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09400HB1752ham001

LRB094 07551 RLC 45802 a

1 AMENDMENT TO HOUSE BILL 1752

2 AMENDMENT NO. _____. Amend House Bill 1752 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 11-6, 11-6.5, 11-9, 11-9.1, 11-11, 11-15.1,
6 11-17.1, 11-18.1, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13,
7 12-14, 12-14.1, 12-15, 12-16, and 12-33 as follows:

8 (720 ILCS 5/11-6) (from Ch. 38, par. 11-6)

9 Sec. 11-6. Indecent solicitation of a child.

10 (a) A person of the age of 17 years and upwards commits the
11 offense of indecent solicitation of a child if the person, with
12 the intent that the offense of aggravated criminal sexual
13 assault, criminal sexual assault, predatory criminal sexual
14 assault of a child, or aggravated criminal sexual abuse be
15 committed, knowingly solicits a child or one whom he or she
16 believes to be a child to perform an act of sexual penetration
17 or sexual conduct as defined in Section 12-12 of this Code.

18 (b) Definitions. As used in this Section:

19 "Solicit" means to command, authorize, urge, incite,
20 request, or advise another to perform an act by any means
21 including, but not limited to, in person, over the phone,
22 in writing, by computer, or by advertisement of any kind.

23 "Child" means a person under 17 years of age.

24 (c) Sentence. Indecent solicitation of a child is:

1 (1) an unclassified felony for which a term of natural
2 life imprisonment shall be imposed ~~a Class 1 felony~~ when
3 the act, if done, would be predatory criminal sexual
4 assault of a child or aggravated criminal sexual assault;

5 (2) an unclassified felony for which a term of natural
6 life imprisonment shall be imposed ~~a Class 2 felony~~ when
7 the act, if done, would be criminal sexual assault;

8 (3) an unclassified felony for which a term of natural
9 life imprisonment shall be imposed ~~a Class 3 felony~~ when
10 the act, if done, would be aggravated criminal sexual
11 abuse.

12 (Source: P.A. 91-226, eff. 7-22-99.)

13 (720 ILCS 5/11-6.5)

14 Sec. 11-6.5. Indecent solicitation of an adult.

15 (a) A person commits indecent solicitation of an adult if
16 the person:

17 (1) Arranges for a person 17 years of age or over to
18 commit an act of sexual penetration as defined in Section
19 12-12 with a person:

20 (i) Under the age of 13 years; or

21 (ii) Thirteen years of age or over but under the
22 age of 17 years; or

23 (2) Arranges for a person 17 years of age or over to
24 commit an act of sexual conduct as defined in Section 12-12
25 with a person:

26 (i) Under the age of 13 years; or

27 (ii) Thirteen years of age or older but under the
28 age of 17 years.

29 (b) Sentence.

30 (1) Violation of paragraph (a)(1)(i) is an
31 unclassified felony for which a term of natural life
32 imprisonment shall be imposed ~~a Class X felony~~.

33 (2) Violation of paragraph (a)(1)(ii) is an

1 unclassified felony for which a term of natural life
2 imprisonment shall be imposed ~~a Class 1 felony.~~

3 (3) Violation of paragraph (a)(2)(i) is an
4 unclassified felony for which a term of natural life
5 imprisonment shall be imposed ~~a Class 2 felony.~~

6 (4) Violation of paragraph (a)(2)(ii) is a Class A
7 misdemeanor.

8 (c) For the purposes of this Section, "arranges" includes
9 but is not limited to oral or written communication and
10 communication by telephone, computer, or other electronic
11 means. "Computer" has the meaning ascribed to it in Section
12 16D-2 of this Code.

13 (Source: P.A. 88-165; 89-203, eff. 7-21-95.)

14 (720 ILCS 5/11-9) (from Ch. 38, par. 11-9)

15 Sec. 11-9. Public indecency.

16 (a) Any person of the age of 17 years and upwards who
17 performs any of the following acts in a public place commits a
18 public indecency:

19 (1) An act of sexual penetration or sexual conduct as
20 defined in Section 12-12 of this Code; or

21 (2) A lewd exposure of the body done with intent to
22 arouse or to satisfy the sexual desire of the person.

23 Breast-feeding of infants is not an act of public
24 indecency.

25 (b) "Public place" for purposes of this Section means any
26 place where the conduct may reasonably be expected to be viewed
27 by others.

28 (c) Sentence.

29 Public indecency is a Class A misdemeanor. A person
30 convicted of a third or subsequent violation for public
31 indecency is guilty of an unclassified felony for which a term
32 of natural life imprisonment shall be imposed ~~a Class 4 felony.~~

33 (Source: P.A. 91-115, eff. 1-1-00.)

1 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

2 Sec. 11-9.1. Sexual exploitation of a child.

3 (a) Any person commits sexual exploitation of a child if in
4 the presence of a child and with intent or knowledge that a
5 child would view his or her acts, that person:

6 (1) engages in a sexual act; or

7 (2) exposes his or her sex organs, anus or breast for
8 the purpose of sexual arousal or gratification of such
9 person or the child.

10 (a-5) A person commits sexual exploitation of a child who
11 knowingly entices, coerces, or persuades a child to remove the
12 child's clothing for the purpose of sexual arousal or
13 gratification of the person or the child, or both.

14 (b) Definitions. As used in this Section:

15 "Sexual act" means masturbation, sexual conduct or sexual
16 penetration as defined in Section 12-12 of this Code.

17 "Sex offense" means any violation of Article 11 of this
18 Code or a violation of Section 12-13, 12-14, 12-14.1, 12-15,
19 12-16, or 12-16.2 of this Code.

20 "Child" means a person under 17 years of age.

21 (c) Sentence.

22 (1) Sexual exploitation of a child is a Class A
23 misdemeanor. A second or subsequent violation of this
24 Section is an unclassified felony for which a term of
25 natural life imprisonment shall be imposed ~~a Class 4~~
26 ~~felony~~.

27 (2) Sexual exploitation of a child is an unclassified
28 felony for which a term of natural life imprisonment shall
29 be imposed ~~a Class 4 felony~~ if the person has been
30 previously convicted of a sex offense.

31 (Source: P.A. 91-223, eff. 1-1-00.)

