

RESIDENCY RESTRICTIONS

January 31, 2012

The following offenses are **NOT** included in the residency restrictions and the offender **IS** allowed to reside within 500 feet of school, daycares, playgrounds, etc. (even if the victim is under age 18):

- 11-9 public indecency
- 11-9.1 sexual exploitation of a child
- 11-21 harmful materials
- 11-20 obscenity
- 12-15 (b) criminal sexual abuse
- 12-15 (c) criminal sexual abuse

For clarification of criminal sexual abuse, here is the statute from the Illinois General Assembly website:

720 ILCS 5/11-1.50 (was 720 ILCS 5/12-15 but has been renumbered by P.A. 96-1551, eff. 7-1-11). 11-1.50. Criminal sexual abuse.

- (a) A person commits criminal sexual abuse if that person:
 - (1) commits an act of sexual conduct by the use of force or threat of force; or
 - (2) commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.
- (b) A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age.
- (c) A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim.

PLEASE NOTE, if your charge is criminal sexual abuse, subsection (a), you DO have residency restrictions and are NOT able to live 500 feet of school, daycare, playground, etc.

The information that confirms the above is located in 5/11-9.3 (b-5), (2.5). The following information is taken from the Illinois General Assembly website (only showing the relevant portions) and, as you will see, does **NOT** include the above offenses:

720 ILCS 5/11-9.3 (was 720 ILCS 9.4 but was repealed by P.A. 96-1551, eff. 7-1-11). Presence within school zone by child sex offenders prohibited; approaching, contacting, residing with, or communicating with a child within certain places by child sex offenders prohibited.

(b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a school building or the real property comprising any school that persons under the age of 18 attend. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a school building or the real property comprising any school that persons under 18 attend if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 91st General Assembly.

(b-10) It is unlawful for a child sex offender to knowingly reside within 500 feet of a playground, child care institution, day care center, part day child care facility, day care

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

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

- (i) A violation of any of the following Sections of the Criminal Code of 1961:
 - 10-5(b)(10) (child luring),
 - 10-7 (aiding or abetting child abduction under Section 10-5(b)(10)),
 - 11-1.40 (predatory criminal sexual assault of a child),
 - 11-6 (indecent solicitation of a child),
 - 11-6.5 (indecent solicitation of an adult),
 - 11-14.4 (promoting juvenile prostitution),
 - 11-18.1 (patronizing a juvenile prostitute),
 - 11-20.1 (child pornography),
 - 11-20.1B (aggravated child pornography), or
 - 12-33 (ritualized abuse of a child).

- (ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age:
 - 11-1.20 (criminal sexual assault),
 - 11-1.30 (aggravated criminal sexual assault),
 - 11-1.60 (aggravated criminal sexual abuse), and
 - subsection (a) of Section 11-1.50 (criminal sexual abuse).

- (iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:
 - 10-1 (kidnapping),
 - 10-2 (aggravated kidnapping),
 - 10-3 (unlawful restraint),
 - 10-3.1 (aggravated unlawful restraint).

PRESENCE IN OR LOITERING IN PUBLIC PARKS

January 31, 2012

On January 1, 2011, a new law went into effect (P.A. 96-1099) that "prohibits sexual predators and child sex offenders from being in a public park or loitering within 500 feet of a public park." The law states that those convicted under 720 ILCS 5/12-15 (criminal sexual abuse), subsections (b) or (c) **ONLY** are excluded. However, this law did not replace the previous law (5/11-9.4 (a)), which only allows child sex offenders to be in a park as long as they are a parent/guardian of a person under 18 years of age who is present in the building or on the grounds (and as long as they don't approach/contact other children). If a child sex offender (who was convicted of criminal sexual abuse (b) or (c)) is in the park with his/her children, then they are **NOT** in violation because 5/11-9.4 allows them to do this (5/11-9.4 is now numbered 11-9.3).

In other words, if you were convicted of criminal sexual abuse (b) or (c) and thought you were able to continue to use public parks, unless you are a parent/guardian (as stated above), **STAY OUT** of the parks. If you are the parent/guardian **AND** were convicted of criminal sexual abuse (b) or (c) only, 5/11-9.4 allows you to be in public parks.

Since 5/11-9.4 was repealed, the information that was contained therein is now renumbered and a part of 11-9.3. For the purposes of giving information regarding the parks law, the information is contained in subsection (a-10) as follows:

720 ILCS 5/11-9.3.

(a-10) 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.

The following is text from the new law that went into effect on January 1, 2011:

720 ILCS 5/11-9.4-1. Sexual predator and child sex offender; presence or loitering in or near public parks prohibited.

- (a) For the purposes of this Section: "Child sex offender" has the meaning ascribed to it in subsection (d) of Section 11-9.4 of this Code, but does not include as a sex offense under paragraph (2) of subsection (d) of Section 11-9.4, the offenses under subsections (b) and (c) of Section 12-15 of this Code.
- (b) It is unlawful for a sexual predator or a child sex offender to knowingly be present in any public park building or on real property comprising any public park.
- (c) It is unlawful for a sexual predator or 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. For the purposes of this subsection (c), the 500 feet distance shall be measured from the edge of the property comprising the public park building or the real property comprising the public park.
- (d) Sentence. A person who violates this Section is guilty of a Class A misdemeanor, except that a second or subsequent violation is a Class 4 felony.