

1 AN ACT in relation to 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
5 changing 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 public park zone by child
9 sex offenders prohibited.

10 (a) It is unlawful for a child sex offender to knowingly
11 be present in any public park building or on real property
12 comprising any public park when persons under the age of 18
13 are present in the building or on the grounds and to
14 approach, contact, or communicate with a child under 18 years
15 of age, unless the offender is a parent or guardian of a
16 person under 18 years of age present in the building or on
17 the grounds.

18 (b) It is unlawful for a child sex offender to knowingly
19 loiter on a public way within 500 feet of a public park
20 building or real property comprising any public park while
21 persons under the age of 18 are present in the building or on
22 the grounds and to approach, contact, or communicate with a
23 child under 18 years of age, unless the offender is a parent
24 or guardian of a person under 18 years of age present in the
25 building or on the grounds.

26 (b-5) It is unlawful for a child sex offender to
27 knowingly reside within 500 feet of a playground or a
28 facility providing programs or services exclusively directed
29 toward persons under 18 years of age. Nothing in this
30 subsection (b-5) prohibits a child sex offender from residing
31 within 500 feet of a playground or a facility providing

1 programs or services exclusively directed toward persons
 2 under 18 years of age if the property is owned by the child
 3 sex offender and was purchased before the effective date of
 4 this amendatory Act of the 91st General Assembly.

5 (c) It is unlawful for a child sex offender to knowingly
 6 operate, manage, be employed by, volunteer at, be associated
 7 with, or knowingly be present at any facility providing
 8 programs or services exclusively directed towards persons
 9 under the age of 18. This does not prohibit a child sex
 10 offender from owning the real property upon which the
 11 programs or services are offered, provided the child sex
 12 offender refrains from being present on the premises for the
 13 hours during which the programs or services are being
 14 offered.

15 (c-5) It is unlawful for a child sex offender to be
 16 knowingly present in any place in which programs, services,
 17 or lessons are provided to persons under 18 years of age and
 18 where children under 18 years of age are present during which
 19 the programs, services, or lessons are provided.

20 (d) Definitions. In this Section:

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

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

27 (A) is convicted of such offense or an
 28 attempt to commit such offense; or

29 (B) is found not guilty by reason of
 30 insanity of such offense or an attempt to
 31 commit such offense; or

32 (C) is found not guilty by reason of
 33 insanity pursuant to subsection (c) of Section
 34 104-25 of the Code of Criminal Procedure of

1 1963 of such offense or an attempt to commit
2 such offense; or

3 (D) is the subject of a finding not
4 resulting in an acquittal at a hearing
5 conducted pursuant to subsection (a) of Section
6 104-25 of the Code of Criminal Procedure of
7 1963 for the alleged commission or attempted
8 commission of such offense; or

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

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

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

31 (iii) is subject to the provisions of Section
32 2 of the Interstate Agreements on Sexually Dangerous
33 Persons Act.

34 Convictions that result from or are connected with

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

6 (2) Except as otherwise provided in paragraph
7 (2.5), "sex offense" means:

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

33 (ii) A violation of any of the following
34 Sections of the Criminal Code of 1961, when the

1 victim is a person under 18 years of age: 12-13
 2 (criminal sexual assault), 12-14 (aggravated
 3 criminal sexual assault), 12-15 (criminal sexual
 4 abuse), 12-16 (aggravated criminal sexual abuse).
 5 An attempt to commit any of these offenses.

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

- 10 10-1 (kidnapping),
- 11 10-2 (aggravated kidnapping),
- 12 10-3 (unlawful restraint),
- 13 10-3.1 (aggravated unlawful restraint).

14 An attempt to commit any of these offenses.

15 (iv) A violation of any former law of this
 16 State substantially equivalent to any offense listed
 17 in clause (2)(i) of this subsection (d).

18 (2.5) For the purposes of subsection (b-5) only, a
 19 sex offense means:

20 (i) A violation of any of the following
 21 Sections of the Criminal Code of 1961:

- 22 10-5(b)(10) (child luring), 10-7 (aiding
 23 and abetting child abduction under Section
 24 10-5(b)(10)), 11-6 (indecent solicitation of a
 25 child), 11-6.5 (indecent solicitation of an
 26 adult), 11-15.1 (soliciting for a juvenile
 27 prostitute), 11-17.1 (keeping a place of
 28 juvenile prostitution), 11-18.1 (patronizing a
 29 juvenile prostitute), 11-19.1 (juvenile
 30 pimping), 11-19.2 (exploitation of a child),
 31 11-20.1 (child pornography), 12-14.1 (predatory
 32 criminal sexual assault of a child), or 12-33
 33 (ritualized abuse of a child). An attempt to
 34 commit any of these offenses.

1 (ii) A violation of any of the following
 2 Sections of the Criminal Code of 1961, when the
 3 victim is a person under 18 years of age: 12-13
 4 (criminal sexual assault), 12-14 (aggravated
 5 criminal sexual assault), 12-16 (aggravated criminal
 6 sexual abuse), and subsection (a) of Section 12-15
 7 (criminal sexual abuse). An attempt to commit any
 8 of these offenses.

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

- 13 10-1 (kidnapping),
- 14 10-2 (aggravated kidnapping),
- 15 10-3 (unlawful restraint),
- 16 10-3.1 (aggravated unlawful restraint).

17 An attempt to commit any of these offenses.

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

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

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

33 (5) "Facility providing programs or services
 34 directed towards persons under the age of 18" means any

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

3 (6) "Loiter" means:

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

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

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

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

17 (Source: P.A. 91-458, eff. 1-1-00; 91-911, eff. 7-7-00.)