



Rep. Scott E Penny

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1 AMENDMENT TO SENATE BILL 3258

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3258 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by  
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have  
10 the meanings set forth in this subsection, except when a  
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings  
13 ascribed to them in the Unified Code of Corrections,  
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

1 (iii) Court (730 ILCS 5/5-1-6),  
2 (iv) Defendant (730 ILCS 5/5-1-7),  
3 (v) Felony (730 ILCS 5/5-1-9),  
4 (vi) Imprisonment (730 ILCS 5/5-1-10),  
5 (vii) Judgment (730 ILCS 5/5-1-12),  
6 (viii) Misdemeanor (730 ILCS 5/5-1-14),  
7 (ix) Offense (730 ILCS 5/5-1-15),  
8 (x) Parole (730 ILCS 5/5-1-16),  
9 (xi) Petty Offense (730 ILCS 5/5-1-17),  
10 (xii) Probation (730 ILCS 5/5-1-18),  
11 (xiii) Sentence (730 ILCS 5/5-1-19),  
12 (xiv) Supervision (730 ILCS 5/5-1-21), and  
13 (xv) Victim (730 ILCS 5/5-1-22).

14 (B) As used in this Section, "charge not initiated  
15 by arrest" means a charge (as defined by 730 ILCS  
16 5/5-1-3) brought against a defendant where the  
17 defendant is not arrested prior to or as a direct  
18 result of the charge.

19 (C) "Conviction" means a judgment of conviction or  
20 sentence entered upon a plea of guilty or upon a  
21 verdict or finding of guilty of an offense, rendered by  
22 a legally constituted jury or by a court of competent  
23 jurisdiction authorized to try the case without a jury.  
24 An order of supervision successfully completed by the  
25 petitioner is not a conviction. An order of qualified  
26 probation (as defined in subsection (a)(1)(J))

1           successfully completed by the petitioner is not a  
2 conviction. An order of supervision or an order of  
3 qualified probation that is terminated  
4 unsatisfactorily is a conviction, unless the  
5 unsatisfactory termination is reversed, vacated, or  
6 modified and the judgment of conviction, if any, is  
7 reversed or vacated.

8           (D) "Criminal offense" means a petty offense,  
9 business offense, misdemeanor, felony, or municipal  
10 ordinance violation (as defined in subsection  
11 (a)(1)(H)). As used in this Section, a minor traffic  
12 offense (as defined in subsection (a)(1)(G)) shall not  
13 be considered a criminal offense.

14           (E) "Expunge" means to physically destroy the  
15 records or return them to the petitioner and to  
16 obliterate the petitioner's name from any official  
17 index or public record, or both. Nothing in this Act  
18 shall require the physical destruction of the circuit  
19 court file, but such records relating to arrests or  
20 charges, or both, ordered expunged shall be impounded  
21 as required by subsections (d)(9)(A)(ii) and  
22 (d)(9)(B)(ii).

23           (F) As used in this Section, "last sentence" means  
24 the sentence, order of supervision, or order of  
25 qualified probation (as defined by subsection  
26 (a)(1)(J)), for a criminal offense (as defined by

1 subsection (a)(1)(D)) that terminates last in time in  
2 any jurisdiction, regardless of whether the petitioner  
3 has included the criminal offense for which the  
4 sentence or order of supervision or qualified  
5 probation was imposed in his or her petition. If  
6 multiple sentences, orders of supervision, or orders  
7 of qualified probation terminate on the same day and  
8 are last in time, they shall be collectively considered  
9 the "last sentence" regardless of whether they were  
10 ordered to run concurrently.

11 (G) "Minor traffic offense" means a petty offense,  
12 business offense, or Class C misdemeanor under the  
13 Illinois Vehicle Code or a similar provision of a  
14 municipal or local ordinance.

15 (H) "Municipal ordinance violation" means an  
16 offense defined by a municipal or local ordinance that  
17 is criminal in nature and with which the petitioner was  
18 charged or for which the petitioner was arrested and  
19 released without charging.

20 (I) "Petitioner" means an adult or a minor  
21 prosecuted as an adult who has applied for relief under  
22 this Section.

23 (J) "Qualified probation" means an order of  
24 probation under Section 10 of the Cannabis Control Act,  
25 Section 410 of the Illinois Controlled Substances Act,  
26 Section 70 of the Methamphetamine Control and

1           Community Protection Act, Section 12-4.3(b) (1) and (2)  
2           of the Criminal Code of 1961 (as those provisions  
3           existed before their deletion by Public Act 89-313),  
4           Section 10-102 of the Illinois Alcoholism and Other  
5           Drug Dependency Act, Section 40-10 of the Alcoholism  
6           and Other Drug Abuse and Dependency Act, or Section 10  
7           of the Steroid Control Act. For the purpose of this  
8           Section, "successful completion" of an order of  
9           qualified probation under Section 10-102 of the  
10          Illinois Alcoholism and Other Drug Dependency Act and  
11          Section 40-10 of the Alcoholism and Other Drug Abuse  
12          and Dependency Act means that the probation was  
13          terminated satisfactorily and the judgment of  
14          conviction was vacated.

15           (K) "Seal" means to physically and electronically  
16          maintain the records, unless the records would  
17          otherwise be destroyed due to age, but to make the  
18          records unavailable without a court order, subject to  
19          the exceptions in Sections 12 and 13 of this Act. The  
20          petitioner's name shall also be obliterated from the  
21          official index required to be kept by the circuit court  
22          clerk under Section 16 of the Clerks of Courts Act, but  
23          any index issued by the circuit court clerk before the  
24          entry of the order to seal shall not be affected.

25           (L) "Sexual offense committed against a minor"  
26          includes but is not limited to the offenses of indecent

1           solicitation of a child or criminal sexual abuse when  
2           the victim of such offense is under 18 years of age.

3           (M) "Terminate" as it relates to a sentence or  
4           order of supervision or qualified probation includes  
5           either satisfactory or unsatisfactory termination of  
6           the sentence, unless otherwise specified in this  
7           Section.

8           (2) Minor Traffic Offenses. Orders of supervision or  
9           convictions for minor traffic offenses shall not affect a  
10          petitioner's eligibility to expunge or seal records  
11          pursuant to this Section.

12          (3) Exclusions. Except as otherwise provided in  
13          subsections (b) (5), (b) (6), and (e) of this Section, the  
14          court shall not order:

15                (A) the sealing or expungement of the records of  
16                arrests or charges not initiated by arrest that result  
17                in an order of supervision for or conviction of: (i)  
18                any sexual offense committed against a minor; (ii)  
19                Section 11-501 of the Illinois Vehicle Code or a  
20                similar provision of a local ordinance; or (iii)  
21                Section 11-503 of the Illinois Vehicle Code or a  
22                similar provision of a local ordinance, unless the  
23                arrest or charge for the violation of Section 11-503 or  
24                a similar provision of a local ordinance occurred prior  
25                to the offender reaching the age of 25 years and the  
26                offender has no other conviction for violating Section

1           11-501 or 11-503 of the Illinois Vehicle Code or a  
2           similar provision of a local ordinance.

3           (B) the sealing or expungement of records of minor  
4           traffic offenses (as defined in subsection (a)(1)(G)),  
5           unless the petitioner was arrested and released  
6           without charging.

7           (C) the sealing of the records of arrests or  
8           charges not initiated by arrest which result in an  
9           order of supervision, an order of qualified probation  
10          (as defined in subsection (a)(1)(J)), or a conviction  
11          for the following offenses:

12               (i) offenses included in Article 11 of the  
13               Criminal Code of 1961 or a similar provision of a  
14               local ordinance, except Section 11-14 of the  
15               Criminal Code of 1961 or a similar provision of a  
16               local ordinance;

17               (ii) Section 11-1.50, 12-3.4, 12-15, 12-30, or  
18               26-5 of the Criminal Code of 1961 or a similar  
19               provision of a local ordinance;

20               (iii) offenses defined as "crimes of violence"  
21               in Section 2 of the Crime Victims Compensation Act  
22               or a similar provision of a local ordinance;

23               (iv) offenses which are Class A misdemeanors  
24               under the Humane Care for Animals Act; or

25               (v) any offense or attempted offense that  
26               would subject a person to registration under the

1 Sex Offender Registration Act.

2 (D) the sealing of the records of an arrest which  
3 results in the petitioner being charged with a felony  
4 offense or records of a charge not initiated by arrest  
5 for a felony offense unless:

6 (i) the charge is amended to a misdemeanor and  
7 is otherwise eligible to be sealed pursuant to  
8 subsection (c);

9 (ii) the charge is brought along with another  
10 charge as a part of one case and the charge results  
11 in acquittal, dismissal, or conviction when the  
12 conviction was reversed or vacated, and another  
13 charge brought in the same case results in a  
14 disposition for a misdemeanor offense that is  
15 eligible to be sealed pursuant to subsection (c) or  
16 a disposition listed in paragraph (i), (iii), or  
17 (iv) of this subsection;

18 (iii) the charge results in first offender  
19 probation as set forth in subsection (c)(2)(E);

20 (iv) the charge is for a Class 4 felony offense  
21 listed in subsection (c)(2)(F) or the charge is  
22 amended to a Class 4 felony offense listed in  
23 subsection (c)(2)(F). Records of arrests which  
24 result in the petitioner being charged with a Class  
25 4 felony offense listed in subsection (c)(2)(F),  
26 records of charges not initiated by arrest for



1 Class 4 felony offenses listed in subsection  
2 (c)(2)(F), and records of charges amended to a  
3 Class 4 felony offense listed in (c)(2)(F) may be  
4 sealed, regardless of the disposition, subject to  
5 any waiting periods set forth in subsection  
6 (c)(3);

7 (v) the charge results in acquittal,  
8 dismissal, or the petitioner's release without  
9 conviction; or

10 (vi) the charge results in a conviction, but  
11 the conviction was reversed or vacated.

12 (b) Expungement.

13 (1) A petitioner may petition the circuit court to  
14 expunge the records of his or her arrests and charges not  
15 initiated by arrest when:

16 (A) He or she has never been convicted of a  
17 criminal offense; and

18 (B) Each arrest or charge not initiated by arrest  
19 sought to be expunged resulted in: (i) acquittal,  
20 dismissal, or the petitioner's release without  
21 charging, unless excluded by subsection (a)(3)(B);  
22 (ii) a conviction which was vacated or reversed, unless  
23 excluded by subsection (a)(3)(B); (iii) an order of  
24 supervision and such supervision was successfully  
25 completed by the petitioner, unless excluded by  
26 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of

1 qualified probation (as defined in subsection  
2 (a)(1)(J)) and such probation was successfully  
3 completed by the petitioner.

4 (2) Time frame for filing a petition to expunge.

5 (A) When the arrest or charge not initiated by  
6 arrest sought to be expunged resulted in an acquittal,  
7 dismissal, the petitioner's release without charging,  
8 or the reversal or vacation of a conviction, there is  
9 no waiting period to petition for the expungement of  
10 such records.

