



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3192

Introduced 2/2/2026, by Sen. Sally J. Turner

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-20.1

Amends the Criminal Code of 2012 concerning child sexual abuse material. Provides that if the creator of the images or materials is a minor and the sole subject of the depiction, the minor is not subject to criminal penalties under the statute. Deletes provision that the charge of child sexual abuse material does not apply to the creator of a film, video, photograph, or other similar visual image or depiction in which the creator is the sole subject of the film, video, photograph, or other similar visual image or depiction. Effective immediately.

LRB104 19191 RLC 32636 b

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
5 changing Section 11-20.1 as follows:

6 (720 ILCS 5/11-20.1)

7 Sec. 11-20.1. Child sexual abuse material.

8 (a) Recognizing the enormous negative societal impact that
9 sexually explicit visual depictions of children engaged in
10 sexual abuse activities have on the children who are abused,
11 and the overarching broader impact these materials and imagery
12 have at various levels to the public, especially when this
13 material is disseminated, we are changing all references in
14 Illinois statutes from "child pornography" to "child sexual
15 abuse material". It is important that the statutes of the
16 State of Illinois reflect the content and realities of these
17 materials as the sexual abuse and exploitation of children.
18 The word "pornography" implied legality involving "consent" of
19 which this imagery is not, as children can never "consent" to
20 sexual abuse and sexual exploitation. This name change is not
21 a change in meaning, definitions, statutes or application of
22 the laws of this State and all previous references to "child
23 pornography" are now encapsulated in "child sexual abuse

1 materials".

2 A person commits child sexual abuse material who:

3 (1) films, videotapes, photographs, or otherwise
4 depicts or portrays by means of any similar visual medium
5 or reproduction or depicts by computer any child whom he
6 or she knows or reasonably should know to be under the age
7 of 18 or any person with a severe or profound intellectual
8 disability where such child or person with a severe or
9 profound intellectual disability is:

10 (i) actually or by simulation engaged in any act
11 of sexual penetration or sexual conduct with any
12 person or animal; or

13 (ii) actually or by simulation engaged in any act
14 of sexual penetration or sexual conduct involving the
15 sex organs of the child or person with a severe or
16 profound intellectual disability and the mouth, anus,
17 or sex organs of another person or animal; or which
18 involves the mouth, anus or sex organs of the child or
19 person with a severe or profound intellectual
20 disability and the sex organs of another person or
21 animal; or

22 (iii) actually or by simulation engaged in any act
23 of masturbation; or

24 (iv) actually or by simulation portrayed as being
25 the object of, or otherwise engaged in, any act of lewd
26 fondling, touching, or caressing involving another

1 person or animal; or

2 (v) actually or by simulation engaged in any act
3 of excretion or urination within a sexual context; or

4 (vi) actually or by simulation portrayed or
5 depicted as bound, fettered, or subject to sadistic,
6 masochistic, or sadomasochistic abuse in any sexual
7 context; or

8 (vii) depicted or portrayed in any pose, posture
9 or setting involving a lewd exhibition of the
10 unclothed or transparently clothed genitals, pubic
11 area, buttocks, or, if such person is female, a fully
12 or partially developed breast of the child or other
13 person; or

14 (2) with the knowledge of the nature or content
15 thereof, reproduces, disseminates, offers to disseminate,
16 exhibits or possesses with intent to disseminate any film,
17 videotape, photograph or other similar visual reproduction
18 or depiction by computer of any child or person with a
19 severe or profound intellectual disability whom the person
20 knows or reasonably should know to be under the age of 18
21 or to be a person with a severe or profound intellectual
22 disability, engaged in any activity described in
23 subparagraphs (i) through (vii) of paragraph (1) of this
24 subsection; or

25 (3) with knowledge of the subject matter or theme
26 thereof, produces any stage play, live performance, film,

1 videotape or other similar visual portrayal or depiction
2 by computer which includes a child whom the person knows
3 or reasonably should know to be under the age of 18 or a
4 person with a severe or profound intellectual disability
5 engaged in any activity described in subparagraphs (i)
6 through (vii) of paragraph (1) of this subsection; or

