



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5658

by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.3

Amends the Criminal Code of 2012 concerning the presence and residence of child sex offenders. Provides that for the purposes of the statute, "sex offense" includes, but is not limited to, the former offenses of soliciting for a juvenile prostitute, pandering, if the victim is under 18 years of age, keeping a place of juvenile prostitution, pimping, if the victim is under 18 years of age, juvenile pimping, or exploitation of a child. Clarifies that "sex offense" also includes patronizing a prostitute, if the victim is under 18 years of age or forcible detention, if the victim is under 18 years of age. Provides that the Act is declarative of existing law and not as a new enactment. Effective immediately.

LRB101 15877 RLC 65234 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 1. Declarative of existing law. The changes made to  
5 Section 11-9.3 of the Criminal Code of 2012 by this Act are  
6 intended to be declarative of existing law and not as a new  
7 enactment.

8 Section 5. The Criminal Code of 2012 is amended by changing  
9 Section 11-9.3 as follows:

10 (720 ILCS 5/11-9.3)

11 Sec. 11-9.3. Presence within school zone by child sex  
12 offenders prohibited; approaching, contacting, residing with,  
13 or communicating with a child within certain places by child  
14 sex offenders prohibited.

15 (a) It is unlawful for a child sex offender to knowingly be  
16 present in any school building, on real property comprising any  
17 school, or in any conveyance owned, leased, or contracted by a  
18 school to transport students to or from school or a school  
19 related activity when persons under the age of 18 are present  
20 in the building, on the grounds or in the conveyance, unless  
21 the offender is a parent or guardian of a student attending the  
22 school and the parent or guardian is: (i) attending a

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

22 (a-5) It is unlawful for a child sex offender to knowingly  
23 be present within 100 feet of a site posted as a pick-up or  
24 discharge stop for a conveyance owned, leased, or contracted by  
25 a school to transport students to or from school or a school  
26 related activity when one or more persons under the age of 18

1 are present at the site.

2 (a-10) It is unlawful for a child sex offender to knowingly  
3 be present in any public park building, a playground or  
4 recreation area within any publicly accessible privately owned  
5 building, or on real property comprising any public park when  
6 persons under the age of 18 are present in the building or on  
7 the grounds and to approach, contact, or communicate with a  
8 child under 18 years of age, unless the offender is a parent or  
9 guardian of a person under 18 years of age present in the  
10 building or on the grounds.

11 (b) It is unlawful for a child sex offender to knowingly  
12 loiter within 500 feet of a school building or real property  
13 comprising any school while persons under the age of 18 are  
14 present in the building or on the grounds, unless the offender  
15 is a parent or guardian of a student attending the school and  
16 the parent or guardian is: (i) attending a conference at the  
17 school with school personnel to discuss the progress of his or  
18 her child academically or socially, (ii) participating in child  
19 review conferences in which evaluation and placement decisions  
20 may be made with respect to his or her child regarding special  
21 education services, or (iii) attending conferences to discuss  
22 other student issues concerning his or her child such as  
23 retention and promotion and notifies the principal of the  
24 school of his or her presence at the school or has permission  
25 to be present from the superintendent or the school board or in  
26 the case of a private school from the principal. In the case of

1 a public school, if permission is granted, the superintendent  
2 or school board president must inform the principal of the  
3 school where the sex offender will be present. Notification  
4 includes the nature of the sex offender's visit and the hours  
5 in which the sex offender will be present in the school. The  
6 sex offender is responsible for notifying the principal's  
7 office when he or she arrives on school property and when he or  
8 she departs from school property. If the sex offender is to be  
9 present in the vicinity of children, the sex offender has the  
10 duty to remain under the direct supervision of a school  
11 official.

12 (b-2) It is unlawful for a child sex offender to knowingly  
13 loiter on a public way within 500 feet of a public park  
14 building or real property comprising any public park while  
15 persons under the age of 18 are present in the building or on  
16 the grounds and to approach, contact, or communicate with a  
17 child under 18 years of age, unless the offender is a parent or  
18 guardian of a person under 18 years of age present in the  
19 building or on the grounds.

20 (b-5) It is unlawful for a child sex offender to knowingly  
21 reside within 500 feet of a school building or the real  
22 property comprising any school that persons under the age of 18  
23 attend. Nothing in this subsection (b-5) prohibits a child sex  
24 offender from residing within 500 feet of a school building or  
25 the real property comprising any school that persons under 18  
26 attend if the property is owned by the child sex offender and

1 was purchased before July 7, 2000 (the effective date of Public  
2 Act 91-911).

