

AN ACT concerning sex offenders.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Election Code is amended by changing Sections 11-4.1, 19-1, 19-2, 19-3, and 19-5 and by adding Section 19A-10.5 as follows:

(10 ILCS 5/11-4.1) (from Ch. 46, par. 11-4.1)

Sec. 11-4.1. (a) In appointing polling places under this Article, the county board or board of election commissioners shall, insofar as they are convenient and available, use schools and other public buildings as polling places.

(b) Upon request of the county board or board of election commissioners, the proper agency of government (including school districts and units of local government) shall make a public building under its control available for use as a polling place on an election day and for a reasonably necessary time before and after election day, without charge. If the county board or board of election commissioners chooses a school to be a polling place, then the school district must make the school available for use as a polling place. However, for the day of the election, a school district may choose to (i) keep the school open or (ii) hold a teachers institute on that day.

(c) A government agency which makes a public building under its control available for use as a polling place shall ensure the portion of the building to be used as the polling place is accessible to handicapped and elderly voters.

(d) If a qualified elector's precinct polling place is a school and the elector will be unable to enter that polling place without violating Section 11-9.3 of the Criminal Code of 1961 because the elector is a child sex offender as defined in Section 11-9.3 of the Criminal Code of 1961, that elector may vote by absentee ballot in accordance with Article 19 of this Code or may vote early in accordance with Article 19A of this Code.

(Source: P.A. 92-465, eff. 8-22-01.)

(10 ILCS 5/19-1) (from Ch. 46, par. 19-1)

Sec. 19-1. Any qualified elector of the State of Illinois having duly registered where such registration is required who will be unable to enter his or her precinct polling place without violating Section 11-9.3 of the Criminal Code of 1961 or who expects to be absent from the county in which he is a qualified elector or who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority or the State Board of Elections or who because of

election duties for a law enforcement agency, including but not limited to the offices of the Attorney General, a State's Attorney, a United States Attorney, or a State, county, or municipal police department, or who, because he is temporarily abiding outside the precinct in which he is registered to vote due to the fact he is a student attending an institution of higher education or who is serving as a sequestered juror on a State or federal jury, or who because of his or her confinement or detention in a jail pending acquittal or conviction of a crime, will be unable to be present at the polls on the day of holding any special, general or primary election at which any presidential preference is indicated or any candidates are chosen or elected, for any congressional, State, district, county, town, city, village, precinct or judicial offices or at which questions of public policy are submitted, may vote at such election as hereinafter in this Article provided.

Each Election Authority, law enforcement agency, and the State Board of Elections shall compile and keep current a list of his or its officers or employees who are eligible to vote under this Article by reason of election duties.

For purposes of this Article 19, a physically incapacitated voter marks his or her ballot "personally" when the voter exercises his or her physical abilities to their reasonable limit in marking the ballot, and marking personally may include instructing the person assisting the incapacitated voter when giving such instruction represents the reasonable limit of the

physical abilities.

(Source: P.A. 94-637, eff. 1-1-06.)

(10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

Sec. 19-2. Any elector as defined in Section 19-1 who will be unable to enter his or her precinct polling place without violating Section 11-9.3 of the Criminal Code of 1961 or who is expecting to be absent from the county of his residence or any such elector who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority, the State Board of Elections, or a law enforcement agency, or who because of his or her confinement or detention in a jail pending acquittal or conviction of a crime, will be unable to be present at the polls on the day of such election may by mail, not more than 40 nor less than 5 days prior to the date of such election, or by personal delivery not more than 40 nor less than one day prior to the date of such election, make application to the county clerk or to the Board of Election Commissioners for an official ballot for the voter's precinct to be voted at such election.

(Source: P.A. 94-637, eff. 1-1-06.)

(10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

Sec. 19-3. Application for such ballot shall be made on blanks to be furnished by the election authority and duplication of such application for ballot is prohibited, except by the election authority. The application for ballot shall be substantially in the following form:

APPLICATION FOR BALLOT

BY ELECTOR WHO EXPECTS TO BE

ABSENT FROM COUNTY

To be voted at the election in the County of and State of Illinois, in the precinct of the (1) *township of (2) *City of or (3) *.... ward in the City of

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the election to be held therein on; that I expect to be absent from the county of my residence on the date of holding such election, and that I will have no opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots to be voted by me at such election if I am absent from the county of my residence, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

....

*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:

.....