7 (4) solicits, uses, persuades, induces, entices, or
8 coerces any child whom he or she knows or reasonably
9 should know to be under the age of 18 or a person with a
10 severe or profound intellectual disability to appear in
11 any stage play, live presentation, film, videotape,
12 photograph or other similar visual reproduction or
13 depiction by computer in which the child or person with a
14 severe or profound intellectual disability is or will be
15 depicted, actually or by simulation, in any act, pose or
16 setting described in subparagraphs (i) through (vii) of
17 paragraph (1) of this subsection; or

18 (5) is a parent, step-parent, legal guardian or other
19 person having care or custody of a child whom the person
20 knows or reasonably should know to be under the age of 18
21 or a person with a severe or profound intellectual
22 disability and who knowingly permits, induces, promotes,
23 or arranges for such child or person with a severe or
24 profound intellectual disability to appear in any stage
25 play, live performance, film, videotape, photograph or
26 other similar visual presentation, portrayal or simulation

1 or depiction by computer of any act or activity described
2 in subparagraphs (i) through (vii) of paragraph (1) of
3 this subsection; or

4 (6) with knowledge of the nature or content thereof,
5 possesses any film, videotape, photograph or other similar
6 visual reproduction or depiction by computer of any child
7 or person with a severe or profound intellectual
8 disability whom the person knows or reasonably should know
9 to be under the age of 18 or to be a person with a severe
10 or profound intellectual disability, engaged in any
11 activity described in subparagraphs (i) through (vii) of
12 paragraph (1) of this subsection; or

13 (7) solicits, or knowingly uses, persuades, induces,
14 entices, or coerces, a person to provide a child under the
15 age of 18 or a person with a severe or profound
16 intellectual disability to appear in any videotape,
17 photograph, film, stage play, live presentation, or other
18 similar visual reproduction or depiction by computer in
19 which the child or person with a severe or profound
20 intellectual disability will be depicted, actually or by
21 simulation, in any act, pose, or setting described in
22 subparagraphs (i) through (vii) of paragraph (1) of this
23 subsection.

24 (a-5) The possession of each individual film, videotape,
25 photograph, or other similar visual reproduction or depiction
26 by computer in violation of this Section constitutes a single

1 and separate violation. This subsection (a-5) does not apply
2 to multiple copies of the same film, videotape, photograph, or
3 other similar visual reproduction or depiction by computer
4 that are identical to each other.

5 (b)(1) It shall be an affirmative defense to a charge of
6 child sexual abuse material that the defendant reasonably
7 believed, under all of the circumstances, that the child was
8 18 years of age or older or that the person was not a person
9 with a severe or profound intellectual disability but only
10 where, prior to the act or acts giving rise to a prosecution
11 under this Section, he or she took some affirmative action or
12 made a bonafide inquiry designed to ascertain whether the
13 child was 18 years of age or older or that the person was not a
14 person with a severe or profound intellectual disability and
15 his or her reliance upon the information so obtained was
16 clearly reasonable.

17 (1.5) Telecommunications carriers, commercial mobile
18 service providers, and providers of information services,
19 including, but not limited to, Internet service providers and
20 hosting service providers, are not liable under this Section
21 by virtue of the transmission, storage, or caching of
22 electronic communications or messages of others or by virtue
23 of the provision of other related telecommunications,
24 commercial mobile services, or information services used by
25 others in violation of this Section.

26 (2) (Blank).

1 (3) The charge of child sexual abuse material shall not
2 apply to the performance of official duties by law enforcement
3 or prosecuting officers or persons employed by law enforcement
4 or prosecuting agencies, court personnel or attorneys, nor to
5 bonafide treatment or professional education programs
6 conducted by licensed physicians, psychologists or social
7 workers. In any criminal proceeding, any property or material
8 that constitutes child sexual abuse material shall remain in
9 the care, custody, and control of either the State or the
10 court. A motion to view the evidence shall comply with
11 subsection (e-5) of this Section.

12 (3.5) (Blank). ~~The charge of child pornography does not~~
13 ~~apply to the creator of a film, video, photograph, or other~~
14 ~~similar visual image or depiction in which the creator is the~~
15 ~~sole subject of the film, video, photograph, or other similar~~
16 ~~visual image or depiction.~~

17 (4) If the defendant possessed more than one of the same
18 film, videotape or visual reproduction or depiction by
19 computer in which child sexual abuse material is depicted,
20 then the trier of fact may infer that the defendant possessed
21 such materials with the intent to disseminate them.