32 (720 ILCS 5/11-11) (from Ch. 38, par. 11-11)

1 Sec. 11-11. Sexual Relations Within Families. (a) A person
2 commits sexual relations within families if he or she:

3 (1) Commits an act of sexual penetration as defined in
4 Section 12-12 of this Code; and

5 (2) The person knows that he or she is related to the other
6 person as follows: (i) Brother or sister, either of the whole
7 blood or the half blood; or (ii) Father or mother, when the
8 child, regardless of legitimacy and regardless of whether the
9 child was of the whole blood or half-blood or was adopted, was
10 18 years of age or over when the act was committed; or (iii)
11 Stepfather or stepmother, when the stepchild was 18 years of
12 age or over when the act was committed.

13 (b) Sentence. Sexual relations within families is an
14 unclassified felony for which a term of natural life
15 imprisonment shall be imposed ~~a Class 3 felony~~.

16 (Source: P.A. 84-1280.)

17 (720 ILCS 5/11-15.1) (from Ch. 38, par. 11-15.1)

18 Sec. 11-15.1. Soliciting for a Juvenile Prostitute.

19 (a) Any person who violates any of the provisions of
20 Section 11-15(a) of this Act commits soliciting for a juvenile
21 prostitute where the prostitute for whom such person is
22 soliciting is under 16 years of age or is a severely or
23 profoundly mentally retarded person.

24 (b) It is an affirmative defense to a charge of soliciting
25 for a juvenile prostitute that the accused reasonably believed
26 the person was of the age of 16 years or over or was not a
27 severely or profoundly mentally retarded person at the time of
28 the act giving rise to the charge.

29 (c) Sentence.

30 Soliciting for a juvenile prostitute is an unclassified
31 felony for which a term of natural life imprisonment shall be
32 imposed ~~a Class 1 felony~~.

33 (Source: P.A. 92-434, eff. 1-1-02.)

1 (720 ILCS 5/11-17.1) (from Ch. 38, par. 11-17.1)

2 Sec. 11-17.1. Keeping a Place of Juvenile Prostitution.

3 (a) Any person who knowingly violates any of the provisions
4 of Section 11-17 of this Act commits keeping a place of
5 juvenile prostitution when any prostitute in the place of
6 prostitution is under 16 years of age.

7 (b) It is an affirmative defense to a charge of keeping a
8 place of juvenile prostitution that the accused reasonably
9 believed the person was of the age of 16 years or over at the
10 time of the act giving rise to the charge.

11 (c) Sentence. Keeping a place of juvenile prostitution is
12 an unclassified felony for which a term of natural life
13 imprisonment shall be imposed ~~a Class 1 felony~~. A person
14 convicted of a second or subsequent violation of this Section
15 is guilty of an unclassified felony for which a term of natural
16 life imprisonment shall be imposed ~~a Class X felony~~.

17 (d) Forfeiture. Any person convicted under this Section is
18 subject to the forfeiture provisions of Section 11-20.1A of
19 this Act.

20 (Source: P.A. 91-357, eff. 7-29-99.)

21 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

22 Sec. 11-18.1. Patronizing a juvenile prostitute. (a) Any
23 person who engages in an act of sexual penetration as defined
24 in Section 12-12 of this Code with a prostitute under 17 years
25 of age commits the offense of patronizing a juvenile
26 prostitute.

27 (b) It is an affirmative defense to the charge of
28 patronizing a juvenile prostitute that the accused reasonably
29 believed that the person was of the age of 17 years or over at
30 the time of the act giving rise to the charge.

31 (c) Sentence. A person who commits patronizing a juvenile
32 prostitute is guilty of an unclassified felony for which a term

1 of natural life imprisonment shall be imposed ~~a Class 4 felony.~~

2 (Source: P.A. 85-1447.)

3 (720 ILCS 5/11-19.1) (from Ch. 38, par. 11-19.1)

4 Sec. 11-19.1. Juvenile Pimping and aggravated juvenile
5 pimping.

6 (a) A person commits the offense of juvenile pimping if the
7 person knowingly receives any form of consideration derived
8 from the practice of prostitution, in whole or in part, and

9 (1) the prostitute was under the age of 16 at the time
10 the act of prostitution occurred; or

11 (2) the prostitute was a severely or profoundly
12 mentally retarded person at the time the act of
13 prostitution occurred.

14 (b) A person commits the offense of aggravated juvenile
15 pimping if the person knowingly receives any form of
16 consideration derived from the practice of prostitution, in
17 whole or in part, and the prostitute was under the age of 13 at
18 the time the act of prostitution occurred.

19 (c) It is an affirmative defense to a charge of juvenile
20 pimping that the accused reasonably believed the person was of
21 the age of 16 years or over or was not a severely or profoundly
22 mentally retarded person at the time of the act giving rise to
23 the charge.

24 (d) Sentence.

25 A person who commits a violation of subsection (a) is
26 guilty of an unclassified felony for which a term of natural
27 life imprisonment shall be imposed ~~a Class 1 felony.~~ A person
28 who commits a violation of subsection (b) is guilty of an
29 unclassified felony for which a term of natural life
30 imprisonment shall be imposed ~~a Class X felony.~~

31 (Source: P.A. 92-434, eff. 1-1-02; 93-696, eff. 1-1-05.)

32 (720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)

1 Sec. 11-19.2. Exploitation of a child.

2 (A) A person commits exploitation of a child when he or she
3 confines a child under the age of 16 or a severely or
4 profoundly mentally retarded person against his or her will by
5 the infliction or threat of imminent infliction of great bodily
6 harm, permanent disability or disfigurement or by
7 administering to the child or severely or profoundly mentally
8 retarded person without his or her consent or by threat or
9 deception and for other than medical purposes, any alcoholic
10 intoxicant or a drug as defined in the Illinois Controlled
11 Substances Act or the Cannabis Control Act and:

12 (1) compels the child or severely or profoundly
13 mentally retarded person to become a prostitute; or

14 (2) arranges a situation in which the child or severely
15 or profoundly mentally retarded person may practice
16 prostitution; or

17 (3) receives any money, property, token, object, or
18 article or anything of value from the child or severely or
19 profoundly mentally retarded person knowing it was
20 obtained in whole or in part from the practice of
21 prostitution.

22 (B) For purposes of this Section, administering drugs, as
23 defined in subsection (A), or an alcoholic intoxicant to a
24 child under the age of 13 or a severely or profoundly mentally
25 retarded person shall be deemed to be without consent if such
26 administering is done without the consent of the parents or
27 legal guardian.

