



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4290

by Rep. Patricia Reid Lindner

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9

from Ch. 38, par. 11-9

720 ILCS 5/11-9.1 rep.

Amends the Criminal Code of 1961. Repeals the statute concerning sexual exploitation of a child. Adds the provisions of that statute to the statute concerning public indecency. Retains penalties.

LRB095 15493 RLC 41486 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 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 (a-1) Any person of the age of 17 years and upwards commits
18 public indecency if in the presence of a child or in a public
19 place and with intent or knowledge that a child would view his
20 or her acts, that person:

21 (1) engages in a sexual act; or

22 (2) exposes his or her sex organs, anus, or breast for
23 the purpose of sexual arousal or gratification of such

1 person or the child.

2 (a-2) A person of the age of 17 years and upwards commits
3 public indecency who knowingly entices, coerces, or persuades a
4 child to remove the child's clothing for the purpose of sexual
5 arousal or gratification of the person or the child, or both.

6 (b) For purposes of this Section:

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

8 "Public place" ~~for purposes of this Section~~ means any
9 place where the conduct may reasonably be expected to be
10 viewed by others.

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

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

17 (c) Sentence.

18 (1) Public indecency under subsection (a), (a-1), or (a-2)
19 is a Class A misdemeanor. A person convicted of a third or
20 subsequent violation for public indecency under subsection (a)
21 is guilty of a Class 4 felony.

22 (2) A second or subsequent violation of subsection (a-1) or
23 (a-2) or a substantially similar law of another state is a
24 Class 4 felony.

25 (3) Public indecency under subsection (a-1) or (a-2) is a
26 Class 4 felony if the person has been previously convicted of a

1 sex offense.

2 (4) Public indecency under subsection (a-1) or (a-2) is a
3 Class 4 felony if the victim was under 13 years of age at the
4 time of the commission of the offense.

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

6 (720 ILCS 5/11-9.1 rep.)

7 Section 10. The Criminal Code of 1961 is amended by
8 repealing Section 11-9.1.