22 (5) The charge of child sexual abuse material does not
23 apply to a person who does not voluntarily possess a film,
24 videotape, or visual reproduction or depiction by computer in
25 which child sexual abuse material is depicted. Possession is
26 voluntary if the defendant knowingly procures or receives a

1 film, videotape, or visual reproduction or depiction for a
2 sufficient time to be able to terminate his or her possession.

3 (6) Any violation of paragraph (1), (2), (3), (4), (5), or
4 (7) of subsection (a) that includes a child engaged in,
5 solicited for, depicted in, or posed in any act of sexual
6 penetration or bound, fettered, or subject to sadistic,
7 masochistic, or sadomasochistic abuse in a sexual context
8 shall be deemed a crime of violence.

9 (c) If the violation does not involve a film, videotape,
10 or other moving depiction, a violation of paragraph (1), (4),
11 (5), or (7) of subsection (a) is a Class 1 felony with a
12 mandatory minimum fine of \$2,000 and a maximum fine of
13 \$100,000. If the violation involves a film, videotape, or
14 other moving depiction, a violation of paragraph (1), (4),
15 (5), or (7) of subsection (a) is a Class X felony with a
16 mandatory minimum fine of \$2,000 and a maximum fine of
17 \$100,000. If the violation does not involve a film, videotape,
18 or other moving depiction, a violation of paragraph (3) of
19 subsection (a) is a Class 1 felony with a mandatory minimum
20 fine of \$1500 and a maximum fine of \$100,000. If the violation
21 involves a film, videotape, or other moving depiction, a
22 violation of paragraph (3) of subsection (a) is a Class X
23 felony with a mandatory minimum fine of \$1500 and a maximum
24 fine of \$100,000. If the violation does not involve a film,
25 videotape, or other moving depiction, a violation of paragraph
26 (2) of subsection (a) is a Class 1 felony with a mandatory

1 minimum fine of \$1000 and a maximum fine of \$100,000. If the
2 violation involves a film, videotape, or other moving
3 depiction, a violation of paragraph (2) of subsection (a) is a
4 Class X felony with a mandatory minimum fine of \$1000 and a
5 maximum fine of \$100,000. If the violation does not involve a
6 film, videotape, or other moving depiction, a violation of
7 paragraph (6) of subsection (a) is a Class 3 felony with a
8 mandatory minimum fine of \$1000 and a maximum fine of
9 \$100,000. If the violation involves a film, videotape, or
10 other moving depiction, a violation of paragraph (6) of
11 subsection (a) is a Class 2 felony with a mandatory minimum
12 fine of \$1000 and a maximum fine of \$100,000.

13 (c-5) Where the child depicted is under the age of 13, a
14 violation of paragraph (1), (2), (3), (4), (5), or (7) of
15 subsection (a) is a Class X felony with a mandatory minimum
16 fine of \$2,000 and a maximum fine of \$100,000. Where the child
17 depicted is under the age of 13, a violation of paragraph (6)
18 of subsection (a) is a Class 2 felony with a mandatory minimum
19 fine of \$1,000 and a maximum fine of \$100,000. Where the child
20 depicted is under the age of 13, a person who commits a
21 violation of paragraph (1), (2), (3), (4), (5), or (7) of
22 subsection (a) where the defendant has previously been
23 convicted under the laws of this State or any other state of
24 the offense of child sexual abuse material or child
25 pornography, aggravated child pornography, aggravated criminal
26 sexual abuse, aggravated criminal sexual assault, predatory

1 criminal sexual assault of a child, or any of the offenses
2 formerly known as rape, deviate sexual assault, indecent
3 liberties with a child, or aggravated indecent liberties with
4 a child where the victim was under the age of 18 years or an
5 offense that is substantially equivalent to those offenses, is
6 guilty of a Class X felony for which the person shall be
7 sentenced to a term of imprisonment of not less than 9 years
8 with a mandatory minimum fine of \$2,000 and a maximum fine of
9 \$100,000. Where the child depicted is under the age of 13, a
10 person who commits a violation of paragraph (6) of subsection
11 (a) where the defendant has previously been convicted under
12 the laws of this State or any other state of the offense of
13 child sexual abuse material or child pornography, aggravated
14 child pornography, aggravated criminal sexual abuse,
15 aggravated criminal sexual assault, predatory criminal sexual
16 assault of a child, or any of the offenses formerly known as
17 rape, deviate sexual assault, indecent liberties with a child,
18 or aggravated indecent liberties with a child where the victim
19 was under the age of 18 years or an offense that is
20 substantially equivalent to those offenses, is guilty of a
21 Class 1 felony with a mandatory minimum fine of \$1,000 and a
22 maximum fine of \$100,000. The issue of whether the child
23 depicted is under the age of 13 is an element of the offense to
24 be resolved by the trier of fact.