28 (C) Exploitation of a child is an unclassified felony for
29 which a term of natural life imprisonment shall be imposed ~~a~~
30 ~~Class X felony.~~

31 (D) Any person convicted under this Section is subject to
32 the forfeiture provisions of Section 11-20.1A of this Act.

33 (Source: P.A. 91-357, eff. 7-29-99; 91-696, eff. 4-13-00;
34 92-434, eff. 1-1-02.)

1 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

2 Sec. 11-20.1. Child pornography.

3 (a) A person commits the offense of child pornography who:

4 (1) films, videotapes, photographs, or otherwise
5 depicts or portrays by means of any similar visual medium
6 or reproduction or depicts by computer any child whom he
7 knows or reasonably should know to be under the age of 18
8 or any severely or profoundly mentally retarded person
9 where such child or severely or profoundly mentally
10 retarded person is:

11 (i) actually or by simulation engaged in any act of
12 sexual penetration or sexual conduct with any person or
13 animal; or

14 (ii) actually or by simulation engaged in any act
15 of sexual penetration or sexual conduct involving the
16 sex organs of the child or severely or profoundly
17 mentally retarded person and the mouth, anus, or sex
18 organs of another person or animal; or which involves
19 the mouth, anus or sex organs of the child or severely
20 or profoundly mentally retarded person and the sex
21 organs of another person or animal; or

22 (iii) actually or by simulation engaged in any act
23 of masturbation; or

24 (iv) actually or by simulation portrayed as being
25 the object of, or otherwise engaged in, any act of lewd
26 fondling, touching, or caressing involving another
27 person or animal; or

28 (v) actually or by simulation engaged in any act of
29 excretion or urination within a sexual context; or

30 (vi) actually or by simulation portrayed or
31 depicted as bound, fettered, or subject to sadistic,
32 masochistic, or sadomasochistic abuse in any sexual
33 context; or

1 (vii) depicted or portrayed in any pose, posture or
2 setting involving a lewd exhibition of the unclothed
3 genitals, pubic area, buttocks, or, if such person is
4 female, a fully or partially developed breast of the
5 child or other person; or

6 (2) with the knowledge of the nature or content
7 thereof, reproduces, disseminates, offers to disseminate,
8 exhibits or possesses with intent to disseminate any film,
9 videotape, photograph or other similar visual reproduction
10 or depiction by computer of any child or severely or
11 profoundly mentally retarded person whom the person knows
12 or reasonably should know to be under the age of 18 or to
13 be a severely or profoundly mentally retarded person,
14 engaged in any activity described in subparagraphs (i)
15 through (vii) of paragraph (1) of this subsection; or

16 (3) with knowledge of the subject matter or theme
17 thereof, produces any stage play, live performance, film,
18 videotape or other similar visual portrayal or depiction by
19 computer which includes a child whom the person knows or
20 reasonably should know to be under the age of 18 or a
21 severely or profoundly mentally retarded person engaged in
22 any activity described in subparagraphs (i) through (vii)
23 of paragraph (1) of this subsection; or

24 (4) solicits, uses, persuades, induces, entices, or
25 coerces any child whom he knows or reasonably should know
26 to be under the age of 18 or a severely or profoundly
27 mentally retarded person to appear in any stage play, live
28 presentation, film, videotape, photograph or other similar
29 visual reproduction or depiction by computer in which the
30 child or severely or profoundly mentally retarded person is
31 or will be depicted, actually or by simulation, in any act,
32 pose or setting described in subparagraphs (i) through
33 (vii) of paragraph (1) of this subsection; or

34 (5) is a parent, step-parent, legal guardian or other

1 person having care or custody of a child whom the person
2 knows or reasonably should know to be under the age of 18
3 or a severely or profoundly mentally retarded person and
4 who knowingly permits, induces, promotes, or arranges for
5 such child or severely or profoundly mentally retarded
6 person to appear in any stage play, live performance, film,
7 videotape, photograph or other similar visual
8 presentation, portrayal or simulation or depiction by
9 computer of any act or activity described in subparagraphs
10 (i) through (vii) of paragraph (1) of this subsection; or

11 (6) with knowledge of the nature or content thereof,
12 possesses any film, videotape, photograph or other similar
13 visual reproduction or depiction by computer of any child
14 or severely or profoundly mentally retarded person whom the
15 person knows or reasonably should know to be under the age
16 of 18 or to be a severely or profoundly mentally retarded
17 person, engaged in any activity described in subparagraphs
18 (i) through (vii) of paragraph (1) of this subsection; or

19 (7) solicits, uses, persuades, induces, entices, or
20 coerces a person to provide a child under the age of 18 or
21 a severely or profoundly mentally retarded person to appear
22 in any videotape, photograph, film, stage play, live
23 presentation, or other similar visual reproduction or
24 depiction by computer in which the child or severely or
25 profoundly mentally retarded person will be depicted,
26 actually or by simulation, in any act, pose, or setting
27 described in subparagraphs (i) through (vii) of paragraph
28 (1) of this subsection.

29 (b) (1) It shall be an affirmative defense to a charge of
30 child pornography that the defendant reasonably believed,
31 under all of the circumstances, that the child was 18 years
32 of age or older or that the person was not a severely or
33 profoundly mentally retarded person but only where, prior
34 to the act or acts giving rise to a prosecution under this

1 Section, he took some affirmative action or made a bonafide
2 inquiry designed to ascertain whether the child was 18
3 years of age or older or that the person was not a severely
4 or profoundly mentally retarded person and his reliance
5 upon the information so obtained was clearly reasonable.

6 (2) (Blank).

7 (3) The charge of child pornography shall not apply to
8 the performance of official duties by law enforcement or
9 prosecuting officers, court personnel or attorneys, nor to
10 bonafide treatment or professional education programs
11 conducted by licensed physicians, psychologists or social
12 workers.

13 (4) Possession by the defendant of more than one of the
14 same film, videotape or visual reproduction or depiction by
15 computer in which child pornography is depicted shall raise
16 a rebuttable presumption that the defendant possessed such
17 materials with the intent to disseminate them.

18 (5) The charge of child pornography does not apply to a
19 person who does not voluntarily possess a film, videotape,
20 or visual reproduction or depiction by computer in which
21 child pornography is depicted. Possession is voluntary if
22 the defendant knowingly procures or receives a film,
23 videotape, or visual reproduction or depiction for a
24 sufficient time to be able to terminate his or her
25 possession.

