



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB2768

Introduced 2/26/2007, by Rep. Michael J. Madigan - Barbara Flynn Currie - Robert S. Molaro

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.1

from Ch. 38, par. 11-9.1

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning the sexual exploitation of children.

LRB095 07990 RLC 28152 b

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 1961 is amended by changing
5 Section 11-9.1 as follows:

6 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

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

8 (a) Any person commits sexual exploitation of a child if in
9 ~~the~~ ~~the~~ presence of a child and with intent or knowledge that a
10 child would view his or her acts, that person:

11 (1) engages in a sexual act; or

12 (2) exposes his or her sex organs, anus or breast for
13 the purpose of sexual arousal or gratification of such
14 person or the child.

15 (a-5) A person commits sexual exploitation of a child who
16 knowingly entices, coerces, or persuades a child to remove the
17 child's clothing for the purpose of sexual arousal or
18 gratification of the person or the child, or both.

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

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

22 "Sex offense" means any violation of Article 11 of this
23 Code or a violation of Section 12-13, 12-14, 12-14.1, 12-15,

1 12-16, or 12-16.2 of this Code.

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

3 (c) Sentence.

4 (1) Sexual exploitation of a child is a Class A
5 misdemeanor. A second or subsequent violation of this
6 Section or a substantially similar law of another state is
7 a Class 4 felony.

8 (2) Sexual exploitation of a child is a Class 4 felony
9 if the person has been previously convicted of a sex
10 offense.

11 (3) Sexual exploitation of a child is a Class 4 felony
12 if the victim was under 13 years of age at the time of the
13 commission of the offense.

14 (Source: P.A. 94-140, eff. 7-7-05.)