



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5249

Introduced 01/24/06, by Rep. James H. Meyer

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.4

Amends the Criminal Code of 1961. Provides that it is a Class 4 felony for a child sex offender to knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at a day care center, a part day child care facility, or a school providing before and after school programs for children under 18 years of age, with certain exceptions.

LRB094 15334 RLC 50525 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: (i) facility providing
15 programs or services exclusively directed towards persons
16 under the age of 18; (ii) day care center; (iii) part day child
17 care facility; or (iv) school providing before and after school
18 programs for children under 18 years of age. This does not
19 prohibit a child sex offender from owning the real property
20 upon which the programs or services are offered or upon which
21 the day care center, part day child care facility, or school
22 providing before and after school programs for children under
23 18 years of age is located, provided the child sex offender
24 refrains from being present on the premises for the hours
25 during which: (1) the programs or services are being offered or
26 (2) the day care center, part day child care facility, or
27 school providing before and after school programs for children
28 under 18 years of age is operated.

29 (d) Definitions. In this Section:

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

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

36 (A) is convicted of such offense or an attempt

1 to commit such offense; or

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

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

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

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

22 (F) is the subject of a finding not resulting
23 in an acquittal at a hearing conducted pursuant to
24 a federal law or the law of another state
25 substantially similar to subsection (a) of Section
26 104-25 of the Code of Criminal Procedure of 1963
27 for the alleged violation or attempted commission
28 of such offense; or

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

35 (iii) is subject to the provisions of Section 2 of
36 the Interstate Agreements on Sexually Dangerous

1 Persons Act.

2 Convictions that result from or are connected with the
3 same act, or result from offenses committed at the same
4 time, shall be counted for the purpose of this Section as
5 one conviction. Any conviction set aside pursuant to law is
6 not a conviction for purposes of this Section.

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

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

33 (ii) A violation of any of the following Sections
34 of the Criminal Code of 1961, when the victim is a
35 person under 18 years of age: 12-13 (criminal sexual
36 assault), 12-14 (aggravated criminal sexual assault),

1 12-15 (criminal sexual abuse), 12-16 (aggravated
2 criminal sexual abuse). An attempt to commit any of
3 these offenses.

4 (iii) 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 and the defendant is not a
7 parent of the victim:

8 10-1 (kidnapping),
9 10-2 (aggravated kidnapping),
10 10-3 (unlawful restraint),
11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

13 (iv) A violation of any former law of this State
14 substantially equivalent to any offense listed in
15 clause (2)(i) of this subsection (d).

16 (2.5) For the purposes of subsection (b-5) only, a sex
17 offense means:

18 (i) A violation of any of the following Sections of
19 the Criminal Code of 1961:

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

33 (ii) A violation of any of the following Sections
34 of the Criminal Code of 1961, when the victim is a
35 person under 18 years of age: 12-13 (criminal sexual
36 assault), 12-14 (aggravated criminal sexual assault),

1 12-16 (aggravated criminal sexual abuse), and
2 subsection (a) of Section 12-15 (criminal sexual
3 abuse). An attempt to commit any of these offenses.

4 (iii) 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 and the defendant is not a
7 parent of the victim:

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

13 (iv) A violation of any former law of this State
14 substantially equivalent to any offense listed in this
15 paragraph (2.5) of this subsection.

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

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

28 (5) "Facility providing programs or services directed
29 towards persons under the age of 18" means any facility
30 providing programs or services exclusively directed
31 towards persons under the age of 18.

32 (6) "Loiter" means:

33 (i) Standing, sitting idly, whether or not the
34 person is in a vehicle or remaining in or around public
35 park property.

36 (ii) Standing, sitting idly, whether or not the

1 person is in a vehicle or remaining in or around public
2 park property, for the purpose of committing or
3 attempting to commit a sex offense.

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

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

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

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

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