26 (c) Violation of paragraph (1), (4), (5), or (7) of
27 subsection (a) is an unclassified felony for which a term of
28 natural life imprisonment shall be imposed ~~a Class 1 felony~~
29 with a mandatory minimum fine of \$2,000 and a maximum fine of
30 \$100,000. Violation of paragraph (3) of subsection (a) is an
31 unclassified felony for which a term of natural life
32 imprisonment shall be imposed ~~a Class 1 felony~~ with a mandatory
33 minimum fine of \$1500 and a maximum fine of \$100,000. Violation
34 of paragraph (2) of subsection (a) is an unclassified felony

1 for which a term of natural life imprisonment shall be imposed
2 ~~a Class 1 felony~~ with a mandatory minimum fine of \$1000 and a
3 maximum fine of \$100,000. Violation of paragraph (6) of
4 subsection (a) is an unclassified felony for which a term of
5 natural life imprisonment shall be imposed ~~a Class 3 felony~~
6 with a mandatory minimum fine of \$1000 and a maximum fine of
7 \$100,000.

8 (d) If a person is convicted of a second or subsequent
9 violation of this Section within 10 years of a prior
10 conviction, the court shall order a presentence psychiatric
11 examination of the person. The examiner shall report to the
12 court whether treatment of the person is necessary.

13 (e) Any film, videotape, photograph or other similar visual
14 reproduction or depiction by computer which includes a child
15 under the age of 18 or a severely or profoundly mentally
16 retarded person engaged in any activity described in
17 subparagraphs (i) through (vii) or paragraph 1 of subsection
18 (a), and any material or equipment used or intended for use in
19 photographing, filming, printing, producing, reproducing,
20 manufacturing, projecting, exhibiting, depiction by computer,
21 or disseminating such material shall be seized and forfeited in
22 the manner, method and procedure provided by Section 36-1 of
23 this Code for the seizure and forfeiture of vessels, vehicles
24 and aircraft.

25 (e-5) Upon the conclusion of a case brought under this
26 Section, the court shall seal all evidence depicting a victim
27 or witness that is sexually explicit. The evidence may be
28 unsealed and viewed, on a motion of the party seeking to unseal
29 and view the evidence, only for good cause shown and in the
30 discretion of the court. The motion must expressly set forth
31 the purpose for viewing the material. The State's attorney and
32 the victim, if possible, shall be provided reasonable notice of
33 the hearing on the motion to unseal the evidence. Any person
34 entitled to notice of a hearing under this subsection (e-5) may

1 object to the motion.

2 (f) Definitions. For the purposes of this Section:

3 (1) "Disseminate" means (i) to sell, distribute,
4 exchange or transfer possession, whether with or without
5 consideration or (ii) to make a depiction by computer
6 available for distribution or downloading through the
7 facilities of any telecommunications network or through
8 any other means of transferring computer programs or data
9 to a computer.

10 (2) "Produce" means to direct, promote, advertise,
11 publish, manufacture, issue, present or show.

12 (3) "Reproduce" means to make a duplication or copy.

13 (4) "Depict by computer" means to generate or create,
14 or cause to be created or generated, a computer program or
15 data that, after being processed by a computer either alone
16 or in conjunction with one or more computer programs,
17 results in a visual depiction on a computer monitor,
18 screen, or display.

19 (5) "Depiction by computer" means a computer program or
20 data that, after being processed by a computer either alone
21 or in conjunction with one or more computer programs,
22 results in a visual depiction on a computer monitor,
23 screen, or display.

24 (6) "Computer", "computer program", and "data" have
25 the meanings ascribed to them in Section 16D-2 of this
26 Code.

27 (7) "Child" includes a film, videotape, photograph, or
28 other similar visual medium or reproduction or depiction by
29 computer that is, or appears to be, that of a person,
30 either in part, or in total, under the age of 18,
31 regardless of the method by which the film, videotape,
32 photograph, or other similar visual medium or reproduction
33 or depiction by computer is created, adopted, or modified
34 to appear as such. "Child" also includes a film, videotape,

1 photograph, or other similar visual medium or reproduction
2 or depiction by computer that is advertised, promoted,
3 presented, described, or distributed in such a manner that
4 conveys the impression that the film, videotape,
5 photograph, or other similar visual medium or reproduction
6 or depiction by computer is of a person under the age of
7 18.

8 (8) "Sexual penetration" and "sexual conduct" have the
9 meanings ascribed to them in Section 12-12 of this Code.

10 (g) Re-enactment; findings; purposes.

11 (1) The General Assembly finds and declares that:

12 (i) Section 50-5 of Public Act 88-680, effective
13 January 1, 1995, contained provisions amending the
14 child pornography statute, Section 11-20.1 of the
15 Criminal Code of 1961. Section 50-5 also contained
16 other provisions.

17 (ii) In addition, Public Act 88-680 was entitled
18 "AN ACT to create a Safe Neighborhoods Law". (A)
19 Article 5 was entitled JUVENILE JUSTICE and amended the
20 Juvenile Court Act of 1987. (B) Article 15 was entitled
21 GANGS and amended various provisions of the Criminal
22 Code of 1961 and the Unified Code of Corrections. (C)
23 Article 20 was entitled ALCOHOL ABUSE and amended
24 various provisions of the Illinois Vehicle Code. (D)
25 Article 25 was entitled DRUG ABUSE and amended the
26 Cannabis Control Act and the Illinois Controlled
27 Substances Act. (E) Article 30 was entitled FIREARMS
28 and amended the Criminal Code of 1961 and the Code of
29 Criminal Procedure of 1963. (F) Article 35 amended the
30 Criminal Code of 1961, the Rights of Crime Victims and
31 Witnesses Act, and the Unified Code of Corrections. (G)
32 Article 40 amended the Criminal Code of 1961 to
33 increase the penalty for compelling organization
34 membership of persons. (H) Article 45 created the

1 Secure Residential Youth Care Facility Licensing Act
2 and amended the State Finance Act, the Juvenile Court
3 Act of 1987, the Unified Code of Corrections, and the
4 Private Correctional Facility Moratorium Act. (I)
5 Article 50 amended the WIC Vendor Management Act, the
6 Firearm Owners Identification Card Act, the Juvenile
7 Court Act of 1987, the Criminal Code of 1961, the
8 Wrongs to Children Act, and the Unified Code of
9 Corrections.

10 (iii) On September 22, 1998, the Third District
11 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
12 ruled that Public Act 88-680 violates the single
13 subject clause of the Illinois Constitution (Article
14 IV, Section 8 (d)) and was unconstitutional in its
15 entirety. As of the time this amendatory Act of 1999
16 was prepared, *People v. Dainty* was still subject to
17 appeal.

