

Community Relations

Administrative Procedure - Definition of Child Sex Offender

*This procedure is intended as a reference, but it may not reflect recent legislative updates. This procedure is intended as a reference, but it may not reflect recent legislative updates. Before relying on it, check the Ill. General Assembly website, www.ilga.gov, for the current statute. **Note:** there is a lag between when a bill becomes law and when the law is updated at www.ilga.gov.*

Child Sex Offender

720 ILCS 5/11-9.3(d), amended by P.A. 104-245

(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 (d) 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 or the Criminal Code of 2012:
 - 10-4 (forcible detention),
 - 10-7 (aiding or abetting child abduction under Section 10-5(b)(10)),
 - 10-5(b)(10) (child luring),
 - 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),
 - 11-9.1 (sexual exploitation of a child),
 - 11-9.2 (custodial sexual misconduct),
 - 11-9.5 (sexual misconduct with a person with a disability),
 - 11-14.3(a)(1) (promoting prostitution by advancing prostitution),
 - 11-14.3(a)(2)(A) (promoting prostitution by profiting from prostitution by compelling a person to be a person engaged in the sex trade),
 - 11-14.3(a)(2)(c) (promoting prostitution by profiting from prostitution by means other than as described in subparagraphs (A) and(B) of paragraph (2) of subsection (a) of Section 11-14.3),
 - 11-14.4 (promoting commercial sexual exploitation of a child),
 - 11-18.1(patronizing a sexually exploited child),
 - 11-20.1 (child sexual abuse material or child pornography),
 - 11-20.1B (aggravated child pornography),
 - 11-21 (harmful material),
 - 11-25 (grooming),
 - 11-26 (traveling to meet a minor or traveling to meet 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, or in a public park),
 - 11-30 (public indecency) (when committed in a school, on real property comprising a school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park). An attempt to commit any of these offenses.
- (ii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age:
 - 11-1.20 (criminal sexual assault),
 - 11-1.30 (aggravated criminal sexual assault),
 - 11-1.50 (criminal sexual abuse),
 - 11-1.60 (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 or the Criminal Code of 2012, 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),

11-9.1(A) (permitting sexual abuse of a child).

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) or (2)(ii) of subsection (d) of this Section.

(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 or the Criminal Code of 2012:

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),

11-9.2 (custodial sexual misconduct),

11-9.5 (sexual misconduct with a person with a disability),

11-11 (sexual relations within families),

11-14.3(a)(1) (promoting prostitution by advancing prostitution),

11-14.3(a)(2)(A) (promoting prostitution by profiting from prostitution by compelling a person to be a person engaged in the sex trade),

11-14.3(a)(2)(C) (promoting prostitution by profiting from prostitution by means other than as described in subparagraphs (A) and (B) of paragraph (2) of subsection (a) of Section 11-14.3),

11-14.4 (promoting commercial sexual exploitation of a child),

11-18.1 (patronizing a sexually exploited child),

11-20.1 (child sexual abuse material or child pornography),

11-20.1B (aggravated child pornography),

11-25 (grooming),

11-26 (traveling to meet a minor or traveling to meet 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 or the Criminal Code of 2012, 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).

An attempt to commit any of these offenses.

- (iii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, 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),

11-9.1(A) (permitting sexual abuse of a child).

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 (d) of this Section shall constitute a conviction for the purpose of this Section. 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.

APPROVED: