



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5321

Introduced 2/5/2010, by Rep. Darlene J. Senger

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.1

from Ch. 38, par. 11-9.1

Amends the Criminal Code of 1961. Provides that a person also commits sexual exploitation of a child if he or she in the presence or virtual presence, or both, of a child engages in the sexual act or exposure of his or her sex organs, anus, or breast for the purpose of sexual arousal or gratification of one whom he or she believes to be a child if the person has the intent or knowledge that one whom he or she believes to be a child would view his or her acts. Defines "virtual presence".

LRB096 18206 RLC 33581 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 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 presence or virtual presence, or both, of a child and with  
10 intent or knowledge that a child or one whom he or she believes  
11 to be a child would view his or her acts, that person:

12 (1) engages in a sexual act; or

13 (2) exposes his or her sex organs, anus or breast for  
14 the purpose of sexual arousal or gratification of such  
15 person or the child or one whom he or she believes to be a  
16 child.

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

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

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

1 "Sex offense" means any violation of Article 11 of this  
2 Code or a violation of Section 12-13, 12-14, 12-14.1, 12-15,  
3 12-16, or 12-16.2 of this Code.

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

5 "Virtual presence" means an environment that is created  
6 with software and presented to the user and or receiver via the  
7 Internet, in such a way that the user appears in front of the  
8 receiver on the computer monitor or screen or hand held  
9 portable electronic device, usually through a web camming  
10 program. "Virtual presence" includes primarily experiencing  
11 through sight or sound, or both, a video image that can be  
12 explored interactively at a personal computer or hand held  
13 communication device, or both.

14 "Webcam" means a video capturing device connected to a  
15 computer or computer network that is designed to take digital  
16 photographs or live or recorded video which allows for the live  
17 transmission to an end user over the Internet.

18 (c) Sentence.

19 (1) Sexual exploitation of a child is a Class A  
20 misdemeanor. A second or subsequent violation of this  
21 Section or a substantially similar law of another state is  
22 a Class 4 felony.

23 (2) Sexual exploitation of a child is a Class 4 felony  
24 if the person has been previously convicted of a sex  
25 offense.

26 (3) Sexual exploitation of a child is a Class 4 felony

1           if the victim was under 13 years of age at the time of the  
2           commission of the offense.

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