



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1628

Introduced 2/15/2011, by Rep. Joe Sosnowski

#### 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 reside within 500 feet of a child counseling center. Provides that nothing in this provision prohibits a child sex offender from residing within 500 feet of a child counseling center if the property is owned by the child sex offender and was purchased before the effective date of the amendatory Act.

LRB097 08352 RLC 48479 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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

1 building or on the grounds.

2 (b-5) It is unlawful for a child sex offender to knowingly  
3 reside within 500 feet of a playground, child care institution,  
4 day care center, part day child care facility, day care home,  
5 group day care home, child counseling center, or a facility  
6 providing programs or services exclusively directed toward  
7 persons under 18 years of age. Nothing in this subsection (b-5)  
8 prohibits a child sex offender from residing within 500 feet of  
9 a playground or a facility providing programs or services  
10 exclusively directed toward persons under 18 years of age if  
11 the property is owned by the child sex offender and was  
12 purchased before the effective date of this amendatory Act of  
13 the 91st General Assembly. Nothing in this subsection (b-5)  
14 prohibits a child sex offender from residing within 500 feet of  
15 a child care institution, day care center, or part day child  
16 care facility if the property is owned by the child sex  
17 offender and was purchased before the effective date of this  
18 amendatory Act of the 94th General Assembly. Nothing in this  
19 subsection (b-5) prohibits a child sex offender from residing  
20 within 500 feet of a day care home or group day care home if the  
21 property is owned by the child sex offender and was purchased  
22 before August 14, 2008 (the effective date of Public Act  
23 95-821). Nothing in this subsection (b-5) prohibits a child sex  
24 offender from residing within 500 feet of a child counseling  
25 center if the property is owned by the child sex offender and  
26 was purchased before the effective date of this amendatory Act

1 of the 97th General Assembly.

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

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

11 (b-7) It is unlawful for a child sex offender to knowingly  
12 communicate, other than for a lawful purpose under Illinois  
13 law, using the Internet or any other digital media, with a  
14 person under 18 years of age or with a person whom he or she  
15 believes to be a person under 18 years of age, unless the  
16 offender is a parent or guardian of the person under 18 years  
17 of age.

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; (v) school  
24 providing before and after school programs for children under  
25 18 years of age; (vi) day care home; or (vii) group day care  
26 home. This does not prohibit a child sex offender from owning

1 the real property upon which the programs or services are  
2 offered or upon which the day care center, part day child care  
3 facility, child care institution, or school providing before  
4 and after school programs for children under 18 years of age is  
5 located, provided the child sex offender refrains from being  
6 present on the premises for the hours during which: (1) the  
7 programs or services are being offered or (2) the day care  
8 center, part day child care facility, child care institution,  
9 school providing before and after school programs for children  
10 under 18 years of age, day care home, or group day care home is  
11 operated.

12 (c-5) It is unlawful for a child sex offender to knowingly  
13 operate, manage, be employed by, or be associated with any  
14 county fair when persons under the age of 18 are present.

15 (c-6) It is unlawful for a child sex offender who owns and  
16 resides at residential real estate to knowingly rent any  
17 residential unit within the same building in which he or she  
18 resides to a person who is the parent or guardian of a child or  
19 children under 18 years of age. This subsection shall apply  
20 only to leases or other rental arrangements entered into after  
21 January 1, 2009 (the effective date of Public Act 95-820).

22 (c-7) It is unlawful for a child sex offender to knowingly  
23 offer or provide any programs or services to persons under 18  
24 years of age in his or her residence or the residence of  
25 another or in any facility for the purpose of offering or  
26 providing such programs or services, whether such programs or

1 services are offered or provided by contract, agreement,  
2 arrangement, or on a volunteer basis.

3 (c-8) It is unlawful for a child sex offender to knowingly  
4 operate, whether authorized to do so or not, any of the  
5 following vehicles: (1) a vehicle which is specifically  
6 designed, constructed or modified and equipped to be used for  
7 the retail sale of food or beverages, including but not limited  
8 to an ice cream truck; (2) an authorized emergency vehicle; or  
9 (3) a rescue vehicle.

10 (d) Definitions. In this Section:

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

12 (i) has been charged under Illinois law, or any  
13 substantially similar federal law or law of another  
14 state, with a sex offense set forth in paragraph (2) of  
15 this subsection (d) or the attempt to commit an  
16 included sex offense, and:

17 (A) is convicted of such offense or an attempt  
18 to commit such offense; or

19 (B) is found not guilty by reason of insanity  
20 of such offense or an attempt to commit such  
21 offense; or

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

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

1 in an acquittal at a hearing conducted pursuant to  
2 subsection (a) of Section 104-25 of the Code of  
3 Criminal Procedure of 1963 for the alleged  
4 commission or attempted commission of such  
5 offense; or

6 (E) is found not guilty by reason of insanity  
7 following a hearing conducted pursuant to a  
8 federal law or the law of another state  
9 substantially similar to subsection (c) of Section  
10 104-25 of the Code of Criminal Procedure of 1963 of  
11 such offense or of the attempted commission of such  
12 offense; or

13 (F) is the subject of a finding not resulting  
14 in an acquittal at a hearing conducted pursuant to  
15 a federal law or the law of another state  
16 substantially similar to subsection (a) of Section  
17 104-25 of the Code of Criminal Procedure of 1963  
18 for the alleged violation or attempted commission  
19 of such offense; or

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

26 (iii) is subject to the provisions of Section 2 of

1 the Interstate Agreements on Sexually Dangerous  
2 Persons Act.

