

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 11-9.4-5 as follows:

6 (720 ILCS 5/11-9.4-5 new)

7 Sec. 11-9.4-5. Presence within school zone by an
8 adjudicated juvenile delinquent child sex offender;
9 approaching, contacting, or communicating with a child within
10 certain places by an adjudicated juvenile delinquent child sex
11 offender.

12 (a) It is unlawful for an adjudicated juvenile delinquent
13 child sex offender to knowingly be present in any school
14 building, on real property comprising any school, or in any
15 conveyance owned, leased, or contracted by a school to
16 transport students to or from school or a school related
17 activity when persons under the age of 18 are present in the
18 building, on the grounds or in the conveyance, unless the
19 offender is:

20 (1) a registered student at the school with permission
21 to be present from the superintendent or the school board
22 or in the case of a private school from the principal. In
23 the case of a public school, if permission is granted, the

1 superintendent or school board president must inform the
2 principal of the school where the sex offender will be
3 present; or

4 (2) a parent or guardian of a student attending the
5 school and the parent or guardian is:

6 (i) attending a conference at the school with
7 school personnel to discuss the progress of his or her
8 child academically or socially,

9 (ii) participating in child review conferences in
10 which evaluation and placement decisions may be made
11 with respect to his or her child regarding special
12 education services, or

13 (iii) attending conferences to discuss other
14 student issues concerning his or her child such as
15 retention and promotion,

16 and notifies the principal of the school of his or her
17 presence at the school or unless the offender has
18 permission to be present from the superintendent or the
19 school board or in the case of a private school from the
20 principal. In the case of a public school, if permission is
21 granted, the superintendent or school board president must
22 inform the principal of the school where the sex offender
23 will be present. Notification includes the nature of the
24 sex offender's visit and the hours in which the sex
25 offender will be present in the school. The sex offender is
26 responsible for notifying the principal's office when he or

1 she arrives on school property and when he or she departs
2 from school property. If the sex offender is to be present
3 in the vicinity of children, the sex offender has the duty
4 to remain under the direct supervision of a school
5 official.

6 (b) It is unlawful for an adjudicated juvenile delinquent
7 child sex offender to knowingly be present within 100 feet of a
8 site posted as a pick-up or discharge stop for a conveyance
9 owned, leased, or contracted by a school to transport students
10 to or from school or a school related activity when one or more
11 persons under the age of 18 are present at the site, unless the
12 offender is a registered student at the school with permission
13 to be present from the superintendent or the school board or in
14 the case of a private school from the principal. In the case of
15 a public school, if permission is granted, the superintendent
16 or school board president must inform the principal of the
17 school where the sex offender will be present.

18 (c) It is unlawful for an adjudicated juvenile delinquent
19 child sex offender to knowingly loiter within 500 feet of a
20 school building or real property comprising any school while
21 persons under the age of 18 are present in the building or on
22 the grounds, unless the offender is:

23 (1) a registered student at the school with permission
24 to be present from the superintendent or the school board
25 or in the case of a private school from the principal. In
26 the case of a public school, if permission is granted, the

1 superintendent or school board president must inform the
2 principal of the school where the sex offender will be
3 present; or

4 (2) a parent or guardian of a student attending the
5 school and the parent or guardian is:

6 (i) attending a conference at the school with
7 school personnel to discuss the progress of his or her
8 child academically or socially,

9 (ii) participating in child review conferences in
10 which evaluation and placement decisions may be made
11 with respect to his or her child regarding special
12 education services, or

13 (iii) attending conferences to discuss other
14 student issues concerning his or her child such as
15 retention and promotion,

16 and notifies the principal of the school of his or her
17 presence at the school or has permission to be present from
18 the superintendent or the school board or in the case of a
19 private school from the principal. In the case of a public
20 school, if permission is granted, the superintendent or
21 school board president must inform the principal of the
22 school where the sex offender will be present. Notification
23 includes the nature of the sex offender's visit and the
24 hours in which the sex offender will be present in the
25 school. The sex offender is responsible for notifying the
26 principal's office when he or she arrives on school

1 property and when he or she departs from school property.

2 If the sex offender is to be present in the vicinity of
3 children, the sex offender has the duty to remain under the
4 direct supervision of a school official.

5 (d) It is unlawful for an adjudicated juvenile delinquent
6 child sex offender to knowingly be present in any public park
7 building or on real property comprising any public park when
8 persons under the age of 18 are present in the building or on
9 the grounds and to approach, contact, or communicate with a
10 child under 18 years of age, unless the offender is a parent or
11 guardian of a person under 18 years of age present in the
12 building or on the grounds.

13 (e) It is unlawful for an adjudicated juvenile delinquent
14 child sex offender to knowingly loiter on a public way within
15 500 feet of a public park building or real property comprising
16 any public park while persons under the age of 18 are present
17 in the building or on the grounds and to approach, contact, or
18 communicate with a child under 18 years of age, unless the
19 offender is a parent or guardian of a person under 18 years of
20 age present in the building or on the grounds.

