

9.53A
Definition Of “Child Sex Offender”

“Child Sex Offender” means any person who is charged with [(a sex offense) (the attempt to commit a sex offense)] and the victim is a person under 18 years of age at the time of the offense, and

[1] is convicted of [(such offense) (an attempt to commit such offense)].

[or]

[2] is found not guilty by reason of insanity [(pursuant to a discharge hearing) (following a hearing conducted pursuant to a (federal) (state) (foreign country's) law)] of [(such offense) (an attempt to commit such offense)].

[or]

[3] is the subject of a finding not resulting in an acquittal [(at a discharge hearing) (following a hearing conducted pursuant to a (federal) (state) (foreign country's) law)] for the alleged [(commission) (attempted commission) of such offense].

[or]

“Child Sex Offender” means any person who is [(certified as a sexually dangerous person) (found to be a sexually violent person)] and the conduct giving rise to such certification is committed or attempted against a person less than 18 years of age.

Committee Note

720 ILCS 5/11-9.3(d)(1) (West 2024).

When the State relies upon a prior conviction or disposition from another jurisdiction, an issue may arise concerning whether that jurisdiction's statute is “substantially similar” to that of Illinois. This is a question of law to be determined by the court rather than a factual question on which the jury should be instructed. *See People v. Guest*, 115 Ill.2d 72, 503 N.E.2d 255 (1986).

An individual who has been convicted of criminal sexual abuse as outlined in 720 ILCS 5/11-1.50(b) and (c) (formerly 720 ILCS 5/12-15(b) and (c)) is specifically excluded from the definition of “Child Sex Offender” for the purposes of 720 ILCS 5/11-9.4-1 (Loitering Near or Presence in a Public Park).

See 725 ILCS 205 *et seq.* for Sexually Dangerous Persons Act.

See 45 ILCS 20/1 *et seq.* for Interstate Agreements on Sexually Dangerous Persons Act.

See 725 ILCS 207/1 *et seq.* for Sexually Violent Persons Commitment Act.

Use applicable bracketed material.

The bracketed numbers are present solely for the guidance of the court and counsel and should not be included in the instruction submitted to the jury.