11 (B) When the arrest or charge not initiated by  
12 arrest sought to be expunged resulted in an order of  
13 supervision, successfully completed by the petitioner,  
14 the following time frames will apply:

15 (i) Those arrests or charges that resulted in  
16 orders of supervision under Section 3-707, 3-708,  
17 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
18 similar provision of a local ordinance, or under  
19 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
20 Code of 1961 or a similar provision of a local  
21 ordinance, shall not be eligible for expungement  
22 until 5 years have passed following the  
23 satisfactory termination of the supervision.

24 (ii) Those arrests or charges that resulted in  
25 orders of supervision for any other offenses shall  
26 not be eligible for expungement until 2 years have

1           passed following the satisfactory termination of  
2           the supervision.

3           (C) When the arrest or charge not initiated by  
4           arrest sought to be expunged resulted in an order of  
5           qualified probation, successfully completed by the  
6           petitioner, such records shall not be eligible for  
7           expungement until 5 years have passed following the  
8           satisfactory termination of the probation.

9           (3) Those records maintained by the Department for  
10          persons arrested prior to their 17th birthday shall be  
11          expunged as provided in Section 5-915 of the Juvenile Court  
12          Act of 1987.

13          (4) Whenever a person has been arrested for or  
14          convicted of any offense, in the name of a person whose  
15          identity he or she has stolen or otherwise come into  
16          possession of, the aggrieved person from whom the identity  
17          was stolen or otherwise obtained without authorization,  
18          upon learning of the person having been arrested using his  
19          or her identity, may, upon verified petition to the chief  
20          judge of the circuit wherein the arrest was made, have a  
21          court order entered nunc pro tunc by the Chief Judge to  
22          correct the arrest record, conviction record, if any, and  
23          all official records of the arresting authority, the  
24          Department, other criminal justice agencies, the  
25          prosecutor, and the trial court concerning such arrest, if  
26          any, by removing his or her name from all such records in

1 connection with the arrest and conviction, if any, and by  
2 inserting in the records the name of the offender, if known  
3 or ascertainable, in lieu of the aggrieved's name. The  
4 records of the circuit court clerk shall be sealed until  
5 further order of the court upon good cause shown and the  
6 name of the aggrieved person obliterated on the official  
7 index required to be kept by the circuit court clerk under  
8 Section 16 of the Clerks of Courts Act, but the order shall  
9 not affect any index issued by the circuit court clerk  
10 before the entry of the order. Nothing in this Section  
11 shall limit the Department of State Police or other  
12 criminal justice agencies or prosecutors from listing  
13 under an offender's name the false names he or she has  
14 used.

15 (5) Whenever a person has been convicted of criminal  
16 sexual assault, aggravated criminal sexual assault,  
17 predatory criminal sexual assault of a child, criminal  
18 sexual abuse, or aggravated criminal sexual abuse, the  
19 victim of that offense may request that the State's  
20 Attorney of the county in which the conviction occurred  
21 file a verified petition with the presiding trial judge at  
22 the petitioner's trial to have a court order entered to  
23 seal the records of the circuit court clerk in connection  
24 with the proceedings of the trial court concerning that  
25 offense. However, the records of the arresting authority  
26 and the Department of State Police concerning the offense

1 shall not be sealed. The court, upon good cause shown,  
2 shall make the records of the circuit court clerk in  
3 connection with the proceedings of the trial court  
4 concerning the offense available for public inspection.

5 (6) If a conviction has been set aside on direct review  
6 or on collateral attack and the court determines by clear  
7 and convincing evidence that the petitioner was factually  
8 innocent of the charge, the court shall enter an  
9 expungement order as provided in subsection (b) of Section  
10 5-5-4 of the Unified Code of Corrections.

11 (7) Nothing in this Section shall prevent the  
12 Department of State Police from maintaining all records of  
13 any person who is admitted to probation upon terms and  
14 conditions and who fulfills those terms and conditions  
15 pursuant to Section 10 of the Cannabis Control Act, Section  
16 410 of the Illinois Controlled Substances Act, Section 70  
17 of the Methamphetamine Control and Community Protection  
18 Act, Section 12-4.3 or subdivision (b)(1) of Section  
19 12-3.05 of the Criminal Code of 1961, Section 10-102 of the  
20 Illinois Alcoholism and Other Drug Dependency Act, Section  
21 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
22 Act, or Section 10 of the Steroid Control Act.

23 (c) Sealing.

24 (1) Applicability. Notwithstanding any other provision  
25 of this Act to the contrary, and cumulative with any rights  
26 to expungement of criminal records, this subsection

1           authorizes the sealing of criminal records of adults and of  
2 minors prosecuted as adults.

3           (2) Eligible Records. The following records may be  
4 sealed:

5           (A) All arrests resulting in release without  
6 charging;

7           (B) Arrests or charges not initiated by arrest  
8 resulting in acquittal, dismissal, or conviction when  
9 the conviction was reversed or vacated, except as  
10 excluded by subsection (a) (3) (B);

11           (C) Arrests or charges not initiated by arrest  
12 resulting in orders of supervision successfully  
13 completed by the petitioner, unless excluded by  
14 subsection (a) (3);

15           (D) Arrests or charges not initiated by arrest  
16 resulting in convictions unless excluded by subsection  
17 (a) (3);

18           (E) Arrests or charges not initiated by arrest  
19 resulting in orders of first offender probation under  
20 Section 10 of the Cannabis Control Act, Section 410 of  
21 the Illinois Controlled Substances Act, or Section 70  
22 of the Methamphetamine Control and Community  
23 Protection Act; and

24           (F) Arrests or charges not initiated by arrest  
25 resulting in Class 4 felony convictions for the  
26 following offenses:

- 1 (i) Section 11-14 of the Criminal Code of 1961;  
2 (ii) Section 4 of the Cannabis Control Act;  
3 (iii) Section 402 of the Illinois Controlled  
4 Substances Act;  
5 (iv) the Methamphetamine Precursor Control  
6 Act; and  
7 (v) the Steroid Control Act.

8 (3) When Records Are Eligible to Be Sealed. Records  
9 identified as eligible under subsection (c)(2) may be  
10 sealed as follows:

11 (A) Records identified as eligible under  
12 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
13 time.

14 (B) Records identified as eligible under  
15 subsection (c)(2)(C) may be sealed (i) 3 years after  
16 the termination of petitioner's last sentence (as  
17 defined in subsection (a)(1)(F)) if the petitioner has  
18 never been convicted of a criminal offense (as defined  
19 in subsection (a)(1)(D)); or (ii) 4 years after the  
20 termination of the petitioner's last sentence (as  
21 defined in subsection (a)(1)(F)) if the petitioner has  
22 ever been convicted of a criminal offense (as defined  
23 in subsection (a)(1)(D)).

24 (C) Records identified as eligible under  
25 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be  
26 sealed 4 years after the termination of the

1 petitioner's last sentence (as defined in subsection  
2 (a) (1) (F)).

3 (D) Records identified in subsection  
4 (a) (3) (A) (iii) may be sealed after the petitioner has  
5 reached the age of 25 years.

6 (4) Subsequent felony convictions. A person may not  
7 have subsequent felony conviction records sealed as  
8 provided in this subsection (c) if he or she is convicted  
9 of any felony offense after the date of the sealing of  
10 prior felony convictions as provided in this subsection  
11 (c). The court may, upon conviction for a subsequent felony  
12 offense, order the unsealing of prior felony conviction  
13 records previously ordered sealed by the court.

14 (5) Notice of eligibility for sealing. Upon entry of a  
15 disposition for an eligible record under this subsection  
16 (c), the petitioner shall be informed by the court of the  
17 right to have the records sealed and the procedures for the  
18 sealing of the records.

19 (d) Procedure. The following procedures apply to  
20 expungement under subsections (b) and (e), and sealing under  
21 subsection (c):

22 (1) Filing the petition. Upon becoming eligible to  
23 petition for the expungement or sealing of records under  
24 this Section, the petitioner shall file a petition  
25 requesting the expungement or sealing of records with the  
26 clerk of the court where the arrests occurred or the



1 charges were brought, or both. If arrests occurred or  
2 charges were brought in multiple jurisdictions, a petition  
3 must be filed in each such jurisdiction. The petitioner  
4 shall pay the applicable fee, if not waived.

5 (2) Contents of petition. The petition shall be  
6 verified and shall contain the petitioner's name, date of  
7 birth, current address and, for each arrest or charge not  
8 initiated by arrest sought to be sealed or expunged, the  
9 case number, the date of arrest (if any), the identity of  
10 the arresting authority, and such other information as the  
11 court may require. During the pendency of the proceeding,  
12 the petitioner shall promptly notify the circuit court  
13 clerk of any change of his or her address.

14 (3) Drug test. The petitioner must attach to the  
15 petition proof that the petitioner has passed a test taken  
16 within 30 days before the filing of the petition showing  
17 the absence within his or her body of all illegal  
18 substances as defined by the Illinois Controlled  
19 Substances Act, the Methamphetamine Control and Community  
20 Protection Act, and the Cannabis Control Act if he or she  
21 is petitioning to seal felony records pursuant to clause  
22 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is  
23 petitioning to expunge felony records of a qualified  
24 probation pursuant to clause (b) (1) (B) (iv).

25 (4) Service of petition. The circuit court clerk shall  
26 promptly serve a copy of the petition on the State's

1 Attorney or prosecutor charged with the duty of prosecuting  
2 the offense, the Department of State Police, the arresting  
3 agency and the chief legal officer of the unit of local  
4 government effecting the arrest.

5 (5) Objections.

6 (A) Any party entitled to notice of the petition  
7 may file an objection to the petition. All objections  
8 shall be in writing, shall be filed with the circuit  
9 court clerk, and shall state with specificity the basis  
10 of the objection.

11 (B) Objections to a petition to expunge or seal  
12 must be filed within 60 days of the date of service of  
13 the petition.

14 (6) Entry of order.

15 (A) The Chief Judge of the circuit wherein the  
16 charge was brought, any judge of that circuit  
17 designated by the Chief Judge, or in counties of less  
18 than 3,000,000 inhabitants, the presiding trial judge  
19 at the petitioner's trial, if any, shall rule on the  
20 petition to expunge or seal as set forth in this  
21 subsection (d)(6).

22 (B) Unless the State's Attorney or prosecutor, the  
23 Department of State Police, the arresting agency, or  
24 the chief legal officer files an objection to the  
25 petition to expunge or seal within 60 days from the  
26 date of service of the petition, the court shall enter

1 an order granting or denying the petition.

2 (7) Hearings. If an objection is filed, the court shall  
3 set a date for a hearing and notify the petitioner and all  
4 parties entitled to notice of the petition of the hearing  
5 date at least 30 days prior to the hearing, and shall hear  
6 evidence on whether the petition should or should not be  
7 granted, and shall grant or deny the petition to expunge or  
8 seal the records based on the evidence presented at the  
9 hearing.

10 (8) Service of order. After entering an order to  
11 expunge or seal records, the court must provide copies of  
12 the order to the Department, in a form and manner  
13 prescribed by the Department, to the petitioner, to the  
14 State's Attorney or prosecutor charged with the duty of  
15 prosecuting the offense, to the arresting agency, to the  
16 chief legal officer of the unit of local government  
17 effecting the arrest, and to such other criminal justice  
18 agencies as may be ordered by the court.

19 (9) Effect of order.

20 (A) Upon entry of an order to expunge records  
21 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

22 (i) the records shall be expunged (as defined  
23 in subsection (a) (1) (E)) by the arresting agency,  
24 the Department, and any other agency as ordered by  
25 the court, within 60 days of the date of service of  
26 the order, unless a motion to vacate, modify, or

1           reconsider the order is filed pursuant to  
2           paragraph (12) of subsection (d) of this Section;

3           (ii) the records of the circuit court clerk  
4           shall be impounded until further order of the court  
5           upon good cause shown and the name of the  
6           petitioner obliterated on the official index  
7           required to be kept by the circuit court clerk  
8           under Section 16 of the Clerks of Courts Act, but  
9           the order shall not affect any index issued by the  
10          circuit court clerk before the entry of the order;  
11          and

12          (iii) in response to an inquiry for expunged  
13          records, the court, the Department, or the agency  
14          receiving such inquiry, shall reply as it does in  
15          response to inquiries when no records ever  
16          existed.

17          (B) Upon entry of an order to expunge records  
18          pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

19           (i) the records shall be expunged (as defined  
20           in subsection (a) (1) (E)) by the arresting agency  
21           and any other agency as ordered by the court,  
22           within 60 days of the date of service of the order,  
23           unless a motion to vacate, modify, or reconsider  
24           the order is filed pursuant to paragraph (12) of  
25           subsection (d) of this Section;

26           (ii) the records of the circuit court clerk

1 shall be impounded until further order of the court  
2 upon good cause shown and the name of the  
3 petitioner obliterated on the official index  
4 required to be kept by the circuit court clerk  
5 under Section 16 of the Clerks of Courts Act, but  
6 the order shall not affect any index issued by the  
7 circuit court clerk before the entry of the order;

8 (iii) the records shall be impounded by the  
9 Department within 60 days of the date of service of  
10 the order as ordered by the court, unless a motion  
11 to vacate, modify, or reconsider the order is filed  
12 pursuant to paragraph (12) of subsection (d) of  
13 this Section;

14 (iv) records impounded by the Department may  
15 be disseminated by the Department only as required  
16 by law or to the arresting authority, the State's  
17 Attorney, and the court upon a later arrest for the  
18 same or a similar offense or for the purpose of  
19 sentencing for any subsequent felony, and to the  
20 Department of Corrections upon conviction for any  
21 offense; and

22 (v) in response to an inquiry for such records  
23 from anyone not authorized by law to access such  
24 records the court, the Department, or the agency  
25 receiving such inquiry shall reply as it does in  
26 response to inquiries when no records ever

1           existed.

2           (C) Upon entry of an order to seal records under  
3 subsection (c), the arresting agency, any other agency  
4 as ordered by the court, the Department, and the court  
5 shall seal the records (as defined in subsection  
6 (a) (1) (K)). In response to an inquiry for such records  
7 from anyone not authorized by law to access such  
8 records the court, the Department, or the agency  
9 receiving such inquiry shall reply as it does in  
10 response to inquiries when no records ever existed.

11          (10) Fees. The Department may charge the petitioner a  
12 fee equivalent to the cost of processing any order to  
13 expunge or seal records. Notwithstanding any provision of  
14 the Clerks of Courts Act to the contrary, the circuit court  
15 clerk may charge a fee equivalent to the cost associated  
16 with the sealing or expungement of records by the circuit  
17 court clerk. From the total filing fee collected for the  
18 petition to seal or expunge, the circuit court clerk shall  
19 deposit \$10 into the Circuit Court Clerk Operation and  
20 Administrative Fund, to be used to offset the costs  
21 incurred by the circuit court clerk in performing the  
22 additional duties required to serve the petition to seal or  
23 expunge on all parties. The circuit court clerk shall  
24 collect and forward the Department of State Police portion  
25 of the fee to the Department and it shall be deposited in  
26 the State Police Services Fund.

1           (11) Final Order. No court order issued under the  
2 expungement or sealing provisions of this Section shall  
3 become final for purposes of appeal until 30 days after  
4 service of the order on the petitioner and all parties  
5 entitled to notice of the petition.

6           (12) Motion to Vacate, Modify, or Reconsider. The  
7 petitioner or any party entitled to notice may file a  
8 motion to vacate, modify, or reconsider the order granting  
9 or denying the petition to expunge or seal within 60 days  
10 of service of the order.