21 (f) It is unlawful for an adjudicated juvenile delinquent
22 child sex offender to knowingly operate, manage, be employed
23 by, volunteer at, be associated with, or knowingly be present
24 at any:

25 (i) facility providing programs or services
26 exclusively directed towards persons under the age of 18;

- 1 (ii) day care center;
2 (iii) part day child care facility;
3 (iv) child care institution;
4 (v) school providing before and after school programs
5 for children under 18 years of age;
6 (vi) day care home; or
7 (vii) group day care home.

8 This does not prohibit the adjudicated juvenile delinquent
9 child sex offender from owning the real property upon which the
10 programs or services are offered or upon which the day care
11 center, part day child care facility, child care institution,
12 or school providing before and after school programs for
13 children under 18 years of age is located, provided the
14 adjudicated juvenile delinquent child sex offender refrains
15 from being present on the premises for the hours during which:
16 (1) the programs or services are being offered or (2) the day
17 care center, part day child care facility, child care
18 institution, school providing before and after school programs
19 for children under 18 years of age, day care home, or group day
20 care home is operated.

21 (g) It is unlawful for an adjudicated juvenile delinquent
22 child sex offender to knowingly offer or provide any programs
23 or services to persons under 18 years of age in his or her
24 residence or the residence of another or in any facility for
25 the purpose of offering or providing such programs or services,
26 whether such programs or services are offered or provided by

1 contract, agreement, arrangement, or on a volunteer basis.

2 (h) Definitions. For the purposes of this Section:

3 (1) "Adjudicated juvenile delinquent child sex
4 offender" means any person who has been adjudicated a
5 juvenile delinquent or found guilty under Article V of the
6 Juvenile Court Act of 1987 as the result of committing or
7 attempting to commit an act which, if committed by an
8 adult, would constitute:

9 (A) A violation of any of the following offenses
10 under the Criminal Code of 1961: aggravated criminal
11 sexual abuse, aggravated criminal sexual assault,
12 criminal sexual assault, felony sexual exploitation of
13 a child, predatory criminal sexual assault of a child,
14 kidnapping, aggravated kidnapping, unlawful restraint,
15 aggravated unlawful restraint, child luring, and
16 sexual misconduct with a person with a disability
17 committed against a victim under 18 years of age;

18 (B) A violation of any former law of this State
19 substantially equivalent to any offense listed in
20 subdivision (1) (A) of this subsection (h); or

21 (C) A violation of any substantially similar
22 federal, Uniform Code of Military Justice, sister
23 state, or foreign country.

24 (2) "Child care institution" has the meaning ascribed
25 to it in Section 2.06 of the Child Care Act of 1969.

26 (3) "Day care center" has the meaning ascribed to it in

1 Section 2.09 of the Child Care Act of 1969.

2 (4) "Day care home" has the meaning ascribed to it in
3 Section 2.18 of the Child Care Act of 1969.

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

6 (6) "Facility providing programs or services directed
7 towards persons under the age of 18" means any facility
8 providing programs or services exclusively directed
9 towards persons under the age of 18.

10 (7) "Loiter" means:

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

14 (ii) Standing, sitting idly, whether or not the
15 person is in a vehicle, or remaining in or around
16 school or public park property, for the purpose of
17 committing or attempting to commit a sex offense.

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

21 (8) "Part day child care facility" has the meaning
22 ascribed to it in Section 2.10 of the Child Care Act of
23 1969.

24 (9) "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 (10) "School" means a public or private pre-school,
2 elementary, or secondary school.

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

6 (i) For the purposes of this Section, the 500 feet distance
7 shall be measured from: (1) the edge of the property of the
8 school building or the real property comprising the school that
9 is closest to the edge of the property where the adjudicated
10 juvenile delinquent child sex offender is loitering, and (2)
11 the edge of the property comprising the public park building or
12 the real property comprising the public park to the edge of the
13 property where the adjudicated juvenile delinquent child sex
14 offender is loitering.

15 (j) Sentence. An adjudicated juvenile delinquent child sex
16 offender who violates this Section is guilty of a Class 4
17 felony.

18 (k) Waiver of prohibition.

19 (1) A person who is an adjudicated juvenile delinquent
20 child sex offender covered by this Section may, no less
21 than 10 years after adjudication, petition for a waiver
22 from the prohibitions of this Section.

23 (2) The court may, upon a hearing on the petition for
24 waiver of prohibitions, grant a waiver from the
25 prohibitions of this Section to the person if the court
26 finds that the person does not pose a risk to the community

1 by a preponderance of the evidence based upon the factors
2 set forth in paragraph (3) of this subsection (k).

3 (3) To determine whether a person seeking a waiver from
4 the prohibitions of this Section poses a risk to the
5 community, the court shall consider the following factors:

6 (A) a risk assessment performed by an evaluator
7 approved by the Sex Offender Management Board;

8 (B) the sex offender history of the person;

9 (C) evidence of the person's rehabilitation;

10 (D) the age of the person at the time of the
11 offense for which the person was adjudicated as a
12 juvenile delinquent child sex offender;

13 (E) information related to the person's mental,
14 physical, educational, and social history;

15 (F) victim impact statements; and

16 (G) any other factors deemed relevant by the court.

17 (4) At the hearing, the person may present a risk
18 assessment conducted by an evaluator who is a licensed
19 psychiatrist, psychologist, or other mental health
20 professional, and who has demonstrated clinical experience
21 in sex offender treatment.