18 (iv) Child pornography is a vital concern to the
19 people of this State and the validity of future
20 prosecutions under the child pornography statute of
21 the Criminal Code of 1961 is in grave doubt.

22 (2) It is the purpose of this amendatory Act of 1999 to
23 prevent or minimize any problems relating to prosecutions
24 for child pornography that may result from challenges to
25 the constitutional validity of Public Act 88-680 by
26 re-enacting the Section relating to child pornography that
27 was included in Public Act 88-680.

28 (3) This amendatory Act of 1999 re-enacts Section
29 11-20.1 of the Criminal Code of 1961, as it has been
30 amended. This re-enactment is intended to remove any
31 question as to the validity or content of that Section; it
32 is not intended to supersede any other Public Act that
33 amends the text of the Section as set forth in this
34 amendatory Act of 1999. The material is shown as existing

1 text (i.e., without underscoring) because, as of the time
2 this amendatory Act of 1999 was prepared, People v. Dainty
3 was subject to appeal to the Illinois Supreme Court.

4 (4) The re-enactment by this amendatory Act of 1999 of
5 Section 11-20.1 of the Criminal Code of 1961 relating to
6 child pornography that was amended by Public Act 88-680 is
7 not intended, and shall not be construed, to imply that
8 Public Act 88-680 is invalid or to limit or impair any
9 legal argument concerning whether those provisions were
10 substantially re-enacted by other Public Acts.

11 (Source: P.A. 91-54, eff. 6-30-99; 91-229, eff. 1-1-00; 91-357,
12 eff. 7-29-99; 92-16, eff. 6-28-01; 92-434, eff. 1-1-02; 92-827,
13 eff. 8-22-02.)

14 (720 ILCS 5/11-21) (from Ch. 38, par. 11-21)

15 Sec. 11-21. Harmful material.

16 (a) Elements of the Offense.

17 A person who, with knowledge that a person is a child, that
18 is a person under 18 years of age, or who fails to exercise
19 reasonable care in ascertaining the true age of a child,
20 knowingly distributes to or sends or causes to be sent to, or
21 exhibits to, or offers to distribute or exhibit any harmful
22 material to a child, is guilty of a misdemeanor.

23 (b) Definitions.

24 (1) Material is harmful if, to the average person, applying
25 contemporary standards, its predominant appeal, taken as a
26 whole, is to prurient interest, that is a shameful or morbid
27 interest in nudity, sex, or excretion, which goes substantially
28 beyond customary limits of candor in description or
29 representation of such matters, and is material the redeeming
30 social importance of which is substantially less than its
31 prurient appeal.

32 (2) Material, as used in this Section means any writing,
33 picture, record or other representation or embodiment.

1 (3) Distribute means to transfer possession of, whether
2 with or without consideration.

3 (4) Knowingly, as used in this section means having
4 knowledge of the contents of the subject matter, or recklessly
5 failing to exercise reasonable inspection which would have
6 disclosed the contents thereof.

7 (c) Interpretation of Evidence.

8 The predominant appeal to prurient interest of the material
9 shall be judged with reference to average children of the same
10 general age of the child to whom such material was offered,
11 distributed, sent or exhibited, unless it appears from the
12 nature of the matter or the circumstances of its dissemination,
13 distribution or exhibition that it is designed for specially
14 susceptible groups, in which case the predominant appeal of the
15 material shall be judged with reference to its intended or
16 probable recipient group.

17 In prosecutions under this section, where circumstances of
18 production, presentation, sale, dissemination, distribution,
19 or publicity indicate the material is being commercially
20 exploited for the sake of its prurient appeal, such evidence is
21 probative with respect to the nature of the material and can
22 justify the conclusion that the redeeming social importance of
23 the material is in fact substantially less than its prurient
24 appeal.

25 (d) Sentence.

26 Distribution of harmful material in violation of this
27 Section is a Class A misdemeanor. A second or subsequent
28 offense is an unclassified felony for which a term of natural
29 life imprisonment shall be imposed ~~a Class 4 felony~~.

30 (e) Affirmative Defenses.

31 (1) Nothing in this section shall prohibit any public
32 library or any library operated by an accredited institution of
33 higher education from circulating harmful material to any
34 person under 18 years of age, provided such circulation is in

1 aid of a legitimate scientific or educational purpose, and it
2 shall be an affirmative defense in any prosecution for a
3 violation of this section that the act charged was committed in
4 aid of legitimate scientific or educational purposes.

5 (2) Nothing in this section shall prohibit any parent from
6 distributing to his child any harmful material.

7 (3) Proof that the defendant demanded, was shown and acted
8 in reliance upon any of the following documents as proof of the
9 age of a child, shall be a defense to any criminal prosecution
10 under this section: A document issued by the federal government
11 or any state, county or municipal government or subdivision or
12 agency thereof, including, but not limited to, a motor vehicle
13 operator's license, a registration certificate issued under
14 the Federal Selective Service Act or an identification card
15 issued to a member of the armed forces.

16 (4) In the event an advertisement of harmful material as
17 defined in this section culminates in the sale or distribution
18 of such harmful material to a child, under circumstances where
19 there was no personal confrontation of the child by the
20 defendant, his employees or agents, as where the order or
21 request for such harmful material was transmitted by mail,
22 telephone, or similar means of communication, and delivery of
23 such harmful material to the child was by mail, freight, or
24 similar means of transport, it shall be a defense in any
25 prosecution for a violation of this section that the
26 advertisement contained the following statement, or a
27 statement substantially similar thereto, and that the
28 defendant required the purchaser to certify that he was not
29 under 18 years of age and that the purchaser falsely stated
30 that he was not under 18 years of age: "NOTICE: It is unlawful
31 for any person under 18 years of age to purchase the matter
32 herein advertised. Any person under 18 years of age who falsely
33 states that he is not under 18 years of age for the purpose of
34 obtaining the material advertised herein, is guilty of a Class

1 B misdemeanor under the laws of the State of Illinois."

2 (f) Child Falsifying Age.

3 Any person under 18 years of age who falsely states, either
4 orally or in writing, that he is not under the age of 18 years,
5 or who presents or offers to any person any evidence of age and
6 identity which is false or not actually his own for the purpose
7 of ordering, obtaining, viewing, or otherwise procuring or
8 attempting to procure or view any harmful material, is guilty
9 of a Class B misdemeanor.

