

# HB0757



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0757

by Rep. C.D. Davidsmeyer

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-0.1

Amends the Criminal Code of 2012. Changes the definition of "sexual conduct" in the Sex Offenses Article of the Code to any knowing touching, kissing, or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, buttocks, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused (currently, kissing and buttocks are not included in the definition).

LRB100 07356 RLC 17420 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning 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 2012 is amended by changing  
5 Section 11-0.1 as follows:

6 (720 ILCS 5/11-0.1)

7 Sec. 11-0.1. Definitions. In this Article, unless the  
8 context clearly requires otherwise, the following terms are  
9 defined as indicated:

10 "Accused" means a person accused of an offense prohibited  
11 by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of  
12 this Code or a person for whose conduct the accused is legally  
13 responsible under Article 5 of this Code.

14 "Adult obscenity or child pornography Internet site". See  
15 Section 11-23.

16 "Advance prostitution" means:

17 (1) Soliciting for a prostitute by performing any of  
18 the following acts when acting other than as a prostitute  
19 or a patron of a prostitute:

20 (A) Soliciting another for the purpose of  
21 prostitution.

22 (B) Arranging or offering to arrange a meeting of  
23 persons for the purpose of prostitution.

1 (C) Directing another to a place knowing the  
2 direction is for the purpose of prostitution.

3 (2) Keeping a place of prostitution by controlling or  
4 exercising control over the use of any place that could  
5 offer seclusion or shelter for the practice of prostitution  
6 and performing any of the following acts when acting other  
7 than as a prostitute or a patron of a prostitute:

8 (A) Knowingly granting or permitting the use of the  
9 place for the purpose of prostitution.

10 (B) Granting or permitting the use of the place  
11 under circumstances from which he or she could  
12 reasonably know that the place is used or is to be used  
13 for purposes of prostitution.

14 (C) Permitting the continued use of the place after  
15 becoming aware of facts or circumstances from which he  
16 or she should reasonably know that the place is being  
17 used for purposes of prostitution.

18 "Agency". See Section 11-9.5.

19 "Arranges". See Section 11-6.5.

20 "Bodily harm" means physical harm, and includes, but is not  
21 limited to, sexually transmitted disease, pregnancy, and  
22 impotence.

23 "Care and custody". See Section 11-9.5.

24 "Child care institution". See Section 11-9.3.

25 "Child pornography". See Section 11-20.1.

26 "Child sex offender". See Section 11-9.3.

1 "Community agency". See Section 11-9.5.

2 "Conditional release". See Section 11-9.2.

3 "Consent". See Section 11-1.70.

4 "Custody". See Section 11-9.2.

5 "Day care center". See Section 11-9.3.

6 "Depict by computer". See Section 11-20.1.

7 "Depiction by computer". See Section 11-20.1.

8 "Disseminate". See Section 11-20.1.

9 "Distribute". See Section 11-21.

10 "Family member" means a parent, grandparent, child, aunt,  
11 uncle, great-aunt, or great-uncle, whether by whole blood,  
12 half-blood, or adoption, and includes a step-grandparent,  
13 step-parent, or step-child. "Family member" also means, if the  
14 victim is a child under 18 years of age, an accused who has  
15 resided in the household with the child continuously for at  
16 least 6 months.

17 "Force or threat of force" means the use of force or  
18 violence or the threat of force or violence, including, but not  
19 limited to, the following situations:

20 (1) when the accused threatens to use force or violence  
21 on the victim or on any other person, and the victim under  
22 the circumstances reasonably believes that the accused has  
23 the ability to execute that threat; or

24 (2) when the accused overcomes the victim by use of  
25 superior strength or size, physical restraint, or physical  
26 confinement.

- 1 "Harmful to minors". See Section 11-21.
- 2 "Loiter". See Section 9.3.
- 3 "Material". See Section 11-21.
- 4 "Minor". See Section 11-21.
- 5 "Nudity". See Section 11-21.
- 6 "Obscene". See Section 11-20.
- 7 "Part day child care facility". See Section 11-9.3.
- 8 "Penal system". See Section 11-9.2.
- 9 "Person responsible for the child's welfare". See Section  
10 11-9.1A.
- 11 "Person with a disability". See Section 11-9.5.
- 12 "Playground". See Section 11-9.3.
- 13 "Probation officer". See Section 11-9.2.
- 14 "Produce". See Section 11-20.1.
- 15 "Profit from prostitution" means, when acting other than as  
16 a prostitute, to receive anything of value for personally  
17 rendered prostitution services or to receive anything of value  
18 from a prostitute, if the thing received is not for lawful  
19 consideration and the person knows it was earned in whole or in  
20 part from the practice of prostitution.
- 21 "Public park". See Section 11-9.3.
- 22 "Public place". See Section 11-30.
- 23 "Reproduce". See Section 11-20.1.
- 24 "Sado-masochistic abuse". See Section 11-21.
- 25 "School". See Section 11-9.3.
- 26 "School official". See Section 11-9.3.

1 "Sexual abuse". See Section 11-9.1A.

2 "Sexual act". See Section 11-9.1.

3 "Sexual conduct" means any knowing touching, kissing, or  
4 fondling by the victim or the accused, either directly or  
5 through clothing, of the sex organs, anus, buttocks, or breast  
6 of the victim or the accused, or any part of the body of a child  
7 under 13 years of age, or any transfer or transmission of semen  
8 by the accused upon any part of the clothed or unclothed body  
9 of the victim, for the purpose of sexual gratification or  
10 arousal of the victim or the accused.

11 "Sexual excitement". See Section 11-21.

12 "Sexual penetration" means any contact, however slight,  
13 between the sex organ or anus of one person and an object or  
14 the sex organ, mouth, or anus of another person, or any  
15 intrusion, however slight, of any part of the body of one  
16 person or of any animal or object into the sex organ or anus of  
17 another person, including, but not limited to, cunnilingus,  
18 fellatio, or anal penetration. Evidence of emission of semen is  
19 not required to prove sexual penetration.

20 "Solicit". See Section 11-6.

21 "State-operated facility". See Section 11-9.5.

22 "Supervising officer". See Section 11-9.2.

23 "Surveillance agent". See Section 11-9.2.

24 "Treatment and detention facility". See Section 11-9.2.

25 "Victim" means a person alleging to have been subjected to  
26 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,

1 11-1.50, or 11-1.60 of this Code.

2 (Source: P.A. 96-1551, eff. 7-1-11.)