25 (d) If a person is convicted of a second or subsequent
26 violation of this Section within 10 years of a prior

1 conviction, the court shall order a presentence psychiatric
2 examination of the person. The examiner shall report to the
3 court whether treatment of the person is necessary.

4 (e) Any film, videotape, photograph or other similar
5 visual reproduction or depiction by computer which includes a
6 child under the age of 18 or a person with a severe or profound
7 intellectual disability engaged in any activity described in
8 subparagraphs (i) through (vii) of paragraph (1) of subsection
9 (a), and any material or equipment used or intended for use in
10 photographing, filming, printing, producing, reproducing,
11 manufacturing, projecting, exhibiting, depiction by computer,
12 or disseminating such material shall be seized and forfeited
13 in the manner, method and procedure provided by Section 36-1
14 of this Code for the seizure and forfeiture of vessels,
15 vehicles and aircraft.

16 In addition, any person convicted under this Section is
17 subject to the property forfeiture provisions set forth in
18 Article 124B of the Code of Criminal Procedure of 1963.

19 (e-5) Upon the conclusion of a case brought under this
20 Section, the court shall seal all evidence depicting a victim
21 or witness that is sexually explicit. The evidence may be
22 unsealed and viewed, on a motion of the party seeking to unseal
23 and view the evidence, only for good cause shown and in the
24 discretion of the court. The motion must expressly set forth
25 the purpose for viewing the material. The State's Attorney and
26 the victim, if possible, shall be provided reasonable notice

1 of the hearing on the motion to unseal the evidence. Any person
2 entitled to notice of a hearing under this subsection (e-5)
3 may object to the motion.

4 (f) Definitions. For the purposes of this Section:

5 (1) "Disseminate" means (i) to sell, distribute,
6 exchange or transfer possession, whether with or without
7 consideration or (ii) to make a depiction by computer
8 available for distribution or downloading through the
9 facilities of any telecommunications network or through
10 any other means of transferring computer programs or data
11 to a computer.

12 (2) "Produce" means to direct, promote, advertise,
13 publish, manufacture, issue, present or show.

14 (3) "Reproduce" means to make a duplication or copy.

15 (4) "Depict by computer" means to generate or create,
16 or cause to be created or generated, a computer program or
17 data that, after being processed by a computer either
18 alone or in conjunction with one or more computer
19 programs, results in a visual depiction on a computer
20 monitor, screen, or display.

21 (5) "Depiction by computer" means a computer program
22 or data that, after being processed by a computer either
23 alone or in conjunction with one or more computer
24 programs, results in a visual depiction on a computer
25 monitor, screen, or display.

26 (6) "Computer", "computer program", and "data" have

1 the meanings ascribed to them in Section 17.05 of this
2 Code.

3 (7) For the purposes of this Section, "child sexual
4 abuse material" includes a film, videotape, photograph, or
5 other similar visual medium or reproduction or depiction
6 by computer that is, or appears to be, that of a person,
7 either in part, or in total, under the age of 18 or a
8 person with a severe or profound intellectual disability,
9 regardless of the method by which the film, videotape,
10 photograph, or other similar visual medium or reproduction
11 or depiction by computer is created, adopted, or modified
12 to appear as such. "Child sexual abuse material" also
13 includes a film, videotape, photograph, or other similar
14 visual medium or reproduction or depiction by computer
15 that is advertised, promoted, presented, described, or
16 distributed in such a manner that conveys the impression
17 that the film, videotape, photograph, or other similar
18 visual medium or reproduction or depiction by computer is
19 of a person under the age of 18 or a person with a severe
20 or profound intellectual disability. "Child sexual abuse
21 material" includes the depiction of a part of an actual
22 child under the age of 18 who, by manipulation, creation,
23 or modification, appears to be engaged in any activity
24 described in subparagraphs (i) through (vii) of paragraph
25 (1) of subsection (a). If the creator of the images or
26 materials is a minor and the sole subject of the

1 depiction, the minor is not subject to criminal penalties
2 under this Section. ~~sexual abuse material~~

3 (g) Re-enactment; findings; purposes.

