



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4358

Introduced 1/3/2006, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.4

Amends the Criminal Code of 1961. Provides that a child sex offender who owns real property upon which programs or services exclusively directed toward persons under 18 years of age are provided must post a conspicuous notice on the property informing the public that a child sex offender is the owner of the property. Provides that a violation is a Class 4 felony.

LRB094 16103 RLC 51342 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 changing
5 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.

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

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

1 purchased before the effective date of this amendatory Act of
2 the 91st General Assembly.

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

10 This subsection (b-6) does not apply if the victim of the
11 sex offense is 21 years of age or older.

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 facility providing
15 programs or services exclusively directed towards persons
16 under the age of 18. This does not prohibit a child sex
17 offender from owning the real property upon which the programs
18 or services are offered, provided the child sex offender
19 refrains from being present on the premises for the hours
20 during which the programs or services are being offered and
21 posts a conspicuous notice on the property informing the public
22 that a child sex offender is the owner of the property. Failure
23 to post the notice required by this subsection (c) is a
24 violation of this Section.

25 (d) Definitions. In this Section:

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

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

32 (A) is convicted of such offense or an attempt
33 to commit such offense; or

34 (B) is found not guilty by reason of insanity
35 of such offense or an attempt to commit such
36 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
4 or an attempt to commit such offense; or

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

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

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

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

31 (iii) is subject to the provisions of Section 2 of
32 the Interstate Agreements on Sexually Dangerous
33 Persons Act.

34 Convictions that result from or are connected with the
35 same act, or result from offenses committed at the same
36 time, shall be counted for the purpose of this Section as

1 one conviction. Any conviction set aside pursuant to law is
2 not a conviction for purposes of this Section.

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

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

29 (ii) A violation of any of the following Sections
30 of the Criminal Code of 1961, when the victim is a
31 person under 18 years of age: 12-13 (criminal sexual
32 assault), 12-14 (aggravated criminal sexual assault),
33 12-15 (criminal sexual abuse), 12-16 (aggravated
34 criminal sexual abuse). An attempt to commit any of
35 these offenses.

36 (iii) A violation of any of the following Sections

1 of the Criminal Code of 1961, when the victim is a
2 person under 18 years of age and the defendant is not a
3 parent of the victim:

4 10-1 (kidnapping),
5 10-2 (aggravated kidnapping),
6 10-3 (unlawful restraint),
7 10-3.1 (aggravated unlawful restraint).

8 An attempt to commit any of these offenses.

9 (iv) A violation of any former law of this State
10 substantially equivalent to any offense listed in
11 clause (2)(i) of this subsection (d).

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

14 (i) A violation of any of the following Sections of
15 the Criminal Code of 1961:

16 10-5(b)(10) (child luring), 10-7 (aiding and
17 abetting child abduction under Section
18 10-5(b)(10)), 11-6 (indecent solicitation of a
19 child), 11-6.5 (indecent solicitation of an
20 adult), 11-15.1 (soliciting for a juvenile
21 prostitute), 11-17.1 (keeping a place of juvenile
22 prostitution), 11-18.1 (patronizing a juvenile
23 prostitute), 11-19.1 (juvenile pimping), 11-19.2
24 (exploitation of a child), 11-20.1 (child
25 pornography), 12-14.1 (predatory criminal sexual
26 assault of a child), or 12-33 (ritualized abuse of
27 a child). An attempt to commit any of these
28 offenses.

29 (ii) A violation of any of the following Sections
30 of the Criminal Code of 1961, when the victim is a
31 person under 18 years of age: 12-13 (criminal sexual
32 assault), 12-14 (aggravated criminal sexual assault),
33 12-16 (aggravated criminal sexual abuse), and
34 subsection (a) of Section 12-15 (criminal sexual
35 abuse). An attempt to commit any of these offenses.

36 (iii) A violation of any of the following Sections

1 of the Criminal Code of 1961, when the victim is a
2 person under 18 years of age and the defendant is not a
3 parent of the victim:

4 10-1 (kidnapping),
5 10-2 (aggravated kidnapping),
6 10-3 (unlawful restraint),
7 10-3.1 (aggravated unlawful restraint).

8 An attempt to commit any of these offenses.

9 (iv) A violation of any former law of this State
10 substantially equivalent to any offense listed in this
11 paragraph (2.5) of this subsection.

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

21 (4) "Public park" includes a park, forest preserve, or
22 conservation area under the jurisdiction of the State or a
23 unit of local government.

24 (5) "Facility providing programs or services directed
25 towards persons under the age of 18" means any facility
26 providing programs or services exclusively directed
27 towards persons under the age of 18.

28 (6) "Loiter" means:

29 (i) Standing, sitting idly, whether or not the
30 person is in a vehicle or remaining in or around public
31 park property.

32 (ii) Standing, sitting idly, whether or not the
33 person is in a vehicle or remaining in or around public
34 park property, for the purpose of committing or
35 attempting to commit a sex offense.

36 (7) "Playground" means a piece of land owned or

1 controlled by a unit of local government that is designated
2 by the unit of local government for use solely or primarily
3 for children's recreation.

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

6 (Source: P.A. 91-458, eff. 1-1-00; 91-911, eff. 7-7-00; 92-828,
7 eff. 8-22-02.)