However, if application is made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

APPLICATION FOR BALLOT

BY ELECTOR WHO IS JUDGE OF ELECTION

IN A PRECINCT OTHER THAN THE PRECINCT

IN WHICH HE RESIDES

To be voted at the election in the County of and State of Illinois, in the precinct of the (1) *township of (2) *City of or (3) *.... ward in the City of

I state that I am affiliated with the party (to be used in primary elections) and that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the election to be held therein on; that I am a judge of election in precinct or the (1) *.... ward in the city of or (2)

*township of or (3) *city, village or incorporated town of
.... in such county and that I will have no opportunity of
voting in person on that day:

I hereby make application for an official ballot or ballots
to be voted by me at such election if I serve as a judge of
election in such last named precinct, and I agree that I shall
return such ballot or ballots to the official issuing the same
prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section
29-10 of The Election Code, the undersigned certifies that the
statements set forth in this application are true and correct.

....

*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:

....

APPLICATION FOR BALLOT

BY PHYSICALLY INCAPACITATED ELECTOR

To be voted at the election in the County of and
State of Illinois, in the precinct of the (1) *township of
.... (2) *City of or (3) *.... ward in the City of

I state that I am affiliated with the party (to be
used in primary elections) and that I am a resident of the
precinct of the (1) *township of (2) *City of or (3)
*.... ward in the city of residing at in such city or
town in the county of and State of Illinois; that I have
lived at such address for month(s) last past; that I am

lawfully entitled to vote in such precinct at the election to be held therein on; that I shall be physically incapable of being present at the polls of such precinct on the date of holding such election for the following reasons:

I hereby make application for an official ballot or ballots to be voted by me at such election if I am so physically incapacitated, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

....

*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:

.....

APPLICATION FOR BALLOT

BY CHILD SEX OFFENDER ELECTOR

To be voted at the election in the County of and State of Illinois, in the precinct of the (1) *township of (2) *City of or (3) *.... ward in the City of

I state that I am affiliated with the party (to be used in primary elections) and that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have

lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the election to be held therein on; that my assigned precinct polling place is in a school and I will be unable to enter the polling place without violating Section 11-9.3 of the Criminal Code of 1961.

I hereby make application for an official ballot or ballots to be voted by me at such election because my assigned precinct polling place is in a school and I will be unable to enter the polling place without violating Section 11-9.3 of the Criminal Code of 1961, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of election.

Under penalties as provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

....

*fill in either (1), (2), or (3).

Post office address to which ballot is mailed:

.....

APPLICATION FOR BALLOT

BY ELECTOR OBSERVING RELIGIOUS HOLIDAY

To be voted at the election in the county of State of Illinois, in the precinct (1) *township of (2) *City of or (3) *.... ward in the City of

I state that I am affiliated with the party (to be

used in primary elections) and that I am a resident of the
 precinct of the (1) *township of (2) *City of or (3)
 *.... ward in the city of residing at in such city or
 town in the county of and State of Illinois; that I have
 lived at such address for month(s) past, that I am
 lawfully entitled to vote in such precinct at the election
 to be held therein on; that I shall be unable to be
 present at the polls of such precinct on the date of holding
 such election because of the tenets of my religion in the
 observance of a religious holiday.

I hereby make application for an official ballot or ballots
 to be voted by me at such election if I am so unable to be
 present at the polls of such precinct on the date of the
 election because of the tenets of my religion in the observance
 of a religious holiday, and I agree that I shall return the
 ballot or ballots to the official issuing the same prior to the
 closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section
 29-10 of The Election Code, the undersigned certifies that the
 statements set forth in this application are true and correct.

....

*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:

.....

APPLICATION FOR BALLOT

BY ELECTOR WHO IS AN ELECTION EMPLOYEE

OF STATE'S ATTORNEY, COUNTY CLERK OR
BOARD OF ELECTION COMMISSIONERS

To be voted at the election in the County of and State of Illinois, in the precinct of the (1) *township of (2) *City of or (3) *.... ward in the City of

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the election to be held therein on; that I am employed in the office of the (State's Attorney of County) (County Clerk of County) (Board of Election Commissioners of the (City) (County) of and that because of election duties on the date of holding such election I will have no opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots to be voted by me at such election, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

....

*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:

.....

Provided, that if application be made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

APPLICATION FOR
TEMPORARILY ABSENT STUDENT BALLOT

To be voted at the election in the County of and State of Illinois, in the precinct of the (1) *township of (2) *City of or (3) *.... ward in the City of

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the election to be held therein on; that I am temporarily abiding outside such precinct in the (1) *township of (2) *City of in the county of and State of due to the fact I am a student attending an institution of higher education, and for that reason do not expect to have an opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots to be voted by me at such election if I am absent from the precinct of my residence, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the

closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

.....

*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:

.....