3 (b-10) 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-10) 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 July 7,  
13 2000. Nothing in this subsection (b-10) prohibits a child sex  
14 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 June 26, 2006. Nothing in this subsection  
18 (b-10) prohibits a child sex offender from residing within 500  
19 feet of a day care home or group day care home if the property  
20 is owned by the child sex offender and was purchased before  
21 August 14, 2008 (the effective date of Public Act 95-821).

22 (b-15) It is unlawful for a child sex offender to knowingly  
23 reside within 500 feet of the victim of the sex offense.  
24 Nothing in this subsection (b-15) prohibits a child sex  
25 offender from residing within 500 feet of the victim if the  
26 property in which the child sex offender resides is owned by

1 the child sex offender and was purchased before August 22,  
2 2002.

3 This subsection (b-15) does not apply if the victim of the  
4 sex offense is 21 years of age or older.

5 (b-20) It is unlawful for a child sex offender to knowingly  
6 communicate, other than for a lawful purpose under Illinois  
7 law, using the Internet or any other digital media, with a  
8 person under 18 years of age or with a person whom he or she  
9 believes to be a person under 18 years of age, unless the  
10 offender is a parent or guardian of the person under 18 years  
11 of age.

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

1 services are being offered or (2) the day care center, part day  
2 child care facility, child care institution, or school  
3 providing before and after school programs for children under  
4 18 years of age, day care home, or group day care home is  
5 operated.

6 (c-2) It is unlawful for a child sex offender to  
7 participate in a holiday event involving children under 18  
8 years of age, including but not limited to distributing candy  
9 or other items to children on Halloween, wearing a Santa Claus  
10 costume on or preceding Christmas, being employed as a  
11 department store Santa Claus, or wearing an Easter Bunny  
12 costume on or preceding Easter. For the purposes of this  
13 subsection, child sex offender has the meaning as defined in  
14 this Section, but does not include as a sex offense under  
15 paragraph (2) of subsection (d) of this Section, the offense  
16 under subsection (c) of Section 11-1.50 of this Code. This  
17 subsection does not apply to a child sex offender who is a  
18 parent or guardian of children under 18 years of age that are  
19 present in the home and other non-familial minors are not  
20 present.

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

24 (c-6) It is unlawful for a child sex offender who owns and  
25 resides at residential real estate to knowingly rent any  
26 residential unit within the same building in which he or she



1 resides to a person who is the parent or guardian of a child or  
2 children under 18 years of age. This subsection shall apply  
3 only to leases or other rental arrangements entered into after  
4 January 1, 2009 (the effective date of Public Act 95-820).

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

12 (c-8) It is unlawful for a child sex offender to knowingly  
13 operate, whether authorized to do so or not, any of the  
14 following vehicles: (1) a vehicle which is specifically  
15 designed, constructed or modified and equipped to be used for  
16 the retail sale of food or beverages, including but not limited  
17 to an ice cream truck; (2) an authorized emergency vehicle; or  
18 (3) a rescue vehicle.

19 (d) Definitions. In this Section:

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

21 (i) has been charged under Illinois law, or any  
22 substantially similar federal law or law of another  
23 state, with a sex offense set forth in paragraph (2) of  
24 this subsection (d) or the attempt to commit an  
25 included sex offense, and the victim is a person under  
26 18 years of age at the time of the offense; and:

1 (A) is convicted of such offense or an attempt  
2 to commit such offense; or

3 (B) is found not guilty by reason of insanity  
4 of such offense or an attempt to commit such  
5 offense; or

6 (C) is found not guilty by reason of insanity  
7 pursuant to subsection (c) of Section 104-25 of the  
8 Code of Criminal Procedure of 1963 of such offense  
9 or an attempt to commit such offense; or

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

16 (E) is found not guilty by reason of insanity  
17 following a hearing conducted pursuant to a  
18 federal law or the law of another state  
19 substantially similar to subsection (c) of Section  
20 104-25 of the Code of Criminal Procedure of 1963 of  
21 such offense or of the attempted commission of such  
22 offense; or

23 (F) is the subject of a finding not resulting  
24 in an acquittal at a hearing conducted pursuant to  
25 a federal law or the law of another state  
26 substantially similar to subsection (a) of Section

1           104-25 of the Code of Criminal Procedure of 1963  
2           for the alleged violation or attempted commission  
3           of such offense; or

4           (ii) is certified as a sexually dangerous person  
5           pursuant to the Illinois Sexually Dangerous Persons  
6           Act, or any substantially similar federal law or the  
7           law of another state, when any conduct giving rise to  
8           such certification is committed or attempted against a  
9           person less than 18 years of age; or

10           (iii) is subject to the provisions of Section 2 of  
11           the Interstate Agreements on Sexually Dangerous  
12           Persons Act.

13           Convictions that result from or are connected with the  
14           same act, or result from offenses committed at the same  
15           time, shall be counted for the purpose of this Section as  
16           one conviction. Any conviction set aside pursuant to law is  
17           not a conviction for purposes of this Section.

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

20           (i) A violation of any of the following Sections of  
21           the Criminal Code of 1961 or the Criminal Code of 2012:  
22           10-4 (forcible detention), 10-7 (aiding or abetting  
23           child abduction under Section 10-5(b)(10)),  
24           10-5(b)(10) (child luring), 11-1.40 (predatory  
25           criminal sexual assault of a child), 11-6 (indecent  
26           solicitation of a child), 11-6.5 (indecent

1 solicitation of an adult), 11-9.1 (sexual exploitation  
2 of a child), 11-9.2 (custodial sexual misconduct),  
3 11-9.5 (sexual misconduct with a person with a  
4 disability), 11-11 (sexual relations within families),  
5 11-14.3(a)(1) (promoting prostitution by advancing  
6 prostitution), 11-14.3(a)(2)(A) (promoting  
7 prostitution by profiting from prostitution by  
8 compelling a person to be a prostitute),  
9 11-14.3(a)(2)(C) (promoting prostitution by profiting  
10 from prostitution by means other than as described in  
11 subparagraphs (A) and (B) of paragraph (2) of  
12 subsection (a) of Section 11-14.3), 11-14.4 (promoting  
13 juvenile prostitution), 11-18.1 (patronizing a  
14 juvenile prostitute), 11-20.1 (child pornography),  
15 11-20.1B (aggravated child pornography), 11-21  
16 (harmful material), 11-25 (grooming), 11-26 (traveling  
17 to meet a minor or traveling to meet a child), 12-33  
18 (ritualized abuse of a child), 11-20 (obscenity) (when  
19 that offense was committed in any school, on real  
20 property comprising any school, in any conveyance  
21 owned, leased, or contracted by a school to transport  
22 students to or from school or a school related  
23 activity, or in a public park), 11-30 (public  
24 indecency) (when committed in a school, on real  
25 property comprising a school, in any conveyance owned,  
26 leased, or contracted by a school to transport students

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

4 (ii) A violation of any of the following Sections  
5 of the Criminal Code of 1961 or the Criminal Code of  
6 2012, when the victim is a person under 18 years of  
7 age: 11-1.20 (criminal sexual assault), 11-1.30  
8 (aggravated criminal sexual assault), 11-1.50  
9 (criminal sexual abuse), 11-1.60 (aggravated criminal  
10 sexual abuse). An attempt to commit any of these  
11 offenses.

12 (iii) A violation of any of the following Sections  
13 of the Criminal Code of 1961 or the Criminal Code of  
14 2012, when the victim is a person under 18 years of age  
15 and the 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 11-9.1(A) (permitting sexual abuse of a child).

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) or (2)(ii) of subsection (d) of this  
25 Section, including, but not limited to, these former  
26 Sections of the Criminal Code of 1961 or the Criminal

1 Code of 2012: 11-15.1 (soliciting for a juvenile  
2 prostitute), 11-16 (pandering, if the victim is under  
3 18 years of age), 11-17.1 (keeping a place of juvenile  
4 prostitution), 11-19 (pimping, if the victim is under  
5 18 years of age), 11-19.1 (juvenile pimping), or  
6 11-19.2 (exploitation of a child).

7 (v) A violation of these Sections of the Criminal  
8 Code of 1961 or the Criminal Code of 2012: 10-4  
9 (forcible detention, if the victim is under 18 years of  
10 age) or 11-18 (patronizing a prostitute, if the victim  
11 is under 18 years of age).

12 (2.5) For the purposes of subsections (b-5) and (b-10)  
13 only, a sex offense means:

14 (i) A violation of any of the following Sections of  
15 the Criminal Code of 1961 or the Criminal Code of 2012:  
16 10-5(b)(10) (child luring), 10-7 (aiding or  
17 abetting child abduction under Section 10-5(b)(10)),  
18 11-1.40 (predatory criminal sexual assault of a  
19 child), 11-6 (indecent solicitation of a child),  
20 11-6.5 (indecent solicitation of an adult), 11-9.2  
21 (custodial sexual misconduct), 11-9.5 (sexual  
22 misconduct with a person with a disability), 11-11  
23 (sexual relations within families), 11-14.3(a)(1)  
24 (promoting prostitution by advancing prostitution),  
25 11-14.3(a)(2)(A) (promoting prostitution by profiting  
26 from prostitution by compelling a person to be a

1 prostitute), 11-14.3(a)(2)(C) (promoting prostitution  
2 by profiting from prostitution by means other than as  
3 described in subparagraphs (A) and (B) of paragraph (2)  
4 of subsection (a) of Section 11-14.3), 11-14.4  
5 (promoting juvenile prostitution), 11-18.1  
6 (patronizing a juvenile prostitute), 11-20.1 (child  
7 pornography), 11-20.1B (aggravated child pornography),  
8 11-25 (grooming), 11-26 (traveling to meet a minor or  
9 traveling to meet a child), or 12-33 (ritualized abuse  
10 of a child). An attempt to commit any of these  
11 offenses.