10 (Source: P.A. 77-2638.)

11 (720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

12 Sec. 12-13. Criminal Sexual Assault.

13 (a) The accused commits criminal sexual assault if he or
14 she:

15 (1) commits an act of sexual penetration by the use of
16 force or threat of force; or

17 (2) commits an act of sexual penetration and the
18 accused knew that the victim was unable to understand the
19 nature of the act or was unable to give knowing consent; or

20 (3) commits an act of sexual penetration with a victim
21 who was under 18 years of age when the act was committed
22 and the accused was a family member; or

23 (4) commits an act of sexual penetration with a victim
24 who was at least 13 years of age but under 18 years of age
25 when the act was committed and the accused was 17 years of
26 age or over and held a position of trust, authority or
27 supervision in relation to the victim.

28 (b) Sentence.

29 (1) Criminal sexual assault is an unclassified felony
30 for which a term of natural life imprisonment shall be
31 imposed ~~a Class 1 felony.~~

32 (2) (Blank) ~~A person who is convicted of the offense of~~
33 ~~criminal sexual assault as defined in paragraph (a) (1) or~~

1 ~~(a) (2) after having previously been convicted of the~~
2 ~~offense of criminal sexual assault, or who is convicted of~~
3 ~~the offense of criminal sexual assault as defined in~~
4 ~~paragraph (a) (1) or (a) (2) after having previously been~~
5 ~~convicted under the laws of this State or any other state~~
6 ~~of an offense that is substantially equivalent to the~~
7 ~~offense of criminal sexual assault, commits a Class X~~
8 ~~felony for which the person shall be sentenced to a term of~~
9 ~~imprisonment of not less than 30 years and not more than 60~~
10 ~~years. The commission of the second or subsequent offense~~
11 ~~is required to have been after the initial conviction for~~
12 ~~this paragraph (2) to apply.~~

13 (3) (Blank) ~~A person who is convicted of the offense of~~
14 ~~criminal sexual assault as defined in paragraph (a) (1) or~~
15 ~~(a) (2) after having previously been convicted of the~~
16 ~~offense of aggravated criminal sexual assault or the~~
17 ~~offense of predatory criminal sexual assault of a child, or~~
18 ~~who is convicted of the offense of criminal sexual assault~~
19 ~~as defined in paragraph (a) (1) or (a) (2) after having~~
20 ~~previously been convicted under the laws of this State or~~
21 ~~any other state of an offense that is substantially~~
22 ~~equivalent to the offense of aggravated criminal sexual~~
23 ~~assault or the offense of criminal predatory sexual assault~~
24 ~~shall be sentenced to a term of natural life imprisonment.~~
25 ~~The commission of the second or subsequent offense is~~
26 ~~required to have been after the initial conviction for this~~
27 ~~paragraph (3) to apply.~~

28 (4) (Blank) ~~A second or subsequent conviction for a~~
29 ~~violation of paragraph (a) (3) or (a) (4) or under any~~
30 ~~similar statute of this State or any other state for any~~
31 ~~offense involving criminal sexual assault that is~~
32 ~~substantially equivalent to or more serious than the sexual~~
33 ~~assault prohibited under paragraph (a) (3) or (a) (4) is a~~
34 ~~Class X felony.~~

1 (5) (Blank) ~~When a person has any such prior~~
2 ~~conviction, the information or indictment charging that~~
3 ~~person shall state such prior conviction so as to give~~
4 ~~notice of the State's intention to treat the charge as a~~
5 ~~Class X felony. The fact of such prior conviction is not an~~
6 ~~element of the offense and may not be disclosed to the jury~~
7 ~~during trial unless otherwise permitted by issues properly~~
8 ~~raised during such trial.~~

9 (Source: P.A. 90-396, eff. 1-1-98.)

10 (720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

11 Sec. 12-14. Aggravated Criminal Sexual Assault.

12 (a) The accused commits aggravated criminal sexual assault
13 if he or she commits criminal sexual assault and any of the
14 following aggravating circumstances existed during, or for the
15 purposes of paragraph (7) of this subsection (a) as part of the
16 same course of conduct as, the commission of the offense:

17 (1) the accused displayed, threatened to use, or used a
18 dangerous weapon, other than a firearm, or any object
19 fashioned or utilized in such a manner as to lead the
20 victim under the circumstances reasonably to believe it to
21 be a dangerous weapon; or

22 (2) the accused caused bodily harm, except as provided
23 in subsection (a) (10), to the victim; or

24 (3) the accused acted in such a manner as to threaten
25 or endanger the life of the victim or any other person; or

26 (4) the criminal sexual assault was perpetrated during
27 the course of the commission or attempted commission of any
28 other felony by the accused; or

29 (5) the victim was 60 years of age or over when the
30 offense was committed; or

31 (6) the victim was a physically handicapped person; or

32 (7) the accused delivered (by injection, inhalation,
33 ingestion, transfer of possession, or any other means) to

1 the victim without his or her consent, or by threat or
2 deception, and for other than medical purposes, any
3 controlled substance; or

4 (8) the accused was armed with a firearm; or

5 (9) the accused personally discharged a firearm during
6 the commission of the offense; or

7 (10) the accused, during the commission of the offense,
8 personally discharged a firearm that proximately caused
9 great bodily harm, permanent disability, permanent
10 disfigurement, or death to another person.

11 (b) The accused commits aggravated criminal sexual assault
12 if the accused was under 17 years of age and (i) commits an act
13 of sexual penetration with a victim who was under 9 years of
14 age when the act was committed; or (ii) commits an act of
15 sexual penetration with a victim who was at least 9 years of
16 age but under 13 years of age when the act was committed and
17 the accused used force or threat of force to commit the act.

18 (c) The accused commits aggravated criminal sexual assault
19 if he or she commits an act of sexual penetration with a victim
20 who was a severely or profoundly mentally retarded person at
21 the time the act was committed.

22 (d) Sentence.

