

HB4328



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4328

by Rep. Mike Smiddy

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.1

from Ch. 38, par. 11-9.1

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning the sexual exploitation of children.

LRB098 18600 RLC 53741 b

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 2012 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) A person commits sexual exploitation of a child if in
9 the ~~the~~ presence or virtual presence, or both, of a child and
10 with knowledge that a child or one whom he or she believes to
11 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 11-0.1 of this Code.

1 "Sex offense" means any violation of Article 11 of this
2 Code or Section 12-5.01 of this Code.

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

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

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

17 (c) Sentence.

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

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

25 (3) Sexual exploitation of a child is a Class 4 felony
26 if the victim was under 13 years of age at the time of the

1 commission of the offense.

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

6 (Source: P.A. 96-1090, eff. 1-1-11; 96-1098, eff. 1-1-11;
7 96-1551, eff. 7-1-11; 97-333, eff. 8-12-11; 97-1150, eff.
8 1-25-13.)