

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by adding Section
5 1-15 as follows:

6 (10 ILCS 5/1-15 new)

7 Sec. 1-15. Sex offenders. Notwithstanding any other
8 provision of this Code to the contrary, an otherwise qualified
9 elector subject to the registration requirement of the Sex
10 Offender Registration Act whose assigned polling place is in a
11 school must vote by absentee ballot or early voting ballot. A
12 person subject to the registration requirement of the Sex
13 Offender Registration Act who enters a polling place located in
14 a school commits a Class 4 felony.

15 Thirty days before an election day, the State Board of
16 Elections shall send a letter by U.S. mail to the principal
17 office of each election authority, and an identical message by
18 electronic mail to the address listed for each election
19 authority on the State Board of Elections' website, that (i)
20 informs the election authority that persons subject to the
21 registration requirement of the Sex Offender Registration Act
22 may not vote in a polling place located in a school and (ii)
23 informs the election authority of the address of the Illinois

1 Sex Offender Registration Information website maintained by
2 the Illinois State Police and the instructions for printing
3 from that website a list of persons registered under the Sex
4 Offender Registration Act in each precinct with a polling place
5 located in a school in that election authority's jurisdiction.

6 Each election authority shall distribute to the election
7 judges of a polling place located in a school at least one copy
8 of the list of persons registered in that precinct under the
9 Sex Offender Registration Act as found on the Illinois Sex
10 Offender Registration Information website maintained by the
11 Illinois State Police. An election judge who becomes aware of a
12 person who enters a polling place in violation of this Section
13 shall promptly notify the local law enforcement authority.

14 Section 10. The Criminal Code of 1961 is amended by
15 changing Section 11-9.3 as follows:

16 (720 ILCS 5/11-9.3)

17 Sec. 11-9.3. Presence within school zone by child sex
18 offenders prohibited.

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

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

26 ~~Nothing in this Section shall be construed to infringe upon~~

1 ~~the constitutional right of a child sex offender to be present~~
2 ~~in a school building that is used as a polling place for the~~
3 ~~purpose of voting.~~

4 ~~(1) (Blank; or)~~

5 ~~(2) (Blank.)~~

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

1 sex offender is responsible for notifying the principal's
2 office when he or she arrives on school property and when he or
3 she departs from school property. If the sex offender is to be
4 present in the vicinity of children, the sex offender has the
5 duty to remain under the direct supervision of a school
6 official. A child sex offender who violates this provision is
7 guilty of a Class 4 felony.

8 ~~(1) (Blank; or)~~

9 ~~(2) (Blank.)~~

10 (b-5) It is unlawful for a child sex offender to knowingly
11 reside within 500 feet of a school building or the real
12 property comprising any school that persons under the age of 18
13 attend. Nothing in this subsection (b-5) prohibits a child sex
14 offender from residing within 500 feet of a school building or
15 the real property comprising any school that persons under 18
16 attend if the property is owned by the child sex offender and
17 was purchased before the effective date of this amendatory Act
18 of the 91st General Assembly.

19 (c) 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 (c) or the attempt to commit an
25 included sex offense, and:

26 (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

1 for the alleged violation or attempted commission
2 of such offense; or

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

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

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

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

19 (i) A violation of any of the following Sections of
20 the Criminal Code of 1961: 10-7 (aiding and abetting
21 child abduction under Section 10-5(b)(10)),
22 10-5(b)(10) (child luring), 11-6 (indecent
23 solicitation of a child), 11-6.5 (indecent
24 solicitation of an adult), 11-9 (public indecency when
25 committed in a school, on the real property comprising
26 a school, or on a conveyance, owned, leased, or

1 contracted by a school to transport students to or from
2 school or a school related activity), 11-9.1 (sexual
3 exploitation of a child), 11-15.1 (soliciting for a
4 juvenile prostitute), 11-17.1 (keeping a place of
5 juvenile prostitution), 11-18.1 (patronizing a
6 juvenile prostitute), 11-19.1 (juvenile pimping),
7 11-19.2 (exploitation of a child), 11-20.1 (child
8 pornography), 11-21 (harmful material), 12-14.1
9 (predatory criminal sexual assault of a child), 12-33
10 (ritualized abuse of a child), 11-20 (obscenity) (when
11 that offense was committed in any school, on real
12 property comprising any school, in any conveyance
13 owned, leased, or contracted by a school to transport
14 students to or from school or a school related
15 activity). An attempt to commit any of these offenses.

16 (ii) A violation of any of the following Sections
17 of the Criminal Code of 1961, when the victim is a
18 person under 18 years of age: 12-13 (criminal sexual
19 assault), 12-14 (aggravated criminal sexual assault),
20 12-15 (criminal sexual abuse), 12-16 (aggravated
21 criminal sexual abuse). An attempt to commit any of
22 these offenses.

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

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

5 An attempt to commit any of these offenses.

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

9 (2.5) For the purposes of subsection (b-5) only, a sex
10 offense means:

11 (i) A violation of any of the following Sections of
12 the Criminal Code of 1961:

13 10-5(b)(10) (child luring), 10-7 (aiding and
14 abetting child abduction under Section
15 10-5(b)(10)), 11-6 (indecent solicitation of a
16 child), 11-6.5 (indecent solicitation of an
17 adult), 11-15.1 (soliciting for a juvenile
18 prostitute), 11-17.1 (keeping a place of juvenile
19 prostitution), 11-18.1 (patronizing a juvenile
20 prostitute), 11-19.1 (juvenile pimping), 11-19.2
21 (exploitation of a child), 11-20.1 (child
22 pornography), 12-14.1 (predatory criminal sexual
23 assault of a child), or 12-33 (ritualized abuse of
24 a child). An attempt to commit any of these
25 offenses.

26 (ii) 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: 12-13 (criminal sexual
3 assault), 12-14 (aggravated criminal sexual assault),
4 12-16 (aggravated criminal sexual abuse), and
5 subsection (a) of Section 12-15 (criminal sexual
6 abuse). An attempt to commit any of these offenses.

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

11 10-1 (kidnapping),

12 10-2 (aggravated kidnapping),

13 10-3 (unlawful restraint),

14 10-3.1 (aggravated unlawful restraint).

15 An attempt to commit any of these offenses.

16 (iv) A violation of any former law of this State
17 substantially equivalent to any offense listed in this
18 paragraph (2.5) of this subsection.

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

1 the purposes of this Section.

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

4 (5) "Loiter" means:

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

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

12 (iii) Entering or remaining in a building in or
13 around school property, other than the offender's
14 residence.

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

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

20 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
21 94-170, eff. 7-11-05; revised 9-15-06.)