4 (1) The General Assembly finds and declares that:

5 (i) Section 50-5 of Public Act 88-680, effective
6 January 1, 1995, contained provisions amending the
7 child sexual abuse material statute, Section 11-20.1
8 of the Criminal Code of 1961. Section 50-5 also
9 contained other provisions.

10 (ii) In addition, Public Act 88-680 was entitled
11 "AN ACT to create a Safe Neighborhoods Law". (A)
12 Article 5 was entitled JUVENILE JUSTICE and amended
13 the Juvenile Court Act of 1987. (B) Article 15 was
14 entitled GANGS and amended various provisions of the
15 Criminal Code of 1961 and the Unified Code of
16 Corrections. (C) Article 20 was entitled ALCOHOL ABUSE
17 and amended various provisions of the Illinois Vehicle
18 Code. (D) Article 25 was entitled DRUG ABUSE and
19 amended the Cannabis Control Act and the Illinois
20 Controlled Substances Act. (E) Article 30 was entitled
21 FIREARMS and amended the Criminal Code of 1961 and the
22 Code of Criminal Procedure of 1963. (F) Article 35
23 amended the Criminal Code of 1961, the Rights of Crime
24 Victims and Witnesses Act, and the Unified Code of
25 Corrections. (G) Article 40 amended the Criminal Code
26 of 1961 to increase the penalty for compelling

1 organization membership of persons. (H) Article 45
2 created the Secure Residential Youth Care Facility
3 Licensing Act and amended the State Finance Act, the
4 Juvenile Court Act of 1987, the Unified Code of
5 Corrections, and the Private Correctional Facility
6 Moratorium Act. (I) Article 50 amended the WIC Vendor
7 Management Act, the Firearm Owners Identification Card
8 Act, the Juvenile Court Act of 1987, the Criminal Code
9 of 1961, the Wrongs to Children Act, and the Unified
10 Code of Corrections.

11 (iii) On September 22, 1998, the Third District
12 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
13 ruled that Public Act 88-680 violates the single
14 subject clause of the Illinois Constitution (Article
15 IV, Section 8 (d)) and was unconstitutional in its
16 entirety. As of the time this amendatory Act of 1999
17 was prepared, *People v. Dainty* was still subject to
18 appeal.

19 (iv) Child sexual abuse material is a vital
20 concern to the people of this State and the validity of
21 future prosecutions under the child sexual abuse
22 material statute of the Criminal Code of 1961 is in
23 grave doubt.

24 (2) It is the purpose of this amendatory Act of 1999 to
25 prevent or minimize any problems relating to prosecutions
26 for child sexual abuse material that may result from

1 challenges to the constitutional validity of Public Act
2 88-680 by re-enacting the Section relating to child sexual
3 abuse material that was included in Public Act 88-680.

4 (3) This amendatory Act of 1999 re-enacts Section
5 11-20.1 of the Criminal Code of 1961, as it has been
6 amended. This re-enactment is intended to remove any
7 question as to the validity or content of that Section; it
8 is not intended to supersede any other Public Act that
9 amends the text of the Section as set forth in this
10 amendatory Act of 1999. The material is shown as existing
11 text (i.e., without underscoring) because, as of the time
12 this amendatory Act of 1999 was prepared, People v. Dainty
13 was subject to appeal to the Illinois Supreme Court.

14 (4) The re-enactment by this amendatory Act of 1999 of
15 Section 11-20.1 of the Criminal Code of 1961 relating to
16 child sexual abuse material that was amended by Public Act
17 88-680 is not intended, and shall not be construed, to
18 imply that Public Act 88-680 is invalid or to limit or
19 impair any legal argument concerning whether those
20 provisions were substantially re-enacted by other Public
21 Acts.

22 (Source: P.A. 103-825, eff. 1-1-25; 103-1081, eff. 3-21-25;
23 104-245, eff. 1-1-26; revised 11-21-25.)

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