11           (e) Whenever a person who has been convicted of an offense  
12 is granted a pardon by the Governor which specifically  
13 authorizes expungement, he or she may, upon verified petition  
14 to the Chief Judge of the circuit where the person had been  
15 convicted, any judge of the circuit designated by the Chief  
16 Judge, or in counties of less than 3,000,000 inhabitants, the  
17 presiding trial judge at the defendant's trial, have a court  
18 order entered expunging the record of arrest from the official  
19 records of the arresting authority and order that the records  
20 of the circuit court clerk and the Department be sealed until  
21 further order of the court upon good cause shown or as  
22 otherwise provided herein, and the name of the defendant  
23 obliterated from the official index requested to be kept by the  
24 circuit court clerk under Section 16 of the Clerks of Courts  
25 Act in connection with the arrest and conviction for the  
26 offense for which he or she had been pardoned but the order

1 shall not affect any index issued by the circuit court clerk  
2 before the entry of the order. All records sealed by the  
3 Department may be disseminated by the Department only as  
4 required by law or to the arresting authority, the State's  
5 Attorney, and the court upon a later arrest for the same or  
6 similar offense or for the purpose of sentencing for any  
7 subsequent felony. Upon conviction for any subsequent offense,  
8 the Department of Corrections shall have access to all sealed  
9 records of the Department pertaining to that individual. Upon  
10 entry of the order of expungement, the circuit court clerk  
11 shall promptly mail a copy of the order to the person who was  
12 pardoned.

13 (f) Subject to available funding, the Illinois Department  
14 of Corrections shall conduct a study of the impact of sealing,  
15 especially on employment and recidivism rates, utilizing a  
16 random sample of those who apply for the sealing of their  
17 criminal records under Public Act 93-211. At the request of the  
18 Illinois Department of Corrections, records of the Illinois  
19 Department of Employment Security shall be utilized as  
20 appropriate to assist in the study. The study shall not  
21 disclose any data in a manner that would allow the  
22 identification of any particular individual or employing unit.  
23 The study shall be made available to the General Assembly no  
24 later than September 1, 2010.

25 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;  
26 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.



1 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,  
2 eff. 8-19-11; revised 9-6-11.)

3 Section 10. The Criminal Code of 1961 is amended by  
4 changing Sections 11-9.3 and 11-9.4-1 as follows:

5 (720 ILCS 5/11-9.3)

6 Sec. 11-9.3. Presence within school zone by child sex  
7 offenders prohibited; approaching, contacting, residing with,  
8 or communicating with a child within certain places by child  
9 sex offenders prohibited.

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

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

15 (a-5) It is unlawful for a child sex offender to knowingly  
16 be present within 100 feet of a site posted as a pick-up or  
17 discharge stop for a conveyance owned, leased, or contracted by  
18 a school to transport students to or from school or a school  
19 related activity when one or more persons under the age of 18  
20 are present at the site.

21 (a-10) It is unlawful for a child sex offender to knowingly  
22 be present in any public park building or on real property  
23 comprising any public park when persons under the age of 18 are  
24 present in the building or on the grounds and to approach,  
25 contact, or communicate with a child under 18 years of age,  
26 unless the offender is a parent or guardian of a person under

1 18 years of age present in the building or on the grounds.

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

1 duty to remain under the direct supervision of a school  
2 official.

3 (b-2) It is unlawful for a child sex offender to knowingly  
4 loiter on a public way within 500 feet of a public park  
5 building or real property comprising any public park while  
6 persons under the age of 18 are present in the building or on  
7 the grounds and to approach, contact, or communicate with a  
8 child under 18 years of age, unless the offender is a parent or  
9 guardian of a person under 18 years of age present in the  
10 building or on the grounds.

11 (b-5) It is unlawful for a child sex offender to knowingly  
12 reside within 500 feet of a school building or the real  
13 property comprising any school that persons under the age of 18  
14 attend. Nothing in this subsection (b-5) prohibits a child sex  
15 offender from residing within 500 feet of a school building or  
16 the real property comprising any school that persons under 18  
17 attend if the property is owned by the child sex offender and  
18 was purchased before July 7, 2000 (the effective date of Public  
19 Act 91-911) ~~this amendatory Act of the 91st General Assembly.~~

20 (b-10) It is unlawful for a child sex offender to knowingly  
21 reside within 500 feet of a playground, child care institution,  
22 day care center, part day child care facility, day care home,  
23 group day care home, or a facility providing programs or  
24 services exclusively directed toward persons under 18 years of  
25 age. Nothing in this subsection (b-10) prohibits a child sex  
26 offender from residing within 500 feet of a playground or a

1 facility providing programs or services exclusively directed  
2 toward persons under 18 years of age if the property is owned  
3 by the child sex offender and was purchased before July 7,  
4 2000. Nothing in this subsection (b-10) prohibits a child sex  
5 offender from residing within 500 feet of a child care  
6 institution, day care center, or part day child care facility  
7 if the property is owned by the child sex offender and was  
8 purchased before June 26, 2006. Nothing in this subsection  
9 (b-10) prohibits a child sex offender from residing within 500  
10 feet of a day care home or group day care home if the property  
11 is owned by the child sex offender and was purchased before  
12 August 14, 2008 (the effective date of Public Act 95-821).

13 (b-15) It is unlawful for a child sex offender to knowingly  
14 reside within 500 feet of the victim of the sex offense.  
15 Nothing in this subsection (b-15) prohibits a child sex  
16 offender from residing within 500 feet of the victim if the  
17 property in which the child sex offender resides is owned by  
18 the child sex offender and was purchased before August 22,  
19 2002.

20 This subsection (b-15) does not apply if the victim of the  
21 sex offense is 21 years of age or older.

22 (b-20) It is unlawful for a child sex offender to knowingly  
23 communicate, other than for a lawful purpose under Illinois  
24 law, using the Internet or any other digital media, with a  
25 person under 18 years of age or with a person whom he or she  
26 believes to be a person under 18 years of age, unless the

1 offender is a parent or guardian of the person under 18 years  
2 of age.

