

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 11-9.1 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) Any person commits sexual exploitation of a child if in
9 the presence of a child and with intent or knowledge that a
10 child would view his or her acts, that person:

11 (1) engages in a sexual act; or

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

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

19 (b) Definitions. As used in this Section:

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

22 "Sex offense" means any violation of Article 11 of this
23 Code or a violation of Section 12-13, 12-14, 12-14.1, 12-15,
24 12-16, or 12-16.2 of this Code.

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

26 (c) Sentence.

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

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

1 offense.

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

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

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