

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 certain places public--park
9 zone by child 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 (b-6) It is unlawful for a child sex offender to
6 knowingly reside within 500 feet of the victim of the sex
7 offense. Nothing in this subsection (b-6) prohibits a child
8 sex offender from residing within 500 feet of the victim if
9 the property in which the child sex offender resides is owned
10 by the child sex offender and was purchased before the
11 effective date of this amendatory Act of the 92nd General
12 Assembly.

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

15 (c) It is unlawful for a child sex offender to knowingly
16 operate, manage, be employed by, volunteer at, be associated
17 with, or knowingly be present at any facility providing
18 programs or services exclusively directed towards persons
19 under the age of 18. This does not prohibit a child sex
20 offender from owning the real property upon which the
21 programs or services are offered, provided the child sex
22 offender refrains from being present on the premises for the
23 hours during which the programs or services are being
24 offered.

25 (d) Definitions. In this Section:
26 (1) "Child sex offender" means any person who:
27 (i) has been charged under Illinois law, or
28 any substantially similar federal law or law of
29 another state, with a sex offense set forth in
30 paragraph (2) of this subsection (d) or the attempt
31 to commit an included sex offense, and:
32 (A) is convicted of such offense or an
33 attempt to commit such offense; or
34 (B) is found not guilty by reason of

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

3 (C) is found not guilty by reason of
4 insanity pursuant to subsection (c) of Section
5 104-25 of the Code of Criminal Procedure of
6 1963 of such offense or an attempt to commit
7 such offense; or

8 (D) is the subject of a finding not
9 resulting in an acquittal at a hearing
10 conducted pursuant to subsection (a) of Section
11 104-25 of the Code of Criminal Procedure of
12 1963 for the alleged commission or attempted
13 commission of such offense; or

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

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

29 (ii) is certified as a sexually dangerous
30 person pursuant to the Illinois Sexually Dangerous
31 Persons Act, or any substantially similar federal
32 law or the law of another state, when any conduct
33 giving rise to such certification is committed or
34 attempted against a person less than 18 years of

1 age; or

2 (iii) is subject to the provisions of Section
3 2 of the Interstate Agreements on Sexually Dangerous
4 Persons Act.

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

11 (2) Except as otherwise provided in paragraph
12 (2.5), "sex offense" means:

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

1 school to transport students to or from school or a
2 school related activity, or in a public park). An
3 attempt to commit any of these offenses.

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

11 (iii) A violation of any of the following
12 Sections of the Criminal Code of 1961, when the
13 victim is a person under 18 years of age and the
14 defendant is not a 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 An attempt to commit any of these offenses.

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

23 (2.5) For the purposes of subsection (b-5) only, a
24 sex offense means:

25 (i) A violation of any of the following
26 Sections of the Criminal Code of 1961:

- 27 10-5(b)(10) (child luring), 10-7 (aiding
- 28 and abetting child abduction under Section
- 29 10-5(b)(10)), 11-6 (indecent solicitation of a
- 30 child), 11-6.5 (indecent solicitation of an
- 31 adult), 11-15.1 (soliciting for a juvenile
- 32 prostitute), 11-17.1 (keeping a place of
- 33 juvenile prostitution), 11-18.1 (patronizing a
- 34 juvenile prostitute), 11-19.1 (juvenile

1 pimping), 11-19.2 (exploitation of a child),
 2 11-20.1 (child pornography), 12-14.1 (predatory
 3 criminal sexual assault of a child), or 12-33
 4 (ritualized abuse of a child). An attempt to
 5 commit any of these offenses.

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

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

- 18 10-1 (kidnapping),
- 19 10-2 (aggravated kidnapping),
- 20 10-3 (unlawful restraint),
- 21 10-3.1 (aggravated unlawful restraint).

22 An attempt to commit any of these offenses.

23 (iv) A violation of any former law of this
 24 State substantially equivalent to any offense listed
 25 in this paragraph (2.5) of this subsection.

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

1 (4) "Public park" includes a park, forest preserve,
2 or conservation area under the jurisdiction of the State
3 or a unit of local government.

4 (5) "Facility providing programs or services
5 directed towards persons under the age of 18" means any
6 facility providing programs or services exclusively
7 directed towards persons under the age of 18.

8 (6) "Loiter" means:

9 (i) Standing, sitting idly, whether or not the
10 person is in a vehicle or remaining in or around
11 public park property.

12 (ii) Standing, sitting idly, whether or not
13 the person is in a vehicle or remaining in or around
14 public park property, for the purpose of committing
15 or attempting to commit a sex offense.

16 (7) "Playground" means a piece of land owned or
17 controlled by a unit of local government that is
18 designated by the unit of local government for use solely
19 or primarily for children's recreation.

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

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