



Sen. John J. Cullerton

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09400HB5249sam001

LRB094 15334 RLC 57681 a

1 AMENDMENT TO HOUSE BILL 5249

2 AMENDMENT NO. _____. Amend House Bill 5249 on page 1, by
3 replacing line 5 with the following:

4 "Sections 11-9.3 and 11-9.4 as follows:

5 (720 ILCS 5/11-9.3)

6 Sec. 11-9.3. Presence within school zone by child sex
7 offenders prohibited.

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

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

14 Nothing in this Section shall be construed to infringe upon
15 the constitutional right of a child sex offender to be present
16 in a school building that is used as a polling place for the
17 purpose of voting.

18 (1) (Blank; or)

19 (2) (Blank.)

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

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

14 (1) (Blank; or)

15 (2) (Blank.)

16 (b-5) It is unlawful for a child sex offender to knowingly
17 reside within 500 feet of a school building or the real
18 property comprising any school that persons under the age of 18
19 attend. Nothing in this subsection (b-5) prohibits a child sex
20 offender from residing within 500 feet of a school building or
21 the real property comprising any school that persons under 18
22 attend if the property is owned by the child sex offender and
23 was purchased before the effective date of this amendatory Act
24 of the 91st General Assembly. Nothing in this subsection (b-5)
25 shall prohibit a sex offender from residing in a transitional
26 housing facility licensed by the Department of Corrections that
27 is located within 500 feet of a school building or the real
28 property comprising any school that persons under 18 attend if
29 the facility: (i) was in operation during any portion of the 18
30 month period immediately prior to the effective date of P.A.
31 94-161 (July 11, 2005); (ii) makes application to the
32 Department of Corrections to be licensed under the Transitional
33 Housing for Sex Offenders Law within 120 days from the
34 effective date of this amendatory Act of the 94th General

1 Assembly; and (iii) is located in a county with a population in
2 excess of 3,000,000.

3 (c) Definitions. In this Section:

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

5 (i) has been charged under Illinois law, or any
6 substantially similar federal law or law of another
7 state, with a sex offense set forth in paragraph (2) of
8 this subsection (c) or the attempt to commit an
9 included sex offense, and:

10 (A) is convicted of such offense or an attempt
11 to commit such offense; or

12 (B) is found not guilty by reason of insanity
13 of such offense or an attempt to commit such
14 offense; or

15 (C) is found not guilty by reason of insanity
16 pursuant to subsection (c) of Section 104-25 of the
17 Code of Criminal Procedure of 1963 of such offense
18 or an attempt to commit such offense; or

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

25 (E) is found not guilty by reason of insanity
26 following a hearing conducted pursuant to a
27 federal law or the law of another state
28 substantially similar to subsection (c) of Section
29 104-25 of the Code of Criminal Procedure of 1963 of
30 such offense or of the attempted commission of such
31 offense; or

32 (F) is the subject of a finding not resulting
33 in an acquittal at a hearing conducted pursuant to
34 a federal law or the law of another state

1 substantially similar to subsection (a) of Section
2 104-25 of the Code of Criminal Procedure of 1963
3 for the alleged violation or attempted commission
4 of such offense; or

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

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

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

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

21 (i) A violation of any of the following Sections of
22 the Criminal Code of 1961: 10-7 (aiding and abetting
23 child abduction under Section 10-5(b)(10)),
24 10-5(b)(10) (child luring), 11-6 (indecent
25 solicitation of a child), 11-6.5 (indecent
26 solicitation of an adult), 11-9 (public indecency when
27 committed in a school, on the real property comprising
28 a school, or on a conveyance, owned, leased, or
29 contracted by a school to transport students to or from
30 school or a school related activity), 11-9.1 (sexual
31 exploitation of a child), 11-15.1 (soliciting for a
32 juvenile prostitute), 11-17.1 (keeping a place of
33 juvenile prostitution), 11-18.1 (patronizing a
34 juvenile prostitute), 11-19.1 (juvenile pimping),

1 11-19.2 (exploitation of a child), 11-20.1 (child
2 pornography), 11-21 (harmful material), 12-14.1
3 (predatory criminal sexual assault of a child), 12-33
4 (ritualized abuse of a child), 11-20 (obscenity) (when
5 that offense was committed in any school, on real
6 property comprising any school, in any conveyance
7 owned, leased, or contracted by a school to transport
8 students to or from school or a school related
9 activity). An attempt to commit any of these offenses.