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

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

10 (i) A violation of any of the following Sections of  
11 the Criminal Code of 1961: 10-7 (aiding or abetting  
12 child abduction under Section 10-5(b)(10)),  
13 10-5(b)(10) (child luring), 11-6 (indecent  
14 solicitation of a child), 11-6.5 (indecent  
15 solicitation of an adult), 11-9 (public indecency when  
16 committed in a school, on the real property comprising  
17 a school, on a conveyance owned, leased, or contracted  
18 by a school to transport students to or from school or  
19 a school related activity, or in a public park), 11-9.1  
20 (sexual exploitation of a child), 11-15.1 (soliciting  
21 for a juvenile prostitute), 11-17.1 (keeping a place of  
22 juvenile prostitution), 11-18.1 (patronizing a  
23 juvenile prostitute), 11-19.1 (juvenile pimping),  
24 11-19.2 (exploitation of a child), 11-20.1 (child  
25 pornography), 11-20.3 (aggravated child pornography),  
26 11-21 (harmful material), 12-14.1 (predatory criminal



1 sexual assault of a child), 12-33 (ritualized abuse of  
2 a child), 11-20 (obscenity) (when that offense was  
3 committed in any school, on real property comprising  
4 any school, on any conveyance owned, leased, or  
5 contracted by a school to transport students to or from  
6 school or a school related activity, or in a public  
7 park). An attempt to commit any of these offenses.

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

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

19 10-1 (kidnapping),  
20 10-2 (aggravated kidnapping),  
21 10-3 (unlawful restraint),  
22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

24 (iv) A violation of any former law of this State  
25 substantially equivalent to any offense listed in  
26 clause (2)(i) of this subsection (d).

1 (2.5) For the purposes of subsection (b-5) only, a sex  
2 offense means:

3 (i) A violation of any of the following Sections of  
4 the Criminal Code of 1961:

5 10-5(b)(10) (child luring), 10-7 (aiding or  
6 abetting child abduction under Section  
7 10-5(b)(10)), 11-6 (indecent solicitation of a  
8 child), 11-6.5 (indecent solicitation of an  
9 adult), 11-15.1 (soliciting for a juvenile  
10 prostitute), 11-17.1 (keeping a place of juvenile  
11 prostitution), 11-18.1 (patronizing a juvenile  
12 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
13 (exploitation of a child), 11-20.1 (child  
14 pornography), 11-20.3 (aggravated child  
15 pornography), 12-14.1 (predatory criminal sexual  
16 assault of a child), or 12-33 (ritualized abuse of  
17 a child). An attempt to commit any of these  
18 offenses.

19 (ii) 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: 12-13 (criminal sexual  
22 assault), 12-14 (aggravated criminal sexual assault),  
23 12-16 (aggravated criminal sexual abuse), and  
24 subsection (a) of Section 12-15 (criminal sexual  
25 abuse). An attempt to commit any of these offenses.

26 (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

1 towards persons under the age of 18.

2 (6) "Loiter" means:

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

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

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

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

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

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

21 (11) "Day care home" has the meaning ascribed to it in  
22 Section 2.18 of the Child Care Act of 1969.

23 (12) "Group day care home" has the meaning ascribed to  
24 it in Section 2.20 of the Child Care Act of 1969.

25 (13) "Internet" means an interactive computer service  
26 or system or an information service, system, or access

1 software provider that provides or enables computer access  
2 by multiple users to a computer server, and includes, but  
3 is not limited to, an information service, system, or  
4 access software provider that provides access to a network  
5 system commonly known as the Internet, or any comparable  
6 system or service and also includes, but is not limited to,  
7 a World Wide Web page, newsgroup, message board, mailing  
8 list, or chat area on any interactive computer service or  
9 system or other online service.

10 (14) "Authorized emergency vehicle", "rescue vehicle",  
11 and "vehicle" have the meanings ascribed to them in  
12 Sections 1-105, 1-171.8 and 1-217, respectively, of the  
13 Illinois Vehicle Code.

14 (d-5) For the purposes of this Section, the 500 feet  
15 distance shall be measured from the edge of the property  
16 comprising the public park building or the real property  
17 comprising the public park, playground, child care  
18 institution, day care center, part day child care facility, or  
19 a facility providing programs or services exclusively directed  
20 toward persons under 18 years of age, or a victim of the sex  
21 offense who is under 21 years of age to the edge of the child  
22 sex offender's place of residence or where he or she is  
23 loitering.

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

26 (Source: P.A. 95-32, eff. 1-1-08; 95-640, eff. 6-1-08; 95-819,

1 eff. 1-1-09; 95-820, eff. 1-1-09; 95-821, eff. 8-14-08; 95-876,  
2 eff. 8-21-08; 95-983, eff. 6-1-09; 96-118, eff. 8-4-09; 96-328,  
3 eff. 8-11-09; 96-710, eff. 1-1-10; 96-1000, eff. 7-2-10.)