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92ND GENERAL ASSEMBLY
FIRST CONFERENCE COMMITTEE REPORT
ON HOUSE BILL 5874

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to Senate Amendment No. 1 to House Bill 5874, recommend the following:

1. that the House concur in Senate Amendment No. 1; and

2. that House Bill 5874, AS AMENDED, be further amended as follows:

by inserting after the enacting clause the following:

"Section 2. The Criminal Code of 1961 is amended by changing Section 11-9.4 as follows:

(720 ILCS 5/11-9.4)

Sec. 11-9.4. Approaching, contacting, residing, or communicating with a child within certain places ~~public~~--park zone by child sex offenders prohibited.

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

(b) It is unlawful for a child sex offender to knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park while

1 persons under the age of 18 are present in the building or on
2 the grounds and to approach, contact, or communicate with a
3 child under 18 years of age, unless the offender is a parent
4 or guardian of a person under 18 years of age present in the
5 building or on the grounds.

6 (b-5) It is unlawful for a child sex offender to
7 knowingly reside within 500 feet of a playground or a
8 facility providing programs or services exclusively directed
9 toward persons under 18 years of age. Nothing in this
10 subsection (b-5) prohibits a child sex offender from residing
11 within 500 feet of a playground or a facility providing
12 programs or services exclusively directed toward persons
13 under 18 years of age if the property is owned by the child
14 sex offender and was purchased before the effective date of
15 this amendatory Act of the 91st General Assembly.

16 (b-6) It is unlawful for a child sex offender to
17 knowingly reside within 500 feet of the victim of the sex
18 offense. Nothing in this subsection (b-6) prohibits a child
19 sex offender from residing within 500 feet of the victim if
20 the property in which the child sex offender resides is owned
21 by the child sex offender and was purchased before the
22 effective date of this amendatory Act of the 92nd General
23 Assembly.

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

26 (c) It is unlawful for a child sex offender to knowingly
27 operate, manage, be employed by, volunteer at, be associated
28 with, or knowingly be present at any facility providing
29 programs or services exclusively directed towards persons
30 under the age of 18. This does not prohibit a child sex
31 offender from owning the real property upon which the
32 programs or services are offered, provided the child sex
33 offender refrains from being present on the premises for the
34 hours during which the programs or services are being
35 offered.

1 (d) Definitions. In this Section:

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

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

8 (A) is convicted of such offense or an
9 attempt to commit such offense; or

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

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

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

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

31 (F) is the subject of a finding not
32 resulting in an acquittal at a hearing
33 conducted pursuant to a federal law or the law
34 of another state substantially similar to
35 subsection (a) of Section 104-25 of the Code of

1 Criminal Procedure of 1963 for the alleged
2 violation or attempted commission of such
3 offense; or

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

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

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

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

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

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

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

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

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

27 An attempt to commit any of these offenses.

28 (iv) A violation of any former law of this
 29 State substantially equivalent to any offense listed
 30 in clause (2)(i) of this subsection (d).

31 (2.5) For the purposes of subsection (b-5) only, a
 32 sex offense means:

33 (i) A violation of any of the following
 34 Sections of the Criminal Code of 1961:

- 35 10-5(b)(10) (child luring), 10-7 (aiding

1 and abetting child abduction under Section
2 10-5(b)(10)), 11-6 (indecent solicitation of a
3 child), 11-6.5 (indecent solicitation of an
4 adult), 11-15.1 (soliciting for a juvenile
5 prostitute), 11-17.1 (keeping a place of
6 juvenile prostitution), 11-18.1 (patronizing a
7 juvenile prostitute), 11-19.1 (juvenile
8 pimping), 11-19.2 (exploitation of a child),
9 11-20.1 (child pornography), 12-14.1 (predatory
10 criminal sexual assault of a child), or 12-33
11 (ritualized abuse of a child). An attempt to
12 commit any of these offenses.

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

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

- 25 10-1 (kidnapping),
- 26 10-2 (aggravated kidnapping),
- 27 10-3 (unlawful restraint),
- 28 10-3.1 (aggravated unlawful restraint).

29 An attempt to commit any of these offenses.

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

33 (3) A conviction for an offense of federal law or
34 the law of another state that is substantially equivalent
35 to any offense listed in paragraph (2) of this

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

7 (4) "Public park" includes a park, forest preserve,
8 or conservation area under the jurisdiction of the State
9 or a unit of local government.

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

14 (6) "Loiter" means:

15 (i) Standing, sitting idly, whether or not the
16 person is in a vehicle or remaining in or around
17 public park property.

18 (ii) Standing, sitting idly, whether or not
19 the person is in a vehicle or remaining in or around
20 public park property, for the purpose of committing
21 or attempting to commit a sex offense.

22 (7) "Playground" means a piece of land owned or
23 controlled by a unit of local government that is
24 designated by the unit of local government for use solely
25 or primarily for children's recreation.

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

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

29 Submitted on May 30, 2002.

30 s/Sen. Christine Radogno
31 s/Sen. Carl E. Hawkinson
32 s/Sen. Kirk Dillard
33 s/Sen. John Cullerton
34 Sen. Barak Obama

s/Rep. Mary K. O'Brien
s/Rep. Barbara Flynn Currie
s/Rep. James D. Brosnahan
s/Rep. Art Tenhouse
s/Rep. Renee Kosel

1 Committee for the Senate

Committee for the House