However, if application is made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

In lieu of the separate application blanks heretofore prescribed, the election authority may adopt a standard application blank in substantially the following form for all categories of absentee voters:

APPLICATION FOR
ABSENT VOTER'S BALLOT

To be voted at the election in the County of and State of Illinois, in the precinct of the (1) *township of (2) *City of or (3) *..... ward in the City of

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the City of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for months last past; that I

am lawfully entitled to vote in such precinct at a
election to be held therein on; and that I will be
unable to vote in person at the polls of such precinct for the
following reasons:

(Check One)

I expect to be absent from my county of residence.

I expect to be temporarily absent from the country.

I shall be serving as a judge of election in the
..... precinct which is not my precinct of
residence.

I shall be observing a religious holiday in
accordance with the tenets of my religion.

I shall be performing official election duties
for an Election Authority,

(election authority)

..... or the State Board of

Elections.

(location)

I shall be performing election law enforcement
duties in the employment of,

(law enforcement agency)

.....

(location)

I am temporarily abiding in the (1) *township of
(2) *city of in the county of and State of due to
the fact I am a student attending an institution of higher

education.

I am physically incapacitated.

Reason(s):

I have been called for jury duty on said day by

.....

(court jurisdiction)

I hereby make application for an official ballot or ballots to be voted by me at such election and agree that I shall return the ballot or ballots to the election official issuing the same in sufficient time for such official to deliver the ballot or ballots to the proper polling place prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

.....

*fill in either (1), (2) or (3). Post office address to which ballot is mailed:

.....

Provided, that if application is made for a primary election, such application shall designate the name of the political party with which applicant is affiliated.

(Source: P.A. 86-873; 86-875; 86-1028.)

(10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

Sec. 19-5. It shall be the duty of the election authority

to fold the ballot or ballots in the manner specified by the statute for folding ballots prior to their deposit in the ballot box, and to enclose such ballot or ballots in an envelope unsealed to be furnished by him, which envelope shall bear upon the face thereof the name, official title and post office address of the election authority, and upon the other side if the ballot is to go to an elector who is to be out of the county on the day of the election a printed certification in substantially the following form:

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully entitled to vote in such precinct at the election to be held on; and I expect to be absent from the county of my residence on the date of such election.

*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....

If the ballot is to go to an elector who is physically

incapacitated the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully entitled to vote in such precinct at the election to be held on; that I shall be physically incapable of being present at the polls of such precinct on the date of holding such election.

*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret. If I received assistance in casting my ballot, I further attest that, due to physical incapacity, I marked the enclosed ballot in secret with the assistance of

.....

(Individual rendering assistance)

.....

(Residence Address)

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....

In the case of a voter who is voting absentee by reason of

physical incapacity, marking a ballot in secret includes marking a ballot with the assistance of another individual, other than a candidate whose name appears on the ballot (unless the voter is the spouse or a parent, child, brother, or sister of the candidate), the voter's employer, an agent of that employer or an officer or agent of the voter's union, when the voter's physical incapacity necessitates such assistance.

If the ballot is to go to an elector who will be unable to enter his or her precinct polling place without violating Section 11-9.3 of the Criminal Code of 1961, the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in said city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully entitled to vote in such precinct at the election to be held on; that my assigned precinct polling place is in a school and I will be unable to enter the polling place without violating Section 11-9.3 of the Criminal Code of 1961.

*fill in either (1), (2), or (3).

I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies

that the statements set forth in this certification are true and correct.

.....

If the ballot is to go to an elector who is unable to be present at the polls on the date of the election because of the observance of a religious holiday, the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in said city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully entitled to vote in such precinct at the election to be held on; that I shall be unable to be present at the polls of such precinct on the date of holding such election because of the tenets of my religion in the observance of a religious holiday. *fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....

If the ballot is to go to an elector who is unable to be

present at the polls on the date of the election because he or she is confined or detained in jail pending acquittal or conviction of a crime, the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the precinct of the (1) *township of (2) *City of.... or (3) *.... ward in the city of residing at in that city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully entitled to vote in such precinct at the election to be held on; that I shall be unable to be present at the polls of such precinct on the date of holding such election because of my confinement or detention in jail pending acquittal or conviction of a crime.

*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....

If the ballot is to go to an elector who is temporarily abiding outside the precinct in which he is registered to vote due to the fact he is a student attending an institution of higher education the envelope shall bear upon the back thereof

a certification in substantially the following form:

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully entitled to vote in such precinct at the election to be held on; and I expect to be absent from the precinct of my residence on the date of such election because I am temporarily abiding outside such precinct in the (1) *township of (2) *city of in the county of and State of due to the fact I am a student attending an institution of higher education.

*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....