12 (ii) A violation of any of the following Sections  
13 of the Criminal Code of 1961 or the Criminal Code of  
14 2012, when the victim is a person under 18 years of  
15 age: 11-1.20 (criminal sexual assault), 11-1.30  
16 (aggravated criminal sexual assault), 11-1.60  
17 (aggravated criminal sexual abuse), and subsection (a)  
18 of Section 11-1.50 (criminal sexual abuse). An attempt  
19 to commit any of these offenses.

20 (iii) A violation of any of the following Sections  
21 of the Criminal Code of 1961 or the Criminal Code of  
22 2012, when the victim is a person under 18 years of age  
23 and the defendant is not a parent of the victim:

24 10-1 (kidnapping),

25 10-2 (aggravated kidnapping),

26 10-3 (unlawful restraint),

1           10-3.1 (aggravated unlawful restraint),  
2           11-9.1(A) (permitting sexual abuse of a child).

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, including, but not  
7           limited to, these former Sections of the Criminal Code  
8           of 1961 or the Criminal Code of 2012: 11-15.1  
9           (soliciting for a juvenile prostitute), 11-16  
10          (pandering, if the victim is under 18 years of age),  
11          11-17.1 (keeping a place of juvenile prostitution),  
12          11-19 (pimping, if the victim is under 18 years of  
13          age), 11-19.1 (juvenile pimping), or 11-19.2  
14          (exploitation of a child).

15          (v) A violation of these Sections of the Criminal  
16          Code of 1961 or the Criminal Code of 2012: 10-4  
17          (forcible detention, if the victim is under 18 years of  
18          age) or 11-18 (patronizing a prostitute, if the victim  
19          is under 18 years of age).

20          (3) A conviction for an offense of federal law or the  
21          law of another state that is substantially equivalent to  
22          any offense listed in paragraph (2) of subsection (d) of  
23          this Section shall constitute a conviction for the purpose  
24          of this Section. A finding or adjudication as a sexually  
25          dangerous person under any federal law or law of another  
26          state that is substantially equivalent to the Sexually



1 Dangerous Persons Act shall constitute an adjudication for  
2 the purposes of this Section.

3 (4) "Authorized emergency vehicle", "rescue vehicle",  
4 and "vehicle" have the meanings ascribed to them in  
5 Sections 1-105, 1-171.8 and 1-217, respectively, of the  
6 Illinois Vehicle Code.

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

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

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

13 (8) "Facility providing programs or services directed  
14 towards persons under the age of 18" means any facility  
15 providing programs or services exclusively directed  
16 towards persons under the age of 18.

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

19 (10) "Internet" has the meaning set forth in Section  
20 16-0.1 of this Code.

21 (11) "Loiter" means:

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

25 (ii) Standing, sitting idly, whether or not the  
26 person is in a vehicle, or remaining in or around

1 school or public park property, for the purpose of  
2 committing or attempting to commit a sex offense.

3 (iii) Entering or remaining in a building in or  
4 around school property, other than the offender's  
5 residence.

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

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

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

16 (15) "School" means a public or private preschool or  
17 elementary or secondary school.

18 (16) "School official" means the principal, a teacher,  
19 or any other certified employee of the school, the  
20 superintendent of schools or a member of the school board.

21 (e) For the purposes of this Section, the 500 feet distance  
22 shall be measured from: (1) the edge of the property of the  
23 school building or the real property comprising the school that  
24 is closest to the edge of the property of the child sex  
25 offender's residence or where he or she is loitering, and (2)  
26 the edge of the property comprising the public park building or

1 the real property comprising the public park, playground, child  
2 care institution, day care center, part day child care  
3 facility, or facility providing programs or services  
4 exclusively directed toward persons under 18 years of age, or a  
5 victim of the sex offense who is under 21 years of age, to the  
6 edge of the child sex offender's place of residence or place  
7 where he or she is loitering.

8 (f) Sentence. A person who violates this Section is guilty  
9 of a Class 4 felony.

10 (Source: P.A. 100-428, eff. 1-1-18.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.