

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Criminal Code of 1961 is amended by changing Section 11-9.1 as follows:

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

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

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

(1) engages in a sexual act; or

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

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

(b) Definitions. As used in this Section:

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

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

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

(c) Sentence.

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

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

offense.

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

(Source: P.A. 91-223, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.