If the election authority adopts the standard absentee ballot application blank provided in Section 19-3, the printed certification on the absentee ballot envelope shall be in substantially the following form:

I state that I am a resident of the precinct of the

(1) *township of..... (2) *City of or (3) *..... ward in the city of residing at in said city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I shall be unable to be present at the polls of such precinct on the date of holding such election for the reason indicated on the application for ballot enclosed herein.

*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret. If I received assistance in casting my ballot, I further attest that, due to physical incapacity, I marked the enclosed ballot in secret with the assistance of

.....

(Individual rendering assistance)

.....

(Residence Address)

Under penalties of perjury provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....

In the case of a voter who is voting absentee by reason of physical incapacity, marking a ballot in secret includes marking a ballot with the assistance of another individual, other than a candidate whose name appears on the ballot (unless the voter is the spouse or a parent, child, brother, or sister

of the candidate), the voter's employer, an agent of that employer, or an officer or agent of the voter's union, when the voter's physical incapacity necessitates such assistance.

Provided, that if the ballot enclosed is to be voted at a primary election, the certification shall designate the name of the political party with which the voter is affiliated.

In addition to the above, the election authority shall provide printed slips giving full instructions regarding the manner of marking and returning the ballot in order that the same may be counted, and shall furnish one of such printed slips to each of such applicants at the same time the ballot is delivered to him. Such instructions shall include the following statement: "In signing the certification on the absentee ballot envelope, you are attesting that you personally marked this absentee ballot in secret. If you are physically unable to mark the ballot, a friend or relative may assist you after completing the enclosed affidavit. Federal and State laws prohibit a candidate whose name appears on the ballot (unless you are the spouse or a parent, child, brother, or sister of the candidate), your employer, your employer's agent or an officer or agent of your union from assisting physically disabled voters."

In addition to the above, if a ballot to be provided to an elector pursuant to this Section contains a public question described in subsection (b) of Section 28-6 and the territory concerning which the question is to be submitted is not

described on the ballot due to the space limitations of such ballot, the election authority shall provide a printed copy of a notice of the public question, which shall include a description of the territory in the manner required by Section 16-7. The notice shall be furnished to the elector at the same time the ballot is delivered to the elector.

(Source: P.A. 94-637, eff. 1-1-06.)

(10 ILCS 5/19A-10.5 new)

Sec. 19A-10.5. Child sex offenders. If an election authority designates one or more permanent early voting polling places under this Article, the election authority must designate at least one permanent early voting polling place that a qualified elector who is a child sex offender as defined in Section 11-9.3 or Section 11-9.4 of the Criminal Code of 1961 may enter without violating Section 11-9.3 or Section 11-9.4 of that Code, respectively.

If an election authority designates one or more temporary early voting polling places under this Article, the election authority must designate at least one temporary early voting polling place that a qualified elector who is a child sex offender as defined in Section 11-9.3 or Section 11-9.4 of the Criminal Code of 1961 may enter without violating Section 11-9.3 or Section 11-9.4 of that Code, respectively.

Section 10. The Criminal Code of 1961 is amended by

changing Section 11-9.3 as follows:

(720 ILCS 5/11-9.3)

Sec. 11-9.3. Presence within school zone by child sex offenders prohibited.

(a) It is unlawful for a child sex offender to knowingly be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school or unless the offender has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex

offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

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

~~Nothing in this Section shall be construed to infringe upon the constitutional right of a child sex offender to be present in a school building that is used as a polling place for the purpose of voting.~~

~~(1) (Blank; or)~~

~~(2) (Blank.)~~

(b) It is unlawful for a child sex offender to knowingly loiter within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds, unless the offender

is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school or has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

~~(1) (Blank; or)~~

~~(2) (Blank.)~~

(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.

(c) Definitions. In this Section:

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

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

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

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

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

(D) is the subject of a finding not resulting

in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

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

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

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

(iii) is subject to the provisions of Section 2 of

the Interstate Agreements on Sexually Dangerous Persons Act.

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

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

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property comprising a school, or on a conveyance, owned, leased, or contracted by a school to transport students to or from school or a school related activity), 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-21 (harmful material), 12-14.1 (predatory criminal sexual assault of a child), 12-33

(ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity). An attempt to commit any of these offenses.

(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: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse). An attempt to commit any of these offenses.

(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).

An attempt to commit any of these offenses.

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

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

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

(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).

An attempt to commit any of these offenses.

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

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of subsection (c) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "School" means a public or private pre-school, elementary, or secondary school.

(5) "Loiter" means:

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

(ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school

property, for the purpose of committing or attempting to commit a sex offense.

(iii) Entering or remaining in a building in or around school property, other than the offender's residence.

(6) "School official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board.

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

(Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06; 94-170, eff. 7-11-05; revised 9-15-06.)

Section 99. Effective date. This Act takes effect upon becoming law.