

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, child care institution,
27 day care center, part day child care facility, or a facility
28 providing programs or services exclusively directed toward
29 persons under 18 years of age. Nothing in this subsection (b-5)
30 prohibits a child sex offender from residing within 500 feet of
31 a playground or a facility providing programs or services
32 exclusively directed toward persons under 18 years of age if

1 the property is owned by the child sex offender and was
2 purchased before the effective date of this amendatory Act of
3 the 91st General Assembly. Nothing in this subsection (b-5)
4 prohibits a child sex offender from residing within 500 feet of
5 a child care institution, day care center, or part day child
6 care facility if the property is owned by the child sex
7 offender and was purchased before the effective date of this
8 amendatory Act of the 94th General Assembly.

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

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

18 (c) It is unlawful for a child sex offender to knowingly
19 operate, manage, be employed by, volunteer at, be associated
20 with, or knowingly be present at any: (i) facility providing
21 programs or services exclusively directed towards persons
22 under the age of 18; (ii) day care center; (iii) part day child
23 care facility; (iv) child care institution, or (v) school
24 providing before and after school programs for children under
25 18 years of age. This does not prohibit a child sex offender
26 from owning the real property upon which the programs or
27 services are offered or upon which the day care center, part
28 day child care facility, child care institution, or school
29 providing before and after school programs for children under
30 18 years of age is located, provided the child sex offender
31 refrains from being present on the premises for the hours
32 during which: (1) the programs or services are being offered or
33 (2) the day care center, part day child care facility, child
34 care institution, or school providing before and after school
35 programs for children under 18 years of age is operated.

36 (d) Definitions. In this Section:

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

2 (i) has been charged under Illinois law, or any

3 substantially similar federal law or law of another

4 state, with a sex offense set forth in paragraph (2) of

5 this subsection (d) or the attempt to commit an

6 included sex offense, and:

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

8 to commit such offense; or

9 (B) is found not guilty by reason of insanity

10 of such offense or an attempt to commit such

11 offense; or

12 (C) is found not guilty by reason of insanity

13 pursuant to subsection (c) of Section 104-25 of the

14 Code of Criminal Procedure of 1963 of such offense

15 or an attempt to commit such offense; or

16 (D) is the subject of a finding not resulting

17 in an acquittal at a hearing conducted pursuant to

18 subsection (a) of Section 104-25 of the Code of

19 Criminal Procedure of 1963 for the alleged

20 commission or attempted commission of such

21 offense; or

22 (E) is found not guilty by reason of insanity

23 following a hearing conducted pursuant to a

24 federal law or the law of another state

25 substantially similar to subsection (c) of Section

26 104-25 of the Code of Criminal Procedure of 1963 of

27 such offense or of the attempted commission of such

28 offense; or

29 (F) is the subject of a finding not resulting

30 in an acquittal at a hearing conducted pursuant to

31 a federal law or the law of another state

32 substantially similar to subsection (a) of Section

33 104-25 of the Code of Criminal Procedure of 1963

34 for the alleged violation or attempted commission

35 of such offense; or

36 (ii) is certified as a sexually dangerous person

1 pursuant to the Illinois Sexually Dangerous Persons
2 Act, or any substantially similar federal law or the
3 law of another state, when any conduct giving rise to
4 such certification is committed or attempted against a
5 person less than 18 years of age; or

6 (iii) is subject to the provisions of Section 2 of
7 the Interstate Agreements on Sexually Dangerous
8 Persons Act.

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

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

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

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

4 (ii) 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: 12-13 (criminal sexual
7 assault), 12-14 (aggravated criminal sexual assault),
8 12-15 (criminal sexual abuse), 12-16 (aggravated
9 criminal sexual abuse). An attempt to commit any of
10 these offenses.

11 (iii) A violation of any of the following Sections
12 of the Criminal Code of 1961, when the victim is a
13 person under 18 years of age and the defendant is not a
14 parent of the victim:

15 10-1 (kidnapping),
16 10-2 (aggravated kidnapping),
17 10-3 (unlawful restraint),
18 10-3.1 (aggravated unlawful restraint).

19 An attempt to commit any of these offenses.

20 (iv) A violation of any former law of this State
21 substantially equivalent to any offense listed in
22 clause (2) (i) of this subsection (d).

23 (2.5) For the purposes of subsection (b-5) only, a sex
24 offense means:

25 (i) A violation of any of the following Sections of
26 the Criminal Code of 1961:

27 10-5(b)(10) (child luring), 10-7 (aiding and
28 abetting child abduction under Section
29 10-5(b)(10)), 11-6 (indecent solicitation of a
30 child), 11-6.5 (indecent solicitation of an
31 adult), 11-15.1 (soliciting for a juvenile
32 prostitute), 11-17.1 (keeping a place of juvenile
33 prostitution), 11-18.1 (patronizing a juvenile
34 prostitute), 11-19.1 (juvenile pimping), 11-19.2
35 (exploitation of a child), 11-20.1 (child
36 pornography), 12-14.1 (predatory criminal sexual

1 assault of a child), or 12-33 (ritualized abuse of
2 a child). 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, when the victim is a
6 person under 18 years of age: 12-13 (criminal sexual
7 assault), 12-14 (aggravated criminal sexual assault),
8 12-16 (aggravated criminal sexual abuse), and
9 subsection (a) of Section 12-15 (criminal sexual
10 abuse). An attempt to commit any of these offenses.

11 (iii) A violation of any of the following Sections
12 of the Criminal Code of 1961, when the victim is a
13 person under 18 years of age and the defendant is not a
14 parent of the victim:

15 10-1 (kidnapping),
16 10-2 (aggravated kidnapping),
17 10-3 (unlawful restraint),
18 10-3.1 (aggravated unlawful restraint).

19 An attempt to commit any of these offenses.

20 (iv) A violation of any former law of this State
21 substantially equivalent to any offense listed in this
22 paragraph (2.5) of this subsection.

23 (3) A conviction for an offense of federal law or the
24 law of another state that is substantially equivalent to
25 any offense listed in paragraph (2) of this subsection (d)
26 shall constitute a conviction for the purpose of this
27 Section. A finding or adjudication as a sexually dangerous
28 person under any federal law or law of another state that
29 is substantially equivalent to the Sexually Dangerous
30 Persons Act shall constitute an adjudication for the
31 purposes of this Section.

32 (4) "Public park" includes a park, forest preserve, or
33 conservation area under the jurisdiction of the State or a
34 unit of local government.

35 (5) "Facility providing programs or services directed
36 towards persons under the age of 18" means any facility

1 providing programs or services exclusively directed
2 towards persons under the age of 18.

3 (6) "Loiter" means:

4 (i) Standing, sitting idly, whether or not the
5 person is in a vehicle or remaining in or around public
6 park property.

7 (ii) Standing, sitting idly, whether or not the
8 person is in a vehicle or remaining in or around public
9 park property, for the purpose of committing or
10 attempting to commit a sex offense.

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

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

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

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

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

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

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.