



Rep. Emily McAsey

Filed: 3/13/2013

09800HB0804ham001

LRB098 03641 RLC 42476 a

1 AMENDMENT TO HOUSE BILL 804

2 AMENDMENT NO. _____. Amend House Bill 804 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing 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:

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

4 (A) Soliciting another for the purpose of
5 prostitution.

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

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

10 (2) Keeping a place of prostitution by controlling or
11 exercising control over the use of any place that could
12 offer seclusion or shelter for the practice of prostitution
13 and performing any of the following acts when acting other
14 than as a prostitute or a patron of a prostitute:

15 (A) Knowingly granting or permitting the use of the
16 place for the purpose of prostitution.

17 (B) Granting or permitting the use of the place
18 under circumstances from which he or she could
19 reasonably know that the place is used or is to be used
20 for purposes of prostitution.

21 (C) Permitting the continued use of the place after
22 becoming aware of facts or circumstances from which he
23 or she should reasonably know that the place is being
24 used for purposes of prostitution.

25 "Agency". See Section 11-9.5.

26 "Arranges". See Section 11-6.5.

1 "Bodily harm" means physical harm, and includes, but is not
2 limited to, sexually transmitted disease, pregnancy, and
3 impotence.

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

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

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

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

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

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

10 "Consent". See Section 11-1.70.

11 "Custody". See Section 11-9.2.

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

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

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

15 "Disseminate". See Section 11-20.1.

16 "Distribute". See Section 11-21.

17 "Family member" means a parent, grandparent, child, aunt,
18 uncle, great-aunt, or great-uncle, whether by whole blood,
19 half-blood, or adoption, and includes a step-grandparent,
20 step-parent, or step-child. "Family member" also means, if the
21 victim is a child under 18 years of age, an accused who has
22 resided in the household with the child continuously for at
23 least 6 months.

24 "Force or threat of force" means the use of force or
25 violence or the threat of force or violence, including, but not
26 limited to, the following situations:

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

5 (2) when the accused overcomes the victim by use of
6 superior strength or size, physical restraint, or physical
7 confinement.

8 "Harmful to minors". See Section 11-21.

9 "Loiter". See Section 9.3.

10 "Material". See Section 11-21.

11 "Minor". See Section 11-21.

12 "Nudity". See Section 11-21.

13 "Obscene". See Section 11-20.

14 "Part day child care facility". See Section 11-9.3.

15 "Penal system". See Section 11-9.2.

16 "Person responsible for the child's welfare". See Section
17 11-9.1A.

18 "Person with a disability". See Section 11-9.5.

19 "Playground". See Section 11-9.3.

20 "Probation officer". See Section 11-9.2.

21 "Produce". See Section 11-20.1.

22 "Profit from prostitution" means, when acting other than as
23 a prostitute, to receive anything of value for personally
24 rendered prostitution services or to receive anything of value
25 from a prostitute, if the thing received is not for lawful
26 consideration and the person knows it was earned in whole or in

1 part from the practice of prostitution.

2 "Public park". See Section 11-9.3.

3 "Public place". See Section 11-30.

4 "Reproduce". See Section 11-20.1.

5 "Sado-masochistic abuse". See Section 11-21.

6 "School". See Section 11-9.3.

7 "School official". See Section 11-9.3.

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

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

10 "Sexual conduct" means any knowing touching or fondling by
11 the victim or the accused, either directly or through clothing,
12 of the sex organs, anus, or breast of the victim or the
13 accused, or any part of the body of a child under 13 years of
14 age, or any transfer or transmission of semen by the accused
15 upon any part of the clothed or unclothed body of the victim,
16 for the purpose of sexual gratification or arousal of the
17 victim or the accused.

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

19 "Sexual penetration" means any contact, however slight,
20 between the sex organ or anus of the victim or the accused ~~one~~
21 ~~person~~ and an object or body part, including but not limited
22 to, the sex organ, mouth, or anus of the victim or the accused
23 ~~another person,~~ or any intrusion, however slight, of any part
24 of the body of the victim or the accused ~~one person~~ or of any
25 animal or object into the sex organ or anus of the victim or
26 the accused ~~another person,~~ including, but not limited to,

1 cunnilingus, fellatio, or anal penetration. Evidence of
2 emission of semen is not required to prove sexual penetration.

3 "Solicit". See Section 11-6.

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

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

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

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

8 "Victim" means a person alleging to have been subjected to
9 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,
10 11-1.50, or 11-1.60 of this Code.

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