h) It is unlawful for a child murderer to knowingly offer  
10 or provide any programs or services to persons under 18 years  
11 of age in his or her residence or the residence of another or  
12 in any facility for the purpose of offering or providing such  
13 programs or services, whether such programs or services are  
14 offered or provided by contract, agreement, arrangement, or on  
15 a volunteer basis.

16       (i) It is unlawful for a child murderer to knowingly be  
17 present in any school building, on real property comprising any  
18 school, or in any conveyance owned, leased, or contracted by a  
19 school to transport students to or from school or a school  
20 related activity when persons under the age of 18 are present  
21 in the building, on the grounds or in the conveyance, unless  
22 the offender is a parent or guardian of a student attending the  
23 school and the parent or guardian is: (i) attending a  
24 conference at the school with school personnel to discuss the  
25 progress of his or her child academically or socially, (ii)  
26 participating in child review conferences in which evaluation

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

20 (j) It is unlawful for a child murderer to knowingly be  
21 present within 100 feet of a site posted as a pick-up or  
22 discharge stop for a conveyance owned, leased, or contracted by  
23 a school to transport students to or from school or a school  
24 related activity when one or more persons under the age of 18  
25 are present at the site.

26 (k) It is unlawful for a child murderer to knowingly loiter

1 within 500 feet of a school building or real property  
2 comprising any school while persons under the age of 18 are  
3 present in the building or on the grounds, unless the offender  
4 is a parent or guardian of a student attending the school and  
5 the parent or guardian is: (i) attending a conference at the  
6 school with school personnel to discuss the progress of his or  
7 her child academically or socially, (ii) participating in child  
8 review conferences in which evaluation and placement decisions  
9 may be made with respect to his or her child regarding special  
10 education services, or (iii) attending conferences to discuss  
11 other student issues concerning his or her child such as  
12 retention and promotion and notifies the principal of the  
13 school of his or her presence at the school or has permission  
14 to be present from the superintendent or the school board or in  
15 the case of a private school from the principal. In the case of  
16 a public school, if permission is granted, the superintendent  
17 or school board president must inform the principal of the  
18 school where the child murderer will be present. Notification  
19 includes the nature of the child murderer's visit and the hours  
20 in which the child murderer will be present in the school. The  
21 child murderer is responsible for notifying the principal's  
22 office when he or she arrives on school property and when he or  
23 she departs from school property. If the child murderer is to  
24 be present in the vicinity of children, the child murderer has  
25 the duty to remain under the direct supervision of a school  
26 official.

1       (1) It is unlawful for a child murderer to knowingly reside  
2 within 500 feet of a school building or the real property  
3 comprising any school that persons under the age of 18 attend.  
4 Nothing in this subsection (1) prohibits a child murderer from  
5 residing within 500 feet of a school building or the real  
6 property comprising any school that persons under 18 attend if  
7 the property is owned by the child murderer and was purchased  
8 before the effective date of this amendatory Act of the 96th  
9 General Assembly.

10       (m) Definitions. In this Section:

11           (1) "Child murderer" means any person who has been  
12 charged under Illinois law with first degree murder when  
13 the victim of the offense was under 18 years of age at the  
14 time of the commission of the offense or subject to an  
15 adjudicatory hearing under Article V of the Juvenile Court  
16 Act of 1987 if the child murderer was under 17 years of age  
17 at the time of the commission of the act if committed by an  
18 adult would be first degree murder when the victim of the  
19 act was under 18 years of age at the time of the commission  
20 of the act, or any substantially similar federal law or law  
21 of another state, or the attempt to commit such act or  
22 offense, and:

23           (A) is convicted of such offense or an attempt to  
24 commit such offense; or

25           (B) is found not guilty by reason of insanity of  
26 such offense or an attempt to commit such offense; or



1           (C) is found not guilty by reason of insanity  
2 pursuant to subsection (c) of Section 104-25 of the  
3 Code of Criminal Procedure of 1963 of such offense or  
4 an attempt to commit such offense; or (D) is the  
5 subject of a finding not resulting in an acquittal at a  
6 hearing conducted pursuant to subsection (a) of  
7 Section 104-25 of the Code of Criminal Procedure of  
8 1963 for the alleged commission or attempted  
9 commission of such offense; or

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

16           (E) is the subject of a finding not resulting in an  
17 acquittal at a hearing conducted pursuant to a federal  
18 law or the law of another state substantially similar  
19 to subsection (a) of Section 104-25 of the Code of  
20 Criminal Procedure of 1963 for the alleged violation or  
21 attempted commission of such offense. Convictions that  
22 result from or are connected with the same act, or  
23 result from offenses committed at the same time, shall  
24 be counted for the purpose of this Section as one  
25 conviction. Any conviction set aside pursuant to law is  
26 not a conviction for purposes of this Section; or

1                   (F) is adjudicated delinquent for such act.

2                   (2) A conviction for an offense of federal law or the  
3 law of another state that is substantially equivalent to  
4 any offense listed in paragraph (1) of this subsection (m)  
5 shall constitute a conviction for the purpose of this  
6 Section.

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

9                   (4) "Loiter" means:

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

13                   (ii) Standing, sitting idly, whether or not the  
14 person is in a vehicle or remaining in or around school  
15 property, for the purpose of committing or attempting  
16 to commit first degree murder of a person under 18  
17 years of age.

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

21                   (5) "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                   (6) "Public park" includes a park, forest preserve, or  
25 conservation area under the jurisdiction of the State or a  
26 unit of local government.

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

5           (8) "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           (9) "Child care institution" has the meaning ascribed  
10           to it in Section 2.06 of the Child Care Act of 1969.

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

13           (11) "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           (12) "Day care home" has the meaning ascribed to it in  
17           Section 2.18 of the Child Care Act of 1969.

18           (13) "Group day care home" has the meaning ascribed to  
19           it in Section 2.20 of the Child Care Act of 1969.

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