3 (c) It is unlawful for a child sex offender to knowingly  
4 operate, manage, be employed by, volunteer at, be associated  
5 with, or knowingly be present at any: (i) facility providing  
6 programs or services exclusively directed toward persons under  
7 the age of 18; (ii) day care center; (iii) part day child care  
8 facility; (iv) child care institution; (v) school providing  
9 before and after school programs for children under 18 years of  
10 age; (vi) day care home; or (vii) group day care home. This  
11 does not prohibit a child sex offender from owning the real  
12 property upon which the programs or services are offered or  
13 upon which the day care center, part day child care facility,  
14 child care institution, or school providing before and after  
15 school programs for children under 18 years of age is located,  
16 provided the child sex offender refrains from being present on  
17 the premises for the hours during which: (1) the programs or  
18 services are being offered or (2) the day care center, part day  
19 child care facility, child care institution, or school  
20 providing before and after school programs for children under  
21 18 years of age, day care home, or group day care home is  
22 operated.

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

26 (c-6) It is unlawful for a child sex offender who owns and

1 resides at residential real estate to knowingly rent any  
2 residential unit within the same building in which he or she  
3 resides to a person who is the parent or guardian of a child or  
4 children under 18 years of age. This subsection shall apply  
5 only to leases or other rental arrangements entered into after  
6 January 1, 2009 (the effective date of Public Act 95-820).

7 (c-7) It is unlawful for a child sex offender to knowingly  
8 offer or provide any programs or services to persons under 18  
9 years of age in his or her residence or the residence of  
10 another or in any facility for the purpose of offering or  
11 providing such programs or services, whether such programs or  
12 services are offered or provided by contract, agreement,  
13 arrangement, or on a volunteer basis.

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

21 (d) Definitions. In this Section:

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

23 (i) has been charged under Illinois law, or any  
24 substantially similar federal law or law of another  
25 state, with a sex offense set forth in paragraph (2) of  
26 this subsection (d) or the attempt to commit an

1 included sex offense, and the victim is a person under  
2 18 years of age at the time of the offense; and:

3 (A) is convicted of such offense or an attempt  
4 to commit such offense; or

5 (B) is found not guilty by reason of insanity  
6 of such offense or an attempt to commit such  
7 offense; or

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

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

18 (E) is found not guilty by reason of insanity  
19 following a hearing conducted pursuant to a  
20 federal law or the law of another state  
21 substantially similar to subsection (c) of Section  
22 104-25 of the Code of Criminal Procedure of 1963 of  
23 such offense or of the attempted commission of such  
24 offense; or

25 (F) is the subject of a finding not resulting  
26 in an acquittal at a hearing conducted pursuant to



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

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

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

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

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

22 (i) A violation of any of the following Sections of  
23 the Criminal Code of 1961: 10-4 (forcible detention),  
24 10-7 (aiding or abetting child abduction under Section  
25 10-5(b)(10)), 10-5(b)(10) (child luring), 11-1.40  
26 (predatory criminal sexual assault of a child), 11-6

1 (indecent solicitation of a child), 11-6.5 (indecent  
2 solicitation of an adult), 11-9.1 (sexual exploitation  
3 of a child), 11-9.2 (custodial sexual misconduct),  
4 11-9.5 (sexual misconduct with a person with a  
5 disability), 11-11 (sexual relations within families),  
6 11-14.3(a)(1) (promoting prostitution by advancing  
7 prostitution), 11-14.3(a)(2)(A) (promoting  
8 prostitution by profiting from prostitution by  
9 compelling a person to be a prostitute),  
10 11-14.3(a)(2)(C) (promoting prostitution by profiting  
11 from prostitution by means other than as described in  
12 subparagraphs (A) and (B) of paragraph (2) of  
13 subsection (a) of Section 11-14.3), 11-14.4 (promoting  
14 juvenile prostitution), 11-18.1 (patronizing a  
15 juvenile prostitute), 11-20.1 (child pornography),  
16 11-20.1B (aggravated child pornography), 11-21  
17 (harmful material), 11-25 (grooming), 11-26 (traveling  
18 to meet a minor), 12-33 (ritualized abuse of a child),  
19 11-20 (obscenity) (when that offense was committed in  
20 any school, on real property comprising any school, in  
21 any conveyance owned, leased, or contracted by a school  
22 to transport students to or from school or a school  
23 related activity, or in a public park), 11-30 (public  
24 indecency) (when committed in a school, on real  
25 property comprising a school, in any conveyance owned,  
26 leased, or contracted by a school to transport students

1 to or from school or a school related activity, or in a  
2 public park). 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: 11-1.20 (criminal sexual  
7 assault), 11-1.30 (aggravated criminal sexual  
8 assault), 11-1.50 (criminal sexual abuse), 11-1.60  
9 (aggravated criminal sexual abuse). An attempt to  
10 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 11-9.1(A) (permitting sexual abuse of a child).

20 An attempt to commit any of these offenses.

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

24 (2.5) For the purposes of subsections (b-5) and (b-10)  
25 only, a sex offense means:

26 (i) A violation of any of the following Sections of

1 the Criminal Code of 1961:

2 10-5(b)(10) (child luring), 10-7 (aiding or  
3 abetting child abduction under Section 10-5(b)(10)),  
4 11-1.40 (predatory criminal sexual assault of a  
5 child), 11-6 (indecent solicitation of a child),  
6 11-6.5 (indecent solicitation of an adult), 11-9.2  
7 (custodial sexual misconduct), 11-9.5 (sexual  
8 misconduct with a person with a disability), 11-11  
9 (sexual relations within families), 11-14.3(a)(1)  
10 (promoting prostitution by advancing prostitution),  
11 11-14.3(a)(2)(A) (promoting prostitution by profiting  
12 from prostitution by compelling a person to be a  
13 prostitute), 11-14.3(a)(2)(C) (promoting prostitution  
14 by profiting from prostitution by means other than as  
15 described in subparagraphs (A) and (B) of paragraph (2)  
16 of subsection (a) of Section 11-14.3), 11-14.4  
17 (promoting juvenile prostitution), 11-18.1  
18 (patronizing a juvenile prostitute), 11-20.1 (child  
19 pornography), 11-20.1B (aggravated child pornography),  
20 11-25 (grooming), 11-26 (traveling to meet a minor), or  
21 12-33 (ritualized abuse of a child). An attempt to  
22 commit any of these offenses.