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

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

21 10-1 (kidnapping),
22 10-2 (aggravated kidnapping),
23 10-3 (unlawful restraint),
24 10-3.1 (aggravated unlawful restraint).

25 An attempt to commit any of these offenses.

26 (iv) A violation of any former law of this State
27 substantially equivalent to any offense listed in
28 clause (2) (i) of subsection (c) of this Section.

29 (2.5) For the purposes of subsection (b-5) only, a sex
30 offense means:

31 (i) A violation of any of the following Sections of
32 the Criminal Code of 1961:

33 10-5(b)(10) (child luring), 10-7 (aiding and
34 abetting child abduction under Section

1 10-5(b)(10)), 11-6 (indecent solicitation of a
2 child), 11-6.5 (indecent solicitation of an
3 adult), 11-15.1 (soliciting for a juvenile
4 prostitute), 11-17.1 (keeping a place of juvenile
5 prostitution), 11-18.1 (patronizing a juvenile
6 prostitute), 11-19.1 (juvenile pimping), 11-19.2
7 (exploitation of a child), 11-20.1 (child
8 pornography), 12-14.1 (predatory criminal sexual
9 assault of a child), or 12-33 (ritualized abuse of
10 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, when the victim is a
14 person under 18 years of age: 12-13 (criminal sexual
15 assault), 12-14 (aggravated criminal sexual assault),
16 12-16 (aggravated criminal sexual abuse), and
17 subsection (a) of Section 12-15 (criminal sexual
18 abuse). An attempt to commit any of these offenses.

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

23 10-1 (kidnapping),
24 10-2 (aggravated kidnapping),
25 10-3 (unlawful restraint),
26 10-3.1 (aggravated unlawful restraint).

27 An attempt to commit any of these offenses.

28 (iv) A violation of any former law of this State
29 substantially equivalent to any offense listed in this
30 paragraph (2.5) of this subsection.

31 (3) A conviction for an offense of federal law or the
32 law of another state that is substantially equivalent to
33 any offense listed in paragraph (2) of subsection (c) of
34 this Section shall constitute a conviction for the purpose

1 of this Article. A finding or adjudication as a sexually
2 dangerous person under any federal law or law of another
3 state that is substantially equivalent to the Sexually
4 Dangerous Persons Act shall constitute an adjudication for
5 the purposes of this Section.

6 (4) "School" means a public or private pre-school,
7 elementary, or secondary school.

8 (5) "Loiter" means:

9 (i) Standing, sitting idly, whether or not the
10 person is in a vehicle or remaining in or around school
11 property.

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

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

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

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

24 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
25 94-170, eff. 7-11-05; revised 8-19-05.); and

26 on page 2, line 8, by inserting after the period the following:
27 "Nothing in this subsection (b-5) shall prohibit a sex offender
28 from residing in a transitional housing facility licensed by
29 the Department of Corrections that is located within 500 feet
30 of a playground, child care institution, day care center, part
31 day child care facility, or a facility providing programs or
32 services exclusively directed toward persons under 18 years of
33 age if the facility: (i) was in operation during any portion of

1 the 18 month period immediately prior to the effective date of
2 P.A. 94-161 (July 11, 2005); (ii) makes application to the
3 Department of Corrections to be licensed under the Transitional
4 Housing for Sex Offenders Law within 120 days from the
5 effective date of this amendatory Act of the 94th General
6 Assembly; and (iii) is located in a county with a population in
7 excess of 3,000,000."