23 (1) Aggravated criminal sexual assault is an
24 unclassified felony for which a term of natural life
25 imprisonment shall be imposed ~~in violation of paragraph~~
26 ~~(2), (3), (4), (5), (6), or (7) of subsection (a) or in~~
27 ~~violation of subsection (b) or (c) is a Class X felony. A~~
28 ~~violation of subsection (a)(1) is a Class X felony for~~
29 ~~which 10 years shall be added to the term of imprisonment~~
30 ~~imposed by the court. A violation of subsection (a)(8) is a~~
31 ~~Class X felony for which 15 years shall be added to the~~
32 ~~term of imprisonment imposed by the court. A violation of~~
33 ~~subsection (a)(9) is a Class X felony for which 20 years~~
34 ~~shall be added to the term of imprisonment imposed by the~~

1 ~~court. A violation of subsection (a)(10) is a Class X~~
2 ~~felony for which 25 years or up to a term of natural life~~
3 ~~imprisonment shall be added to the term of imprisonment~~
4 ~~imposed by the court.~~

5 (2) (Blank) ~~A person who is convicted of a second or~~
6 ~~subsequent offense of aggravated criminal sexual assault,~~
7 ~~or who is convicted of the offense of aggravated criminal~~
8 ~~sexual assault after having previously been convicted of~~
9 ~~the offense of criminal sexual assault or the offense of~~
10 ~~predatory criminal sexual assault of a child, or who is~~
11 ~~convicted of the offense of aggravated criminal sexual~~
12 ~~assault after having previously been convicted under the~~
13 ~~laws of this or any other state of an offense that is~~
14 ~~substantially equivalent to the offense of criminal sexual~~
15 ~~assault, the offense of aggravated criminal sexual assault~~
16 ~~or the offense of predatory criminal sexual assault of a~~
17 ~~child, shall be sentenced to a term of natural life~~
18 ~~imprisonment. The commission of the second or subsequent~~
19 ~~offense is required to have been after the initial~~
20 ~~conviction for this paragraph (2) to apply.~~

21 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02; 92-502,
22 eff. 12-19-01; 92-721, eff. 1-1-03.)

23 (720 ILCS 5/12-14.1)

24 Sec. 12-14.1. Predatory criminal sexual assault of a child.

25 (a) The accused commits predatory criminal sexual assault
26 of a child if:

27 (1) the accused was 17 years of age or over and commits
28 an act of sexual penetration with a victim who was under 13
29 years of age when the act was committed; or

30 (1.1) the accused was 17 years of age or over and,
31 while armed with a firearm, commits an act of sexual
32 penetration with a victim who was under 13 years of age
33 when the act was committed; or

1 (1.2) the accused was 17 years of age or over and
2 commits an act of sexual penetration with a victim who was
3 under 13 years of age when the act was committed and,
4 during the commission of the offense, the accused
5 personally discharged a firearm; or

6 (2) the accused was 17 years of age or over and commits
7 an act of sexual penetration with a victim who was under 13
8 years of age when the act was committed and the accused
9 caused great bodily harm to the victim that:

10 (A) resulted in permanent disability; or

11 (B) was life threatening; or

12 (3) the accused was 17 years of age or over and commits
13 an act of sexual penetration with a victim who was under 13
14 years of age when the act was committed and the accused
15 delivered (by injection, inhalation, ingestion, transfer
16 of possession, or any other means) to the victim without
17 his or her consent, or by threat or deception, and for
18 other than medical purposes, any controlled substance.

19 (b) Sentence.

20 (1) A person convicted of a violation of subsection
21 (a)(1) commits an unclassified felony for which a term of
22 natural life imprisonment shall be imposed ~~a Class X~~
23 ~~felony. A person convicted of a violation of subsection~~
24 ~~(a)(1.1) commits a Class X felony for which 15 years shall~~
25 ~~be added to the term of imprisonment imposed by the court.~~
26 ~~A person convicted of a violation of subsection (a)(1.2)~~
27 ~~commits a Class X felony for which 20 years shall be added~~
28 ~~to the term of imprisonment imposed by the court. A person~~
29 ~~convicted of a violation of subsection (a)(2) commits a~~
30 ~~Class X felony for which the person shall be sentenced to a~~
31 ~~term of imprisonment of not less than 50 years or up to a~~
32 ~~term of natural life imprisonment.~~

33 (1.1) (Blank) ~~A person convicted of a violation of~~
34 ~~subsection (a)(3) commits a Class X felony for which the~~

1 ~~person shall be sentenced to a term of imprisonment of not~~
2 ~~less than 50 years and not more than 60 years.~~

3 (1.2) (Blank) ~~A person convicted of predatory criminal~~
4 ~~sexual assault of a child committed against 2 or more~~
5 ~~persons regardless of whether the offenses occurred as the~~
6 ~~result of the same act or of several related or unrelated~~
7 ~~acts shall be sentenced to a term of natural life~~
8 ~~imprisonment.~~

9 (2) (Blank) ~~A person who is convicted of a second or~~
10 ~~subsequent offense of predatory criminal sexual assault of~~
11 ~~a child, or who is convicted of the offense of predatory~~
12 ~~criminal sexual assault of a child after having previously~~
13 ~~been convicted of the offense of criminal sexual assault or~~
14 ~~the offense of aggravated criminal sexual assault, or who~~
15 ~~is convicted of the offense of predatory criminal sexual~~
16 ~~assault of a child after having previously been convicted~~
17 ~~under the laws of this State or any other state of an~~
18 ~~offense that is substantially equivalent to the offense of~~
19 ~~predatory criminal sexual assault of a child, the offense~~
20 ~~of aggravated criminal sexual assault or the offense of~~
21 ~~criminal sexual assault, shall be sentenced to a term of~~
22 ~~natural life imprisonment. The commission of the second or~~
23 ~~subsequent offense is required to have been after the~~
24 ~~initial conviction for this paragraph (2) to apply.~~

25 (Source: P.A. 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; 92-16,
26 eff. 6-28-01.)

27 (720 ILCS 5/12-15) (from Ch. 38, par. 12-15)

28 Sec. 12-15. Criminal sexual abuse.

29 (a) The accused commits criminal sexual abuse if he or she:

30 (1) commits an act of sexual conduct by the use of
31 force or threat of force; or

32 (2) commits an act of sexual conduct and the accused
33 knew that the victim was unable to understand the nature of

1 the act or was unable to give knowing consent.

2 (b) The accused commits criminal sexual abuse if the
3 accused was under 17 years of age and commits an act of sexual
4 penetration or sexual conduct with a victim who was at least 9
5 years of age but under 17 years of age when the act was
6 committed.

7 (c) The accused commits criminal sexual abuse if he or she
8 commits an act of sexual penetration or sexual conduct with a
9 victim who was at least 13 years of age but under 17 years of
10 age and the accused was less than 5 years older than the
11 victim.