23 (ii) 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: 11-1.20 (criminal sexual  
26 assault), 11-1.30 (aggravated criminal sexual

1 assault), 11-1.60 (aggravated criminal sexual abuse),  
2 and subsection (a) of Section 11-1.50 (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), ~~and~~

12 11-9.1(A) (permitting sexual abuse of a child).

13 An attempt to commit any of these offenses.

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

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

26 (4) "Authorized emergency vehicle", "rescue vehicle",

1 and "vehicle" have the meanings ascribed to them in  
2 Sections 1-105, 1-171.8 and 1-217, respectively, of the  
3 Illinois Vehicle Code.

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

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

8 (7) "Day care home" has the meaning ascribed to it in  
9 Section 2.18 of the Child Care Act of 1969.

10 (8) "Facility providing programs or services directed  
11 towards persons under the age of 18" means any facility  
12 providing programs or services exclusively directed  
13 towards persons under the age of 18.

14 (9) "Group day care home" has the meaning ascribed to  
15 it in Section 2.20 of the Child Care Act of 1969.

16 (10) "Internet" has the meaning set forth in Section  
17 16J-5 of this Code.

18 (11) "Loiter" means:

19 (i) Standing, sitting idly, whether or not the  
20 person is in a vehicle, or remaining in or around  
21 school or public park property.

22 (ii) Standing, sitting idly, whether or not the  
23 person is in a vehicle, or remaining in or around  
24 school or public park property, for the purpose of  
25 committing or attempting to commit a sex offense.

26 (iii) Entering or remaining in a building in or

1           around school property, other than the offender's  
2           residence.

3           (12) "Part day child care facility" has the meaning  
4           ascribed to it in Section 2.10 of the Child Care Act of  
5           1969.

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

10          (14) "Public park" includes a park, forest preserve,  
11          bikeway, trail, or conservation area under the  
12          jurisdiction of the State or a unit of local government.

13          (15) "School" means a public or private preschool or  
14          elementary or secondary school.

15          (16) "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          (e) For the purposes of this Section, the 500 feet distance  
19          shall be measured from: (1) the edge of the property of the  
20          school building or the real property comprising the school that  
21          is closest to the edge of the property of the child sex  
22          offender's residence or where he or she is loitering, and (2)  
23          the edge of the property comprising the public park building or  
24          the real property comprising the public park, playground, child  
25          care institution, day care center, part day child care  
26          facility, or facility providing programs or services

1 exclusively directed toward persons under 18 years of age, or a  
2 victim of the sex offense who is under 21 years of age, to the  
3 edge of the child sex offender's place of residence or place  
4 where he or she is loitering.

5 (f) Sentence. A person who violates this Section is guilty  
6 of a Class 4 felony.

7 (Source: P.A. 95-331, eff. 8-21-07; 95-440, eff. 8-27-07;  
8 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff. 8-21-08;  
9 96-328, eff. 8-11-09; 96-710, eff. 1-1-10; 96-1551, eff.  
10 7-1-11.)

11 (720 ILCS 5/11-9.4-1)

12 Sec. 11-9.4-1. Sexual predator and child sex offender;  
13 presence or loitering in or near public parks prohibited.

14 (a) For the purposes of this Section:

15 "Child sex offender" has the meaning ascribed to it in  
16 subsection (d) of Section 11-9.3 ~~11-9.4~~ of this Code, but  
17 does not include as a sex offense under paragraph (2) of  
18 subsection (d) of Section 11-9.3 ~~11-9.4~~, the offenses under  
19 subsections (b) and (c) of Section 11-1.50 or subsections  
20 (b) and (c) of Section 12-15 of this Code.

21 "Public park" includes a park, forest preserve,  
22 bikeway, trail, or conservation area under the  
23 jurisdiction of the State or a unit of local government.

24 "Loiter" means:

25 (i) Standing, sitting idly, whether or not the



1 person is in a vehicle or remaining in or around public  
2 park property.

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

7 "Sexual predator" has the meaning ascribed to it in  
8 subsection (E) of Section 2 of the Sex Offender  
9 Registration Act.

10 (b) It is unlawful for a sexual predator or a child sex  
11 offender to knowingly be present in any public park building or  
12 on real property comprising any public park.

13 (c) It is unlawful for a sexual predator or a child sex  
14 offender to knowingly loiter on a public way within 500 feet of  
15 a public park building or real property comprising any public  
16 park. For the purposes of this subsection (c), the 500 feet  
17 distance shall be measured from the edge of the property  
18 comprising the public park building or the real property  
19 comprising the public park.

20 (d) Sentence. A person who violates this Section is guilty  
21 of a Class A misdemeanor, except that a second or subsequent  
22 violation is a Class 4 felony.

23 (Source: P.A. 96-1099, eff. 1-1-11; revised 10-12-11.)".