

SB2589



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2589

Introduced 1/21/2010, by Sen. David Luechtefeld

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9

from Ch. 38, par. 11-9

720 ILCS 5/11-9.1

from Ch. 38, par. 11-9.1

Amends the Criminal Code of 1961. Provides that public indecency and sexual exploitation of a child are Class 4 felonies if committed by a person 18 years of age or older who is on or within 500 feet of elementary or secondary school grounds when children are present on the grounds.

LRB096 17651 RLC 33009 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 Sections 11-9 and 11-9.1 as follows:

6 (720 ILCS 5/11-9) (from Ch. 38, par. 11-9)

7 Sec. 11-9. Public indecency.

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

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

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

15 Breast-feeding of infants is not an act of public
16 indecency.

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

20 (c) Sentence.

21 Public indecency is a Class A misdemeanor. A person
22 convicted of a third or subsequent violation for public
23 indecency is guilty of a Class 4 felony. Public indecency is a

1 Class 4 felony if committed by a person 18 years of age or
2 older who is on or within 500 feet of elementary or secondary
3 school grounds when children are present on the grounds.

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

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

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

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

10 (1) engages in a sexual act; or

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

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

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

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

21 "Sex offense" means any violation of Article 11 of this
22 Code or a violation of Section 12-13, 12-14, 12-14.1, 12-15,
23 12-16, or 12-16.2 of this Code.

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

25 (c) Sentence.

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

5 (2) Sexual exploitation of a child is a Class 4 felony
6 if the person has been previously convicted of a sex
7 offense.

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

11 (4) Sexual exploitation of a child is a Class 4 felony
12 if committed by a person 18 years of age or older who is on
13 or within 500 feet of elementary or secondary school
14 grounds when children are present on the grounds.

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