12 (d) Sentence. Criminal sexual abuse for a violation of
13 subsection (b) or (c) of this Section is a Class A misdemeanor.
14 Criminal sexual abuse for a violation of paragraph (1) or (2)
15 of subsection (a) of this Section is an unclassified felony for
16 which a term of natural life imprisonment shall be imposed ~~a~~
17 ~~Class 4 felony. A second or subsequent conviction for a~~
18 ~~violation of subsection (a) of this Section is a Class 2~~
19 ~~felony. For purposes of this Section it is a second or~~
20 ~~subsequent conviction if the accused has at any time been~~
21 ~~convicted under this Section or under any similar statute of~~
22 ~~this State or any other state for any offense involving sexual~~
23 ~~abuse or sexual assault that is substantially equivalent to or~~
24 ~~more serious than the sexual abuse prohibited under this~~
25 ~~Section.~~

26 (Source: P.A. 91-389, eff. 1-1-00.)

27 (720 ILCS 5/12-16) (from Ch. 38, par. 12-16)

28 Sec. 12-16. Aggravated Criminal Sexual Abuse.

29 (a) The accused commits aggravated criminal sexual abuse if
30 he or she commits criminal sexual abuse as defined in
31 subsection (a) of Section 12-15 of this Code and any of the
32 following aggravating circumstances existed during, or for the
33 purposes of paragraph (7) of this subsection (a) as part of the

1 same course of conduct as, the commission of the offense:

2 (1) the accused displayed, threatened to use or used a
3 dangerous weapon or any object fashioned or utilized in
4 such a manner as to lead the victim under the circumstances
5 reasonably to believe it to be a dangerous weapon; or

6 (2) the accused caused bodily harm to the victim; or

7 (3) the victim was 60 years of age or over when the
8 offense was committed; or

9 (4) the victim was a physically handicapped person; or

10 (5) the accused acted in such a manner as to threaten
11 or endanger the life of the victim or any other person; or

12 (6) the criminal sexual abuse was perpetrated during
13 the course of the commission or attempted commission of any
14 other felony by the accused; or

15 (7) the accused delivered (by injection, inhalation,
16 ingestion, transfer of possession, or any other means) to
17 the victim without his or her consent, or by threat or
18 deception, and for other than medical purposes, any
19 controlled substance.

20 (b) The accused commits aggravated criminal sexual abuse if
21 he or she commits an act of sexual conduct with a victim who
22 was under 18 years of age when the act was committed and the
23 accused was a family member.

24 (c) The accused commits aggravated criminal sexual abuse
25 if:

26 (1) the accused was 17 years of age or over and (i)
27 commits an act of sexual conduct with a victim who was
28 under 13 years of age when the act was committed; or (ii)
29 commits an act of sexual conduct with a victim who was at
30 least 13 years of age but under 17 years of age when the
31 act was committed and the accused used force or threat of
32 force to commit the act; or

33 (2) the accused was under 17 years of age and (i)
34 commits an act of sexual conduct with a victim who was

1 under 9 years of age when the act was committed; or (ii)
2 commits an act of sexual conduct with a victim who was at
3 least 9 years of age but under 17 years of age when the act
4 was committed and the accused used force or threat of force
5 to commit the act.

6 (d) The accused commits aggravated criminal sexual abuse if
7 he or she commits an act of sexual penetration or sexual
8 conduct with a victim who was at least 13 years of age but
9 under 17 years of age and the accused was at least 5 years
10 older than the victim.

11 (e) The accused commits aggravated criminal sexual abuse if
12 he or she commits an act of sexual conduct with a victim who
13 was a severely or profoundly mentally retarded person at the
14 time the act was committed.

15 (f) The accused commits aggravated criminal sexual abuse if
16 he or she commits an act of sexual conduct with a victim who
17 was at least 13 years of age but under 18 years of age when the
18 act was committed and the accused was 17 years of age or over
19 and held a position of trust, authority or supervision in
20 relation to the victim.

21 (g) Sentence. Aggravated criminal sexual abuse is an
22 unclassified felony for which a term of natural life
23 imprisonment shall be imposed ~~a Class 2 felony~~.

24 (Source: P.A. 92-434, eff. 1-1-02.)

25 (720 ILCS 5/12-33) (from Ch. 38, par. 12-33)

26 Sec. 12-33. Ritualized abuse of a child.

27 (a) A person is guilty of ritualized abuse of a child when
28 he or she commits any of the following acts with, upon, or in
29 the presence of a child as part of a ceremony, rite or any
30 similar observance:

31 (1) actually or in simulation, tortures, mutilates, or
32 sacrifices any warm-blooded animal or human being;

33 (2) forces ingestion, injection or other application

1 of any narcotic, drug, hallucinogen or anaesthetic for the
2 purpose of dulling sensitivity, cognition, recollection
3 of, or resistance to any criminal activity;

4 (3) forces ingestion, or external application, of
5 human or animal urine, feces, flesh, blood, bones, body
6 secretions, nonprescribed drugs or chemical compounds;

7 (4) involves the child in a mock, unauthorized or
8 unlawful marriage ceremony with another person or
9 representation of any force or deity, followed by sexual
10 contact with the child;

11 (5) places a living child into a coffin or open grave
12 containing a human corpse or remains;

13 (6) threatens death or serious harm to a child, his or
14 her parents, family, pets, or friends that instills a
15 well-founded fear in the child that the threat will be
16 carried out; or

17 (7) unlawfully dissects, mutilates, or incinerates a
18 human corpse.

19 (b) The provisions of this Section shall not be construed
20 to apply to:

21 (1) lawful agricultural, animal husbandry, food
22 preparation, or wild game hunting and fishing practices and
23 specifically the branding or identification of livestock;

24 (2) the lawful medical practice of male circumcision or
25 any ceremony related to male circumcision;

26 (3) any state or federally approved, licensed, or
27 funded research project; or

28 (4) the ingestion of animal flesh or blood in the
29 performance of a religious service or ceremony.

30 (c) Ritualized abuse of a child is an unclassified felony
31 for which a term of natural life imprisonment shall be imposed
32 ~~a Class 1 felony for a first offense. A second or subsequent~~
33 ~~conviction for ritualized abuse of a child is a Class X felony~~
34 ~~for which the offender may be sentenced to a term of natural~~

1 ~~life imprisonment.~~

2 (d) For the purposes of this Section, "child" means any
3 person under 18 years of age.

4 (Source: P.A. 90-88, eff. 1-1-98.)".